



# Act 173 Advisory Group October 3, 2022, 9:00 a.m. – 11:30 a.m.

## Draft 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), Jeff Francis, Vermont Superintendents Association (VSA); Sue Ceglowski, Vermont School Boards Association (VSBA); Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Nancy Richards (for Karen Price), Vermont Coalition for Disability Rights; Jay Nichols, Vermont Principals' Association, (VPA); Brenda Fleming, VT Association of School Business Officials (VASBO); Lisa Bisbee, Special Education Teacher/VT-NEA; Mill Moore, Executive Director, Vermont Independent School Association (VISA); Jeff Fannon, Executive Director, VT-NEA; Cammie Naylor, Disability Law Project (DLP); Mat Forest, Council of Independent Schools (CIS); and Dan French, Agency of Education.

**AOE:** Meg Porcella, Chris Case, Jennifer Perry, Bill Bates, Jacqui Kelleher, Brad James, Maureen Gaidys.

**Others:** Susan Aranoff.

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

Chair Roy called the meeting to order at 9:02 a.m. and took roll call. There were no amendments to the agenda.

#### **Review and Approve [Draft Minutes from September 12, 2022 Meeting](#)**

Fannon moved to approve the meeting minutes from the September 12, 2022 meeting; Francis seconded. There was discussion pertaining to page 2 of the draft minutes and the section on flexibility. Fannon suggested that the minutes reflect the end point of the discussion, that Secretary French agreed to work with the AG to provide greater paperwork flexibility and consistent with the law (federal and state) and the intent of Act 173. Fannon amended his motion to include approval of the minutes with the addition of this sentence: Secretary French agreed to work with the AG to provide greater paperwork flexibility consistent with the law (federal and state) and the intent of Act 173. Secretary French said he is certainly interested in working with the AG and his memo documents what his takeaway was from the last meeting. Francis seconded the motion.

Chair Roy called a roll call vote. The vote passed 8:03. Yeas: French, Nichols, Fannon, Francis, Bisbee, Moore, Garrecht, Ceglowski. Abstentions: Richards, Naylor, Forest.

## Opportunity for Public to be Heard

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

## AOE Response to September Discussion – Secretary French

Update on AOE interpretation of the “5%” memo/Update on AG request for stakeholder work session.

Secretary French said he wrote [this memo to the AG](#) for folks who attended the last meeting and apologized for those who were not at the last meeting. The memo describes that the technical guidance provides flexibility and that the challenge is around communication. Under the reimbursement model, the law was very prescriptive and the AOE will not be as prescriptive as it used to be under the new law. He gave an overview of the memo and spoke about 20% being a percentage of related activities and the 5% addresses unrelated activities, that 20% reimbursement (repealed) and 5% is Maintenance Effort (MOE) and this has always been a district responsibility. He said the de minimis methodology should be used. He said there will be communications challenges related to the flexibility. He continued to highlight that MOE is not new. Under the reimbursement model, the state was able to take care of this, but now with flexibility, it highlights the need for this district responsibility. MOE has always been a district responsibility. Secretary French proposed a formal FAQ process to respond to specific questions. AOE will provoke this conversation and can/will include the AG and stakeholders beyond the AG.

There was discussion on a sample situation that illustrates the 5% rule, options for documenting costs (same time documentation as used for federal grants), FAQ can outline options for time documentation, technical guidance talks about how to calculate MOE and not how to manage it, new world of opportunity, districts don't need to rely on old and heavy administrative burdens, de minimis standard is well-established, important for districts to look at processes already in place, and that an FAQ would be very helpful and could outline best practices.

Chair Roy said this clarification was very encouraging and that we need to surface flexibility better. There was further discussion on districts choosing a method that might not be the most appropriate, AOE will be more proactive with monitoring (continuum of oversight), AOE has additional positions that will offer more support, focus will be customized, and how monitoring and support work together.

Porcella said that Vermont was just awarded the State Personnel Development Grant (SPDG) program and the purpose of this grant is to provide support and coaching for systemic program needs and effective systems of intervention. There are two parts, Part B and Part C providers. This aligns perfectly with some of the Professional Development (PD) needs identified around Act 173. This will be ramped up as soon as possible. Secretary French said the AOE will be leaning into PD and monitoring as we move forward. There was discussion on significant need for PD, wanting to share excitement with districts who need this PD, announcement on SPDG is forthcoming, and there will be an opportunity for districts/other stakeholders to be part of the process.

There was discussion on the field's concern that there might be an entity that could lose IDEA-B funds if they exercised flexibility that the AOE disagreed with, defining regulatory requirements, designing a monitoring process that preserves flexibility and adheres to federal law, flexibility necessary to improve outcomes and be more responsive, and the need to strike balance in the new process.

