

DEVELOPING SYSTEMS TO SUPPORT THE SUCCESS OF ALL STUDENTS

Act 173 Summary of Technical Guidance

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Purpose

The Vermont Agency of Education (AOE) believes strong school district systems will be essential for districts to navigate the change to special education block grant funding required by Act 173. This document provides an overview of future AOE technical assistance for developing strong school district systems to support student success. The summary outlines areas where the AOE will be providing technical assistance in the coming months and identifies existing resources relevant to this work. It also outlines major areas of responsibility for supervisory districts (SD) and supervisory unions (SU).

This document is intended to be used by school district leaders, school board members, administrative staff and teachers. This document is designed to support SU/SDs in the important work of implementing district-wide student support systems and providing the professional development educators will need to expand and improve their delivery of services to students who require additional supports.

Background

Act 173 of 2018 will shift the funding mechanism of special education from a reimbursement system to a block grant system by 2025. The new model aims to simplify administration of funds at both state and local levels and align with policy priorities, including the opportunities identified in the District Management Group (DMG) report, [Expanding and Strengthening Best-Practice Supports for Students Who Struggle](#).

Act 173 reinforces Vermont's commitment to comply with all provisions of the Individuals with Disabilities Education Act (IDEA), namely, that all students eligible for special education receive a free and appropriate education in the least restrictive environment, with an emphasis on maintaining state and local funding levels.

The rationale the shift to a census-based block grant system was based on the findings of a study conducted by researchers from the University Vermont (UVM) and is detailed in UVM's [Study of Vermont State Funding for Special Education](#). These findings included:

- "Vermont's special education population has the largest share of students with emotional disturbance of any state in the nation — and nearly three times the averages seen in neighboring states."
- "Increased demand and limited capacity for community-based mental health and social services has shifted responsibility for providing these services to schools."
- "There is a general understanding by educators in the field that service delivery challenges associated with providing comprehensive and early support systems as well as MTSS Tier 2 supports and interventions has resulted in more students being identified for special education, to secure both the instructional resources needed as well as funding from the state's special education reimbursement mechanism."
- "Since 2013, there has been a 75% increase in the number of IEPs qualifying for extraordinary cost reimbursements from the state."

- “On average, the amount spent by Vermont’s supervisory unions and school districts per special education student is \$21,840. This is 1½ - 2 times greater than other national and state estimates for the average excess cost per special education student.”
 - *Study of Vermont State Funding for Special Education, University of Vermont, 2018*

The study concluded a shift to a block grant could address these special education cost concerns while at the same time encouraging investments in Tier 1 and Tier 2 supports and interventions. To make this shift, the study suggested that the AOE will need to “provide additional technical assistance to supervisory unions on how to leverage flexibility that comes with a census-based block grant and improve cost effectiveness in service delivery.”

Act 173 also directs the AOE to undertake specific tasks furthering the programmatic goals outlined in the Act. The agency is required to assist supervisory unions to expand and improve their delivery of services to students who require additional supports. Furthermore, the AOE is directed to provide technical assistance with the goal of fostering best practices, as described in Act 173, for the delivery of special education services.

Those best practices include:

- (1) ensuring core instruction meets most needs of most students;
- (2) providing additional instructional time outside core subjects to students who require additional support, rather than providing interventions instead of core instruction;
- (3) ensuring students who require additional support receive all instruction from highly skilled teachers;
- (4) creating and strengthening a systems-wide approach to supporting positive student behaviors based on expert support; and
- (5) providing specialized instruction from skilled and trained experts to students with more intensive needs.

Supporting Supervisory Unions/Supervisory Districts

The UVM study pointed to the need for the AOE to provide additional technical assistance to supervisory unions. This is an important distinction considering the effect of Act 46 on the structure of Vermont’s public education delivery system, a central theme of which is creating larger PK-12 school districts governed by single boards. The goals of Act 173, including enhancing the effectiveness, availability and equity of services provided to students who require additional support, need to be considered in this new governance context.

It is important that any AOE technical assistance in the context of Act 173 be supportive of further development of SU/SD systems with the understanding that strong organizational systems will best meet the needs of all students. Based on this assumption, the AOE will target technical assistance at the SU/SD level so that they, consistent with the goals of Act 46, can then address the needs of each of their schools.

AOE technical assistance to SU/SDs needs to be well-balanced and grounded in statute and regulation to provide the necessary public assurance that the goals of quality, equity and efficiency are achieved. A review of the current regulatory framework, coupled with a

sensitivity to the uneven organizational capacity of each Vermont SU/SD, points to the need to delineate foundational components in our guidance. This is necessary to allow school districts to identify how to strengthen their systems of support to achieve the policy objectives of Act 173.

Regulatory compliance can be an important tool for strengthening student support systems. SU/SD boards have an important role to play in enacting Education Quality Standards (EQS) rules and practices across and within their systems. Although the State is ultimately responsible for the education of its students, it delegates significant authority to school boards who are responsible for ensuring the goals of quality, equity and efficiency are achieved ([16 V.S.A. § 261a](#)).

