

## Approved Meeting Minutes

**Meeting Place:** Agency of Education

**Address:** 219 North Main Street, Room 304, Barre, VT 05641

**Date:** December 3, 2018

### Present:

Council Members: Meagan Roy, VCSEA; Tom Lovett, CIS; Jeff Francis, VSA; Mill Moore, VISA; Marilyn Mahusky, VLA/DLP; Jeff Fannon, VT-NEA; Jay Nichols, VPA; Karen Price, VT Coalition for Disability Rights; Sara Baker, VCSEA Special Educator; Dan French, AOE; Nicole Mace, VSBA; Lisa Bisbee, VT-NEA Special Educator.

Others: Traci Sawyers, VCSEA; Philip Eller, VT Autism Task Force; Susan Marks, (via phone).

Agency Staff: Judy Cutler, Tracy Watterson, Chris Case, Emily Byrne, Alena Berube, Tom Faris, Chris Kane, Cindy Moran, Maureen Gaidys.

Before the meeting was called to order, Roy asked for any phone participants. Susan Marks was on the line.

### Call to Order/Roll Call/Introductions

Roy called the meeting to order at 9:34 a.m. and asked members to introduce themselves. Roy asked to add discussion on confirming future meeting dates to the agenda. Bisbee asked to receive agendas in pdf format. Others wanted to continue to receive them in Word.

### Review and Approve Minutes from October 12, 2018 Meeting

Lovett moved to approve minutes from the October 12, 2018 meeting; Moore seconded. There was no discussion. Roy called a vote and the motion passed unanimously to approve the draft minutes.

Roy advised that the bulk of the agenda would be hearing from Agency staff and that the goal for the day was for the Advisory Group to be able to ask questions, react, and share their perspectives from their specific role/organization. The plan was to go through both presentations and then have an opportunity for questions and discussion.

### Updates from Agency of Education (AOE Teaming Structure, Structure of Rules, Proposed Approach to Developing the Professional Learning Sequence and Early Communications Key Messages)

Chris Case, interim director of the Student Support Division, introduced himself. He asked other AOE staff to introduce themselves: Alena Berube, Special Education Finance Manager; Judy Cutler, legal team; Chris Kane, Special Education Team; Tracy Watterson, MTSS Program Manager; Tom Faris, MTSS Coordinator; Cindy Moran, State Director of Special Education; and Emily Byrne, CFO.

Case explained that he and the Agency team would be sharing a presentation that would answer some of the questions that were raised at the last meeting – the Agency’s structure and how the Agency would be approaching the Act 173 work, the structure of the rules that are under development, a little information on the professional learning sequence part of the work and an overview on IDEA. Case continued that he was distributing a questionnaire that would be revisited as they go through the process, and would be used as a tool to record thoughts throughout the day and would be collected at the end of the day.

### **AOE Teaming Structure**

Case explained that the teaming structure would have at least four teams: 1) Coordinating, 2) Rulemaking, 3) Technical Assistance, Professional Learning and Implementation (TAPL) and 4) Programs.

### **Structure of Rules**

Cutler spoke about the process of drafting new rules and revisions, milestones and the overall structure. The immediate timeline includes March 1, 2019 to have a draft set of rules presented to the Advisory Group and March 20, 2019 to present these draft rules to the State Board of Education. The goal is to have the final rules filed with the Secretary of State by October 2019.

Cutler spoke about the importance of protecting the entitlement rules and that the consensus was that Part B entitlement rules will remain unchanged and that the existing funding rules (Rule 2366) will be separated from the body of Special Education rules. Cutler continued that regarding the census-based funding rules, separating the rules will logistically allow one set to be revisited without having to reopen the whole set. Allowing flexibility with the structure of the rules is important. There will be fewer rules, but clear and concise rules supported by policy and procedure that will help to achieve the goals of Act 173. Cutler said that the AOE is still trying to understand what Act 173 intends for independent school rules and the AOE is open to any feedback on this.

