



Act 173 Advisory Group  
April 5, 2021, 9:30 a.m. – 11:15 a.m.

## Draft Meeting Minutes

### **Microsoft Teams Virtual Meeting**

**Call In: 1-802-552-8456**

**Conference ID: 179 431 722#**

*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, Chair; Rachel Seelig (for Marilyn Mahusky), Disability Law Project; Jeff Fannon, Vermont-National Education Association (VT-NEA); Jay Nichols, Vermont Principals' Association; Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Cheryle Wilcox, Agency of Human Services, Department of Mental Health (DMH); Jeff Francis, Vermont Superintendents Association (VSA); Mill Moore, Vermont Independent Schools Association (VISA); Karen Price, Vermont Coalition for Disability Rights; Lisa Perrault, (for Brenda Fleming) Vermont Association of School Business Officers (VASBO) immediate past president and the Business Manager of Barre Unified Union School District; Lisa Bisbee, VT-NEA-selected practitioner; Sue Ceglowski, Vermont School Boards Association; and Dan French, Agency of Education (AOE).

AOE: Meg Porcella; Emily Simmons, Maureen Gaidys

Others: Kim Gleason, State Board of Education (SBE), Susan Aranoff.

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

Chari Roy called the meeting to order at 9:33 a.m. There were no amendments to the agenda.

#### **Review and Approve Minutes from March 1, 2021 Meeting**

Chair Roy asked for a motion to approve the minutes from the March meeting. Wilcox moved, and Garrecht seconded. Chair Roy called the vote. The motion passed. Chair Roy abstained as she was not present at the last meeting

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

There were no members of the public to be heard.

#### **Updates from Agency of Education**

##### COVID-19 Recovery Efforts

Secretary French spoke about updated Safe and Healthy Schools guidance that will be released soon. School staff vaccination is almost complete; estimate that over 80% of school staff have been vaccinated. School surveillance testing was targeted to sunset at some point, but there were some American Rescue Plan Act of 2021 (ARPA) funds dedicated to it, so there are decisions that need to be made related to testing students and other populations. Recovery planning is unfolding well at the district level with districts organizing themselves around needs assessment in the three focus areas of: social-emotional well-being, student re-engagement, and academic success. There was a lot of conversation around

funding (state set aside) and AOE was spending significant time with the Legislature, who are working to appropriate funds. Once districts' needs assessments are completed, Elementary & Secondary School Emergency Relief (ESSER) funds will be prioritized. AOE has started a parallel planning process in special education; a focused effort will be needed with the usual seasonal demands of special education work and weaving in the transition related to Act 173. AOE was attentive to what other states are doing and in May will start to pull together state level work and will appreciate and involve the input of the AG group on leveraging federal dollars, addressing recovery in special education, and setting the stage for a block grant model under the new rules.

There was discussion on the status of standardized testing and limitations of the waiver, special education challenges with assessments (even pre-COVID-19), guidance promulgated by the AOE, allowing schools to have discretion over who should be required to take assessments based on social-emotional concerns, reopening plan for July, guidance that moves towards the end of the state of emergency, education-specific guidance (graduation, etc.) and the trajectory for the remainder of the school year.

#### Professional Development (PD) Subcommittee Meeting Update

Porcella asked if there were specific questions and offered that she provided the District Management Group's (DMG) contract for creating effective master schedules. Recovery work has been the focus and how PD is provided to districts will dictate the PD subcommittee's work. Porcella shared that the contract was to provide training and technical assistance around the scheduling software "DM schedules." As of the end of March, there were 67 schools in 36 districts signed up to receive the software. There have been two trainings, attend by about 80 participants, on using the software, and there will be two trainings on best practices on creating a master schedule. There were 57 participants in the first training on best practices. There is a resource library/website that DMG is creating and managing and access to it has been increasing as training rolls out. Recorded trainings are also stored there.

