

**APPROVED MINUTES**

**Meeting Place:** Virtual Meeting

**Address:** GoToMeeting platform

**Date:** Thursday, March 19, 2020 (4:30 p.m. to 7:30 p.m.)

**Present:** Rachel Seelig, Christa Yagijan, Joy Wilcox, Susie Comerford, Sarah Kruk, John Spinney, Carrie Lutz, Randi Lowe, Cassidy Canzani, Chris Kane, Jacqui Kelleher, Betty Roy, Vicki Haskins, Kaiya Andrews, Mary Lundeen, Eileen Guyette, Robin Hood, Kristin Bigelow-Talbert, Tara Howe, Erin Maguire, Lindsay Wise, Paul Fassler, Susan Davis, Tom Monk, Susan Aranoff, Katie Ballard, Sandra Chittenden, Sarah Fabrizio

**Agenda:**

- 4:35-4:40 Review and Approve Agenda; Review and Approve June 2019 and February 2020 Draft Minutes
- 4:40-5:00 Review of Current Membership, Vacancies, and By-Laws Review
- 5:00-5:45 State Systemic Improvement Plan Presentation/Feedback to Agency on Measurable Results Indicator
- 5:45-5:55 BREAK
- 5:55-6:25 Method for Determining Significant Disproportionality (for IDEA Part B Application) Presentation and Feedback to Agency
- 6:25-7:20 Special Education Rules Public Comment Discussion and Drafting
- 7:20-7:30 Vote on New Members
- 7:30 Adjourn

**Review and Approve Agenda; Review and Approve June 2019 and February 2020 Draft Minutes:**

The agenda for the current meeting was reviewed and approved. The meeting minutes from June 20, 2019 were amended to correct the spelling of Jacqui Kelleher's name, and approved as amended. The February 13, 2020 minutes were approved.

Motion to note the location has changed. Location has changed due to the COVID 19 virus to GoToMeeting. The meeting took place remotely via a video call or phone call.

**Review of Current Membership, Vacancies, and By-Laws:**

There is a concern about opening more roles for members who are professionals. The council currently has a large number of members who are professionals. The council needs to have more spots available for parents of special needs children or for people with disabilities. This has changed in the past few months with an addition of two new parent members.

Discussion around a concern that the By-laws might be in conflict with federal law. By-Laws can be amended if there are conflicts, but we will wait to address this until amendment of the state law on the SEAC has been enacted.

Rachel is working on moving forward the people who have applied to the Governor's office. Some people who have applied have still not received confirmation. The former chair has stepped down and there is no access to the prior applications. All applications should be emailed to Rachel Seelig from now on. This is a problem for the council as some parents have been waiting up to six months to receive approval from the governor's office. The Council is doing its best to move things as fast as possible. It has been a work in progress.

A checklist was shown with each member and their professional role; it was noted that Julie Regimbal is not currently working as a special educator, she is a superintendent.

### **SSIP/SiMR; Presenters: Chris Kane and Betty Roy:**

SSIP/ SiMR is an annual report that is given by the AOE as part of the school report card. This is a federal requirement. The SiMR is the measurable results that were captured by the team.

The SiMR currently focuses on increasing math scores for children with disabilities in the emotional disturbance category in grades 3-5.

Discussion on how the family education tool described in the report was shared to school districts. The strategies are listed on the website; however, no specifics were given. Feedback was offered to provide the tool kit from the AOE to more supervisory unions. One person on the council said that no one in her school district had heard of the initiative or about the professional development that the AOE was offering to schools.

Betty and Chris shared that the SiMR has had some challenges. Some challenges have included tracking data, recruitment, engagement by schools, and small numbers to gather data on a consistent basis. Because the target is so specific the N size is too small for some districts (there are not enough students in the category to be able to report the data publicly) and therefore isn't showing the progress that is being made.

Due to these issues the agency would like to change the SiMR to improve math performance for all students with disabilities in grades 3-5. This would allow for a larger N size, a larger group of students to provide intervention strategies, and will create a larger group of people to gather data from.

Discussion on what this would mean. One person asked whether AOE would still report out on each category. Betty and Chris answered that as long as the N stays high enough that students can't be identified, this would happen. The benefit of expanding the population and looking at subgroups is that you can identify what interventions are working for students in specific categories of disabilities.

Feedback of the SEAC was in favor of including all students grades 3, 4, and 5 with developmental disabilities.

Discussion of parent participation measure and the SiMR. Most of the data collected from parents was completed by a mail delivered survey. There was discussion about the survey in our last meeting. The questions the group had included: is the survey accessible?

The AOE is in the process of examining the way the survey is delivered, questions and how it is delivered. Concerns about the survey included: parents not receiving the survey, outdated addresses, out of state

contractor administering the survey, lack of knowledge on use of the survey, fear of use of survey responses against respondents' students or other students, lack of phone or in person follow up, lack of communication with LEAs who can encourage and support completion of the survey, and lack of translation of the survey for non-English speaking parents. Jacqui reported that this feedback, which had also been provided at the February meeting and was shared within the AOE as part of their review of the parent survey and the current contract. It has been helpful to hear from this group about the parent survey.

Discussion of Universal Design for Learning, which was also discussed in the SiMR report. Betty and Chris shared the importance of universal design for students' learning. Universal design can help students by meeting their specific needs, so they are ready to learn.

SEAC members advised that there needs to be professional development for general educators on how to use universal design for learning. The skills aren't there for general education teachers to close the gap, and UDL doesn't work if only special educators are well-versed in it.