Our Theory of Action

The two studies that helped inform the objectives of Act 173 identify improving the quality of universal instructional practices as a primary strategy. In addition, the systemic components necessary for achieving the goals of Act 173 are, for the most part, described by current regulation.

The AOE will develop technical guidelines around the necessary components to realize these goals through a focus on ensuring that the EQS rules and practices relating to curriculum coordination, needs-based professional learning, local comprehensive assessment systems, and Educational Support Teams (EST) are developed and sustained over time.

The AOE has formulated the following theory of action for achieving the goals of Act 173. If the board of each SU/SD ensures that:

1. each school implements the district's written and delivered curriculum (*2120.6. Curriculum Coordination*); and
2. each supervisory union or school district develops and implements a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction, with time for professional learning embedded into the school day (*2121.3. Needs Based Professional Learning*); and
3. each school administers assessments of student performance using methods developed by the State Board of Education with students who are unable to participate in district or state assessments given an alternate assessment (*2123.2. Development and Implementation of Local Comprehensive Assessment System*); and
4. each school maintains an educational support team to engage in collaborative problem-solving to determine whether additional supports are needed for a student to make appropriate progress, and to monitor that progress (*16 V.S.A. § 2902. Tiered system of supports and educational support team*);

then Vermont's SU/SDs will enhance the effectiveness, availability and equity of services provided to all students who require additional support.

What follows unpacks this theory of action through identified “action steps” in each area and describes how the AOE will exercise leadership, support and oversight to develop technical guidelines that will assist SU/SD in meeting these requirements.

Essential Action Steps

Coordination of Curriculum

2120.6. Curriculum Coordination. As required in 16 V.S.A. §261a(a)(1), the board of each supervisory union shall ensure that each school implements the supervisory union’s written and delivered curriculum.

Instruction and intervention can only be effective when there is a continuous improvement process for developing and sustaining a comprehensive system that cultivates expertise, promotes collaboration and uses high quality data effectively to make good decisions. The responsibility to provide high quality instruction and intervention for all students does not rest on the shoulders of teachers alone. It is critical that professionals at every level take responsibility for creating conditions for excellence. A coordinated approach to curriculum in Vermont requires a focus on Proficiency-based Graduation Requirements (PBGR) to guide curriculum development and identify learning targets and performance indicators. Coordination of curriculum also informs decisions to purchase materials, including texts and other resources, as well as helping to guide professional learning needs.

Effective instruction is supported through a coordinated approach to curriculum development and delivery. An important finding of the [DMG study](#), relative to Act 173, was “SU/SD leadership could consider building a SU/SD-wide program with a relentless focus on ensuring all students can read” (p. 16). A “relentless focus” on literacy does not diminish the importance of content areas such as numeracy and social-emotional or behavioral learning. Rather, the SU/SDs need to focus on a coordinated approach to curriculum so that we improve literacy and ensure all students are able to read.

Action Steps

Leadership:

- L1. The AOE will use tools, such as the upcoming Vermont Portrait of a Graduate, to develop a shared understanding with the field for the goals of a coordinated curriculum.
- L2. The AOE, in partnership with stakeholders such as curriculum directors and groups such as the VT Curriculum Leaders Association, will identify the components of a coordinated curriculum that:
 - a. is connected to and aligned with Common Core State Standards
 - b. promotes the role and function of PBGRs
- L3. The AOE will build from exemplar PBGRs with groups of stakeholders, to include curriculum directors, to develop and identify prototypical district-coordinated curricula across various content areas.

Support:

- S1. The AOE will develop a single-point rubric to obtain baseline information on where school districts are in developing formal written curriculum, including a system-wide literacy plan.
- S2. The AOE will research the components of coordinated curricula in personalized, proficiency-based systems.
- S3. The AOE will provide models of coordinated curricula.
- S4. The AOE will publish specific technical guidelines on how to develop and enact a system-wide curriculum through such tools as the upcoming Portrait of a Graduate.

Oversight:

- O1. The AOE is in the process of identifying metrics for evaluating the State's response to Act 173.
- O2. The AOE is currently refining and expanding upon our existing accountability system.

Local Comprehensive Assessment System

2123.2. Development and Implementation of Local Comprehensive Assessment System. Each supervisory union shall develop, and each school shall implement, a local comprehensive assessment system.

Excellent instruction and systemic decision-making require high-quality assessment information. Assessment plays a central role in the assurance of equitable outcomes for all students. When we ensure that our assessment *system* provides comprehensive and meaningful information, then decisions about students are more likely to be accurate, students are better able to judge their own performance and set new goals, and families are more knowledgeable about how their children are doing and more likely to be partners and advocates for them. In addition, a comprehensive system that includes all content areas can help the district and its schools make positive decisions about their own work—to support effective practices and initiate change when needed.

