



Act 173 Advisory Group  
May 2, 2022, 9:00 a.m. – 11:30 a.m.

## Draft Minutes

### **Microsoft Teams Virtual Meeting**

**Call In: 1-802-828-7667**

**Conference ID: 555 865 581#**

*Purpose of the Advisory Group per [Act 173 of 2018](#): To consider and make recommendations on the implementation of a census-based model of funding for students who require additional support.*

#### ***Present:***

Advisory Group (AG) Members: Meagan Roy, Vermont Council of Special Education Administrators (VCSEA), Chair; Rachel Seelig, Disability Law Project (DLP), Vice Chair; Jeff Francis, Vermont Superintendents Association (VSA); Sue Ceglowski, Vermont School Boards Association (VSBA); Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Karen Price, Vermont Coalition for Disability Rights; Jay Nichols, Vermont Principals' Association, (VPA); Brenda Fleming, VT Association of School Business Officials (VASBO); Lisa Bisbee, Special Education Teacher/VT-NEA; Mat Forest, Council of Independent Schools (CIS); and Dan French, Agency of Education.

AOE: Meg Porcella; Chris Case, Jennifer Perry, Bill Bates, Brad James, Maureen Gaidys.

Others: Susan Aranoff

#### **Call to Order, Roll Call/Introductions/Amendments to Agenda**

Chair Roy called the meeting to order at 9:02 a.m. There were no amendments to the agenda.

#### **Review and Approve Minutes from April 4, 2022 Meeting**

Nichols moved to approve the meeting minutes from the April meeting; Seelig seconded. There was no discussion. Chair Roy called the vote; the vote passed, and the minutes were approved.

#### **Opportunity for Public to be Heard**

Chair Roy asked if there were any members of the public to be heard. There were none.

#### **Discussion: Input/Feedback from Individual Representative Organizations on Allowable Expenses and Meeting the Maintenance of Effort (MOE) Requirement Technical Manuals – Jen Perry/AOE Team**

Perry, Special Education Finance Specialist, introduced herself and gave background on the requirement per Rules Series 1300 for two technical manuals from AOE: allowable costs and Maintenance of Effort (MOE). Before AOE can publish these technical manuals, it is required that they be posted for 30 days of public comment. Public will start on May 4, 2022 and there will be a link to a Cognito form in the [forthcoming notification to collect public comment](#) on the Act 173 Series 1300 Technical Manuals. After public comment period is over (June 6, 2022), AOE will download comments and disperse throughout AOE. In June, AOE will meet to finalize responses so that they can be published, per rules Series 1300. AOE has been meeting with a few different teams to sort through major questions and concerns around MOE.

The AG and the Vermont Association of School Business Officials (VASBO) received a draft of the technical manual to review and provide feedback/questions. Chair Roy provided five questions to AOE in advance of this meeting and Perry addressed those questions.

Chair Roy offered context and said the discussion was about sharing feedback as an AG and offered for people to give public comment as individual organizations separately. She said most AG members shared the draft with their organizations and that helped to create the questions that Perry received. Chair Roy said the questions were up a level from what is in the drafts, and more about decision-making and what other states are doing in regard to MOE.

There was discussion on Maintenance of Effort (MOE) for the state in reporting to the federal government and if this was analogous to school districts reporting to the state and Maintenance of State Financial Support (MFS) which is at the state level.

Perry shared a [presentation that addressed the 5 questions](#) posed by member organizations about the draft MOE Documentation Technical Guide. The questions were as follows:

- Can you share what Federal requirements/guidance exist to document Individual with Disabilities Education Act (IDEA) MOE as required by federal rule? How is the Draft Technical Manual in alignment with this guidance? ([See Section 300.203 Maintenance of effort](#))
- Can you provide us with written documentation of how the Agency came to its position that [Bulletin 5](#) that specifically requires that MOE be documented using the same documentation used for Federal grants?
- Page 9 of the Draft Technical Manual for MOE documentation includes a number of options for districts to use to document eligible costs; most of these options are some form of time documentation required by Federal grants. Why are these requirements being used for state funds?
- What other states use these methods for documentation MOE?
- Has the Office of Special Education Programs (OSEP) required that the AOE use these methods for documenting MOE?

There was discussion on expanding on the response regarding Bulletin 5, the importance of AOE getting what they need without putting any extra burden on the field, recognition that there has been some simplification with time reporting, communication plan for helping students and families plan and understand, eligible vs. ineligible costs, next steps for the AG, public comment period (May 4 – June 6, 2022), merit to having the collective perspective of the AG, design of the public comment collection, AG members have reached out to OSEP and Center for IDEA Fiscal Reporting (CIFR) contacts and additional conversation will be needed if there is a big departure from what other states are doing. Perry shared that CIFR is reviewing these technical drafts and that the long-term plan, in her opinion, will be that all items required for MOE calculations will be easily extracted from districts Human Resource systems.

**Review and Discussion Distribution of Act 173 Program Resources - Chris Case and AOE Team**

[“Using AOE Tools and Resources to Support Local-level Responses to Act 173”](#)

[“Local Comprehensive Assessment Systems \(LCAS\): Making Connections with VTmtss”](#)

Chair Roy reminded the AG that this information (see links above) is not new. The purpose of the discussion is not to make additional changes/edits to the document, instead the AOE would like input on how the AG could/would support the release/messaging/distribution of these documents. Chair Roy asked if the AG wanted to discuss/take action on professional development (PD) or if they have other thoughts and considerations.

There was discussion on Tier 1 of Multi-tiered Systems of Support (MTSS) and that this is a shared concern across groups advising the AOE, AOE is continuing to message the importance of Tier 1 supports and other initiatives, understanding first instruction and its relation to intervention, the AG has one more year to offer further advice to the AOE/legislature, need to focus AG's energy in an organized way for the next year, AOE's plans to issue needs assessments tied to systems levers and its relation to recovery work, and that AOE should have data on needs assessments by mid/late summer. There will be further discussion on this topic at the June meeting.

Chair Roy called recess at 10:10 a.m. and reconvened at 10:15 a.m.

Chair Roy recapped that, once available, she will complete the public input form on the MOE Technical Manual and capture the AG's discussions and circulate it to AG members electronically. She will then submit comment on behalf of the AG. She said that several AG members had reached out for additional consultation, and if that raises any issues, there will be further discussion and consideration. The next meeting will involve some planning for the next and final year and Chair Roy will share a draft work plan.

### **Meeting Dates that Conflict with Holidays**

Next meeting is June 6, 2022. The July meeting conflicts with a holiday. She suggested creating a work plan at the June meeting that would involve a timeline that would have no summer meetings, and meetings would resume in September. There was general support for this idea. The September meeting falls on Labor Day. It was suggested to move the September meeting to September 12, 2022. A list of remaining meetings for the AG will be provided at the June meeting.

### **Adjourn**

Chair Roy adjourned the meeting at 10:21 a.m.