



Act 173 Advisory Group  
March 1, 2021, 9:00 a.m. – 11:30 a.m.

## Draft Meeting Minutes

### **Microsoft Teams Virtual Meeting**

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

**Conference ID: 498 784 910#**

*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: Marilyn Mahusky, Vice Chair, 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 Bisbee, VT-NEA-selected practitioner; Sue Ceglowski, Vermont School Boards Association; and Dan French, Agency of Education (AOE).

AOE: Meg Porcella; Maureen Gaidys

Others: Marianna Donnally, Department of Mental Health (DMH); Kim Gleason, State Board of Education (SBE), Susan Aranoff.

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

Vice Chair Mahusky surveyed AG attendees and determined there was not a quorum. Since a few members were expected to join later, she decided to wait until 9:30 a.m. to call the meeting to order, in hopes that there would be a quorum by then. She called the meeting to order at 9:31 a.m. Bisbee said she needed to leave at 10:00 a.m. and Ceglowski joined a bit later in the meeting.

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

Vice Chair Mahusky asked for a motion to approve the meeting minutes from the February 1, 2021 meeting. Nichols moved to approve; Fannon seconded. The motion passed.

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

There were no members of the public to be heard.

## Updates from Agency of Education

### COVID-19 Efforts - Secretary French

Secretary French spoke about the major activity being around vaccinations. In anticipation of increased vaccine supply, the AOE reached out to school staff with a survey for interest in vaccination at the school level. There are calculations on age-banding being reviewed to assess changes. This was a rapidly evolving situation and there would likely be an announcement tomorrow. This was good news but involves a lot of logistics.

### Recovery Plan Template

On Friday, February 26, 2021, the AOE announced and released [Guidance: Education Recovery No. 1, 2021](#). This offers a structuring approach to COVID-19 recovery work. The first response was school closure, then re-opening of schools, and the recovery stage, as conditions improve with the advent of increased vaccinations and warmer weather. The immediate direction to school districts was that they will need to form a recovery team and identify a recovery coordinator by March 15, 2021. The AOE will organize support teams to work with each district level team. The first step will be an assessment of conditions in three focus areas: academic, social and emotional well-being, and engagement and this will vary greatly from K-12 and across districts. Districts will formulate implementation plans and strategies by June 1, 2021 which will help to address utilization of summer learning and focus of incoming federal funds. Special education will need to be considered as movement progresses toward the recovery phase as it will be a lot of work for special educators. AOE was in the preliminary phase of framing this out.

### Professional Development (PD)

Secretary French stated that recovery was the prominent frame for upcoming work, and we need to acknowledge capacity and be careful in this complex moment. We continue to focus on cultivating stronger school systems and addressing quality and equity through leveraging the pillars of Act 173. In the recovery work, districts will use recovery teams (similar to Educational Support Teams (ESTs) at the district level) and direct systems towards some themes from a systems perspective that will assist systems post-COVID-19. We are considering an integrated model vs. silos in supporting districts and providing consistent support. Professional development will emerge as a theme, but recovery work was the primary focus and Act 173 will somewhat undergird that work. We have several state level PD strategies that will be leveraged to support the recovery work: 1) state level PD initiative with data and this feeds into initial phase with assessment and will allow us to utilize those tools with West Ed to help districts and 2) have contracted with District Management Group (DMG) to assist in developing master schedules and allocating resources to meet students' needs. We are bringing this all together through the recovery lens to build systems capacity, increase state level support/PD and help districts to leverage their funds to meet needs. Another issue was the literacy conversation in the Legislature, a separate area that DMG identified in its initial report. This conversation was introduced by AOE last year, COVID-19 interrupted those discussions and there was a lot of interest in both houses this year. A fairly consistent theme was PD with emphasis on literacy, which feeds back to those three domains of recovery. We will be able to leverage and focus on literacy to support recovery. Porcella spoke about the work going through the Act 173 Leads team being used to frame some of the details of the recovery plan. Act 173 was not pushed aside but helped build the recovery work, which was more urgent.

Mahusky spoke about disappointment after the PD meeting was cancelled; she said it was understood that COVID-19 changes the landscape, but she thinks there was still significant concern around Act 173 and that the date of implementation was getting closer. Secretary French acknowledged discrete strategies deployed at the state level as a result of Act 173 deliberations (data, scheduling and literacy) and that some of this will be supported by state set-aside funds. There are significant state-level resources that have accumulated that could be used for professional development and are required to be tied to COVID-19 impacts, so it was important to retain the connection to COVID-19 recovery. A lot of these conversations will be superseded or framed under the COVID-19 response. Act 173 staying on its schedule was an open question at this time.

