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## Act 173 Advisory Group

### Draft Meeting Minutes

**Meeting Place: Microsoft Teams Virtual Meeting**

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

**Conference ID: 306 321 617#**

**Date: October 5, 2020**

#### **Present:**

Advisory Group (AG) Members: Meagan Roy, Chair, Vermont Council of Special Education Administrators (VCSEA); Marilyn Mahusky, Vice Chair, Disability Law Project; Jeff Fannon, Vermont-National Education Association (VT-NEA); Brenda Fleming, Vermont Association of School Business Officials (VASBO); Jay Nichols, Vermont Principals' Association; Tom Lovett, Council of Independent Schools; Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Cheryl Wilcox, Department of Mental Health; Jeff Francis, Vermont Superintendents Association; 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, Chris Case, Tracy Watterson, Tom Faris, Emily Simmons, Maureen Gaidys

Others: Laura Nichols, Lyndon Institute; Dillon Burns, VT Care Partners; Traci Sawyers, VT Council of Special Education Administrators (VCSEA); Kimberly Gleason, State Board of Education.

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

Chair Roy called the meeting to order at 9:04 a.m. Laura Nichols, Lyndon Institute, and Dillon Burns, VT Care Partners, identified themselves as members of the public. Chair Roy asked for amendments to the agenda and suggested moving the approval of the August meeting minutes until everyone was present.

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

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

#### **Updates from Agency of Education (AOE) – COVID-19 Efforts**

Chair Roy invited Secretary French to address the AG. He spoke about changes to the [Strong and Healthy Start guidance](#) based on input from public health officials expected later this month.

Guidance on winter sports is also forthcoming. AOE is trying to pivot the organization and system to operate in this mode for the remainder of the school year. A vaccine will be just another layer in our

layers of mitigation strategies. We will likely be operating in the hybrid model for the rest of the school year. Mission was accomplished in re-opening schools; goal number one now is keeping schools open. There has been an uptick of COVID-19 cases in the region; we need to emphasize that all Vermonters need to do their part.

There was discussion on tracking school-related COVID-19 cases, cases reported on a school basis and updated once a week, Commissioner Pieciak's modeling data compares Vermont school cases with other states data, and CARES Act funding and feedback on how that money was spent. Secretary French spoke about the Coronavirus Relief Fund (CRF) which totaled \$1.2 billion and went to many aspects of relief across the state. The funds expires December 30, 2020. In Education there were several discrete programs – general Local Education Agency (LEA) reimbursement, meals, heating-ventilating and air conditioning (HVAC), and the Legislature approved additional funds to those programs. AOE surveyed school districts at the start of September to help inform the Legislature and that helped with additional funding. It also gave a sense of how they are spending money by program, but not to the individual student level. The Elementary and Secondary School Emergency Relief (ESSER) Fund is about \$30 million and has a longer timeframe and more flexibility and is allocated on a formula basis; we are not seeing a lot of districts drawing down ESSER funds. The Governor's Emergency Education Relief (GEER) Fund is \$4.4 million. The Governor would like to see those funds directed to Career Technical Education (CTE) centers. Schools are looking for an extension on CRF for flexibility on using those funds. The AOE is working closely with the congressional delegation to obtain additional funding.

### **Review and Approve Minutes from August 4, 2020 Meeting**

Chair Roy asked for a motion to approve the August meeting minutes. Moore moved; Nichols seconded. Chair Roy called a roll call vote. The vote passed with 11 affirmative (Mahusky, Fannon, Francis, Fleming, Nichols, Lovett, Garrecht, Moore, Price, Ceglowski, and Bisbee) and two abstentions (Wilcox and Roy).

Chair Roy asked for additional participants to identify themselves: Traci Sawyers, VT Council of Special Education Administrators (VCSEA), Chris Case, AOE, and Meg Porcella, AOE introduced themselves.

### **Discussion: Act 173 Professional Learning (PD/PL)**

Vermont Multi-tiered System of Support (VTmtss) Toolkit - Tracy Watterson, AOE VTmtss Program Manager and Tom Faris, VTmtss Program Coordinator shared a presentation titled, "[Supporting Implementation of Act 173 Goals Through VTmtss.](#)" Watterson added that there were several links in the Teams chat that would be referenced throughout the presentations. These links included: [VTmtss System Screener](#), [VTmtss Driver Diagram](#), [Educational Support Teams \(EST\) Making Connections with VTmtss](#), [EST Practice Profile](#), [VTmtss web page](#) and the [TA Request Form](#).

