



**Act 173 Advisory Group**  
**June 5, 2023, 9:00 a.m. – 11:00 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), Rachel Seelig, Vermont Legal Aid; Jeff Francis, Vermont Superintendents Association (VSA); Sue Ceglowski, Vermont School Boards Association (VSBA); Karen Price, Vermont Coalition for Disability Rights; Lisa Bisbee, Special Education Teacher/VT-NEA; Mill Moore, Executive Director, Vermont Independent School Association (VISA); Jeff Fannon, VT-NEA (joined at 9:11 a.m.); Brenda Fleming, Vermont Association of School Business Officers (VASBO) (joined at 9:24 a.m.); and Heather Bouchey, Agency of Education.

AOE: Meg Porcella, Jen Perry, Maureen Gaidys.

Others:

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

Chair Roy called the meeting to order at 9:04 a.m. and asked if there were any amendments to the agenda. There were none.

**Review and Approve Draft Meeting Minutes from May 1, 2023**

Nichols moved to approve the minutes; Seelig seconded. Chair Roy called the vote; the vote passed 8:0:0. Yeas: Bouchey, Nichols, Francis, Price, Bisbee, Moore, Seelig, Ceglowski.

**Opportunity for Public to be Heard**

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

**Discuss Final Advisory Group Recommendations**

Chair Roy shared a draft list of final recommendations sorted into three columns: 1) Advise State Board of Education on Proposed Rules; 2) Advise AOE and Local Education Agencies (LEAs) on Implementation; and 3) Advise General Assembly (GA) on Statutory Changes. She said she would give each representative the opportunity to provide a summary of recommendations from their organization, then revisit these as a group for consensus recommendations.

Bouchey: Thanked the group for the work that has been done and said she would not advise on a document that is coming to the Secretary. She is in support of their work and eager to see what recommendations come forward for implementation.

Nichols: Implementation is about the details, and we need to be sure not to leave our least-resourced districts behind.

Roy: Two weeks ago, VSA, VCSEA and Vermont Curriculum Leaders Association (VTCLA) had their annual conference, and she facilitated a session that solicited input from those organizations. She provided a summary of that feedback that this group affirmed: 1) identify the evidence-based practices and framework for implementation; 2) design a multi-disciplinary model for Professional Development (PD) that would be accessible to districts at all levels of implementation; 3) identify those districts that would need significant support in implementation so that PD resources could be targeted; 4) develop an accountability mechanism for ongoing implementation monitoring that operates independently of a structure such as the AG (since this group is not the right structure for ongoing monitoring).

There was discussion on the accountability mechanism; this will be revisited. Three more pieces of feedback for AOE and LEAs: 1) regarding Maintenance of Effort (MOE), there is a strong recommendation to continue to disconnect the previous construct of time documentation from recommendations of MOE; 2) leverage current continuous improvement processes that the AOE already has and quality review processes that exist to move this work forward; and, 3) identify funding sources and make these available to districts who need additional PD, especially as COVID funding ends. Recommendations to the SBE: 1) desire to address the continued use of an excess model for independent schools to bill LEAs when LEAs are receiving their funding in a census model; 2) acknowledgement that this is the first year that we are seeing the disconnect between those two things; and, 3) recognition that Multi-Tiered Systems of Support (MTSS) rules exist in a few different places already and ask the SBE to convene rulemaking for MTSS or ask the SBE/AOE to strengthen existing rules. Recommendations for the General Assembly (GA): not a recommendation to change the calculation of the census grant to a weighted calculation but to keep it as it is. Accountability mechanism (to be revisited) and make the GA aware that funding sources may be needed to support implementation for LEAs.

Fannon: Professional Development. PD must be included and be robust and all schools must be provided with PD before implementation. The bifurcated funding model needs to be addressed so that it does not advantage/disadvantage one school over another. His organization thinks Act 173 should be repealed until we have the four years of PD that was required under law. This is still seen as a Special Education law and not a General Education law. The variety of training around MTSS is significant. People need to be trained.

Francis: Agrees with feedback shared from Chair Roy from the VSA/VCSEA/VTCLA conference is consistent with his feedback.

Price: Observed that there was a training for families on MTSS this week. It has been around for three decades and yet we are saying we need more time for training. From the families' perspective, the relationship between MTSS and special education that families see in schools is still uninformed. There is still a lot of confusion on how the two interact and the families are still nervous that schools will use MTSS to stall special education evaluations.

There was discussion on the State Personnel Development Grant (SPDG).

Bisbee: Supports feedback given already. It is hopeful to hear that there is a 3-year commitment to assist schools in getting their MTSS systems up and running. She worries that not every district is in the cohort; PD cannot be a “one and done”, it is a process that needs support. There are many new special educators that do not have the MTSS training – this needs to be ongoing and we need to find time in master schedules that does not pull from planning time and other work that needs to happen. There needs to be a concerted effort to help general educators be aware and better understand the implications and their expectations.

Moore: Nothing to add.

Seelig: Would advocate for an MTSS standalone rule. In terms of having the model for PD – need to make sure that PD gets to the LEAs that need it. Regarding the accountability mechanism, need assessment of implementation that does not rely solely on self-reporting from districts. Also need more and ongoing reminders or PD and that MTSS cannot delay special education evaluation. Mechanism for support/assistance from AOE for families to share concerns of MTSS that would trigger technical assistance (TA), intervention, corrective action, or focused assistance for schools.

