



**Act 173 Advisory Group**  
**March 13, 2023, 9:00 a.m. – 11:15 a.m.**

Approved Minutes

**Microsoft Teams Virtual Meeting**

**Call In: 1-802-828-7667**

**Conference ID: 555 865 581#**

*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: Meagan Roy, Vermont Council of Special Education Administrators (VCSEA), Rachel Seelig, Vermont Legal Aid; Jeff Francis, Vermont Superintendents Association (VSA); Sue Ceglowski, Vermont School Boards Association (VSBA); Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Karen Price, Vermont Coalition for Disability Rights; Lisa Bisbee, Special Education Teacher/VT-NEA; Mill Moore, Executive Director, Vermont Independent School Association (VISA); Mat Forest, Council of Independent Schools (CIS); and Dan French, Agency of Education.

AOE: Meg Porcella, Jennifer Perry, Bill Bates, Brad James, Christopher Kane, Maureen Gaidys.

Others: Susan Aranoff

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

Chair Roy called the meeting to order at 9:03 a.m. and took roll call. She made one amendment – to add a second public comment to the end of the meeting. There were no other amendments to the agenda.

**Review and Approve [Draft Meeting Minutes from December 5, 2022](#)**

Francis moved to approve the minutes; French seconded. Chair Roy called the vote; the vote passed 6:0:2. Yeas: French, Francis, Price, Bisbee, Garrecht, Ceglowski. Nays: none. Abstentions: Forest, Moore.

**Opportunity for Public to be Heard**

Chair Roy asked if there were any members of the public to be heard. There were none.

**Monthly Update from Stakeholder Group: Maintenance of Effort/Frequently Asked Questions (MOE/FAQ) document**

Perry shared that a meeting is scheduled for March, 13, 2023. The stakeholder group was provided a rough draft of the communication prior to the meeting. The hope is to receive feedback from the

stakeholder group and share it with this group and other groups before it is published. There will be an AOE specific email address for any new questions that surface related to the FAQ document.

## **Professional Development (PD) Update – Multi-tiered Systems of Support (MTSS) and Rule Implementation**

Porcella shared information on how AOE is making sure that the field has additional/targeted technical assistance as needed. Systems built at AOE since 2018 include: 1) Education Quality Assurance division and specific technical assistance (TA) provided by them and when specific multi-tiered systems of support (MTSS) TA is needed, that is provided; 2) State Systemic Improvement Plan (SSIP) is 9 supervisory unions/schools that were identified through special education monitoring findings and SSIP provides both system and teacher support in math; and 3) State Personnel Development Grant (SPDG) and the upshot for the first cohort is that we are asking districts to self-select. The intention is to get a cohort rolling and then use internal data to reach out Local Education Agencies (LEAs) that might benefit from being part of SPDG. The PD is geared towards using the MTSS framework to improve instruction and intervention at the district level and getting down to the classroom level as well.

Chair Roy shared the following recommendations from the group that she shared with Porcella in prior conversations:

- Identify the evidence-based practices and framework for implementation;
- Design a multi-disciplinary model for professional development that would be accessible to districts at all levels of implementation;
- Identify those districts that would need significant support in implementation so that professional development resources could be targeted; and
- Develop an accountability mechanism for ongoing implementation monitoring that operates independently of a structure such as the Advisory Group (since this group is not the right structure for ongoing monitoring).

Moore said that he and the independent schools (IS) need some technical support from the agency and have been asking for this. The IS need guidance on students with Individual Education Programs (IEPs) that they will be enrolling very soon. Kane said the AOE is working on the timeline for additional guidance for the independent schools and this should be ready by the end of April.

Kane spoke about trying to respond to areas of need identified by the field – functional skills, specific learning disability (SLD) and adverse effect (AE), parent input. There were also a number of requests for targeted individualized supports related to AE/SLD and school systems and their ability to provide quality instruction and collecting data. There is also a need/interest in: improving and connecting to MTSS, more communications to general educators and administrators, more specific review of functional skills and more resources related to general instruction and intervention and the impact on the eligibility process. For broader individualized MTSS intervention/support, AOE has systems coaching in place for areas identified by the district and have action plans related to MTSS and are building their systems. A K-12 special education evaluation manual has been released and there are a few other resources in the queue to be released soon (forms, companion documents, etc.), weekly newsletter with highlights of recently/commonly asked questions, training sessions and resource documents. The upcoming

session will walk-thru these items and connections to general education and the impact of special education rule changes on general educators and the system at large. There will be a session on Coordinated Early Intervening Services (CEIS), which outlines ways to use IDEA funds for special education supports to strengthen MTSS. AOE is also scheduling a time in May for families in collaboration with Vermont Family Network (VFN) for some town-hall sessions to provide targeted information for families. There are upcoming sessions on functional skills, Q&A, and eligibility questions. There are two new case study documents that take all rule changes into effect and provide examples of process and documentation. The target is the end of April for IS guidance.