There were questions and discussion on replacing the original self-assessment tool in the field guide, intentionally embedding self-assessment tools in the process that schools are using, no longer aligning with the revised field guide, making sure all schools get the professional development (PD) they need, technical assistance from the AOE, learning the continuous improvement (CI) process, addressing system needs vs. individual child needs, districts making connections with Act 173 and the tools, overt connection needed so that all districts will know to use the toolkit, targeting districts

that don't know what they don't know, having the initiative come not just from district administration but from the state, conflating technical assistance with PD, that foundationally there is lack of a systems-wide approach most places, need explicit clarity to the field on how to implement and what is expected of them, Education Quality Standards (EQS), systems tools around Act 173 should be applied to this specific moment in time (recovery phase of COVID-19), that AOE should bring coherence and leadership, the programmatic element of Act 173 requires implementation, and that schools need clear, concise and cohesive recommendations about how to start implementation of the mtss structures required in the law.

Professional Development Committee - Meg Porcella, AOE Student Support Services, Assistant Division Director, segued to this topic and suggested creating a subgroup that would meet separately from the AG to work on PD. Porcella said that release of sub-framing documents (Coordination of Curriculum and Needs-Based PD) are forthcoming and that COVID-19 had an impact on the roll-out of these documents. Chair Roy spoke about an informal option of having a separate from but connected to group of people to work with AOE on PD or a formal subcommittee to address PD as was originally structured when the AG was formed. She asked for feedback from AG members. Porcella said it would be helpful to have an ongoing structure. There was discussion on having a deliverable, what is needed from AOE, and having a PD plan developed in coordination with the subgroup and brought back to the full AG. There was consensus that a subcommittee to work with the AOE on a statewide PD plan made sense. Chair Roy asked if the subcommittee should have members outside the AG and offered that curriculum directors are not represented on the AG. She made a recommendation that they be included. There was discussion on a sense of urgency for this structure despite the pandemic, connecting with Vermont Curriculum Leaders Association (VTCLA) for a representative and individual AG members to email Chair Roy if interested in serving (or having a designated representative serve) on this subcommittee. Chair Roy said there would be a cyclical plan for the subcommittee to report back to the AG.

Chair Roy called a 10-minute break at 10:30 a.m.; she called the meeting back to order at 10:40 a.m.

### **Discussion: Rules Series 2200**

Chair Roy introduced this item and said there is a smaller group working on the topic and today was not the only day this topic would be discussed. She said Simmons will provide a summary, and there will be time for clarifying questions and initial impressions. A longer discussion will occur at the November AG meeting.

Summary of Draft Rules - Emily Simmons, General Counsel, introduced herself and referred the group to a [revised draft rules series 2200 document that reflects changes from the AOE and VISA through September 22, 2020](#). She explained that the yellow highlight was AOE language that stakeholders flagged as worthy of further consideration and green highlight was VISA language accepted by the stakeholder group. She spoke about the general chapters of rules and explained that the rules series 2200 goes beyond just independent schools and that the document only focuses on changes relevant to Act 173. She continued that the rules, once opened, are subject to amendment by the State Board of Education (SBE) where they choose, but that was not the topic of the AG's discussion today.

Simmons explained the highlighted portions of the revised draft rules.

Chair Roy asked Moore if he wanted to proceed with questions for Simmons or if he wanted to speak to VISA's input to the process. He deferred to Simmons and said he would chime in when appropriate on pertinent topics. Simmons offered that she thought it would be helpful to have at least one more stakeholder group meeting to discuss the most recent changes and she further recommended that the group worked really well together and suggested that the group continue meeting regularly for the next few months. She also said that there would be a more detailed and thorough presentation on rules series 2200 at the next AG meeting.

Initial Impressions/Discussion - There were questions and discussion on when anticipated new language would be in effect, that the General Assembly can't abrogate federal law, knowing more about how that language was included, a written memorandum in layman's language from Simmons on changes and reasons for these changes, 2229.4 B4, and language struck under revocation 2228.1.

Independent School Group Input – Moore gave a [presentation from VISA on Act 173](#). He spoke about the changes to independent school guidance, financial capacity to meet stated objectives, enrollment policies, exceptional circumstances, special education approval, special education rate setting, Secretary of Education's role, rate-setting changes, and rulemaking summary. Moore added that work was still ongoing on an acceptable name for schools that offer special education only and asked the AG for input. There was discussion on excess costs, students enrolled in choice districts (rules series 2360), language on costs and reimbursement, and options for how supports can be provided. There was a request that Moore's presentation be shared and posted on the Act 173 webpage.

Next Steps – Chair Roy asked Simmons to confirm that a substantive draft of revised rules will be ready for the AG as a side-by-side in advance of the November meeting. Simmons concurred and said she thought the deadline for the State Board (SBE) to initiate rulemaking was June 2021. Chair Roy added that the AG was in a good position with their timeline and giving the SBE definitive recommendations. She added that there was still an opportunity for a few more iterations before the revised rules go to the SBE. Today's summary and discussion was intended to be a draft review and it was not expected that AG members would have had time to thoroughly review the revised draft. Simmons offered that the draft was a good starting place and that the next draft will likely not look much different.

