



To: The Approved Independent Schools Study Committee

From: Erin Maguire, Federal Policy and Legislative Chair for the Council of Administrators of Special Education

Date: October 13, 2017

Re: Vermont Independent Schools Rules

- I **General Concepts of Equity and Access:** Where we provide access to students without disabilities so too must we provide access to students with disabilities. Disability should not be a barrier to accessing education. Where we engage selection processes in the public school delivery system and where disability becomes a barrier through that enrollment process, we violate the basic civil rights of individuals with disabilities.
- II **Public-Private Partnerships in Vermont:** Vermont chooses to engage private-public partnerships to expand opportunities to public goods and services. When we do so, we must consider the rights and responsibilities we have when offering public service, such as education. We must not forgo the civil rights promised to people within this context when we partner with private entities to expand our options. There is a set of federal rules to address this in Charter School rules and guidance. It is important we hold true our moral responsibilities and ethical behaviors.
- III **Special Education Services:** Providing special education is a basic support necessary to allow students with disabilities access to an appropriate education. Without those services and supports we deny access to education. Schools that provide public education must provide special education in addition to the general education curriculum. Having outside entities come in and provide the basic special education services to students is an ineffective model. Special education and general education need to be tied together without a divide and so providing this within the context of the entity providing the general education is an important feature of the public system of education.
- IV **Determine Nonnegotiables Where Public Funds Are Spent:** It is not easy to do the right thing; some times doing the right thing is very challenging. However, just because something is hard to do, does not mean we can avoid what is ethically just and morally necessary for social justice and human rights to be at the center of our decision. Equity of access based on protected classes should be a nonnegotiable.

**Recommendations:**

- Require open enrollment where public funds are spent.
- Require special education supports be available if public funds are accepted.
- Expect IEP meetings to consider placement following acceptance for all students on IEPs. The determination rests with the LEA.
- Develop a cost structure to prevent profit but ensure adequate support of independent schools to implement special education.