Chair Roy asked if the AG is satisfied where this is at and/or would the AG like to give formal input to the AOE and if there is a next step that the AG would like to be a part of, such as the FAQ document. Chair Roy offered that the AG would like to be involved in the process and appreciates the clarity provided by this discussion.

There was discussion on the amount of the SPDG (\$2.4 million), how the SPDG would be used (training to leaders and directly to educators), and if any component might address special education retention and recruitment.

### **Review of AOE Professional Development on 2360 Series Rule Changes - *Jacqui Kelleher***

Chair Roy said that in a prior meeting Seelig asked for an update that addressed where the AOE is relative to PD for the two elements of the rule series 2360 that were delayed. Kelleher gave an overview of the following regarding Rule Changes for the 2022-23 School Year:

- Special Education Team in partnership with Multi-tiered Systems of Support (MTSS)/Early Childhood and Special Education Finance completed a 12-month Technical Assistance/PD series on rule changes; the website is updated; please note July training on rule changes in an Andrew F. era as well as the August Family Information session.
- Individual Local Education Agency (LEA) coaching for SY 22-23 (systems/instructional) – districts can request support through AOE’s PD request online form. AOE will also leverage State Systemic Improvement Plan (SSIP) and MTSS Teams. If the district is an SSIP district, they should be prepared for the rule changes. Get your coaching through SSIP. Coaches are prepared. Currently there are 10 districts that are SSIP sites, primarily Needs Intervention (NI) and Needs Assistance (NA) Year 3 districts; ultimately, AOE would love every district to sign onto SSIP as it covers high leverage practices in addition to systems change. SSIP is a state requirement, and this is an opportunity to leverage this important, impactful resource.
- The AOE is messaging and ensuring general education, curriculum coordinators, and school leaders are receiving training and preparation in support of Specific Learning Disabilities (SLD)/Adverse Effect – document for this population that describes purpose, roles, responsibilities, intersection with special education, adequate instruction, systematic observation, and links to AOE 21-22 resources.
- Session for independent schools – will work with independent school (IS) Team and reach out to Mill Moore on most effective medium/outreach strategy.
- Training on Evaluation manual and self-assessment, SLD/Adverse Effect tools were developed last winter, Form 2, Form 5 changes and office hours – completing a Special Education Forms/Individual Education Program (IEP) Companion Document this fall.
- Ongoing maintenance of documents and development of new guidance, tools, resources in response to questions and feedback.

- Refresher on 21-22 tools during the 22-23 school year with Special Education Administrators who are invited to bring their staff as appropriate. Ongoing check in at biweekly Directors' meetings.
- Embedding in the AOE sponsored mentoring program for special education mentors in Spring and as part of 2023 Summer Institute.
- Work with the education partners on their training preparation/approach – potentially hire consultant to provide regional, full day trainings on components of Response to Intervention (RTI) and progress monitoring, preferably someone from Vermont, depending on what our education partners are planning to disseminate in the state. Current: Invitation to partner/sponsor regional trainings.
- Another Family Information session in the spring to keep abreast of what we have done and what we will do.
- Use of Coordinated Early Intervening Services (CEIS) funds for rule changes (MTSS) – training and guidance with models and examples. Early Spring as districts plan their IDEA subgrant budgets.
- Needs Assessment Survey in December – will compare with Spring Survey results.
- Participate in monthly Student Support Services webinar series targeting general education/school leadership audience. Focus will be on general education roles and responsibilities for identifying and educating students with disabilities.
- Leverage SPDG award for preparing participating districts – TBD.

Fannon requested a written summary Kelleher's update. There was discussion on MTSS and participation, SSIP sites, opportunity to leverage SSIP, ten SSIP schools currently, schools can apply, goals is to have all schools SSIP, messaging the 1:1 technical assistance, and using regional groups to tailor information to school communities. Chair Roy said she wanted Seelig to weigh in on this and asked if the AG wanted this topic to circle back to the AG work plan.

### **Review Advisory Group Workplan**

Chair Roy reviewed the AG's work plan and recapped upcoming agenda items: 1) Porcella to give an update on SPDG and how it connects to MTSS in December, January is ideal. Chair Roy asked for a high-level overview in December. 2) Update from Kelleher on PD. 3) For November - Brad James will be talking about the broad impact of the Weighting Study, specifically how the weights will change over the next few years to help the AG in deciding if they want to make a recommendation to the General Assembly regarding weights. 4) Follow-up on FAQ document for MOE.

### **Adjourn**

Fannon moved to adjourn; Nichols seconded. Chair Roy adjourned the meeting at 10:14 a.m.

Meeting Minutes prepared by: Maureen Gaidys