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To: House Committee on Education

From: Cammie Naylor, MSW, Esq. Disability Law Project, Vermont Legal Aid

Date: February 11, 2026

Subject: Disability Advocacy Day

Good afternoon, Chair Conlon and Members of the Committee.

My name is Cammie Naylor. I am a staff attorney at Vermont Legal Aid. Vermont Legal Aid is the oldest and largest provider of statewide free civil legal services in Vermont. I work in the Disability Law Project within Vermont Legal Aid representing individuals with disabilities whose civil legal needs are related to their disability, the majority of my work involves representing students with disabilities in education related matters.

Thank you for the opportunity to address your committee as part of Disability Advocacy Day today. The theme of Disability Advocacy Day today is *Write Disability Rights into Every Bill!*

The Disability Law Project (DLP) at Vermont Legal Aid (VLA) is a subgrantee of Disability Rights Vermont (DRVT).¹ Through our relationship with DRVT the DLP advocates for children with disabilities in educational matters. Our efforts on behalf of children with disabilities involve both direct representation and systemic advocacy. Requests for representation in educational matters represent over half of the requests for assistance we receive. In the last two years, due to changes in our staffing and increased case needs, we have played a less active role in the legislative process and deeply appreciate the opportunity to speak with you today.

¹ Each state has a Protection and Advocacy ("P & A") system mandated by federal legislation to pursue legal, administrative, and other appropriate remedies to protect and advocate for the rights of individuals with disabilities. Disability Rights Vermont (DRVT) is the designated P & A for Vermont. To carry out the federal P & A mandate, a special project of Vermont Legal Aid, now known as the Disability Law Project, (DLP), was funded by the Vermont P & A. Today the DLP continues to enjoy a strong collaborative relationship with DRVT as subgrantees of four of the federal grants to protect and advocate for the rights of people with disabilities in Vermont.

It is our perspective that the importance of addressing systemic challenges in the delivery of education and special education cannot be overstated in this moment. At the federal level, we are witnessing the systemic dismantling of long held systems responsible for supporting and enforcing the rights of children with disabilities. At the state level there is a forceful call to transform our educational systems and structures to address ever increasing costs.

Last year, through Act 73 of 2025, this body commissioned a Legislative Report on the Current State of Special Education Delivery. This report identified a variety of specific concerns and pressures impacting special education service delivery in our state. As your committees consider the ongoing educational transformation work, we ask you to hold an understanding that, from our perspective, addressing pressures on the special education systems in Vermont requires holding schools accountable to see students with disabilities as students first. In recent years we've observed significant discussion and concern over the rising costs of special education and extraordinary costs. While we do not have data available, we encourage you to consider the costs of special education and extraordinary costs not in isolation, but in comparison to overall education spending trends to better understand how these costs are increasing relative to general education expenses. We believe that considering special education costs in a vacuum contributes to a red herring that children with disabilities are driving the educational cost problem. While aspects of special education are separate and distinct from general education, the rights of students with disabilities are inseparable; special education must be considered as a part of the whole, not an entity of education unto itself. We laud the work the Agency of Education has done to elevate their special education team within the Agency. This was an important step toward ensuring our schools are supported to take meaningful steps to dismantle the general education/special education divide.

We know there is a tremendous amount of incredibly complex work on your plate. As you continue to undertake and lead educational transformation in Vermont, we echo concerns raised by the Act 73 Task Force and in the initial report of the

Commission on the Future of Public Education: transforming educational systems in Vermont is a complex problem to solve. We understand the pressure to put forth a redistricting map. We also understand that the educational foundation formula has not yet been modeled. Meaning, the committees don't know the impact implementation of a foundation formula will have on funding special education systems that are already overwhelmed system. We do not know if the funding formulas and their associated weights will even meet the federal requirements of Maintenance of Effort and Maintenance of State Support. If these metrics are not met, we risk federal IDEA funds, which have never been fully funded at the federal level. We urge you to work with Joint Fiscal Office to model the foundation formula and understand how even on a statewide level funding for special education will be impacted.

Our direct advocacy work reflects many of the findings of the Special Education Delivery report. While I acknowledge and hold tension that families seeking our support represent those struggling the most significantly with the educational systems, we believe our experiences accurately reflect systemic challenges. In short, our Supervisory Unions and School Districts lack capacity and our students with disabilities pay the cost. In our work this looks like:

1. Inadequate staff to provide services. Denying students access to a Free Appropriate Public Education (FAPE)².
2. Service decisions being driven by available resources not individual analysis. Also, a denial of FAPE.
3. Overreliance on paraeducators to support our most complex learners. Often resulting in denial of FAPE and failure to provide services in the least restrictive environment (LRE)³. And in some cases, creating extremely complex problems for future educators and IEP teams to solve.

