

## Meeting Minutes

**Meeting Place:** Nine East

**Address:** 9 West St., Montpelier VT 05602

**Date:** February 14, 2018

### Present:

Joy Wilcox, Karen Price, Sherrie Brunelle, Mary Barton, Nancy Richards, Eileen Guyette, Lauren Rhim, Amy Fowler, Karen Joyce and Karin Edwards

### Agenda:

- 9:30 - 9:40 Roll Call, Assign Roles, Review/ Revise Agenda as needed – Mary
- 9:40 - 9:45 Open Meeting Sign-In Sheet/Public Comments- No public comments  
Handouts: Agenda, Minutes, Bylaws, Letter to Sec. Holcombe, proposed statutory change
- 9:45 - 9:50 Approve Minutes for November 15, 2017 Meeting - Changes proposed and made. Approved. Mary will change minutes as directed. Overview of bylaw process.
- 9:50 – 11:15 State Updates: Legislative Reports; Independent School Information/Status; Adverse Effect; Proficiency Based IEPs/ PLPs - Amy Fowler and Karin Edwards provided updates:
- 11:15 - 11:30 SEAC Membership Update
- 11:30 - 12:00 Review Letter Regarding Proposed Statute Change and Next Steps
- 12:00 - 12:20 Other
- 12:20 – 12:30 Set Priorities
- 12:30 - 12:45 February Agenda and Meeting Place
- 12:45 - 1:00 Roll call, sign in, and agenda reviewed. No public comments.

### State Updates: Legislative:

Legislative testimony is in two major strands: The District Management Group (DMG) report and Special Education Funding study. The Special Education funding study looks at the state's current reimbursement model, which is seen as inflexible. The study suggests a move to a census-based funding model, which would provide more flexibility.

The DMG report recommendations are supported by the Agency of Education (AOE) and two Requests for Proposals (RFP) have been posted. One RFP is for early literacy and the other for targeted instruction, specifically for grades PK-3. AOE is working with individuals and groups who may be interested in submitting proposals, this includes Vermont School Board Association (VSBA), Superintendent's Association, Vermont Council Special Education Advisory (VCSEA), etc. Potential for unfunded mandates is a concern.

The legislature is also looking at long-term staff reductions, with the outcome of reducing expenses. The House Education committee has made a shift from a hard timeline, to state and local level discussion, about Maintenance of Efforts (MOE). There has not been a change with the Senate Education committee to a longer implementation timeline.

Discussion: Sherrie Brunelle offered that she understands the message to the House Committee has been to “slow down.” She expressed a personal concern and concern from the Disabilities Law Project regarding census-based funding. The concerns are in the contrast with entitlement of special education and needs based decision making, without regard to funding. She is not sure this has been discussed.

Amy Fowler responded that the Agency made the point regarding financial costs not being a requirement for services and decisions; there is recognition that changes in the funding model could possibly have a dramatic effect at the local level. The extraordinary cost provision remains in the proposed funding model, but the cap will increase. The increase is the result of no inflationary factor being added when the extraordinary cost provision was initially created. She clarified that under the proposed model(s) the 60% reimbursement of total costs goes away, but 90% extraordinary costs reimbursement remains the same. The first model will have winners and losers. On the other hand, with the other models everyone will get less money. The legislature will use the report for what may be a 2020 implementation.

Discussion: Sherrie Brunelle, Lauren Rhim, Karen Price and Eileen Guyette, made comments and noted points of concern, i.e. new funding and changes take time to implement; changes could result in benefits for inclusion with current spending incentives removed; fewer high cost placements and 1:1 aides; concern that census based funding models may make it more difficult to serve student needs, especially with recommendations in DMG report that para use should be minimized; the challenge is to improve general education; concerns about unmet student needs services based on costs; low resource areas in terms of highly qualified and skilled workers; complexities of rural areas; perception that it is less expensive to teach student with disabilities separately; adverse effect training could impact numbers potentially causing issues for costs.

Amy Fowler noted concerns expressed, and issues raised are understood.

Update on the trauma informed instruction bill. Amy Fowler reported that the House Bill is looking at requiring educators to take a course and requiring incarceration to be reported to schools. This is not a new process; much is covered in the Multi-Tiered System of Support (MTSS) statute. Amy Fowler reported that the AOE is looking at trauma globally, training, integrate trauma sensitivity into schools’ health system (school nurses, etc.), looking at how much money is being spent. The AOE is not in favor of incarceration being reported to schools as it opens up many questions, e.g. what constitutes incarceration, confidential information being shared.

Discussion: Eileen Guyete, Sherrie Brunelle, and Joy Wilcox offered the following comments: what public information on incarceration is available; this is not what schools should track; there are not many trainers with expertise in trauma to do training; what are the different kinds of training currently available; would the Positive Behavioral Interventions and Supports (PBIS)

model for training be an option; many school systems have done work, which should be looked at to see what is working, what needs to be done, and what is not working; inventory Supervisory Unions for potential trainers and resources. MTSS and PBIS became the focus, with the following comments: reporting requirement for MTSS; implementation is an issue, some districts move children out before trying MTSS or other things; going back to where we were in 1990; more segregated programs; impact in schools with the changes to integration of family services implications for what is going on in schools, pilot projects in other counties, separation of adult and children's services, concerns about coordination of various issues where everyone is at the table; people don't really want to change.

