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Comments on S.325 "Wait to Fail"

Many schools use the discrepancy model as a gate to special education. Under the current discrepancy model, only the lowest 7% (more than 1.5 standard deviations below the mean) qualify for special education. Vermont's Special Education rules includes an eligibility criteria of the adverse effect on educational performance ("Wait to Fail") (Special Education Rules 2362(a)(2) and 2362(d)). Note that the student must be in the bottom 15% or one standard deviation below the mean on three of six measures (Special Education Rule 2362(d)(2)). Note that at least three are very subjective: Grades (Rule 2362(d)(2)(iii)), Curriculum based measures (Rule 2362(d)(2)(iv)) and Student work or portfolios (Rule 2362(d)(2)(vi)). Schools are using these subjective measure to deny help to students.

Dr. Sally Shaywitz states in *Overcoming Dyslexia*¹, "The human brain is resilient, but there is no question that early intervention and treatment bring about more positive change at a faster pace than an intervention provided to an older child. The sooner a diagnosis is made, the quicker your child can get help, and the more likely you are to prevent secondary blows to her self-esteem."

We would like to help our students earlier while they are younger and remediation is easier, and before they fall so far behind. Waiting rarely works and has serious consequence. Yet Vermont's "Wait to Fail" eligibility criteria flies into the face of this research.

Under Vermont's current "Wait to Fail" special education rules, of those 63% of fourth grade students who are not proficient at reading, only the students who are two (2) grades behind in reading qualify for special education support or assistance with their reading!

¹ <https://dyslexia.yale.edu/resources/parents/what-parents-can-do/suspect-dyslexia-act-early/>