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January 9, 2020

Meagan Roy, Chair
Census-based Funding Advisory Group

Dan French, Commissioner
Agency of Education

Re: Adoption of MTSS rule

Dear Meagan and Dan:

The Disability Law Project of Vermont Legal Aid, Inc., requests the Census-based Funding Advisory Group (Advisory Group) consider advising the Agency of Education (AOE) to adopt a stand-alone rule requiring school districts and supervisory unions to adopt a policy and procedure relative to implementation of a research-based multi-tiered system of supports (MTSS). Proposed language attached.

Secondly, we request the Advisory Group recommend the General Assembly amend Act 173 to require the AOE to adopt a MTSS rule, and to develop a model policy and procedure for implementation.

Thank you for your consideration.

Sincerely,

Marilyn A. Mahusky
Staff Attorney

Enclosure

NEW SECTION: MTSS

The State Educational Agency shall ensure that every Local Educational Agency has adopted policies and procedures for:

- (1) Identifying when a student is in need of the assistance of the LEA's Multi-Tiered System of Supports;
- (2) Establishing benchmark performance for all students who need the assistance of the LEA's Multi-Tiered System of Supports;
- (3) Creating a mechanism and timeframe for monitoring student progress on a regular basis;
- (4) Informing parents when a student is in need of the assistance of the LEA's Multi-Tiered System of Supports, and an option to hold a team meeting about the child;
- (5) Conveying the results of progress monitoring to the student's parents; and
- (6) Determining when a student has not made adequate progress, and when such a student should be referred for evaluation for special education eligibility

The State Educational Agency shall establish a model MTSS policy and procedure that must include best practices to ensure that the state and the local educational agencies Child Find obligation is satisfied.