There was discussion on having ESTs serve as the recovery team instead of creating a new recovery team, having a virtual conference from AOE on creating a recovery plan, that ESTs bring legacy understanding of the work and might struggle with using the recovery lens, districts could/should make the choice to use their EST as their recovery team, AOE would bring groups together and assist with needs assessment, support will be offered to local groups vs. statewide conference, flexibility was important to have plans that best articulate local needs, most districts don't have district-wide ESTs, recovery team will include local pediatricians and other state resources, and that recovery teams will have broad focus and look more like [Act 264 teams](#). Secretary French spoke about the timelines in the law and that consideration should be given to the status of the rules and that the General Assembly would appreciate some insight into that. There was discussion on considering Act 173 implementation and dates, PD was a necessary precondition of the funding portion of the law, welcoming a discussion on the deadlines, how service plans would be determined, projecting costs, that this was challenging and would take time, leveraging this opportunity will help achieve Act 173 goals, longer scope of work in front of us now, timelines and reasons for delay other than rules, using this group or others on deciding how best to utilize incoming COVID-19 funds, and considering not delaying and identifying how best to use some of the federal resources sooner rather than later.

### **Discussion: Professional Learning - Organizing input of the Advisory Group**

Vice Chair Mahusky was not sure what was intended by this item and said it could be brought back next month, if it was not already covered in the discussion above.

### **Updates: Rulemaking & Legislation**

#### 2200 Series – Rate setting Working Group

Moore said that everything was in the hands of the SBE relative to rules series 2200, except rate setting. There are two workgroups taking care of remaining items (rate setting process for therapeutic schools and another group working on process concerns) – both would bring something to the SBE's March meeting. This group met last week with AOE and identified outstanding issues: understanding if billing should be done on a capacity or enrollment basis, how to compare rates to what is applied vs. what is prevailing in the state and whether or not schools' revenue from sources other than public funds should be counted as revenue. The group was still committed to pushing toward a consensus. Secretary French said draft finalized last week will also be sent to Department of Federal Regulation (DFR) for their feedback and hope to have solid draft for presentation to the SBE in March.

### SBE Subcommittee on 2360/1300 Series

Gleason spoke about the recommended changes that focus on better reflection of federal language and better consistency – these changes were shared with the SBE and they were supportive. The incorporated language will go to the SBE in March and be voted on in April. Changes moved away from requirement for adverse effect for deaf, blind and Specific Learning Disability (SLD), in alignment with federal regs, and addressed parental consent with a change in the form that captures parental feedback and Multi-tiered Systems of Support (MTSS) was previously referenced in the prior language change, so there was no further need for change in language. She expressed appreciation for the incredible collaboration.

There was discussion on having the AG discuss the MTSS rule, if this had already been discussed and submitted to the SBE, that an MTSS rule was not a special education rule and doesn't belong in Act 173, there was interest in an MTSS rule as it relates to general education, would look to stakeholders/AOE/field to initiate an MTSS rule, conversation with the SBE about where an MTSS rule would be best situated in the SBE rules, and discussing this an at upcoming meeting.

### Weighting study

It was queried if there was movement on legislation on this. It was suggested that it was unlikely that this would be addressed by the Legislature. Vice Chair Mahusky said this discussion would be deferred until the Legislature takes action.

Vice Chair Mahusky recapped upcoming agenda items: ongoing recovery update from the AOE, timelines and how they tie into recovery conversations, set-aside funds, update on rules, MTSS, and Weighting Study, if needed.

There was discussion on AOE contracting with DMG and the AG seeing that contract, themes identified by DMG were helping districts schedule staff and creating tools used on a local basis, contract will deploy this at a state level, [last week's Weekly Field Memo](#) had a link for [Elementary Master Schedule Training](#). The contract includes coaching and state level support, evidence that field wanted access to this scheduling tool, hearing from DMG at the next AG meeting, details of what the AG would like to hear, and a request that the DMG contract be provided to AG members.

### **Adjourn**

Vice Chair Mahusky adjourned at 10:17 a.m.