

Parent/Family Information Session on Special Education Program Rule Changes

**With Dr. Jacqui Kelleher
Vermont's State Director of
Special Education
February 28, 2022**

Introduction

Roles and Responsibilities

- State Director of Special Education: [Jacqueline Kelleher, MA, Ph.D.](#)
- Assistant State Director of Special Education: [Chris Kane](#)
- Coordinator for Behavioral Supports: [Tracy Harris](#)
- Early Childhood Special Ed/IDEA 619 Coordinator: [Katie McCarthy](#)
- Federal and Special Education Data Director: [Cassidy Canzani](#)
- Special Education Data Specialist: [Brandon Dall](#)
- Inclusion and Accessibility Coordinator: [Ana Kolbach](#)
- Inclusive Systems Coordinator: [Betty Roy](#)
- Part B Special Ed Program Monitoring Manager: [Tristan McNamara](#)
- Post-Secondary Transition Coordinator: [John Spinney](#)
- Educational Consultant/Ed Surrogate: [Ernie Wheeler](#)
- Special Education Monitoring Specialist: [Simona Kragh](#)
- Special Education Monitoring Technician: [Rebecca Gile](#)
- Mentoring Project Coordinator: [Sienna Tuinei](#)
- Early Childhood Inclusion Coordinator: [Amy Murphy](#)
- Education Programs Manager, Interagency Coordinator: [Alicia Hanrahan](#)
- Assessment Coordinator for Special Populations: [Linda Moreno](#)
- Special Education Finance [Jennifer Perry](#)

Roles and Responsibilities (cont.)

- The State Director of Special Education is responsible, in support and in collaboration with the Special Education Team, for ensuring the successful implementation of federal and state statutes and regulations governing the education of students with disabilities, to ensure they meet their post-secondary goals to live, learn, work, and participate in their communities.
- Primary objectives:
 - Increased graduation rates
 - Closing achievement gap
 - Decreased disproportionality
 - **Qualified workforce at state and local levels**
 - **Sustain Vermont's General Supervision System for Special Education**

Vision Statement

Our Purpose

- **Agency of Education Purpose Statement**

The Agency of Education implements state and federal laws, policies, and regulations to ensure all Vermont learners have equitable access to high-quality learning opportunities. The Agency accomplishes this mission through the provision of its leadership, support, and oversight of Vermont's public education system.

- **Special Education Vision**

Our team, together with all stakeholders, ensures access, opportunity, and equity by providing solution-based oversight, leadership and support to build capacity and improve outcomes for students with disabilities.

Special Education Program Rule Changes

Special Education (3-21) Rule Changes: Background

In 2016 AOE commissioned two studies.

1. UVM Study: Evaluates special education funding models (2016 Act 148 Sec. 3).
2. DMG Report: Compares current practice to best practices for special education service delivery (2016 Act 148 Sec. 4) in 10 representative Supervisory Unions/Supervisory Districts.

In 2018, the General Assembly enacted Act 173 that:

1. Establishes an Advisory group to shape proposed rules and procedures.
2. Outlines a several-year transition to the new funding system providing time for rule-making, procedure development and professional learning.
3. Mandates resources to support professional learning in best practices.

State Board of Education opened the entirety of rule 2360 which resulted in several changes to the Special Education (3-21) Rules.

The State Board adopted the new Special Education Rule Series 1300 (Special Education Finance) and updated 2360 on May 13, 2021, to be made effective July 1, 2022.

Special Education (3-21) Rule Changes: What's New

- Specific Learning Disability eligibility determination
 - Removal of the discrepancy model as a method for determining eligibility for SLD.
- Adverse effect
 - Removal of criteria for determining adverse effect – more flexibility in determining if the student's disability adversely affects his/her/their educational and functional performance.
- Functional Skills
 - Functional skills means “the acquisition of essential and critical skills needed for children with disabilities to learn specific daily living, personal, social, and employment skills or the skills needed to increase performance and independence at work, in school, in the home, in the community, for leisure time and for post-secondary and other life-long opportunities.

Special Education (3-21) Rule Changes: What's New (2)

- Goal-writing
 - Measurable annual goals related to the child's present levels of academic and functional performance, which shall: – (1) Use pertinent data to inform the development of appropriate goals and objectives
- Parent Input
 - The IEP shall contain a section for parents to provide written comments regarding their child's IEP
- Special Education Definition
 - Clarification on Vermont and Federal

Special Education (3-21) Rule Changes: What's New (3)

Early Childhood Special Education – ages 3-5

- Least Restrictive Environment (3 through 5) (2361.3)
 - o The LEA may, but is not required to, provide ECSE services outside of the LEA, even if the child is enrolled in an out-of-district UPK program.
 - o UPK programs must adhere to all State and Federal laws.
 - o UPK programs shall allow access to ECSE service providers and permit announced and unannounced visits by representatives of the AOE, AHS, and school district staff.
- IEP Content (2361.5 IEP)
 - o The IEP present levels of performance, goals, and objectives shall align with the early childhood outcome areas:
 - a) Positive Social and Emotional Skills and Relationships;
 - b) Acquisition and Use and Knowledge and Skills; and
 - c) Taking Appropriate Action to Meet Needs

State Resources

Some Highlights (1)

Program

Important website for families: VT AOE

Special Education Rule Changes:

<https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

Let's review...