Ceglowski: Collection of data from districts that do not operate all grades and being able to compare spending and impact on budgets of tuitioning. Are budgets increasing to make up for the difference or are services being reduced?

Fleming: Nothing to add.

There was discussion on a standalone set of MTSS rules and/or strengthening the existing rules (Education Quality Standards (EQS) and Education Support Teams (EST)). The discussion included confusion around the MTSS rules that have not been addressed, the need for a clear set of regulatory standards that can be taught and become part of curriculum, accountability would be helped with standalone rule, effective MTSS is not done well when it is very rigid, overly rigid set of rules is not in keeping with good practice of MTSS, Vermont has a field guide that defines its policy position on MTSS, field needs to stick with that policy through rulemaking process, issue is getting people trained, teacher preparation programs, other issues that rule would not address, the Act 1 Working Group making additional changes to the EQS, EQS rules are currently open, and that District Quality Standards (DQS) will address some of these concerns.

Chair Roy asked if the AG wanted to make a statement to the SBE recommending that clarity is needed to current MTSS rules through EQS or as separate standalone rules. There was consensus on making this recommendation.

Chair Roy recapped the recommendations suggested on advising the AOE and LEAs on implementation: need for PD, funding and time for PD, PD beyond special education, clarity on special education eligibility/evaluation and accountability for families to be able to voice concerns to the AOE. Chair Roy asked if the four bullets were reiterated if they captured the basic recommendation around implementation as long as the language was updated to incorporate the issues raised of time, general education, etc.

There was further discussion on qualifying “districts that need support”, all districts need support, worrying about the districts/schools that are not asking for support, suggesting to the GA that there should be an external advisory-capacity group to maintain accountability, implementation is important and we need to get it right, the ideal is an accountability mechanism that is not cumbersome and protects the integrity/intent of Act 173, and the need for an accountability mechanism that looks at both performance and professional learning supports.

Chair Roy asked if the AG agreed that an external mechanism for accountability and advice/oversight of implementation is needed beyond what currently exists at the AOE. There was discussion on keeping options open, adding a layer of oversight beyond AOE’s current capabilities, increased capacity of the AOE, “beyond” not necessarily meaning taking it outside the AOE, and that support is not the same as accountability and this is an important distinction.

Francis suggested making a general statement around that bullet because stakeholders present have a vast territory of where accountability and support should be enhanced. He suggested a broad statement that reflects the concept of accountability and oversight for Act 173 and not a specific reference to how that need will be met. Secretary Bouchey said her preference is for a shared stance of providing supports to districts. Chair Roy shared that a strong concern raised by stakeholders asked for feedback is that they do not want another version of a monitoring construct.

Chair Roy summarized that the AG wants to make a cohesive recommendation to the GA that they understand that additional accountability and oversight is needed for full implementation of Act 173. The AG agreed.

Chair Roy asked if the AG wanted to make a recommendation to the GA that they collect data related to census based funding for LEAs and excess cost provisions or make a more general statement that there is concern over the disconnect over those two funding constructs existing at the same time. The AG agreed to provide both the above recommendation and a statement of concern to the GA.

Chair Roy asked if the AG wanted to affirm that there are stakeholder conversations happening around the ongoing time documentation work and recommend that this continues. There was discussion on if the discussion is productive and/or if legislative awareness might be helpful, breaking away from a historical construct, and keeping this as part of both AOE and GA recommendations.

Chair Roy recapped the AG’s final recommendations:

- SBE: Statement advising that clarity is needed on MTSS rules (either via new standalone rules or existing rules)
- AOE/LEAs: 1) identifying the framework for implementation 2) design a model that is accessible to districts at all levels of implementation, 3) identify those who might need additional support 4) have an accountability and support mechanism with additional language around PD, time, and funding to be added. Will advise AOE to continue with stakeholder group on MOE and time documentation.
- General Assembly: Need to understand that additional accountability and oversight is needed for full implementation of Act 173, and the GA should continue to monitor the impact

of a census grant and an excess cost construct that co-exist which in the short term may include looking at the impact of that on LEAs.

Francis asked for more clarity on the federal requirements for the current funding model between private school and public schools. Chair Roy explained that the AOE stated early on that independent schools could not be the recipient of a census-based grant, only an LEA can do so (federal statute). Chair Roy said she does not believe that there is anything in federal law that requires that an excess cost construct is maintained for independent schools.

There was discussion on keeping Average Daily Membership (ADM) and the weighted pupil model, that there have been several discussions on this topic, landing on not making a recommendation, and feedback from stakeholders supporting this decision to maintain current law. Seelig asked to have the recommendation that a mechanism for parents and families to report concerns be added to the GA recommendations.

Chair Roy said the final document will be a summary document and will be shared with the AG before going to the AOE, SBE Chair, and Chairs of Senate and House Education Committees. This will be one report of final recommendations that will go to all three entities. AOE will assist with formatting and accessibility.

Seelig thanked Chair Roy for her strong and dedicated leadership. Nichols echoed this appreciation. Francis praised Roy's rare combination of a navigational skill set and disposition.

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

There were none.

## **Adjourn**

Chair Roy adjourned the meeting at 10:38 a.m.

Meeting Minutes prepared by: Maureen Gaidys