



Act 173 Advisory Group  
December 5, 2022, 9:00 a.m. – 11:15 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); Mill Moore, Executive Director, Vermont Independent School Association (VISA); Jeff Fannon, Executive Director, VT-NEA.

**AOE:** Meg Porcella, Chris Case, Jennifer Perry, Bill Bates, Maureen Gaidys.

**Others:** Susan Aranoff

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

Chair Roy called the meeting to order at 9:03 a.m. There were no amendments to the agenda.

### **Review and Approve Minutes from October 3, 2022 Meeting**

Nichols moved to approve the meeting minutes; Ceglowski seconded. Chair Roy called the vote. Yeas: Fleming, Nichols, Francis, Price, Bisbee, Garrecht, Ceglowski. Nays: None. Abstentions: Forest, Seelig. 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: Discussion: FAQ document and [Memo from Secretary French](#)**

*Meg Porcella, Assistant Director, Student Support Services Division*

*Jen Perry, Special Education Finance Specialist*

Chair Roy shared that this conversation was a follow-up to the October discussion and the idea of an FAQ document to help inform the Local Education Agencies (LEAs) as they make their decisions around documenting Maintenance of Effort (MOE). She added that the Vermont Superintendents Association (VSA), Vermont Principals' Association (VPA), Vermont School Boards Association (VSBA) and Vermont

Council of Special Education Administrators (VCSEA) and AOE have a working session planned for this Friday, December 9, 2022, to collaboratively work on documenting on MOE.

There was discussion on not hearing about systems that do not work, the work session informing the FAQ development process, the education partners group work may/may not replace stakeholder group, that time is running out, VSA organizing a work session (that will include about 120 people and include superintendents, special education managers, Business Managers, and some staff from AOE) to address fiscal clarity needed and best practices specific to MOE. This working session will shed light on communications issues referenced in Secretary French's memo, demonstrate that people are working together (field and AOE) and inform the FAQ document.

Moore joined at 9:14 a.m.

Chair Roy reiterated the sense of urgency that is felt by the field, hearing from AOE in October that the AOE is willing to collaborate on an FAQ was well received but have heard nothing since. She added that the work group was created as a remedy to not having a draft document or work group. Porcella said the working session sounds like a great opportunity to share, learn and gather questions from the boots on the ground. Francis encouraged Porcella and Bates to attend Friday's working session and said that the FAQ and real-time information around what is happening around MOE will be available and reiterated that this meeting will be a positive experience.

Fannon joined at 9:26 a.m.

There was discussion on the details of Friday's meeting, that an FAQ should not be the only document that comes from the AOE, that the discussion should inform what is needed from the field, that future work sessions should follow Friday's meeting, advisory capacity of the Act 173 AG, if this working session satisfies or is the right path for advising the AOE, and that this conversation should wait for Friday and not happen today.

There was a comment on starting with questions from the field for an FAQ document and then running the draft FAQ by the Act 173 AG, or at least some members of the Act 173 AG who represent practitioners. There was discussion on special education teachers doing a lot of the work, wanting to know what is easiest not what is not working, needing to find ways to make special educators' jobs easier, goal of working session will be that are the *many ways* to document MOE.

Porcella asked what was going to happen after Friday's working session and if there was going to be a group who would distill the work of the working session and determine next steps prior to the next meeting of the Act 173 AG. There was discussion on themes for the working session (having very accurate documentation of what transpires), how these questions will be resolved, and a general commitment of the group to move this work toward adding clarity to the FAQ and achieve MOE in a lawful way.

#### **Update: State Personnel Development Grant (SPDG)**

Meg Porcella, Assistant Director, Student Support Services Division

Porcella said the SPDG is an U.S. Department of Education - Office of Special Education Programs (OSEP)-funded program designed to provide Professional Development (PD) to educators. Vermont has had about three years without being involved in SPDG. Porcella shared a presentation that shared project background and identification of PD needs, SPDG application improvements and outcomes, details of the 5-year grant (10/1/22-9/30/27) for \$2,443,119, and systems approach.

There was discussion on the District Management Group's (DMG) report, consultation with teachers and special education directors, job of special educators is not doable and we must have their voices represented in this work, general educators will also be impacted in Tier 1 instruction, ensuring that training is provided to general education educators, need for articulation of effective intervention delivery system, issues have historically been perceived as special education issues and need to be seen as systemic issues, need for a system where the most qualified people are teaching the students who need it the most, concern of getting PD to those who need it the most, if this PD be self-selected or if there will be assurances that those who need it receive it.

Porcella said that the AOE will be reaching out to districts and schools specifically and communicating the PD project. Case said that LEAs who have been identified as being in the most need of systems improvement through federally required Local Special Education Determinations are being required to engage in the State Systemic Improvement Plan (SSIP), which will also be doing systemic improvement work through a Multi-Tiered System of Support (MTSS) lens, and which will take advantage of SPDG resources as they are produced. LEAs working with SPDG will be a group operating in addition to that SSIP group, and all will have access to SPDG-developed resources.

There was discussion on cohort configurations, eligibility for cohort trainings, reaching as many schools as possible, official training will begin in August 2023, and family engagement.

Porcella discussed next steps. She discussed cohorts and coaching/training included in the proposal, reaching out to education partners to discuss participation for district leadership prior to surveying participation from schools, that AOE has petitioned for additional coaching support, and that AOE is working to bring systems together.

### **Discussion: Topics to Include in the Final Legislative Report**

Chair Roy reminded the group that this is the final report from the AG to the General Assembly, that is due January 15, 2023. The AG will continue to meet through June 2023. Chair Roy will share some thoughts today, related to the AG's statutory requirements and take notes and share a draft with the AG prior to submitting it to the General Assembly (GA).

The AG suggested the following topics for the report to the GA: endorsing the concept of having an MTSS rule, that MTSS can be addressed when the Education Quality Standards (EQS) rules are opened, engaging with the State Board of Education (SBE) on the EQS rules, emphasizing that there should be no further delay on Specific Learning Disability (SLD) and Adverse Effect Rule, summary on role of advising the AOE on MTSS and rule changes implementation (SPDG and PD). Chair Roy talked about not being able to make a recommendation about a change in census grant calculation because that cannot be done until there is an understanding of the change in pupil weights.

Fannon said that VT-NEA has long been pushing for the necessary PD prior to the implementation of the funding change and still believes that Act 173 should be repealed until the PD is rolled out. Additionally, the weights have changed and go into effect in 2025, so there have been a lot of fiscal changes without the necessary PD. VT-NEA still believes in a pause of Act 173 until the PD has happened. Chair Roy said this discussion (that funding went into effect prior to practice) could be acknowledged in the report, but that further discussion would be warranted to determine consensus on repealing Act 173.

Chair Roy said she would provide a draft report to the AG at least one week in advance of the January 9, 2023 meeting.

### **Review Act 173 Advisory Group Workplan**

Chair Roy reviewed upcoming agenda items: follow-up from the Friday MOE working session, draft report to the GA, and lengthier discussion with Porcella on PD as a whole (SPDG and other related topics) and an update on rule implementation on PD from Chris Kane.

### **Adjourn**

Chair Roy adjourned at 10:56 a.m.