## **Agenda Input**

Chair Roy said the bulk of November meeting will be a more substantive discussion on the rules series 2200 (either action or another iteration) and if a subcommittee was formed, then there would be an update on PL. Other agenda items include: Secretary French's update on COVID-19 and Wilcox offering to speak about the next phase of Success Beyond Six. Wilcox said she could ask Laurel Omland to present on the topic; the group concurred it would be helpful. Fannon asked that the Teams Chat conversation be included in the minutes. Chair Roy asked for members interested in being on the PD subcommittee to email her directly.

## **Adjourn**

Chair Roy adjourned the meeting at 11:36 a.m.

Minutes prepared by Maureen Gaidys.

*Below are most of the Chat conversations that were happening during the Act 173 Advisory Group Teams meeting. Non-substantive (i.e. chats related to Teams technical issues) were not included.*

Watterson, Tracy:

VTmtss System Screener <https://education.vermont.gov/documents/edu-vtmtss-system-screener>

VTmtss Driver Diagram <https://education.vermont.gov/documents/vtmtss-driver-diagram>

Educational Support Teams (EST) Making Connections with VTmtss

<https://education.vermont.gov/documents/edu-educational-support-teams-making-connections-with-vtmtss>

EST Practice Profile <https://education.vermont.gov/documents/edu-educational-support-team-practice-profile>

VTmtss web page <https://education.vermont.gov/student-support/vermont-multi-tiered-system-of-supports>

TA Request Form <https://education.vermont.gov/webform/vtmtss-technical-assistance-request-form>

Jay Nichols – VPA: How are we going to make sure all of the school systems get the professional learning they need?

Porcella, Meg: Comprehensive Improvement Process (CIP) and a Comprehensive Needs Assessment (CNA) are the starting points.

Jeff Francis: I agree with Jay

Meagan Roy: Thanks, Jay, that's exactly what I meant as well

Jay Nichols – VPA: Yes Lisa exactly

Marilyn Mahusky: I agree with Lisa!

Meagan Roy: The programmatic element of Act 173 does require implementation - the funding model may be something that is simply "applied" but schools need clear, concise and cohesive recommendations about how to start implementation of the MTSS structures required in the law

Porcella, Meg: Agreed, Meagan. The best practices need to be implemented.

Marilyn Mahusky: Yes. I agree with Meghan's comment. What is timing for release of sub-framing documents?

Jay Nichols – VPA: Statewide implementation professional learning plan on 173?

Jay Nichols – VPA: I'm OK with that conceptually

Porcella, Meg: Curriculum Directors?

Porcella, Meg: Exactly

Marilyn Mahusky: I think that's a good idea.

Jay Nichols – VPA: Agreed

Porcella, Meg: <https://education.vermont.gov/state-board-councils/census-based-advisory-group>

Marilyn Mahusky: I agree that GA can't abrogate federal law! Would appreciate knowing more about how that language was included.

Marilyn Mahusky: I didn't have a chance to review the draft before today.

Jay Nichols – VPA: I read this morning for first time; I'm really interested in Mill's thoughts. Need some digest time

Jeff Francis: In light of the complexity and the importance, is it possible to get a written memorandum from Emily that outlines the changes and the reasons for the changes?

Marilyn Mahusky: I agree, good idea.

Sue Ceglowski: Written memo would be helpful. Thanks.

Sue Ceglowski: Mill referred to a discussion of stakeholders. Who is in the stakeholder group?

Simmons, Emily: The people who have attended the stakeholder calls are: Emily Simmons, Dan French, Meagan Roy, Mill Moore, Tom Lovett, Laura Pelosi, Traci Sawyers, Randi Lowe, Drew Gradinger (Kindle Farm School)

Meagan Roy: Paul Eaton (BRSU special education director) is also part of the group

Marilyn Mahusky: VLA proposed to SBE a new rule relative to students enrolled in school choice districts that may be relevant to this discussion. The language is on Page 206-207 of VLA's proposed changes to 2360 Series.

Marilyn Mahusky: That's a good point, Emily.

Jay Nichols – VPA: Thanks Emily and Mill

Jay Nichols VPA: Advance is key if possible

Marilyn Mahusky: Agreed. It would be helpful to review a draft prior to meeting; Friday afternoon before Monday meeting is not enough time to read and digest.

Simmons, Emily: There was no intention for advisory group members to have time to thoroughly review prior to today's meeting. This is really "hot off the presses" in terms of drafting timelines. I'm sorry for confusion.

Jay Nichols VPA: No problem Emily. Thanks.

Kim Gleason: I am grateful for your work together. I also can't recall when the SBE will be looking for the draft. Sorry!