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John Carroll, Chair
Vermont State Board of Education
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501

October 22, 2019

Dear Mr. Carroll,

I hope that this letter finds you well. With unanimous consent of assembled board members on October 21, 2019, I am writing to you in my capacity as Chair of the Vermont Advisory Council on Special Education. We hope that this is the beginning of a new line of communication between the Council and the State Board of Education. For the purposes of this initial communication, we want to focus on the definition of special education services as we see this as essential to any revision of rules.

We recommend slowing down the rule-making process to allow ample time to consult with Federal Education Group and among stakeholders. This will provide time for all people to read, review, understand and come to consensus regarding the complex and intertwined issues concerning funding and programming of special education services. We do not recommend a specific timeline for delay, but one that would allow the above to happen. The funding and provision of services is a much more complicated set of issues and concerns than anyone anticipated at the outset of this process. We must all be dedicated to getting this right! The implementation of Act 173 in its totality would be adversely impacted by rushing this process.

The current Vermont definition of special education services creates equity issues in practice throughout the state. The census-based advisory group recommended that the state adopt the federal definition. In particular, the additional language in the Vermont rules "that cannot be provided within the school's standard instructional conditions or provided through the school's educational support system" leads to a heavy reliance on "pull-out" model for services and makes in-classroom services nearly impossible. In addition, the definition in the current and proposed Vermont rules is narrower than the federal definition. This can lead to a lack of access to services in the least restrictive environment and negative financial obligations regarding allowable expenditures. Finally, it is inconsistent with the stated purpose of Act 173.


We recommend that the state adopt the federal definition of special education found at 34 CFR 300.39 as it is more consistent with the purpose of Act 173. It will allow implementation of the District Management Group recommendations, and it will allow greater flexibility and access to services for all struggling learners and students with disabilities.

We recommend that essential technical assistance be provided as required under Act 173. This technical assistance should include direct training, guidance documents, and on-going professional development for general and special educators, general and special education

administrators, families and other stakeholders. This must be a whole school initiative that builds capacity within general education classrooms.

We look forward to partnering with the State Board and other stakeholders to review proposed rules once the process formally begins and make comments regarding such. We eagerly await a final proposed draft of the rules after the upcoming consultation with Federal Education Group.

Sincerely,



Troy McAllister

Cc: Daniel French, Secretary of Agency of Education
Megan Roy, Chair of Census-Based Funding Advisory Group
Kathryn Webb, Chair of House Committee on Education
Philip Baruth, Chair of Senate Committee on Education