

## **Further Testimony/Additional Resources**

Over three years ago, I was a parent representative in the Blueprint for Early Literacy Comprehensive System of Services, PreK Through Third Grade, provided by the Vermont Agency of Education on July 9, 2019. MTSS is listed 42 times in this report. The document was intended for “state and local policy makers and education leaders (e.g., superintendents, principals, curriculum specialists, boards of education members, etc.) as they have pivotal roles in overseeing the development and implementation of a comprehensive plan in early literacy.” The MTSS system would have an action of an “assessment system” which would “result” in teachers having skills and expertise to successfully teach students who struggle and ultimately ensure the result of “All students reading on grade level by the end of third grade.”

On page seven the bullet point states, “The percentage of third graders scoring at or above proficiency levels in 2018 is similar to the results from 2017 (49%), but it is lower than 2016 (54%) and 2015 (52%). In other words, there is some evidence toward a downward trend.” Covid has not caused the downward trend although I do understand how it has exacerbated the issue. Covid does not justify a further delay.

In March 2020, I attended a two-day training “The 10 Non-Negotiables of MTSS – with Jamie Kinnarney & Michaela Martin.” After utilizing an MTSS approach for many years, the referrals for special education in Williamstown were notably reduced. That's something to be celebrated and sought for other districts.

MTSS is a preventative problem-solving model for ensuring that kids get what they need as early as possible so that they don't end up in special Ed. Students get services from qualified people when they demonstrate a need. Teachers will be able to see student progress. Progress is a two way street - educators feel good about themselves and students do as well. Bottomline this bill will create an accountability model which has been lacking for years.

Implementation will not be seamless with or without a delay. There will be kinks to fix, bumps and cries, and everything else that comes with change. Please vote no to this delay. By voting no you will be supporting students with Specific Learning Disabilities. Rachel Seelig, Director of Vermont Legal Aid, commented that other students with disabilities are also directly hindered from using one model of eligibility.

## **Homing in on Adverse Effect**

To consider a student for special education eligibility, the school collects information from a psychologist and someone who is trained in administering educational assessments (typically a special educator). The psychologist and special educator collects objective data that can be used to identify a need or disability. Adverse Effect uses classroom grades as one measure. Classroom assessments are not designed to identify disabilities, and the school's data becomes conflicting.

On a personal note: In the Spring of 2020, my son was denied an IEP. A few months later, an independent evaluation showed a three-year gap in an area of need. I am waiting to approach the school until Adverse Effect is eliminated. After all, his classroom grades looked good.

His recent report card showed that he is not proficient in that area of need, so perhaps I could go back to the table. Yet, under this present model, they can still use their discretion or other forms of data to continue to deny him services.. I know that not all schools do this, but the school district I live in does. The present law harms. Law can harm.

Is my son now regressing because he didn't get the help he needed? If Vermont had lawyers with the capacity to support families in Due Process and if the student hasn't progressed since initial testing and later qualifies (and the families have extra money)- we could go back and use Child Find as a denial of FAPE — but it's difficult to fight this - financially, emotionally, and due to overtaxed resources. The law can help if parents know about it and have finances and stamina. [The district I worked for did a nice job of identifying students with needs the one that I live in does not.] I am against the idea of a waiver. Waivers would give some districts the leverage to further delay identifying a need and remediation.

Adverse Effect doesn't align with the federal laws, and limits qualifying students for interventions. Parents don't have the means to fight this state law. I'm relying on your help so our children do not remain stagnant and delayed. As a former special educator, the paperwork process for Adverse Effect takes extra time. You will be saving special educators time.

Specifically speaking to Adverse Effect, the process itself will not cause more work for schools. In the beginning, while MTSS is being properly implemented, we may identify more needs. We should celebrate recognizing the need and seeking appropriate intervention for remediation. Delaying these rules will delay students' remediation.

**Please do not delay these rule changes.**

Thank you for hearing additional testimony. I appreciate your dedication and deeper dive!

#### **Additional Resources:**

This is an excellent link describing ***What You Need to Know About IDEA 2004, Specific Learning Disabilities: Discrepancy & Response to Intervention Models*** by Peter Wright, Esq. & Pamela Wright, MA, MSW <https://www.wrightslaw.com/idea/art/Id.rti.discrep.htm>

A change in system beliefs would also be involved. Please see Brent Conway's 35 minute video. Check out minutes (15 through 21) if you are short on time. He discusses Tiers: <https://youtu.be/l5UZkuKQqjE>

[https://gm.greatminds.org/witwisdom/grassroots-enthusiasm-powers-adoption-of-evidence-based-ela-and-math-curricula?fbclid=IwAR0xwjXIKpJ9R2tLJjUcrhJqEhIX83GNcv\\_tANEdkczBDuns7CZZkWHelxs](https://gm.greatminds.org/witwisdom/grassroots-enthusiasm-powers-adoption-of-evidence-based-ela-and-math-curricula?fbclid=IwAR0xwjXIKpJ9R2tLJjUcrhJqEhIX83GNcv_tANEdkczBDuns7CZZkWHelxs)

Some schools have guidance for MTSS academics and perhaps focus more on behavior yet it is not new. For instance,

<https://drive.google.com/file/d/1qxXtkObqS0-15VSirGvzjF3M1hjCdsLx/view>” Also, The SVSU is in Bennington

[https://www.svsu.org/apps/pages/index.jsp?uREC\\_ID=2188335&type=d&pREC\\_ID=2187191](https://www.svsu.org/apps/pages/index.jsp?uREC_ID=2188335&type=d&pREC_ID=2187191)

Blueprint:

<https://education.vermont.gov/sites/aoe/files/documents/edu-a-blueprint-for-early-literacy-comprehensive-system-of-services-prek-through-third-grade.pdf>

Administrators reading this testimony please check this out: The IDA Ontario did a wonderful job discussing how changing a mindset is difficult yet possible. Their second workshop was incredibly informative!.

<https://www.idaontario.com/new-workshop-series-becoming-a-literacy-leader/>

**Please move forward with implementation of special education rules 2362 and 2362.2.5 starting July 1, 2022, as scheduled.**

Thank you for your time!

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