² The Individuals with Disabilities Education Act (IDEA) and Vermont Special Education Rules guarantee a student who qualified for special education the right to a Free and Appropriate Public Education through the development and implementation of an Individualized Education Program (IEP). VSER 2360.2; 34 CFR §300.101. IEPs must contain a description of the special education and related services, supplementary aids, and services a child needs to benefit from their educational programming. VSER 2363(a); 34 CFR § 300.320. A student's IEP must be reasonably calculated to provide them educational benefit in light of their individual circumstances. *Endrew F. v. Douglas County School District*, 137 S. Ct. 988 (2017).

³ Students with disabilities are entitled to receive FAPE in the least restrictive environment (LRE). LRE requires an eligible student receive FAPE with their non-disabled, chronological age peers to the maximum extent appropriate in the school they would attend if they did not have a disability. VSER 2364.1. When considering an alternative placement an IEP team must ensure alternatives available are along a continuum from least to most restrictive to meet student's needs. VSER 2364.2; 34 CFR §300.15. The continuum of placements is as follows: general education,

4. 'Soft' exclusion of our most vulnerable students with disabilities in violation of their due process rights, right to FAPE and right to LRE.
5. An inadequate continuum of least restrictive environments, leading to overreliance on alternative placements with significant wait lists resulting in students with disabilities receiving interim, inadequate services and lacking access to FAPE in the LRE. We do not believe lifting the moratorium on approval of independent schools eligible to receive public funds will solve this problem, although it may help, as disability advocates we are extremely concerned about the limited oversight of independent schools and privatization of services to our most vulnerable learners. We do believe greater use of Boards of Cooperative Education Services described in Act 168 of 2024 contained/beginning at 16 V.S.A. § 601, like the recently approved Southeast Regional BOCES⁴, must be supported and play a primary role in addressing the inadequacies of the educational continuum.

Statewide, legislatively led, efforts to contain educational costs and transform educational systems in the last decade have been met with resistance and poor implementation. In fact, the census-based funding approach to special education developed by Act 173 of 2018 is not yet fully implemented. We understand the urgency behind needing to address educational quality and costs in Vermont. We ask the committee to consider that rushed solutions to incredibly complex problems, often result in failures, resistance, poor implementation, and compromised systems. Vermont's children are our future. We must understand all implications changing educational governance, delivery, and funding will have on the systems and move forward with caution and purpose. Our children deserve systemic transformation that will support their success.

On February 28th, I attended the Virtual Listening Session with OSERS, the US Department of Education Office of Special Education and Rehabilitative Services.

special classes, special school, home/hospital instruction, and residential placement. *Id.* A student's placement is not the location (specific site) where a student receives instruction, rather, placement describes the characteristics of the educational environment along this continuum, and the provision of special education and related services a student requires to access FAPE. VSER 2364.3(a)(1); 34 CFR §300.116.

In determining the LRE the team must consider any potential harmful effect on the student or on the quality of services they need. VSER 2364.3(f).

⁴ <https://www.mynbc5.com/article/agency-of-education-approves-vermonts-first-boces-a-resource-sharing-program-for-school-districts/70013469>; <https://vtdigger.org/2025/08/13/woodstock-windsor-schools-join-collaboration-that-aims-to-improve-special-education-and-save-costs/>

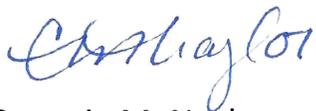
As I listened to other callers imploring the federal government to continue to fund, support, and enforce special education and rehabilitative services, I heard many adults share their experiences and life successes resulting from receiving the services they needed as children. The repeated message was, these systems are valuable because of the return on investment. This was both an effective and troubling message to hear. At Vermont Legal Aid, we believe all children have value and deserve quality education, regardless of their future contribution. In a moment where so many rights are threatened, I leave you with this:

“The right to public education is integral to Vermont’s constitutional form of government and its guarantees of political and civil rights. Further, the right to education is fundamental for the success of Vermont’s children in a rapidly-changing society and global marketplace as well as for the State’s own economic and social prosperity. To keep Vermont’s democracy competitive and thriving, Vermont students must be afforded substantially equal access to a quality basic education. However, one of the strengths of Vermont’s education system lies in its rich diversity and the ability for each local school district to adapt its educational program to local needs and desires. Therefore, it is the policy of the State that all Vermont children will be afforded educational opportunities that are substantially equal although educational programs may vary from district to district.”

16 V.S.A. §1.

We thank the committee for their work and investment in all children in Vermont, and especially Vermont’s children with disabilities.

Respectfully Submitted,



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Staff Attorney

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