There was discussion on general educators participating in office hours, efforts to reach a broader audience, [link to case studies](#) that are posted on the AOE website resource page, sense of readiness of LEAs this year compared to last year, and the impact of managing the pandemic on readiness for implementation.

Chair Roy asked if the AG had anything they want/need to flag as they prepare to sunset as an Advisory Group on the topic of readiness and final recommendations. Bisbee commented on the recommendations shared by Roy. She said each link is 7-10 pages long and that providing useful information is not enough. She asked about accountability for training. There was discussion on accountability of implementation, District Quality Standards (DQS) and new Quality Assurance Regulations (QAR) process, intersection between formal special education monitoring state improvement plan and special education to avoid duplication of efforts.

Chair Roy said if there was to be another update on this topic, then the AG should be prepared with specific questions. Secretary French shared that Case is no longer with the AOE, he has taken a job with the Agency of Human Services (AHS). Porcella is the interim Director of Student Support Services.

## **Discussion: Additional recommendations for the General Assembly on Impact of Rules Series 2200 on Census Grant and Independent Schools**

Chair Roy spoke about the calculation of the census grant and the AG making a recommendation to the General Assembly (GA) regarding it. There is a small number of districts that have raised concerns about the weight. The AG had decided to let the calculation be implemented and then contemplate whether or not there should be a discussion. The pupil weighting study and the subsequent legislation is meant to right-size the weighting in general. There was a question if once the pupil weights are resolved, if that would resolve concerns around the census grant. There have been discussions about having LEAs address this group, but have not had interest/volunteers. Instead, the question is if the calculation of the census grant needs to continue to be discussed or not.

James said he finished the weighting modeling but is missing enrollment data information. He needs to compile and compare this information and distribute it. The equalized pupil calculation will not be used, instead long-term weighted average will be used. He is not sure how the hold harmless clause will be used. If the census block is based on the long-term weighted average, the grant will shrink substantially because the counts are so much larger than what is currently being used. The impact has not yet been examined, but James will share the information soon.

There was discussion on the impact of funding to districts being significant and not using all the weights but focusing on a few for the census block. Chair Roy suggested putting this part of the discussion off until complete information is received. She reminded the AG that the decision to not make a recommendation was to let it be implemented and that right-sizing will happen through the implementation of the weighting changes and we do not need to right size on the census grant calculation.

Chair Roy spoke about another point for recommendation to the GA being related to independent schools (IS) and rate setting and gave background information on how IS receive funding from LEAs. She explained that there can be a disconnect between the amount of money an LEA receives and the amount of money they have to pay to an independent school. In the rulemaking process, the AOE did some rate setting work, in the form of guidance not rule, for creating parameters for costs of services. She asked if the AOE had a status update on this.

Secretary French said there have been discussions on concerns and variability of rates and that AOE is working in conjunction with AHS on it. He agreed that there are new concerns and part of that concern is based on historical variability that existed in the contracting. Secretary French said this is complex work and priorities are being shuffled due to staffing changes and other demands.

There was discussion on a timeline for this work, a survey to LEAs to assess any disconnect, changes in contracting behaviors as implementation progresses, thinking that the rate setting was resolved, involvement of AHS, consideration of Private Non-Medical Institutions' (PNMIs') role in IS, forthcoming advisory information on rate setting, backlog of students awaiting placement at therapeutic schools, rate setting is one of many variables, variability of services, some relief valves built into the law, ongoing complex analysis, availability of a continuum of services, school and staffing capacity, and increasingly higher needs for students.

Chair Roy summarized that AOE is working on consistency of fee-for-service/excess costs and for rate setting. This work is likely a couple years out and there is agreement that there is a benefit to potentially surveying LEAs at the end of this first year of a census grant to surface whether the hypothesis of a disconnect is true. Secretary French added that Maintenance of Effort (MOE) is also an important consideration and that we have the tools and mechanisms, and this will require some attention as it is operationalized.

## **Discussion: Advisory Group Work Plan**

Chair Roy advised that there are three more meetings this year and asked how the AG wants to spend this time. She asked specifically if the AG wants to do anything further around professional development (PD). Forest asked if we have identified schools that have implementation working well and spoke to the benefit of learning from those who are successfully implementing Act 173. Chair Roy suggested that the four recommendations mentioned above capture the recommendations of the AG and added that the most important piece at this time is the accountability measure. There was discussion on having external participants (education field) talk with the AG about the work being done, how we would recruit/solicit volunteers, hearing from people who are struggling with implementation and have identified needs, and asking education organization membership for input with the purpose of advising the AOE and LEAs on implementation.

Chair Roy suggested not holding an April meeting and meeting next on May 1 and having the May 1 agenda include input from members of education organizations. If this is not possible, then the May meeting would be used to discuss James' modeling. Chair Roy said that she, Francis, Nichols, Fannon and Ceglowski would reach out to have people speak or share otherwise at the May meeting. Parent and teacher perspectives are also welcomed/appreciated. She asked that they direct interested parties to her. The April meeting will be cancelled. James will share his modeling at the May meeting.

## **Adjourn**

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

Meeting Minutes prepared by: Maureen Gaidys