Some Highlights (2)

Program

Setting the Stage: Laying the Foundation for Special Education Rule Changes to Support Act 173

 <https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

September 2021

Setting the Stage: Laying the Foundation for Special Education Rule Changes to Support Act 173

Pre-recorded Webinar:



[Sliddeck](#)

Live Office Hours: September 20, 2021 from 9-11:30 a.m.

Virtual via Microsoft Teams:

Join on your computer or mobile app

Call in Number: 1-802-552-8456

Conference ID: 285 428 954#

Resources:

- [Key Terms in the VTmtss and Early MTSS Frameworks Defined](#)
- [The Evolution of Tiered Systems of Support in Vermont](#)

Some Highlights (3)

Program

VTmtss (Vermont Multi-tiered System of Supports), Early MTSS, and Special Education: How VTmtss and Early MTSS Can Help LEAs (Local Education Agency) Meet Federal and State Requirements for Special Education

 <https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

October 2021

VTmtss (Vermont Multi-tiered System of Supports), Early MTSS, and Special Education: How VTmtss and Early MTSS Can Help LEAs (Local Education Agency) Meet Federal and State Requirements for Special Education

Pre-recorded Webinar:



[Slidedeck](#)

Live Office Hours: October 18, 2021 from 9-11:30 a.m.

Virtual via Microsoft Teams:

Join on your computer or mobile app

Call in Number: 1-802-552-8456

Conference ID: 110 040 299#

Some Highlights (4)

Program

Parent Input

 <https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

November 2021

Rule Change: Parent Input

Pre-recorded Webinar:



[Slidedeck](#)

Live Office Hours: November 15, 2021 from 9-11:30 a.m.

Virtual via Microsoft Teams:

Join on your computer or mobile app

Call in Number: 1-802-552-8456

Conference ID: 340 122 392#

Resources:

- [Family Engagement for Individualized Education Program \(IEP\) Team Members: Ensuring Meaningful Participation by Families](#)
- [Guidance Document for Parent Input](#)
- [Parent Input Case Studies](#)

Some Highlights (5)

Program

Special Education Definition

 <https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

Rule Change: Special Education Definition

Pre-recorded Webinar:



[Sliddeck](#)

Live Office Hours: November 22, 2021 from 9-11:30 a.m.

Virtual via Microsoft Teams:

Join on your computer or mobile app

Call in Number: 1-802-552-8456

Conference ID: 124 210 246#

Resource:

- [Specially Designed Instruction Handout](#)

Some Highlights (6)

Program

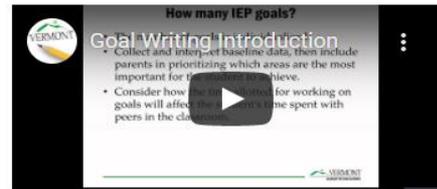
Goal Writing

<https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

Rule Change: Goal Writing

Pre-recorded Webinars:

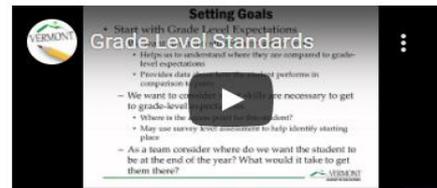
IEP Goal Writing: Introduction



[Sliddeck](#)

[Transcript](#)

Goal Writing: Grade-level Standards



[Sliddeck](#)

[Transcript](#)

Some Highlights (7)

Program

Goal Writing

 <https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

Goal Writing: SMART Goals



The screenshot shows a slide from a webinar. On the left is the Vermont logo. The main text is under the heading 'Realistic and Relevant'. It contains two bullet points: 'Realistic and relevant goals and objectives that result from the disability.' and 'Student will demonstrate improved writing skills.' Below these are two example goal statements: 'Student will improve his writing and spelling skills so she can write a clear, cohesive, and readable paragraph consisting of at least 3 sentences, including compound and complex sentences that are clearly related.' and 'Student will improve his writing and spelling skills so she can write a clear, cohesive, and readable paragraph consisting of at least 3 sentences, including compound and complex sentences that are clearly related.' A play button icon is centered over the text. The Vermont Agency of Education logo is in the bottom right corner of the slide.

[Sliddeck](#)

[Transcript](#)

Some Highlights (8)

Program

Goal Writing

<https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

IEP Goal Writing: Using Data



[Sliddeck](#)

[Transcript](#)

Resources:

- [IEP Goal Writing Rule Changes Professional Development](#)
- [Individualized Education Program Goal Writing Template](#)
- [Overview of Goal Setting Strategies](#)

Live Office Hours: November 29, 2021 from 9-11:30 a.m.

