

I. Rulemaking Required by Act 173

On or before November 1, 2019 the State Board is required to adopt all rules that are necessary to implement Act 173. That is a very broad charge. The Agency is required to recommend rules to the Board and the Board and Agency must consult with the Census-based Funding Advisory Group established under Sec. 9 of the Act. The law specifically requires rules that establish processes for reporting, monitoring, and evaluation designed to ensure: (1) the achievement of the goal under this act of enhancing the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont's school districts; and (2) that supervisory unions are complying with the Individuals with Disabilities Education Act.

II. Rulemaking Timeline

This timeline has been developed to allow adoption of rules necessary to implement Act 173 by November 1, 2019 as required by the Act and to comply with legal requirement to complete rulemaking within an 8-month window. It assumes responses and approvals from third parties on the schedule indicated. Acknowledging that AOE cannot control that timing, but assuming that all such parties will act diligently, AOE believes this timeline is achievable.

September 2018. Advisory Group on Census-based Funding holds its first meeting prior to September 30, 2018. At the meeting, AOE will provide an overview of Act 173 and the Committee's Charge.

September 2018. AOE reviews the existing Special Education rules to identify rules that are inconsistent with Act 173 and therefore need to be amended and what new rules will need to be adopted to implement Act 173.

October and November 2018. AOE continues analysis of Act 173-required changes and begins to draft language to amend existing rules and for new rules.

December 2018. AOE provides information to Advisory Group and State Board regarding what rules require amendment and whether any rules need to be

adopted. Advisory Group prepares a report to House and Senate Committees on Education and State Board of Education with its initial findings and recommendations on the development of proposed rules and any recommendations for legislation. AOE advises State Board at its December meeting on progress of rules drafting.

January 2019. Advisory Group submits its report to Education Committees on or before January 15, 2019.

January and February 2019. AOE continues to draft rule amendments and new rules, reflecting Advisory Group recommendations and State Board direction.

March 2019. AOE presents draft rules to State Board at its March meeting. The State Board reviews draft rules and provides AOE with direction. The AOE amends rules accordingly.

April 2019. State Board votes at its April meeting to file rules with Interagency Committee on Administrative Rules (ICAR). AOE files Proposed Rules with ICAR. ICAR holds hearing and issues approval or requires changes to Proposed Rules.

May 2019 (first half). AOE makes ICAR's changes and files Proposed Rules with the Secretary of State.

May 2019 (second half). AOE holds first Public Hearing. AOE apprises State Board and Advisory Group of public comment and amends Proposed Rules in accordance with State Board's direction.

June 2019. Second Public Hearing is held. AOE apprises State Board and Advisory Group of public comment and amends Proposed Rules in accordance with State Board's direction.

August 2019. Public Comment period ends. AOE does final drafting and presents Proposed Rules, as amended to State Board at its August meeting for a vote on the amended version of the Rules.

September 2019. AOE files Final Proposed Rules, as approved by the State Board, with Secretary of State and Legislative Committee on Administrative Rules (LCAR). LCAR holds hearing on Rules and notifies State Board of its approval or suggestions for change.

October 2019. Adopted Rules are filed with the Secretary of State and LCAR after being modified to address any LCAR concerns; they do not have to go back to LCAR.* The Rules are effective 15 days after receipt by the Secretary of State.

*Adopted Rules can be filed without making LCAR's modifications but in that case they would have less authority than LCAR-approved rules, meaning that if challenged they are not presumed to have the force and effect of law.