### **Independent School Information/Status:**

Update on Independent Schools Senate Education bill. The bill is not as far as board wanted, however closer than Independent School proposal. The concern is if independent schools can't get staff to meet needs of students, then does the Local Education Agency (LEA) need to meet the staffing need at their cost. There was a conversation and clarification of the LEA responsibility when students are at independent schools. There are a multitude of factors, e.g. who made the placement, districts with school choice, parent right to choose school, high cost, inefficient use of resources, tuition setting, therapeutic school rate setting.

### **Adverse Effect:**

Joy Wilcox met with the Adverse Stakeholder group in January 11, 2018. State cannot collect data at a statewide level. AOE will do updated video for training and post on web site, Joy is working on sample document, tentatively to share at the April meeting for feedback.

Discussion on students with Emotional Disturbance (ED). Vermont has higher percentage of children in this category, versus the rest of the country. The following issues were discussed: high percentage of ED is a justification not to cut funding; districts have too many classified as ED; schools are trying to find ways to not make them eligible; bias toward this population of children; most ED students will benefit from early education are not getting that look at ED rates and examine reasons why; training teachers about classroom management, children are not able to be managed in class is the pipeline of how children are placed into this category; teachers quick to request evaluation; concern with budget cuts; pre service education teachers, and training for working with students with disabilities.

Nancy Richards discussed mechanics of forms and changes to remove the check box for basic skills. There is a need to know what is happening with that.

Karin Edwards commended the council for work done on the by-laws, which have been reviewed by AOE counsel. AOE counsel found that the by-laws go beyond authority.

### **Membership:**

One new member approved, Lauren Rhim.

Amy Fowler will follow up on difficulty getting approvals and reappointments.

Sherrie Brunelle—Expressed need for a process for membership approval and lost applications.

## **Discussion of AOE Input on Compensation for Council Members:**

Sherrie Brunelle—lack of consistency with what is being compensated and what is in statute—  
Amy Fowler will check on this - Board of Education compensation.

1. Membership and members filling multiple roles. As it has been hard to fill slots, having members serve in multiple roles has been the effort to remedy this issue. It was discussed that the need to have majority of parents and individuals with disabilities, is not possible with the council is limited to 19 members, of which 14 positions are role specific. Dual roles are not a good idea, because of the different responsibilities. The two requirements will need to be reconciled. Comments: The Council would like to collaborate with legislators, however legislators cannot join meetings; difficult to find sufficient number of parents, individuals with disabilities; proposed language; talk with AnLar; can we work with what is required by IDEA and limit, should be done quickly, compliance issue.
2. AOE staff member acts as Liaison to council, specifically to help with posting meeting agenda and minutes, locate meeting space, etc. Secretary of Education and Director of Education can assign responsibilities to other AOE staff, but the council cannot direct them to attend (p. 5 B and C “shall”); they can be invited but not compelled.
3. Advising state board, (p. 2, Article III, I) as well, not just Agency
4. Community HS (p. 4 F) advising, no legal basis for this, not in IDEA or Title 16.

## **Review Letter Regarding Proposed Statute Change and Next Steps:**

Amy Fowler will give advice on letter

Sherrie Brunelle—time for drafting bills passed

Amy Fowler--technical corrections possibly, will send to legislature in preferred format, will work with Karin Edwards—will give Karen Joyce information.

## **Other:**

National level cutting protections under IDEA, other discussion.

State Systemic Implementation Plan (SSIP) report will be available for the Council to read, AOE is not seeking feedback, perhaps later on services; will give update on activities, for example more contact with districts involved, online office hours. Cindy Moran will post annual application for funds in March. Training will be available for the new application system.

Work on response to DMG report being done by a AOE’s core team, which meets weekly. Personalized Learning Plan (PLP) and Individual Education Plan (IEP) modules are being developed from 6 case studies. The first 3 are done and the next 3 will be done by the end of month. There will be follow up training modules to support roll out, which will be posted in spring

What happened to the Dynamic Learning Maps (DLM), alternative assessment? Amy Fowler reported that the company redid their funding formula, making it too expensive for Vermont. AOE is looking for another vendor.

Alternatives to physical education assessment, i.e. mile walk, lung capacity, pull ups, sit ups, etc. Amy Fowler clarified that the Physical Education (PE) assessment modifications should show what student can do.

The contract for Access work has been signed. Looking at and recommending what is being successful, particularly with most significant disabilities.

Question about work on Act 264. Karin Edwards reported she is doing the work and nothing is going on right now. Currently, designated agencies align with SU boundaries for services and cost of services in trauma bill. Some would like Act 264 on the agenda for next meeting.

### **Set Priorities:**

Discussion of priorities:

- a. Act 264
- b. membership
- c. assignment of roles (sec, etc.) for council
- d. dispute resolution
- e. adverse effect, high ED percentage in VT

Sherrie Brunelle made a motion to have AnLar come to March meeting for the issues identified in November 2017 minutes. Joy Wilcox second. Sherrie Brunelle-amended motion to include to help to identify priorities. Vote was unanimous.

A motion was made by Joy Wilcox to adjourn the meeting, Karen Price seconded. No Discussion. The vote was approved unanimously.

Adjourned 1:00pm.

### **Meeting Schedule (hold the dates):**

March 21, 2018, April 18, 2018, May 16, 2018, &  
June 20, 2018