



Act 173 Advisory Group  
February 1, 2021, 9:00 a.m. – 11:30 a.m.

## Draft Meeting Minutes

### **Microsoft Teams Virtual Meeting**

**Call In: 1-802-552-8456**

**Conference ID: 632 415 919#**

*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, Chair, Vermont Council of Special Education Administrators (VCSEA); Marilyn Mahusky, Vice Chair, Disability Law Project; Brenda Fleming, Vermont Association of School Business Officials (VASBO) delegate); Jeff Fannon, Vermont-National Education Association (VT-NEA); Jay Nichols, Vermont Principals' Association; Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Laurel Omland, Agency of Human Services; (for Cheryle Wilcox), Department of Mental Health (DMH); Jeff Francis, Vermont Superintendents Association (VSA); Mill Moore, Vermont Independent Schools Association (VISA); Karen Price, Vermont Coalition for Disability Rights; Lisa Bisbee, VT-NEA-selected practitioner; Sue Ceglowski, Vermont School Boards Association; and Dan French, Agency of Education (AOE).

AOE: Meg Porcella, Emily Simmons, General Counsel; Maureen Gaidys

Others: Marianna Donnally, Department of Mental Health (DMH); Kimberly Gleason, State Board of Education (SBE).

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

Chair Roy called the meeting to order at 9:05 a.m. Moore asked if the rulemaking update could happen prior to 10:30 a.m. as he had a conflict and would need to leave early. Chair Roy suggested addressing that item prior to the Weighting Study.

#### **Review and Approve Minutes from January 4, 2021 Meeting**

Chair Roy asked for a motion to approve the minutes. Nichols moved to approve the minutes, Fannon seconded. There was no discussion or questions. Omland abstained as she was not present for the last meeting. The minutes were approved.

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

There were no members of the public to be heard.

## Updates from Agency of Education

- COVID-19 Efforts: Secretary French spoke about “education recovery” planning and the shift to focus on the impact COVID-19 has had on students. That work is ongoing and addresses three domains: mental health and well-being, re-engagement/truancy, and academic achievement. He said that was the primary activity and the AOE would have a better idea of what that will look like by the end of February.
- Professional Development (PD) Porcella said the next subcommittee meeting is February 12, 2021 from 11:00 a.m. – 1:00 p.m. and the focus will be on digging into needs-based PD as a system and the implementation of best practices that would be most beneficial; they will solicit feedback from the group as well. Specifically, the best practices are around the system, for needs-based PD. They will share a draft document, “Making Connections with Multi-tiered Systems of Support (MTSS)” and give special attention to implementing best practices that focus on the system of needs-based PD and not so much on content.

There was discussion on the intersect of building PD and COVID-19 recovery work focused on systems and structures and cohesiveness between the two, if content-specific PD was ready for those districts who are waiting for it, formally partnering with education organizations, PD activities in progress that are relative to specific areas (effective master schedules, continuous improvement, etc.), concern about districts that are treading water and don’t know what they don’t know, targeted support where needed through the MTSS team, how those who need targeted supports will be identified, concern with self-assessment, broad variations of interpretation and understanding across the state, changes needed at the foundational level, connection between the recovery work and Act 173, districts will be required to have a plan, importance of proactive district level focus, collaboration with DMH, State’s responsibility, structural changes at the AOE to support the work, additional authority given to the Secretary under Act 173, accountability framework for Vermont and its lack of regulatory authority being problematic, recovery as a priority, field is overwhelmed with pandemic impacts, interest from the education associations in supporting the work and cross-pollinating from district to district, and the need to be resilient in the process.

### Updates: *Rulemaking*

Chair Roy referenced a recent side-by-side of the first Rules Series 2200 draft (exclusive of rate-setting) that was provided to AG members. The last time it was discussed, there was agreement, but AG members had not seen it in print and the SBE wants to hear that this was a consensus draft. She asked if there was any disagreement or discussion on this draft from AG members. There was agreement to having Chair Roy share this as a consensus draft at the February SBE meeting.

- 2200 Series - Rate setting Working Group

Chair Roy said the group met and are sorting out issues. Moore spoke about two meetings: the first meeting was about process and at the second meeting the AOE shared their proposals. At the next meeting, the independent school stakeholders will offer their response. They will suggest 1) that the requirement in statute that the Secretary consult with independent schools before entering the rate-setting process be emphasized as it was currently under-utilized, and 2) would like to address rules that require standards and procedures be applied to the rate-setting

process. There was concern around time and dealing with substantial issues and a short deadline imposed by the SBE and if work doesn't move forward briskly, there will be consequences. He doesn't want timing to force premature agreement. Chair Roy reminded the AG that they will see the outcome of that subcommittee.

- SBE Subcommittee on 2360/1300 Series

Chair Roy said that as a result of the public comment period which coalesced around three issues (adverse effect, severe discrepancy model, and parental consent), there was an intersection between the impact of those rules and districts implementing MTSS. The SBE Rules Series 1300/2360 subcommittee convened some working conversations with the AOE. For awareness, the subcommittee of the SBE will be recommending this language to the full SBE. Mahusky added that there was a lot of great collaboration around some difficult conversations that moved productively forward. Chair Roy said the contemplated changes are significant for the field. Gleason echoed appreciation for the great collaboration.

### **Discussion: *Weighting Study***

Chair Roy spoke about how the AG's job was to inform the General Assembly (GA) on issues related to implementation of Act 173. In some ways the Weighting Study was outside being connected just to Act 173. Changing the full education funding system will impact how districts use special education dollars and the public and the field have asked if implications of the Weighting Study would cause need to look at how the census-based grant was calculated. She continued that the AG asked the GA to be included in this process for feedback. She said the meeting's conversation was less about forming an opinion but more about getting some grounding issues from the AOE and she would also have individual AG members weigh in with thoughts and surface opinions.

