



October 13, 2017

Advice to the Approved Independent Schools Study Committee

Vermont Family Network (VFN) is the Parent Training and Information (PTI) Center in Vermont. VFN has been supporting families for more than 25 years! PTIs exist in every state and are required by the IDEA (Individuals with Disabilities Education Act). IDEA is a federal law which generally supersedes **any** state law, rule, or regulation. VFN Family Support Consultants are parents of children with disabilities who support families in accessing services for their children in the school and in the community so they can achieve their best possible outcomes. Approximately 13,900 students with disabilities attend schools in Vermont according to the 2015 Child Count Report from the Vermont Agency of Education, roughly 1 in 5 students. I share these statistics so you understand that we're not talking about just a handful of students. These children and youth are our neighbors, live in our communities, and perhaps they are your very own family members.

As required by the IDEA, VFN provides parents with information, resources and support to help them advocate for the provision of a Free and Appropriate Public Education (known as FAPE) in the Least Restrictive Environment (known as LRE) to which their children are entitled. Both FAPE and LRE are foundational principles of IDEA. To achieve the expectations of a PTI by IDEA, VFN operates a statewide telephone helpline, provides in-person support to families, and attends school meetings with parents in a limited capacity. VFN also provides written materials and conducts training on a broad range of topics of interest to families and professionals who work with children with disabilities.

I want to comment briefly on why parents contact us. They contact us primarily because they have concerns and questions about their child in school. Special education laws and regulations can be very confusing for parents who are already overwhelmed with the daily challenges involved in raising a child with a disability. In 2016, we had over 3400 contacts with parents and another 700 with professionals who call on behalf of families. Some examples of topics we help families with are special education eligibility, bullying, behavior, suspension, expulsions and educational placements.

With this background information in hand, VFN offers the following comments related to independent schools. We want to acknowledge that not all independent schools are the same. Some independent schools function as public schools in school districts that lack a public school. Since these schools receive public education funding, we strongly believe that these schools should ensure open enrollment and serve students in all categories of disabilities. These publicly funded independent schools should be held to the same standards as public schools in providing an equitable education to all students, including our most vulnerable students with disabilities. We believe that for these schools to deny admission of students because they need special education services would be a civil rights violation. Historically and currently, children with disabilities are unable to attend the same independent high school their siblings attend because schools are allowed to deny enrollment and services based on the nature of the child's disability and the needs associated with the disability.

Another category of independent schools are schools designed to serve a specific type of disability. These specialized schools function as "alternative placements" for children whose needs cannot be met in the public school setting. The decision to place a child in an alternative placement is made by the Individualized Education Program (IEP) team, including the parent. Before the placement decision is made, the IEP team must decide what services a child needs based on a comprehensive special education evaluation. Once the services are determined, the IEP team must decide in what educational setting or "placement" the services will be provided. In deciding the child's placement, the IEP team must make sure that the child has the maximum opportunity appropriate to learn with children who do not have disabilities—in academic, nonacademic, and extracurricular activities. This part of IDEA is called Least Restrictive Environment or LRE. An appropriate educational placement should be made based on the child's needs and not their disability category. Placements run along a continuum ranging from the least restrictive environment of the typical classroom to the most restrictive environment, which are, for the most part, specialized independent schools. The decision to place a child in an alternative placement is made because there is a need for a specialized environment to address extremely intensive needs that cannot be adequately addressed in a less restrictive setting. A school's expertise in providing an education based on specific and intensive needs will have supports embedded into everything from curriculum to teaching methodology to the selection of extracurricular activities. It excels because its focus is defined and often narrow. For this category of schools, it would be unreasonable to require the school to serve children in every disability category. However, if a school provides an environment that could be appropriate for a different disability category other than the ones for which it was approved, we support flexibility to allow enrollment. For children who have a comorbid diagnosis that a school is not approved

to serve and would require services in more than one academic or functional area, we would like to see flexibility for a school to be able to access additional resources in order to support a child in all their areas of need. Because these independent schools play a valuable role in supporting students with intensive levels of need, we ask that any Rule changes do not impair or weaken their functionality.

Our most vulnerable students have the greatest needs and they depend on our help to succeed. Students with disabilities should have access to a full continuum of educational placements within Vermont. The Vermont Family Network supports an equitable educational system that serves all children of all abilities.

Thank you for inviting the Vermont Family Network to present the parent perspective.

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