
Act 173 Advisory Group

Approved Meeting Minutes

Meeting Place: Microsoft Teams Virtual Meeting

Call In: 1-802-552-8456

Conference ID: 182 337 014#

Date: May 4, 2020

Present:

Advisory Group (AG) Members: Meagan Roy, Vermont Council of Special Education Administrators (VCSEA); Marilyn Mahusky, Disability Law Project; Jeff Fannon, VT-National Education Association (VT-NEA); Lisa Bisbee, (VT-NEA-selected practitioner); Peter Garrecht (VCSEA-selected special educator); Cheryle Wilcox, Department of Mental Health; Jay Nichols, Vermont Principals' Association; Tom Lovett, Council of Independent Schools; Jeff Francis, Vermont Superintendents Association; Mill Moore, Vermont Independent Schools Association; Nancy Richards (for Karen Price), VT Coalition for Disability Rights; Sue Ceglowski, Vermont School Boards Association; and Dan French, Agency of Education (AOE).

AOE: Emily Simmons, Meg Porcella, Heather Bouchey, Maureen Gaidys

Others: Traci Sawyers, VCSEA; JoAnne Unruh; Randi Lowe, Bennington-Rutland SU; Kimberly Gleason, State Board of Education; Representative Kate Webb, House Education Committee.

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

Chair Roy called the meeting to order at 9:34 a.m. and requested a roll call. She gave context that business as usual is not happening, even though some of it needs to continue as usual. She offered that the agenda is sensitive to the priorities of the AOE and others in supporting remote learning and other COVID-19 related issues. She asked if there were amendments to the agenda; there were none. She reminded the group that the meeting was recorded.

Review and Approve Minutes from February 4, 2020 Meeting

Chair Roy asked for a motion to approve minutes from the February 3, 2020 meeting. Mahusky moved to approve the minutes; Bisbee seconded. There was no discussion. The motion passed; Richards abstained.

Opportunity for Public to be Heard

Chair Roy asked for any public comments. There were none.

Discussion/Action: Recommendation for Statutory Changes

Chair Roy stated that she had originally asked AOE to come with their recommendations for language changes to the law but that has since shifted with the Act 173 timeline adjustment. She asked Secretary French to speak to this. He spoke about Senate Education committee's language and said he understood that the House Education committee concurred with that language. Simmons confirmed. Chair Roy spoke about the bill pushing back the deadlines for a year, extending the AG until 2023, and providing clarity on number of meetings (up to 12 per year starting in 2021). There were questions/discussion on public hearings, extension of the public comment period to December 31, 2020, unlimited number of public comment sessions, three public hearings were warned and announced and will continue as planned. She asked if there were further questions and stated that there was agreement from the AG on a delay.

Discussion: Rules Series 2200

Lowe had a comment about the funding model for independent schools (IS). Chair Roy segued to this item. Randi Lowe, Bennington-Rutland Supervisory Union assistant superintendent, introduced herself. She spoke about her involvement with the education committees and explained that her area has a lot of IS and that this issue significantly impacts her community. Chair Roy spoke about how the original legislation has a year gap for implementation of rules series 2200 - that public schools will get their census-based funding a year in advance of the IS. Lowe spoke about the challenges with this: no clear mechanism to control excess costs, current funding model allows the LEA and IS to negotiate payment, and that this will require significant cuts to maintain tax rates. She continued that the impetus for the delay was that this was too much work in a short time period. With the proposed delay, she cannot think of a good reason why implementation would be staggered. She said her supervisory union is well poised and advised implementing rules for public schools and IS together and to not exacerbate further inequities in funding.

There was discussion on Lowe's issue being discussed at the February meeting, that this has not been widely discussed with the AG, that AOE was going to contact relevant districts, AOE's testimony to the House Education committee, and that many AG members had capacity concerns with the entire system. Moore asked for written clarification on Lowe's concerns. Chair Roy recapped that there will be a point where a school district receives a finite amount of special education funding and there is no cap on what and IS can bill the school district; how that billing will happen might be addressed in the rules series 2200, but because there is a gap between the implementation and the start of the census grant, that could pose challenges. Moore asked to hear from AOE about whether the reimbursement model should stay in effect for IS.

Chair Roy asked Secretary French to speak to his recommended approach to the development of the rules series 2200. He said AOE will draft rules in collaboration with IS and district stakeholders before sharing with the AG for consideration and AOE is anxious to start that work. A work plan will be shared with concrete timelines and will include an opportunity for formal feedback. There was discussion on the SBE's testimony to the House Education committee on synched implementation, capacity concerns being different across the state, and support of the delay. Chair Roy asked Representative Webb for reaction. Webb said her committee agreed with the Senate proposal and that bill was passed out and is on its way to the Clerk's desk. Chair Roy suggested that the AG should acknowledge that this is an issue for a small number of school districts, that it has come up in conversations and it will need to be discussed during the development of the rules series 2200. She

asked for further comments; there was none. Chair Roy thanked Lowe and asked if she would forward a written statement of her concern; Lowe agreed and added that she would include a proposal, as well.

Chair Roy recapped Secretary French's plan for drafting rules and asked about creation of the stakeholder group. He spoke about needing to know the work product and who would be most affected and most able to offer expertise. He said he would be happy to have the AG input on this and that he will be reaching out to the IS community, including smaller IS, school districts, and business managers. Chair Roy offered two considerations for the AG: 1) thoughts on the AOE reaching out to specific stakeholders and 2) is there advice on how this group should be selected? There was discussion on efficiencies and the value of a smaller group, having a subgroup of the AG, not wanting to exclude, open meeting law, a small number of AG members meeting with an equal number of outside stakeholders, charges of the subcommittee, and the hope for open dialog. Chair Roy spoke about a charged subcommittee of the AG vs. the AOE engaging stakeholders, that AOE wants input from the AG and that a formal charged subcommittee would be beholden to open meeting law and ensure formality/representation but might sacrifice some dialog. The alternative would be the AOE goes through its process and convenes its own group of stakeholders and the AG will have the opportunity to weigh in on draft rules before it goes to the SBE. She asked for reactions.

Secretary French spoke about consensus, that AOE needs technical assistance/feedback from key stakeholders, that draft rules would get presented to the AG with the end goal of developing consensus rules to bring to the SBE. There was discussion on AOE's intention to gather input, that AOE should convene who is needed and the AG should respond as a full group, that special education and business managers who work regularly with IS would be a critical to include, the importance of understanding the differences between general and special education. The AG asked that the AOE provide a full draft of the rules series 2200 to the AG with ample time to provide input prior to their submission to the SBE. The AG clarified that this was important, as the rules series 1300 and 2360 process did not provide ample opportunity for input before they were submitted to the SBE. Secretary French agreed that with an adjusted timeline there would be time in the process for this.

Finalize Meeting Schedule

Chair Roy said that in both current legislation and the recently passed Senate bill, this would be the last AG meeting of 2020. She spoke with AG members who receive compensation and they agreed to a meeting before July, if needed. Her recommendation is to wait; in the meantime, she will be incorporating with AOE on the workplan and meeting schedule beginning in July 2020, which would mean no meeting in June. Consensus was that this was a good plan. There was discussion on continuing to meet the first Monday of the month, (exception for July and September). She advised AG members to hold the first Monday of the month, pending a schedule. Resuming in-person meetings is still to be determined. A larger meeting space was suggested, to ensure social distancing; the Waterbury complex and Vermont School Board Insurance Trust (VSBIT) space was suggested.

Adjourn

Chair Roy adjourned the meeting at 10:30 a.m.

Minutes prepared by Maureen Gaidys.