Action Steps

Leadership:

- L1. The AOE, with stakeholder feedback, will refine the Quality Criteria for Local Comprehensive Assessment Systems.
- L2. The AOE will update the Strengthening and Streamlining Local Comprehensive Assessment Systems document to reflect the intent within the Education Quality Standards of assessing all standards adopted by the Vermont State Board of Education.

Support:

- S1. The AOE will convene educators to:
 - a. Construct a shared understanding of the components of high-quality local comprehensive assessment systems;

- b. Develop models of high-quality systems;
 - c. Use the Quality Criteria for Local Comprehensive Assessment Systems to determine strengths as well as challenges within systems; and
 - d. Develop a plan for addressing challenges.
- S2. The AOE will facilitate regional professional learning sessions focused on developing high-quality performance assessments, a key component of strong proficiency-based assessment systems.
- S3. The AOE will work with school districts to strengthen their understanding of strategies for implementing strong local comprehensive assessment systems.
- S4. The AOE will highlight schools that are developing strong local comprehensive assessment systems.

Oversight:

- O1. The AOE is in the process of identifying metrics for evaluating the State’s response to Act 173.
- O2. The AOE is currently developing a formal assurance mechanism as a part of our accountability system/education quality reviews.

Needs-Based Professional Learning System

2121.3. Needs Based Professional Learning. Each supervisory union shall develop and implement a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction, as required in 16 V.S.A. §261a(a)(5).

In a school culture that builds expertise, learning happens continuously for everybody. All professionals and staff take responsibility for keeping up with current research and developments in their field(s) and are supported in doing so. Most learning opportunities occur intentionally, as teachers and administrators engage in their daily work and share their experiences and insights with each other. Leadership ensures sufficient infrastructure to support educators learning together with and from experts from inside or outside the school. The supports below represent a part of the support the AOE provides to SU/SDs around identifying and providing professional learning. The examples provided speak directly to using data to identify a need, integrating needs within a system, and documenting professional learning within a continuous improvement framework.

Action Steps

Leadership:

- L1. The AOE will outline models of effective needs-based professional learning through the Expertise component of the VTmtss Framework.
- L2. The AOE’s Education Quality Assurance team is supporting the expansion of the NIC model (Networked Improvement Community).

Support:

- S1. The following teams will continue to provide guidance and resources specific to needs-based professional learning:
 - a. [Consolidated Federal Programs](#)
 - b. [Multi-Tiered System of Supports \(MTSS\)](#)
 - c. [Education Quality Assurance](#)
- S2. The AOE has identified existing resources and is developing resources for supporting needs-based professional learning.

Oversight:

- O1. The AOE is in the process of identifying metrics for evaluating the State's response to Act 173.
- O2. The AOE is currently developing a formal assurance mechanism as a part of our accountability system/education quality reviews.

Educational Support Teams

16 V.S.A. § 2902. Tiered system of supports and educational support team. Each public school shall develop and maintain a tiered system of academic and behavioral supports.

No matter how well instruction is differentiated and delivered in the general classroom, some students will need additional time and/or specialized instruction to master grade level content and to receive supplemental or specialized instruction. Additional layers or tiers of support need to be available, varying in duration and intensity based on the needs of individual learners. Schools must have a system to provide supports equitably and proactively.

Leadership:

- L1. The AOE will convene groups of stakeholders, to include special education directors and curriculum directors, to provide feedback on proposed Educational Support Team (EST) guidelines, including the role of the EST:
 - in collecting and reviewing school-level data to make decisions
 - in developing layered interventions
 - in providing feedback about professional learning needs
 - in the EST process pertaining to the role of families

Support:

- S1. The AOE will publish EST guidelines for school districts to consider for adoption.

Oversight:

- O1. Each Educational Support Team shall keep a written record of its actions and report as required on the annual VTmtss survey.
- O2. The AOE is in the process of identifying metrics for evaluating the State's response to Act 173.

O3. The AOE is currently developing a formal assurance mechanism as a part of our accountability system/education quality reviews.

In Summary

Act 173 expressly recognizes that changing the delivery of special education is a significant initiative for school systems, and that these changes will require technical support from the AOE. Due to the significant implications of this policy change, we believe Act 173 should be *the policy focus* for Vermont school districts and the AOE in the coming years.

A major aspect of Act 173 is related to how special education is funded in Vermont. In addition to the action steps identified above, the AOE will publish technical guidance to inform SU/SD implementation of funding and accounting practices needed to achieve the goals of Act 173. This guidance will also involve working with the Vermont State Board of Education on new rules that affect both public and independent schools.

Over the coming months the Agency of Education will continue to provide technical guidance and assistance for SU/SDs with the implementation of Act 173. Our theory of action, with a focus on ensuring EQS rules and practices relating to curriculum coordination, needs-based professional learning, local comprehensive assessment systems, and Educational Support Teams, will direct our priorities and action steps. We will actively pursue stakeholder feedback and involvement in the refinement of this work to ensure the goals of this complex policy are achieved in all of Vermont's school districts.