- *Overview of primary issues*

Secretary French spoke about the conversations sometimes being challenging and the importance of the AG to have its own deliberations; he offered some observations. He spoke about the origins of the Weighting Study, commissioned by the Legislature, and referenced Tammy Kolbe's presentation as an important piece to review. He spoke about a relationship, albeit not causal, between special education and poverty. He observed that it was interesting to look at how current weights (similarly arbitrary to proposed solutions) are working or not working, validations of study conclusions, credibility of situating the study in the national dataset, two bills introduced (Sibilia and Baruth), important policy conversations, block grant vs. pupil weights, cleaner to have concern represented in a poverty weight vs. two separate weights interacting, and that the model addressed economies of scale and was able to differentiate school size. He concluded that the two big issues for the AG to consider are 1) implementation and 2) to what extent the weights should be embedded in the block grant and/or the broader funding system.

- *Organizing input of the Advisory Group*

Chair Roy: VCSEA's position on changing the census grant at the same time as weights was that it should not be changed at this point. They believe that if we can right size the weighting of all pupils to include poverty, then the census grant would not need to be changed. VCSEA would be

concerned about applying weights twice and incentivizing having a higher count of Students with Disabilities (SWD).

Fleming: VASBO agrees with VCSEA and with Secretary French that the study was commissioned and thoroughly done, and recommended new weighting should be given a try and hope that it captures spending necessary to support all students. Agree that another layer of distributing resources should not be added.

Nichols: VPA thinks this needs to be implemented and there needs to be guidelines to protect districts through a phased way to avoid sticker shock for taxpayers. Financial rules were needed so that school boards don't consider it a windfall to lower local tax rates. Extra funds need to be used for student programs and educational supports. VPA wants to get away from over-identifying special education students and at this time would not put special education weighting on top of adjustments for poverty. This should continue to be evaluated every half decade.

Fannon: There was concern about unintended consequences, concern that schools and citizens reacting to this would see this not as a way to adjust how we fund and deliver services but rather as a tax windfall/savings. We need to make sure that weighting was done correctly and delivers services in a way that works. Poverty was critically important and has always been; this was a great place to start addressing poverty, but it takes resources. This tries to acknowledge that Vermont is a rural state and addresses efficiencies of scale but there is still an obligation to educate those students.

Francis: Thanked Secretary French for framing this and added that it was important how this was articulated by leaders. VSA was working to refine a set of principles that should guide the GA's deliberations (equity should be the goal), GA needs to act and there needs to be a full understanding of the why and what and possible options for a public policy response, needs to be considered in the context of laws and policies that precede it, purpose of the law was to address the importance of investment in student learning and opportunity, this should not be construed as taxpayer relief, look at this on a statewide basis, policy action on student weighing needs to be integrated and aligned with the implementation of Act 173, looking forward to formal testimony of AG members and there appears to be general alignment.

Price: From a parent's perspective, there's support for whichever funding model provides sufficient funding for kids with disabilities who qualify for special education because while IDEA states that services cannot be denied on the basis of funding, that was the elephant in the room for parents.

Mahusky: All important considerations and agree that Secretary French's framing was helpful, share concern of over-identification but SWD have an entitlement and we need to ensure that these students get services, this requires a balance. She would like to understand the correlation between poverty and disability.

Omland: Has a similar reaction to Mahusky and understanding the correlation and how we speak to this so that it wasn't misunderstood by the public.

Garrecht: Echoed concerns about not incentivizing identification of SWD, correlation was interesting and worries about the districts that are not near the trend line, wondering if these weights will continue indefinitely and if there are any effect on incentives to equalize the needs of students through PD, Educational Support Teams (ESTs), and MTSS.

Ceglowski: Since the Weighting Study was released, VSBA Board has discussed it several times and voted on three motions relevant to ensuring equity in education: 1) VSBA fully supports the

findings of the Weighting Study; 2) requests the legislature to thoughtfully and expeditiously establish an implementation plan in pursuit of equity of outcomes for all students and one that was designed to build capacity within our systems to absorb the changes in funding due to changes in weights and 3) passed motion to advocate for the establishment of a working group to address implementation of the Weighting Study.

Chair Roy summarized a few key points: whatever was done needs to preserve ability to serve students eligible for special education, need to be aware of the impact on school districts, school districts that would stand to receive additional funding need to direct that to students, need to be sure not to inadvertently incentivize the identification of SWD, want and need to identify SWD but we don't want that to be the only path to funding a service, and need to preserve funding and support for the students that need it. She offered that if she was asked to share the AG's thoughts, this was what it would be.

There was discussion on consensus/alignment among the AG on Chair Roy's thoughts, what the GA requested, and that the AG asked to be consulted by the GA. Chair Roy asked if the group was interested in her drafting some written commentary based on these themes and sending it to the Senate and House Education committees. The group concurred. There was discussion on framing the discussion on the front end, that this would be addressed in the GA this year, identifying it as a surfacing of issues/core principles, and starting a draft for review by this group.

- [H.54](#) - This was introduced but there was no plan to comment on it at this time.

Chair Roy shared that she had a scheduling conflict for the March 1, 2021 meeting and surveyed if anyone else had a conflict. None did. She said she would pursue this issue offline. Chair Roy suggested agenda items for the March meeting: substantial PD update, rules update, and report back on the Weighting Study. She asked if there was anything else to be included in the next meeting, that AG members send her an email.

## **Adjourn**

Chair Roy adjourned at 10:37 a.m.