

Approved Independent Schools Study Committee

Draft Meeting Minutes

November 3, 2017

Present:

Committee members: Senator Philip Baruth, Chittenden County; Representative Emily Long, Windham County; Nicole Mace, VSBA; Liz Shayne, Schoolhouse Learning Center (CIS); Seth Bongartz, VISA; Jeff Francis, VSA; Jo-Anne Unruh, VCSEA; Rebecca Holcombe, AOE (arrived at 1:44 p.m.); Michael Livingston, Sharon Academy (CIS); Bonnie Johnson-Aten, Vermont State Board of Education (arrived at 1:45 p.m.)

Agency of Education: Suzanne Sprague, Haley Jones

Others: Mill Moore, VISA; Randi Kulis, BRSU; Tiffany Pache, VTDigger.org; Traci Sawyers, VCSEA; Maggie Lenz, Ellis-Mills; Patti Komline, VISA; Laura Pelosi, MMR; Bor Yang, Human Rights Commission; C.J. Spirito, VISA – Rock Point School; Caleb Usadi, Rock Point School; Jasmine McMorrان, Rock Point School; Jim DesMarais, Legislative Council; Dillon Burns, Vermont Care Partners; Charles Storrow, Leonine Public Affairs, LLP; Kevin Ellis, Montpelier

Senator Baruth convened the meeting at 1:35 p.m. He recapped the October 13th meeting. Senator Baruth contacted the Department of Financial Regulation (DFR) Commissioner, Mike Pieciak, and discussed some of the concerns that Secretary Holcombe brought forward regarding financial disclosure that would govern the approval process for Approved Independent Schools. He said that after he described the scenarios to Commissioner Pieciak, it became apparent that DFR does not want the authority and does not have the existing resources needed for analysis. Senator Baruth said that should the State Board or AOE have reasonable cause to believe that one of the Approved Independent Schools was in financial difficulty, DFR agreed to provide analytical assistance.

Senator Baruth invited Jim DesMarais, Legislative Council, to review changes to draft language to include DFR. He explained the new language which includes reasonable cause. Secretary Holcombe clarified and said that she was more interested in the standards DFR was suggesting for documentation rather than a need for DFR to be involved. She continued that she is amenable to consider any option that addresses the need and is least disruptive and burdensome to all parties.

Senator Baruth asked DesMarais to review required disclosures. He asked for review of the State Board statute of the Council of Independent Schools. Senator Baruth asked DesMarais to work on the language to include any new suggestions. Mace asked if there were any changes to the draft language other than what was discussed today. DesMarais said no. Bongartz said that prior to the next meeting the independent schools will be suggesting modest revisions. Senator Baruth asked that any suggested revisions be sent to his attention. Bongartz distributed a document prepared by the approved independent schools and briefly discussed suggested modifications to the financial capacity

draft language. Senator Baruth asked for a half hour discussion on continued mark-up and completion of financial capacity on the next meeting agenda scheduled for November 17th.

Senator Baruth asked Bongartz to present on behalf of the independent schools regarding special education. Bongartz shared a draft document and said that the independent schools should be involved with special education and their goal is to develop a system that makes that possible. He said that this will be possible for the smaller independent schools if resources are provided to them. Discussion followed on the following topics: how the presentation differs from current practice; the staffing and costs; very small independent schools; and hiring, supervising and training staff around special education. Representative Long said that there are small public schools too and that maybe a group of independent schools could combine resources. Discussion continued about creating an independent schools supervisory union for special education support. Secretary Holcombe suggested that an Agency of Education staff member present to the committee on the reimbursement and rate setting process which are the two ways schools are reimbursed. Senator Baruth asked to reserve a half hour presentation/discussion by the Agency of Education regarding the reimbursement process on the next meeting agenda.

Senator Baruth said the special education issue is not irreconcilable as long as the approved independent schools are willing to shoulder some of the expense and the LEAs continue to reimburse as they do. Secretary Holcombe said that the committee needs to be aware of the risks on both sides. She continued that the process is complicated. Discussion followed regarding capability, best fit and placement. Unruh said that what the state is mandated to provide is a free appropriate public education. She clarified that it is not best fit or best services. Discussion followed regarding IEP teams and enrollment. Mace explained that the goal is to help the independent schools acquire approval to provide special education services because right now many independent schools are not an option for students with disabilities. She continued by reading the definition of least restrictive environment which is when a child is educated with his or her nondisabled, chronologically aged peers to the maximum extent appropriate in the school he or she would attend if he or she did not have a disability. Mace said that for disabled students in a tuition town, an approved independent school is not an option if they do not have approval to serve the student's disability. Discussion followed regarding choice towns and parent placement.

Senator Baruth asked if the approved independent schools are willing to accept a mandate that is broad-based and abides by the decisions made by the IEP team. Bongartz said with an option to appeal. Discussion followed. Francis asked if it would be acceptable to the group if the second statement read as follows: Approved independent schools shall enroll students with disabilities consistent with their programming, resources and capabilities as determined or evaluated by the IEP team and as described in existing federal and state non-discrimination and public accommodations statutes. Bongartz asked for time to think about it and come back to it.

Senator Baruth asked DesMarais to draft language regarding a universal mandate if it was determined that the approved independent school was the appropriate placement and with the reimbursement process to stay status quo with the approved independent schools shouldering new costs associated with staffing and supervision. Secretary Holcombe said there is no additional cost for serving these students, as costs go back to the district of origin. Discussion followed regarding special education billing, general special education licenses, and general special education approval.

Senator Baruth asked Secretary Holcombe to draft some suggestions for what it could look like to approve independent schools based on a general special education approval, instead of requiring preapproval in all categories. He asked that this be an agenda item for the next meeting on November 17th.

Senator Baruth asked Special Education Administrator, Randi Kulis, from the Bennington-Rutland Supervisory Union to address the committee regarding special education services in her region in the state.

The next meeting is November 17, 2017 1:00 p.m. – 3:00 p.m.

The meeting will be in Room 11 at the State House.

The meeting adjourned at 3:31 p.m.

Minutes recorded and prepared by Suzanne Sprague.