

Emily’s procedural note: The 1300 series and 2360 series have gone through the rulemaking process and stand to go into place on July 1. There are two mechanisms for this to be adjusted:

- 1. The SBE could amend provisions of that rule by initiating a new rulemaking process (8 month process)**
- 2. The GA could, through legislation, change implementation dates for any of the elements**

| Recommendation: No Delay <i>Act 173 and all associated rule changes go into effect July 1, 2022</i> | |
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| Advantages | Disadvantages |
| <p>Some groups, particularly in the advocacy community, believe the Rule changes in particular have been needed for a long time. They believe delay would have significant impact on students with disabilities</p> <p>Act 173 and its original intentions were supported by VSA, VSBA, VCSEA VT-NEA and VPA as well as the advocacy communities. The reasons for this support haven't changed</p> <p>Some districts are ready for implementation (though there's acknowledgement that this may be the minority)</p> <p>There is a recognition that MTSS has been part of legislation for some time, but there are accountability measures in Act 173 that are needed in order to cause implementation of MTSS</p> | <p>The reality is that some systems simply won't be able to implement the tenets of the law regardless of whether it goes into effect or not.</p> <p>Regardless of the implementation challenges that existed before the pandemic, the reality is that the staffing shortages and capacity of LEAs has been impacted by COVID19. Staffing shortage impact the ability to participate in the PD needed to implement the law</p> <p>The existing timeline risks poor implementation, impacting the strength of the desired policy changes. This may produce more damage than moving forward in a more thoughtful, measured way</p> <p>Professional development has been an ongoing challenge identified by this Advisory Group and arguably has not been adequately supported/facilitated. General educators are perhaps even less aware of the changes and the impact on their work (critical for MTSS implementation)</p> |

| Recommendation: No Delay in Act 173; delay in 2360 rule changes not associated with Act 173 <i>Act 173 (MTSS and census grant) go into effect on July. Rule changes not associated with Act 173 (adverse effect and SLD identification) are delayed</i> | |
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| Advantages | Disadvantages |
| <p>LEAs feel these rule changes have become the “one more thing” that came on top of the challenges of 173. If the rest of the law went into place and these changes were delayed, it would give more time to put those into place while preserving the welcome changes to funding.</p> | <p>Advocacy community likely would not support this</p> <p>Main issues at this point are situational - related to COVID - and are different than the systemic challenges regarding lack of MTSS implementation</p> |

| Recommendation: Change to a Census Grant delayed but programmatic changes go into place | |
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| Advantages | Disadvantages |
| There hasn't been enough discussion of the interplay between the pupil weighting changes and the shift to a census block - so delaying the financial implementation would allow for this discussion | <p>The Census grant impact that is of concern for some districts is beneficial for others - so possibly we're just shifting the financial impact</p> <p>Budgets are likely being built with the changes as they exist currently - so this could be a challenge to budget building</p> <p>The yield and the ed fund surplus could be a bridge to adjust to the new financial model and therefore now is a good time to implement (not delay). Also important to note that what will be done with the surplus, etc, is in play</p> |

| Recommendation: No implementation date change but a formal recommendation to GA re: PD <i>Advisory Group would make a more formal recommendation to the general assembly to charge the Agency with identifying districts most in need of implementation support and providing targeted support to those districts</i> | |
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| Advantages | Disadvantages |
| <p>This would allow the policy to be enacted for all the reasons noted above, but would acknowledge those systems who need support and would provide it.</p> <p>ESSER/recovery funds provide ample funding to support targeted professional development</p> | Doesn't eliminate the situational challenges everyone is experiencing, including those more prepared to implement pre-COVID |

Other notes/questions:

- Do we know which districts are having the most challenge implementing MTSS? Can we target those districts?
- Should we be considering a way to introduce the use of the \$90 million surplus into our recommendations?