

Meeting Minutes

Rulemaking Subcommittee

Census-Based Funding Advisory Group

Montpelier – October 12, 2018

Members: Meagan Roy VCSEA, Brenda Fleming VASBO, Sara Baker VCSEA Special Educator, Karen Price VCR, Marilyn Mahusky. DLP, Tom Lovett Independent Schools

Audience: Chris Kane, Susan Aranoff, Traci Sawyers, Alena Berube, Judy Cutler, Jeff Francis

Committee Chair: Meagan Roy

Note-taking: Karen Price

Charge of committee: Provide input around sections of Rules that will require revision as a result of Act 173

Fleming made motion, Baker seconded

When Special Education Rules are open, all parts of the Rules are opened (with no limits). This committee agreed that its scope is focused on those elements of the law that are necessary to implement Act 173.

Current special education rules: There was confusion about which copy of the special education rules to operate from. the official, SBE-adopted Rules. The approved set is the link currently on the AOE website, which differs from the July 2013 version (“pink book”) Judy gave some background on the discrepancy. Judy Cutler will follow up as to the status of Rules and clarify when the pink book is to be considered the official version.

The definition of “students who struggle” in Act 173 is broader than just students in special education. The committee discussed how to address this. Should there be Rules that encompass students in special education and students who are in need of extra help? Should it be one set of Rules with a section pertaining to special education students? Side by side? Act 173 is noncategorical funding but Special education regs pertain to an entitlement Students that need extra support are defined on page 11, Act 173, includes more than ESS language

There are no rules for MTSS, should MTSS be brought into special education Rules? Need to preserve the integrity of IDEA entitlement.

What do other states do? There are states that have census-based funding only for special education. We don’t have a model to guide us.

In current Special Education Rules - everything is based on reimbursement so there has to be a change.

There is the responsibility to provide FAPE separate from funding

This group is not charged narrowly to look at the Special Education Rules; its charge is to look at how to implement the law, and not to water down the special education entitlement.

There probably will be a whole new section/version of Rules, with students that need additional support - a broader set with special education rules within it.

Concern about identifying eligible students, discrepancy model for SLD.
How to define what is a service: eligible vs ineligible, allowable vs non-allowable

Rules should include special education and students who need extra help,
finance, MTSS, program views - general ed, special ed, students who need extra help, funding separate? Or funding embedded in each?

Set of Rules with special education plus students who need help
IDEA-B money has the same constraints on it that
Reimbursement still exists under extraordinary expenses

AOE goals - for next meeting: suggested framework with broader areas of concern identified,
formal structure based on what AOE has heard from this committee, timeline would dictate
draft in March

Other questions:

Act 173 affects independent school funding as well. Do those Rules need to be reopened also?

How will evaluation happen?

AOE can provide TA to help committee:

Special Education regs in a word document so searching/editing would be easier

Constraints around funding, maintenance of effort,