There was discussion on where MTSS will be addressed since they are not reopening the entire rules, that there are some inconsistencies with MTSS and the AOE is trying to figure out how to address it. Mace spoke about the powers and duties of this group being to recommend statutory changes, that it is premature to get into rules around independent schools, and that it is hard to think about changing rules when the statutory guidance has not been given yet. Mace requested that we discuss independent school rules later in the day.

There was discussion on having less rules and more policy and procedures, funding structures, allowable costs, striking the balance between what needs to be in a rule vs. managed, and needing to understand the policies and procedures to know how the rules act.

Case spoke further about the rulemaking process and how this group would be involved in the process. He shared the rulemaking priorities and decision-making logic. He spoke about availability of equity, preserving flexibility and opportunities to streamline. He gave a snapshot of the current rulemaking status and spoke about the requirements of Act 173 and how existing rules address it, where it is lacking, and where statutory revisions are needed. Case shared the anticipated process flow and that Cutler’s team would be looking for input on several areas and

that consensus is not necessarily needed. Simultaneously, the programs team will be meeting with the rule development group and getting a read on the implications for program implementation. This feedback will inform finalization of the rules, then they will go to the Deputy Secretary, Secretary French and AOE General Counsel.

There was discussion on if all three pieces of the rules will be addressed in the specified time frame, that more time might be needed to address the area of independent schools, the structure of the work, that if consensus is not needed, then perhaps there needs to be thought given to the rulemaking subcommittee since that was created with a different purpose in mind. Case spoke to the differences in the Professional Learning Subcommittee (PLS) and said that subcommittee would be operating much more like a working group. He said it is important to have the right size for each group. Case suggested using this first round as a test for the process.

### **Proposed Approach to Developing the Professional Learning Sequence**

Watterson spoke about the Technical Assistance and Professional Learning (TAPL) sequence and spoke about the three-year model and that the reports to the Legislature are due December 2019, 2020 and 2021. She talked about supporting different behavior models, the need to support SUs, needing input on what this might look like, and that this next year might look different that years 2 and 3. She asked the group to be thinking about how their respective organizations might need to support these different opportunities and what support their organizations might need from the AOE. Berube spoke about the need for technical assistance for SUs around implementing the funding piece.

There was discussion on much of the services and staffing for services being provided for in the IEP and that it's not enough to tell school districts how to shift staffing around if they are still using the IEP, that one area of technical assistance is creating IEPs and reflects the new world we are operating in, that IEPs are written by teams that need to be part of the professional learning, that some IEPs need to shift to a different model in order to do a better job, and to ensure that forward progress is made. There was continued discussion on not using this as a cost containment measure, doing things more efficiently, making education better, reiterating that point to the Legislature, and that it is a huge shift and involves many parties. Price spoke to increased anxiety in parents as they do not have a clear understanding and are fearful that the 1:1 instruction will be lost.

### **Early Communications – Key Messages**

Case thanked Roy for mentioning the quality driver over the funding piece and supported the position that VCSEA shared with the Legislature last session - the belief that the bill should not be used as a cost containment measure, and that instead it should focus on improving the quality of services for students.

Case spoke about the communication plan and talked about the initial audiences, the immediate tools to generate to the field, and the role in communication for partners. Berube spoke about quantifying the shift to the census model, to see what changes might look like in local budgets, the plan to have that soon and that there are many assumptions and AOE will try to make those clear. Roy asked about what interpretation of the rule the model is based on and added that it is the role of this committee to consider it when informing the Legislature.

Case continued with the plan to develop a brief document and using this time as a starting point for direction - any communications tools that constituents are asking for right away, ideas for formats for replying, answers to the question on how members want to be involved. He asked members to jot some notes to share with either subcommittee. Francis asked if there was discussion on added implications for the districts affected by the Act 46 mergers and if anyone has given thought to how to support these districts and to capitalize on the opportunity. Berube talked about this tool being based on history. French spoke about working with his administrative team to address the support issue around Act 46 to include legal and policy challenges. Roy asked for more time to complete the questionnaire and to get input from her organization. Case said that was fine and that feedback could funnel through Roy back to the Agency and that there will be many other opportunities to give feedback.

