

## Draft Meeting Minutes

**Meeting Place: Agency of Education, Room 423, Barre, VT 05641**

**Address: 219 North Main Street, Barre, VT 05641**

**Date: September 14, 2018**

### **Present:**

Council Members: Jay Nichols, VPA; Nicole Mace, VSBA; Tom Lovett, CIS; Meagan Roy, VCSEA; Marilyn Mahusky, VLA/DLP; Cheryle Bilodeau Wilcox, AHS-DMH; Jeff Francis, VSA; Jeff Fannon, VT-NEA; Sara Baker, VCSEA Special Educator; Lisa Bisbee, VT-NEA Special Educator; Brenda Fleming, VASBO; Dan French, AOE.

Others: Traci Sawyers, VCSEA; Sue Aranoff, VT DDC; Chelsea Myers, VSA; Christine Kilpatrick; VT Family Network on behalf of Vermont Coalition for Disability Rights.

Agency Staff: Heather Bouchey, Judy Cutler, Molly Bachman, Tracy Watterson, Cindy Moran, Emily Byrne, Brad James, Maureen Gaidys.

### **Call to Order/Introductions:**

French called the meeting to order and asked for member introductions. Members introduced themselves: Bisbee, Baker, Fannon, Francis, Bilodeau, Mahusky, Roy, Lovett, Mace, and Nichols. French asked others to introduce themselves: Myers, Moran, Watterson, Bachman, Cutler, Aranoff, Sawyers, James. French reviewed the agenda and asked Byrne to introduce herself and announced that they would begin with an overview of Act 173. French asked the call-in participant to introduce herself. Christine Kilpatrick, introduced herself and asked for an electronic copy of the Power Point presentation that Byrne would be using. French said it would be posted online, as well as all other meeting materials.

### **Overview of [Act 173 of 2018](#) – Emily Byrne, Chief Financial Officer**

Byrne shared a Power Point presentation that discussed the purpose of Act 173, using research to inform legislation, who the law was intended to support, UVM's study and problems with the current funding system, solutions offered by UVM's Census-based model, opportunities for improved service delivery suggested by the DMG report, what Act 173 includes, purpose and role of the Advisory Group, changes in the funding model (census-based vs. reimbursement), challenges/impacts with the change in funding model, what is not changing, resources for the transition, intention to have a high-level plan by November 2018, weighting study, and closing thoughts for the Advisory Group.

There were questions on the weighting factors/study, any opportunity for this group to inform the weighting study/factor and using poverty in the special education formula.

### **Review of Powers and Duties of the Advisory Group - Molly Bachman, General Counsel**

Bachman spoke about the Attorney General's role – and specificity thereof: 1) advise SBE on rulemaking 2) advise the AOE on implementation of Act 173 and 3) advise the Legislature on the impact of Act 173. This Advisory Group is responsible for 4 legislative reports, the first

being due January 15, 2019 and then again in 2020, 2021 and 2022. The timing of the rules is iterative and input/advice from the Advisory Group is needed, but AOE will be drafting these rules. The hope is that constituencies will funnel concerns/feedback through the appropriate Advisory Group member. Bachman added that the rulemaking process has ample opportunity for public comment.

### **Overview of Rule-making Process – Molly Bachman, General Counsel**

Bachman distributed a handout titled “Rulemaking Required by Act 173” and walked the group through this document. The hope is that the March SBE meeting would address the proposed changes to rules and by April they might be ready to go to ICAR. Bachman continued to explain the process of LCAR and ICAR and that the timeline is very aggressive. The goal is to have an approved final rule by December 2019.

There were questions on the Advisory Group’s role throughout the rulemaking process, the Advisory Group’s role functioning as conduits and the practical application of this, potential variability in interests of constituent groups, and messaging to the public that there will be ample opportunity for public comment.

### **Business Items**

Per Diem Payments: Byrne explained that the Legislature allocated some funds for people who are not otherwise compensated for their work on this Advisory Group, and to offset other costs such as travel. Members of the Advisory Group will be provided with an expense form and a detailed process for completing this.

Organization of Advisory Group Work: French opened this up to thoughts and suggestions. Mace asked about Personalized Learning Plans and who was overseeing this, how VSBA can inform this work, and AOE staff capacity. Mace is interested in the AOE supporting professional learning. Watterson shared that there is work in progress to give feedback on this, and that it has just begun. She also shared that there are at least 2 positions to be posted. French asked for other ideas. There was discussion on having an early look at the rules and nervousness about seeing the rules sooner rather than later. French suggested sharing the current rules with the Advisory Group as a starting point, with some highlights of sensitive areas. Bachman added that the initial focus will be on rules, as that is urgent. There was discussion on the Legislature’s intention for the size of this group to have the opportunity of sub groups with areas of specialty, that this could quickly become unwieldy, and organizing this work electronically and interactively. Bachman cautioned on the risk of Open Meeting Law violation and the importance of not having quorum participation via email. There was further discussion on seeing the document in progress, but not editing it, staff needed for subcommittee meetings, using an ad hoc process, and the benefits of having subcommittees.

There were questions on if future meetings will have a phone-in option and if copies of the UVM and DMG report could be shared with Advisory Group members. French concurred that a web presence for this group would be good and all relative materials will be stored there. It was suggested that a future agenda item be the opportunity for this group to weigh in on PLP and professional development.

Election of Chair: Nichols recommended Meagan Roy, as a special education practitioner to be chair. She was not opposed to this and asked for some additional support. There were no other nominations. French called a vote. The vote passed unanimously. French turned the meeting over to Roy.

Schedule/Plan for Future Meetings: There was discussion on scheduling electronically, needing input for draft rules, needing a meeting sooner rather than later, where we are in the process, a large meeting in October and November and smaller groups meeting in advance of those, separately warned subcommittee meeting in the next two weeks, name cards for the next meeting, getting larger group meetings on the calendar and working backwards, two committees looking at finance and rules separately or single committee with representation from both ends since there is intersection.

Roy surveyed how many would like to be part of a deep dive committee on rules and who would like to be part of finance. The plan would be for subcommittee meetings to precede the Advisory Group meeting on the same day. There was discussion on the size of the subcommittee, having a quorum, having a carousel style meeting with subcommittee pre-meeting in early October, reimbursement for no more than 8 meetings per year. Roy said the plan would be to schedule a carousel meeting that abuts the full Advisory Group meeting in early October to address 1) rules and 2) proposed professional learning sequence.

Members interested in being part of the Rulemaking subcommittee with a lens for practice and finance: Kilpatrick, Roy, Lovett, Fannon, Mahusky, Fleming, and Baker. The charge of this subcommittee is to take existing rules and decide what to open to change per Act 173.

Members interested in the Professional Learning Sequence subcommittee with the charge of giving input to plan for Professional Learning (per DMG report) that AOE is rolling out to the field: Bisbee, Nichols, Mace, Francis, and Mahusky.

There was discussion on how many meetings and how often. Roy concluded that there would be meetings scheduled early in the month for October, November and December, with the meeting piggybacked with the full meeting. It was questioned that it might be worthwhile to have a presentation on the DMG work at an upcoming Advisory Group meeting. It was suggested that some common facts on the state of the universe with the uptake of changes be provided. Other agenda suggestions can be forwarded to Roy. The subcommittee meeting will be 2 hours with a break for lunch, followed by a full meeting of 2 hours. Gaidys will send a scheduling poll, French asked members to please respond promptly.

### **Public to Be Heard/Other**

There were no members of the public to be heard and no further discussion.

Roy adjourned the meeting at 3:05 p.m.