



To: The Vermont Senate Education Committee  
From: Mary Lundeen, Past-President and Jessica Spencer, President-Elect  
Date: March 24, 2022  
Re: Additional Testimony regarding H.716

VCSEA would like to submit additional testimony in response to testimony provided to the Vermont Senate Education Committee by various stakeholders. Our additional testimony is related to teacher training in preparation for the new special education rule changes of determining a specific learning disability (SLD), adverse effect and the existing structures in schools that will be bolstered under Act 173 to serve all struggling learners.

Statements from opponents to the H.716 rule delay and VCSEA's response:

- **Districts have the summer to train special educators and school staff for these new changes.** VCSEA would like to clarify that this is not true. Districts are bound by collective bargaining agreements negotiated between the local teachers union and the school board. Vermont collective bargaining agreements do not require teachers to work outside their contracted work day or school year. The work year for teachers ends in mid-June (closely aligned to the last student day), and a District **cannot mandate** a teacher to work outside that contract.
  - Districts may offer additional paid training during the summer. However, this year many educators across the state have expressed that they are not interested in summer work or professional development. Instead they want the time with their families to recharge for next school year.
- **Districts have 1 week of Professional Development prior to the first student day.** VCSEA's response is that this is not true for all Districts. While most educators are required to return to school the week prior to students, typically only 2-3 days are designated as professional development time.
- **Sufficient training to prepare the field for the new special education rule changes has been provided by the Vermont Agency of Education via webinars and checklists on their website.** VCSEA strongly disagrees. VCSEA testified on March 22nd and spoke to the AOE webinars not being adequate for this complex, systemic rule change. The webinars provide an overview of the rule change only. They do not provide the field with the information on how to implement the changes. The VT AOE will be releasing additional guidance in mid-June which is not helpful to the field given the July 1st implementation date. Further, both Randi Lowe and Jessican Spencer

shared their experiences with moving from a discrepancy model to a Patterns of Strength and RTi model in Idaho and Colorado. Both emphasized that the training provided in those states was intensive and spanned several years, and that this was critical for successful implementation.

- Training for Patterns of Strengths and Weaknesses is a semester-long course provided to school psychologists. This training is not provided to special educators in their teacher prep programs.
- Joy Wilcox of the Vermont Higher Education Collaborative (VT-HEC) and Cathy Quinn of Saint Michael's College teach the special education assessment course to aspiring special educators enrolled in their higher education programs. VCSEA recommends that Joy and/or Cathy be asked to testify before the Senate Education Committee about the field's readiness for this rule change. They can speak clearly about the training that is necessary to prepare our special educators. To date, both have taught their course using the current Vermont special education regulations. Patterns of Strengths and Weaknesses and RTi are introduced in their courses specific to the new special education rules, but neither instructor has gone deep on how to implement the complex change. They, along with Vermont schools, are awaiting further guidance and training from the Vermont Agency of Education.
- **MTSS/RTI are not new.** VCSEA agrees with this statement. The systems of support through MTSS and RTI are not new in our schools. There has been, and continues to be, an expectation that there are layers of support within our schools for struggling learners. However, it has not previously been clearly defined in Vermont legislation prior to Act 173.
  - Implementing ACT 173 will commit districts to move forward with ensuring that their Tier 1 instruction in academics and behavior meets the needs of most students in its school, that there is a system in place for identifying the students that need additional support, that the additional support comes outside of core instruction, and that the support is delivered by highly skilled professionals in the area of need.
  - This expectation coupled with the additional intervention support added through ESSER and ARP funding will allow schools to support students in ways they previously have not been able to do, whether it is due to siloed funding constraints or lack of highly qualified staff.
  - All students will be supported whether they are identified through a special education eligibility process or not. Eligibility for a specific learning disability (SLD) under special education is not the only way to receive additional intervention under Act 173.