At the same time, schools are struggling to prioritize what professional development is given for all teachers. There are a significant number of initiatives schools and districts need to be implementing, and this makes it difficult to stay focused on one thing. Other barriers are money, time off, lack of subs, and lack of coaches to help make the changes. Best practice would be to train coaches that then go into schools and then continue the process to make valuable change. SEAC members suggested making remote learning options available so teachers and other professionals can learn and interact on their own schedules.

Discussion of discrepancy in report between administrators' and teachers' reports of teacher's knowledge of essential math concepts. One SEAC member asked why there was such a big difference between the two. Chris and Betty hypothesized that this was most likely due to the admin reporting for all staff on whether or not they attended training, whereas the teachers who completed the survey did report they had received UDL instructional strategies which provided a discrepancy in the data collected.

Concern voiced around inclusion for inclusion sake. It seems like there is little room for students to be pulled out to receive personalized instruction. Instead the focus is to properly train teachers in best practices with inclusion as the focus of the classroom.

### **Significant Disproportionality measures racial disproportionality across the state; Presenters: Jacqui Kelleher and Cassidy Canzani:**

Jacqui introduced this topic, explaining that federal law requires measures on the topic of significant disproportionality by race in identification, placement, and discipline of students with disabilities. Cassidy explained how significant disproportionality is measured, and where the state has flexibility in measuring it. She covered key concepts of Risk Ratios, N Size, Cell Size, and Threshold. The AOE is recommending a cell size of 5 and 10 and a threshold of 3.0. Due to population decreasing in size, the AOE also recommends an increase to the cell size and the threshold so school districts are adversely affected. The AOE also recommended that Vermont use a 3-year data sample to avoid single-year blips due to small population sizes.

SEAC members were sent a link to provide feedback on whether we agree or disagree with this recommendation, and if we disagree, what we would advise instead. Cassidy asked that members responded within one week. Rachel offered to send the link to members by email tomorrow.

Discussion of how Independent Schools are included. SEAC members clarified the reason this is a concern is that while Vermont does not have Charter Schools, we do have different types of Independent Schools, some serve students with and without disabilities, others are specialized only for students with certain disabilities. Because Vermont has many choice districts, some students are attending Independent Schools because of choice, and other students are attending these schools because that is the IEP team decision. Cassidy shared that students placed in independent schools by IEP teams would be included in this data. Data that is not included is when a parent chooses a private school, or it wasn't an educational decision. Also, students who are incarcerated are not in this data set.

### **Special Education Rules Public Comment:**

Rachel shared that the Special Education Rules are open to comment as part of the move to a Census Based Funding model of paying for special education. Current members of the SEAC completed an online survey to prioritize issues we want to address in our public comment. Last fall the council wrote a letter to the Board of Education and legislators supporting the use of the federal definition of special education services.

Based on the survey results, the SEAC's top priority for comments are on the issues of definition of need, definition of special education. High priority topics also included part c to part b transition, child find intersection with MTSS, and placement.

The definition of special education services is in Rule 2360.2.12. The SEAC has already commented on this because the existing definition is written to exclude services provided in a general education setting. The group agrees we should restate what our position was before.

Other possible comments could include:

- Need to spell out what is being provided for in general education, which can create an issue where general education provides services in one district, but if that student moves to a new district and doesn't have that program it is not provided outside special education.
- Need to look at the evaluation and decide what the area of need is for that student. Then identify if that need will be provided through general education, MTSS, special education, or a combination.
- Need for specialized instruction, for example if a student struggles with encoding or phonics then a specific program needs to be added into the program such as Wilson etc. The area of need is too specific and due to this students, who move who have different tiers of support get different levels of services.
- If the rule defining special education is written to allow a child with a disability to be provided by MTSS model this would be acceptable and is not excluded special education students during the current definition. Students without disabilities can also access MTSS.
- Sometimes the best person to provide instruction is the reading specialist. You have to provide the best specialist to these students.
- An IEP should not be a barrier to access the service the child needs if it is provided through another part of MTSS. Variation in practice among districts (some don't allow, some do); this can clearly be outlined as an IEP service when there is Special Ed Consultation included on the IEP.
- This is an issue about discretion and sometimes it can be a good thing. It's happening in some places and it's not consistent and have heard from teams that it wouldn't be allowed.

- This discrepancy in how MTSS is interpreted might be a training issue that Jackie might want to think about.
- With the implementation of 173 how staff will be used is going to look very different. How staff is funded should mean more flexibility for students to have access to reading, math, specialists etc.
- The rules are open because the funding has driven programing and now that the money is changing how do we make sure that the program is flexible towards students' needs.
- VT is one of the only states where specialists (e.g. reading instruction specialist) cannot provide special education instruction without a special education endorsement. This is typical to CT and NY. If instruction wouldn't be provided by the special educator what would the qualifications be for a specific specialist. This change would need to be made in the licensing regulations. The licensure rules are not open. What can happen is a specialist can provide services with a special educator consulting with them.

Rachel will create a rough draft to our response to this item and we will pick this up in our next meeting.

Other business:

- Rachel will be reaching out for meeting spots, most likely will be virtual.
- Motion made, seconded, and approved that the next meeting will be at 4:30 to 7:30 and Rachel will look into the date of the meeting.
- Rachel will send a survey to select from Tuesday 4:30 to 7:30 or Thursday 4:30 to 7:30.
- Susan Aranoff made a public comment that this is awesome, more materials should be available on the website.
- Legislation update: the membership changes to the panel passed the Senate and House. It will now go to the Governor for signing.
- All participants were invited to email Rachel areas of concern for unmet need related to Covid 19 for discussion at future meetings.

7:30 pm: Meeting was adjourned

### **Meeting Schedule (Hold the Dates):**

April 14, 2020 (4:30pm – 7:30pm) Virtual

May 21, 2020 (9:30 am - 2:30 pm) Virtual