



Act 173 Advisory Group September 12, 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), Chair; Rachel Seelig, Disability Law Project (DLP), Vice Chair; 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; 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; and Dan French, Agency of Education.

AOE: Meg Porcella, Chris Case, Jennifer Perry, Tracy Watterson, Cassandra Ryan, Maureen Gaidys.

Others: Susan Aranoff, Marianna Donnally.

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

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

Review and Approve Minutes from June 6, 2022 Meeting

Seelig moved to approve the meeting minutes from the June 6, 2022; Nichols seconded. There was no discussion. Chair Roy called the vote; the vote passed, and the minutes were approved.

Opportunity for Public to be Heard

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

Discussion: AOE Response to [Responses to public comments on the Draft Technical Manual For Use and Accounting of IDEA Part B Entitlement Grants and Draft Technical Manual for Documenting Maintenance of Effort | Agency of Education \(vermont.gov\)](#)

Technical Guide Public Comment - Presentation (Jen Perry, Brad James, Bill Bates, AOE)

Chair Roy said the next item was a presentation followed by discussion. The technical manuals were open for public comment in the spring and the AOE was asked to provide a summary presentation of comments.

Francis asked for clarification on Bates' role and involvement compared to others as there were several references to contacting Bates with further questions. Perry clarified that questions should be addressed directly to Bates and said that Bates was not able to attend the meeting. Francis asked for clarification on the decision-making process. French said the team would be convened, but Bates would be making decisions on French's behalf until it was ready for his final review. He added that frontline staff from AOE were available today.

Perry shared the [above document on responses to public comments](#) and walked through parts of the document and took clarifying questions.

There were questions on collecting the same information for IDEA-B monitoring as Maintenance of Effort (MOE), required documentation, importance of time and effort documentation in state and local funds, ability to piggyback on what LEAs are already familiar with, confirmation with using the five ways to document MOE identified in comment 3, if Center for IDEA Fiscal Reporting (CIFR) was asked (as requested by the AG and stakeholder group) on the other ways that MOE could be provided or if they were asked to react to existing documents, specific questions posed to CIFR, the general response from states that document at the local level is that they use an extraction process from their HR system, working with some LEAs on using existing HR systems, meeting with special education administrative staff, AOE cannot require/ask LEAs to do something if they already have systems and controls in place for monitoring. Perry asked if there were any questions specific for Bates, that those be forwarded to her.

Chair Roy opened the discussion to decide if the AG does something further under their purview as advising on implementation. There was discussion on this reducing the paperwork for special educators but concern about the paperwork burden at central office, concern that there are many places where times studies will need to be done, concern with flexibility of staff and a recent memo that addressed time and effort questions (5% or less, compared to 20%), that this significantly decreases flexibility, what prompted decline of 15%, risk of losing IDEA funds, caution around transitioning from one system to another, heartening to hear that we should be in pursuit of as much flexibility as possible within the constraints of the law, if there is an additional process to be employed to ensure flexibility, collective commitment to flexibility is not apparent, increased flexibility *and commitment to compliance*, if AOE intends to amend its responses to these public comments to reflect this discussion, AOE is continuing to learn from the field how flexibilities might play out, message to the field (referencing 5% limit) was distributed after the public comment period, process on next steps, small group rule, update from AOE on flexibility/compliance continuum and possible working session at the October meeting. 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.

Review of the VTmtss Survey Data 2022 - Presentation (Tracy Watterson, AOE)

Watterson shared [her presentation on The Vermont Multi-tiered System of Supports \(VTmtss\) Survey](#). She reminded the AG that the report distributed was in draft form and she asked that it not be further distributed.

There were questions/discussion on long-term case management model and connection with Child Find, if data informs monitoring or vice versa, articulating standards and expectations around Emergency Support Teams (ESTs), the State Systemic Improvement Plan (SSIP), and if report findings are consistent with ESTs

and the MTSS system. There was further discussion on using this as the primary mechanism for Act 173 accountability, AOE's charge to develop new District Quality Standards (DQS) and a Quality Assurance process and a desire to include the AG in those discussions, district oversight conversations are happening around quality EST practices, tools are available across the continuum, supporting the high-need districts, State Board's role in developing an engagement process for rulemaking, discussing Quality Assurance process with AG in November/December, plan to share the survey report with the field, the importance of ensuring that the report is *read* by the field and a presentation targeted to parents and families would also be helpful.

Advisory Group Workplan

Chair Roy reminded the group that this is the last year for the AG's existence, and she sought input from the AG to ensure that the AG's time is maximized. She reviewed the [Work Plan](#) for the AG that she created and opened this for discussion.

There was discussion on ensuring that districts are getting what they need on implementation of the two rules that were delayed and getting an update from AOE on Adverse Effect and Specific Learning Disability (SLD) identification rules in October.

Adjourn

Chair Roy adjourned the meeting at 11:02 a.m.