There was discussion on meetings of the PD subcommittee, intention for meetings to continue, focusing on this as it is situated in recovery planning, waiting on the needs assessments, additional funds available under Individuals with Disabilities Education Act, Part B, intersection of recovery work with Act 173, opportunity for the PD subcommittee to react to needs assessments, sharing priorities from needs assessment, feedback from the AG on PD needs, interest in literacy in the General Assembly (using ESSER funds), and re-convening the PD subcommittee in May when priorities have emerged. Porcella offered to schedule a PD subcommittee meeting for the end of May.

#### **Rules Update**

##### Series 2200

Chair Roy reminded the group that these rules were split into two sections – rate setting and non-rate setting. At some point, both sections will be merged and the SBE would like the AG to give approval on this, which might be slated for the May 19 SBE meeting. She reminded the group that the AG delegated the work to the subcommittee and that the full set of rules will be distributed in advance. Moore said that many hours were invested in working collaboratively on this and the group was near consensus. They are still working on the basis for computing the per-student rate, evaluating non-public money, and the level of details of expenses that independent schools need to report to the AOE. Moore explained

that the difference between capacity and enrollment was that independent school representation wanted rates based on enrollment (more reasonable level of compensation) and AOE wanted to use 90% of maximum capacity as this incentivized schools to operate at maximum capacity. The data made it clear that enrollment fluctuates dramatically among independent schools and once this was understood, both sides realized that using enrollment would produce a fair compensation.

### Series 2360

Chair Roy spoke about preliminary approval given by the SBE and that rules series 2360 are on their way to the Legislative Committee on Administrative Rules. There was discussion on a significant need for PD for special educators related to rules changes and internal planning at the AOE (on technical implementation of assessment, budgeting, Maintenance of Effort (MOE) calculator, etc.), a significant portion of disability decisions hinging on the availability of MTSS implementation, confidence of evaluation teams, and addressing not only Response to Intervention (RTI) but also Adverse Effect.

### Multi-Tiered Systems of Support (MTSS) Rule Development

Chair Roy asked AOE where/how MTSS might be addressed. There was discussion on coherence, MTSS not yet identified as a lever, timeline/public comment period, and that an MTSS rule exists in Series 2000 (Education Quality Standards) and that would be the most logical place for amendments.

### **Discussion: Professional Development/Use of Federal Funds**

Chair Roy referenced a letter from Mahusky that was shared with AG members with Disability Law Project's recommendations. Seelig spoke about she and Mahusky being part of a national stakeholder group and shared resources that were found useful by many national partners on topics such as summer school, comprehensive mental health supports, community services, and mapping chronic absenteeism. There was discussion on absenteeism and drop outs and regaining these students, balance between infusing money into the system and creating a cliff in two years, pairing influx of interventions with PD/coaching, it was a big issue needs to be done right, DMH considering how best to leverage funds, concern about re-integrating students, leveraging individuals already in schools (non-professional staff) to assist with re-integration/re-engagement, parental engagement, including parent training as a related service in Individual Education Programs, AOE providing recommendations on use of funds, and strategic planning. The group agreed that it was premature to make a recommendation at this time.

### **Agenda Planning: May, June, Summer meetings**

Chair Roy spoke about the May meeting being too early to review the needs assessment and that rules series 2200 will be a quick item. She asked for other agenda items. There was discussion on needing to meet monthly throughout the summer, that the adjusted number of meetings per year is twelve, foregoing the May 3 meeting for a late May or early June meeting, and reporting the AG's position to the SBE. Chair Roy proposed that when the two sets of rules are merged, those will be sent to the full AG for review. Members will be asked to provide input to Chair Roy, who will convene a May meeting if there is disagreement; otherwise, she will share the consensus version of rules 2200 with the SBE. The other option was to meet on May 3, 2021 for that one action item. The group chose the first option. There will be no May meeting, unless needed. The next AG meeting will be June 7, 2021.

### **Adjourn**

Chair Roy adjourned at 10:52 a.m.