

## APPROVED MINUTES

**Meeting Place:** Community National Bank

**Address:** 316 N Main Street, Barre, VT 05641

**Date:** Thursday, September 19, 2019 (9:30 a.m. - 2:20 p.m.)

**Present:** Troy McAllister, Eileen Guyette, Sherrie Brunelle, Karen Price, Joy Wilcox, Mary Barton, Nancy Richards, Robin Hood, Randi Lowe, Carrie Lutz, Mary Lundeen.

**Guests:** Jacqui Kelleher (SDSE), Tonya Rutkowski & Amy Murphy (AOE-Presenters), Rachel Seelig (DLP-Presenter), Susan Aranoff (DDC - p.m. only).

### Agenda:

9:30-9:35	Introductions/Call to Order
9:35-9:40	Review and Approve Agenda
9:40-9:45	Approve Minutes for June 20, 2019 Meeting
9:45-11:00	Disability Law Project Presentation on Rulemaking/Act 173
11:00-11:15	AOE Update on Rulemaking/Act 173
11:15-11:30	Set date for special meeting in October re: rule making
11:30-2:00	General Supervision Monitoring and Enforcement presentation and discussion
2:00-2:15	Membership Sub-Committee Report, Discussion and Vote
2:15-2:30	Election of Officers
2:30	Adjourn

### Introductions/Call to Order:

Participants introduced themselves. Robin Hood offered to take minutes for Sherrie today.

### Public Comment:

As Chair, Troy solicited public comment. None offered.

### Review and Approve Agenda:

Troy asked if there were any comments or changes needed for the agenda. Sherrie noted that we missed adding public comment on the agenda. Added to agenda. Carrie noted that Mary L. had asked for an additional item to be on the agenda. Troy noted that the agenda was made in June. Randi asked if there is a set process for making adjustments to the agenda. It was suggested that the Council discuss this and bylaws when we discuss membership. No other adjustments were made to the agenda.

Sherrie moved to approve agenda; Karen seconded. The question was called. By unanimous vote agenda approved, as amended.

### **Approve Minutes for June 20, 2019 Meeting:**

Troy moved to approve the minutes from June 20, 2019. Minutes were sent on July 1, but not posted on the AOE website. Given this, Troy asked the group if they would like time to review and discuss or, in the alternative, put the June minutes on agenda for the next meeting. Robin suggested they be reviewed and discussed versus waiting for the next time. Carrie made a motion to table the approval of minutes until the next meeting. Mary B. seconded. All were in favor, and approval of minutes will be tabled until the next meeting.

### **Disability Law Project Presentation on Rulemaking/Act 173:**

Rachel Seelig presented the DLP's analysis and concerns regarding Act 173 to the Council, particularly as it relates to special education. She will provide the PowerPoint slides to Troy for distribution to the Council members. The presentation was developed by Rachel Seelig and Marilyn Mahusky from Vermont Legal Aid. It was presented to the CBFA and other education stakeholders. Time for questions and answers was included at the end of the presentation.

### **AOE Updates on Rulemaking/Act 173:**

Jacqui suggested we adjust this item and move to the 11:15 discussion due to the time line. She inquired if the Council had received the technical guidance document around Act 173. Not all received it. Troy requested that Jacqui send it to him, and he will share it with the Council. Jacqui is speaking to Special Ed. Directors' as well as other groups. There are 4 priority areas: Educational Support Teams (EST), Local Comprehensive Assessment (LCAS), Coordination of Curriculum, and Needs-based Professional learning. Jacqui noted there are weekly meetings at the AOE with the Secretary and various department leads. The design is engagement with stakeholders. This is a top priority. The special education team will acquire a person on Oct. 1st, whose primary focus will be systems. The team is now working with the allowable cost draft. This will go out to the field for comment. Joy commented that the state had previously work on EST systems, and that some of this work can be gathered from those who worked on it.

Jacqui spoke about the work happening at AOE. She will report out to the Council and noted that information/proposals will come to the Council first. She advised that the AOE needs to develop a more robust monitoring system for accountability. Discussion of this issue is set for later in the agenda.

### **October Meeting Proposed Rule Making:**

Troy advised that there was a recommendation that the Council convene a meeting in October to review and draft comments on the proposed Act 173 rules. Karen asked if we are discussing Rule 1300 only or if we will comment on Rule 2300? Sherrie inquired if there was value in reviewing VCSEA and DLP comments as well, as it would be helpful to have a range of perspectives. Jacqui stated she received a phone call from John Carrol from the State Board which is interested in the Council's input. They are looking for a document detailing the Council's position and signed by Council members.

There are two state board meetings coming up: Nov. 20th and Dec. 18th meeting. A narrative would need to be completed by November 10th or December 8th for the respective meetings.

Joy moved that we have an October meeting; Sherrie seconded this.

**Discussion:** Sherrie wondered if we might need to lengthen the time we meet in October. Is the regular meeting time enough time? