



August 11, 2017

Senator Philip Baruth, Chair  
Independent Schools Study Committee  
c/o Agency of Education  
219 North Main Street, Suite 402  
Barre, VT 05641

TRANSMITTED VIA EMAIL

**RE: Proposed State Board of Education Rules Series 2200**

Dear Senator Baruth:

We write on behalf of our respective independent schools serving students with significant developmental disabilities accompanied by challenging behaviors to such an extent that they cannot be served within the public school setting. Our independent schools only enroll students on IEPs and 504s, though all of our students are on IEPs. At a minimum, our staff must be qualified and skilled to implement appropriate special education services and possess the skills, knowledge and experience to identify and effectively address severe behavioral and mental health issues. For every 15 academically licensed and otherwise qualified applicants we are lucky to find just one capable of fulfilling the role. We cannot emphasize enough how difficult it is for us to recruit and retain qualified and skilled employees for our schools.

We are committed to serving a unique population of students who are not succeeding in public schools. This population of students can be challenging and their success depends upon a placement that offers the right fit. Students are placed in our schools by the sending public school. We assist the public schools by providing the students with the federally required “least restrictive” environment and we assist the students in meeting their IEP goals—often for the first time.

A Vermont educational system without independent schools like ours would have to rely upon out of state residential facilities for many of our students. With our schools, and others like them, the Vermont educational system is able to offer Vermont based schools devoted to these students, their IEP goals and, hopefully, their successful return to the public sending school. Our schools, and other special education independent schools, are critical to the success of students, the sending public school district and Vermont’s system of care. It should be noted that the demand for our schools is high—it is not unusual for our administrators to tell a public school that we are unable to accept a student due to our enrollment caps.

We are not taking a position on whether independent schools accepting public funds should be approved in all categories of disabilities. However, we have several concerns regarding the last draft of the State Board of Education proposed rules for Independent Schools. Today we write about just one, leaving the others without comment until such time as the study committee raises those sections of the rules for discussion.

#### *Proposed Rule 2222.14*

Our concern regarding the requirement that all independent schools be approved in every category of special education is one of diminished special education professional resources.

Independent special education only schools and independent schools approved for special education services, like public schools, depend upon special educators, para professionals and related services specialists such as speech and language pathologists (SLPs), occupational therapists (OTs), physical therapists (PTs), psychologists, audiologists and behavior specialists (BCaBAs, BCBAAs and RBTs). These professionals are often essential to our operations and recruiting them and retaining them is challenging based primarily on the diminished number of such professionals in the education employment market in Vermont. The pool of qualified potential employees for our schools is further limited by our need to hire employees with an extraordinary commitment and ability to serve students exhibiting severe behaviors and mental health issues. We discuss the pool for just two of these professional categories below.

#### *Special Educators/SLPs*

In August 2016 the United States Department of Education (Office of Post -Secondary Education) released a report on teacher shortage areas nationwide (1990-2017). The report noted that Vermont was experiencing a shortage for both SLPs and special educators. The National Coalition on Personnel Shortages in Special Education and Related Services posted information on its website regarding the national shortage of these professional (<http://specialedshortages.org/wp-content/uploads/2014/03/NCPSSERS-Fact-Sheet.pdf>). Some of these statistics are as follows:

- *49 states report a shortage of special education teachers and SISPs [Specialized Instruction Support Personnel]*
- *12.3% of special education teachers leave the profession; nearly double the rate of their general education colleagues*
- *82% of special education teachers and SISPs report that there are not enough professionals to meet the needs of students with disabilities*
- *51% of all school districts and 90% of high poverty school districts report difficulty attracting highly qualified special education teachers*
- *47% of speech language pathologists report shortages in their schools.*

The University of Vermont (UVM) is the only school in Vermont that produces SLPs. In May 2017 UVM graduated 13 SLPs, which is typical for the number of SLPs it graduates (Source:

UVM Department of Communication Science and Disorders). In 2014, the Vermont Secretary of State, through its Office of Professional Regulation (OPR), issued a report on the SLP profession and identified this resource issue (*Sunrise Review Speech-Language Pathology*, page 3 <https://www.sec.state.vt.us/media/617118/SLPA-Sunrise-Report-0127-2014.pdf>):

*According to American Speech-Language-Hearing Association (ASHA), 53.9% of SLPs nationally are employed in educational settings at the primary and secondary levels. American Speech-Language-Hearing Association. (2012). Highlights and Trends: Member and Affiliate Counts, Year-End 2012. According to the University of Vermont, only 3 out of the 15 graduates of the University's 2012 master's program in speech-language pathology are now employed in Vermont school settings. The remainder are currently employed in health care settings. Among 2013 graduates, only 6 out of 13 are employed in school settings, with the remainder employed in health care settings.*

We are experiencing a shortage of qualified professionals without a corresponding decrease in students needing our services. As the National Education Association itself noted on its website (<http://www.nea.org/home/16348.htm>): “Over the past 10 years, the number of U.S. students enrolled in special education programs has risen 30 percent.”

We are concerned that the market for hiring and retaining qualified and committed professionals, will only get worse if more general education independent schools are required to be approved in all categories of disabilities. An independent school seeking approval for providing special education services needs to demonstrate that it has the professional staff qualified to deliver those services. From a market perspective, it simply means more employers would be seeking the services of these professionals. Not only will it be more difficult for schools like ours to find special education and related service professionals, it will be costlier since the demand will drive up salary and benefit packages.

If we cannot find the professionals that we are required to have for approval, we risk losing approval. For example, if an independent school's special educator resigned, it would be required to notify the AOE (unlike all other schools, including public schools, an independent school approved for special education is by rule required to notify the AOE each and every time it experiences a change in personnel). Regardless of whether the school immediately commenced a search for a new special educator, if the school could not locate an *appropriate* replacement special educator (or did but the start date was delayed), the school is in jeopardy of losing its approval. One consequence of this is that the school may hire a licensed special educator it would otherwise reject--just to fill the position. Alternatively, the school takes it time to find the right special educator and risks losing approval.

If schools like ours lose our approval, we lose our contracts with the public schools. If we lose our contracts with the public schools, we close our schools. Without some or all of our schools, our public school partners and our students will have limited “least restrictive environment” choices. Based upon the determinations made by the IEP teams and districts for our student population, our students cannot be served by the independent schools catering to general education population, despite approval in all special education categories. Our concern is that

our student population risks be placed in an out of state residential setting. In addition, we believe that the average cost of out of state residential programs exceeds our tuition rates.

We encourage the committee to explore this shortage of special education professionals because it affects public and independent schools alike and, more importantly, it could potentially negatively impact a unique population of students requiring special education services. The effort to require independent schools to deliver special education to students (in all categories) should not cripple the independent therapeutic special education schools already devoted to a unique and challenging population of Vermont students. Our students deserve a Vermont school placement.

We also encourage your committee to visit our schools. We, and our dedicated co-workers and staff members, proudly work with special education students in an appropriate school setting that serves their unique needs. We hope that we are able to continue doing so in the future.

We welcome the opportunity to discuss our concerns and assist the committee in any way we can.

Sincerely,

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