Case spoke about a repository for resources. Mace expressed concern about protecting Agency time and any approach that leaves it up to the districts to pursue resources. She continued to talk about targeting areas that are of most concern. She spoke about how the AOE determines need and what metrics would be considered and to be careful to not exacerbate inequities. Case clarified that this was more about resources distributed to this group. Roy said the current AOE webpage might be sufficient for now but will need to be adapted as the work evolves. There was discussion on identifying opportunities for shaping, guiding construction vs. reacting to it, the challenge of rural schools and looking at other states' models and what resources they used.

Byrne spoke about some areas that need statutory clarification and that might be in conflict. Byrne said the report is due in January and that they might not be able to fit in the independent school piece. Mace questioned that there would be a report submitted that didn't include independent schools piece and didn't want to leave this for the next session.

## **AOE Presentations**

### **IDEA Fiscal Overview**

Berube spoke about IDEA and specifically IDEA B and IDEA C. She outlined IDEA B formula grants - over time, percentage of funding, proportionate share, and Coordinated Early Intervening Services (CEIS), allowable costs, and reporting requirements.

There was discussion on funding not keeping pace with the cost of services, how spending is documented, and the risk associated with schools that adjust services commensurate with the adjustment in money.

### **Maintenance of Effort (MOE)**

Berube proceeded to discuss the maintenance of financial support and the methods of producing it (total funds and per capita). There was discussion on the MOE test at the LEA level, tests for fiscal support, maintenance of state financial supports, eligibility and compliance standard, failure to budget, failure to spend, that documentation is reduced while keeping appropriate records, allowable exceptions to MOE, changes in per capita spending, risk of failing MOE, and IDEA B expenditures.

Case shared that the idea for the IDEA presentation came from the last meeting and offered that if there were other areas of interest for the advisory group, that they please reach out and AOE would be happy to revisit anything that was covered or anything new that comes up.

### **Discussion of AOE Presentation Information**

Roy said the intent was to react to these presentations, but that time was short, and she felt like the purpose of the subcommittees and their current structure needed to be discussed. There was discussion that if consensus was not being sought, then all voices should be heard, that there needs to be some balance between the two, that there is a chance that more work and focused conversations could happen in a smaller group, but that there are some bigger issues that the whole groups need to grapple with, that working groups could be effective, that independent school issues might not be something that everyone at the table wants to weigh in on and that there are others who are not at this table that would like to weigh in. Roy said that she was hearing that independent schools are the thorny issue that should not be dedicated to a subcommittee and asked the group if there was consensus. There was consensus. There was discussion on the different types of independent schools, protection of funding, independent schools not knowing where they belong, concern on the timetable presented by Case and that it is too ambitious. Roy spoke about possibly asking the Legislature for an extension for the initial report and said that decision did not need to be made today.

Roy spoke about meeting times and that in the interest of trying to be consistent, the date chosen was the first Monday of the month. Roy shared the meeting schedule: January 7, 2019; February 4, 2019; March 4, 2019 (Day before Town Meeting – this might need discussion); April 1, 2019; May 6, 2019; and June 3, 2019. Roy asked if there were any glaring problems with these dates. She spoke about the subcommittee work coming back to the full Advisory Group and asked for input on the timing of subcommittee meetings. Roy took a hand count of members on each subcommittee. Roy suggested longer full Advisory Group meetings and asked for a motion to not work in subcommittees, but to work as a full advisory group. Bisbee moved; Fannon seconded. There was discussion on open meeting law, starting as a full group, breaking into small groups if needed and reconvening, lack of compelling reasons to maintain the existing structure, functioning as a whole committee, and that the thought process requires participation. Roy called the question of staying together as a whole group and not having subcommittee meetings after today. The motion passed unanimously.

Roy announced that the subcommittees will meet at 12:30 p.m. and she asked them to reflect on the morning's presentation and to capture that in the minutes to be revisited in January.

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

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

Roy announced that for 2019 the Advisory Group should assume a 9:30 a.m. start time, ending at 2:30 p.m. with one hour for lunch.

Mahusky moved to adjourn; the motion was seconded. The meeting adjourned at 11:38 a.m.

Meeting minutes prepared by Maureen Gaidys.