Virtual via Microsoft Teams:

Join on your computer or mobile app

Call in Number: 1-802-552-8456

Conference ID: 271 045 072#

Some Highlights (9)

Program

Functional Skills

<https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

December 2021

Rule Change: Functional Skills/Functional Performance

Pre-recorded Webinar:



[Sliddeck](#)

Resource:

- [Guidance to Rule Change: Functional Skills/Functional Performance](#)

Live Office Hours: December 13, 2021 from 9-11:30 a.m.

Virtual via Microsoft Teams:

Join on your computer or mobile app

Call in Number: 1-802-552-8456

Conference ID: 708 620 182#

Some Highlights (10)

Program

Adverse Effect

 <https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

January 2022

Rule Change: Adverse Effect

Pre-recorded Webinar:



[Sliddeck](#)

Resources:

- [Regulation Changes for July 2022 – Adverse Effect Memorandum](#)
- [Three-Gate Eligibility Determination – A Vermont Agency of Education Guidance Document](#)
- [Eligibility Deliberation Form](#)

Live Office Hours: January 10, 2022 from 9-11:30 a.m.

Virtual via Microsoft Teams:

Join on your computer or mobile app

Call in Number: 1-802-552-8456

Conference ID: 551 073 887#

Some Highlights (11)

Program

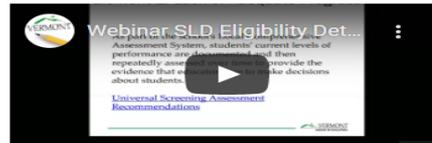
Specific Learning Disability

<https://education.vermont.gov/student-support/vermont-special-education/rule-changes>

February 2022

Rule Change: Determining SLD (Specific Learning Disability) Without Discrepancy Model

Pre-recorded Webinar:



[Slidedeck](#)

Resources:

- [Specific Learning Disabilities: Guidelines for Determining Eligibility](#)
- [Specific Learning Disability \(SLD\) FAQs](#)
- [Specific Learning Disability: Multidisciplinary Evaluation Team Members and Responsibilities](#)
- [Determination of Eligibility: Specific Learning Disability \(Fillable Form\)](#)
- [Systematic Observation of Learning - Core Instruction \(Fillable Form\)](#)
- [Considerations for Appropriate Instruction Self-Assessment Tool \(Fillable Form\)](#)
- [Mathematics Worksheet \(Fillable Form\)](#)
- [Reading Worksheet \(Fillable Form\)](#)
- [Written Expression Worksheet \(Fillable Form\)](#)

Implication for Families and Q&A

What Does This Mean?

Given the power that family involvement has to influence how our children achieve in school and in life, it's not surprising that the nation's special education law, the [Individuals with Disabilities Education Act](#) (IDEA), strongly supports parents' right to be involved in the special education their child receives. As IDEA states:

Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by... strengthening the role and responsibility of parents and ensuring that families ... have meaningful opportunities to participate in the education of their children at school and at home.

[Section 300.322](#) Parent Participation (IDEA)

What Does This Mean? (2)

For the purposes of this and all related documents, the term “parent” means— (A) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent); (B) a guardian (but not the State if the child is a ward of the State); (C) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or (D) except as used in sections 1415(b)(2) and 1439(a)(5) of this title, an individual assigned under either of those sections to be a surrogate parent. 20 U.S.C. § 1401(23); 34 C.F.R. § 300.30.

What Does This Mean? (3)

- Systems Change
- Opportunities for strengthened engagement
- Revised required forms
- Emphasis on Parent Training and Counseling as a Related Service
- Improved IEPs
- Evaluation of educational AND functional performance with better precision
- Greater flexibility for decisions and programming
- Emphasis on data (quantitative AND qualitative)

What Questions Can I Ask Regarding VTmtss/Early MTSS?

- What is my child being taught in his/her classroom?
- How are lessons designed to meet my child's varying needs?
- What are the teaching strategies that my child's school is using if he/she is struggling in the classroom?
- How can I help my child with learning at home?
- How will I be told about my child's progress that tells me more than what grades he/she is receiving?
- What happens if my child continues to struggle, and the teaching strategy is not working?

VTmtss and Early MTSS do not replace the special education process. If at any time parents believe their child has a disability that is affecting his or her learning, they have a right to request an evaluation for special education. VTmtss and Early MTSS cannot be used to delay or deny this evaluation if the child is not making progress in learning and the lack of progress is not due to the lack of instruction. In addition to the information gathered through VTmtss and Early MTSS, other forms of evaluation must occur to determine if a child is eligible for special education and parent's written consent is required for the evaluation.

Supports and How To

- Special Education Directors
- AOE Special Education Team [website](#):
 - Acronym/Initialism [list](#).
- Special Education Technical Assistance is available through the general email and voicemail system. Communications are monitored regularly during business hours and a response is generally provided within 24-48 hours. Please contact our team at (802) 828-1256 or at AOE.SpecialEd@vermont.gov.
- Vermont Family Network
- Special Education Advisory Panel (SEAP)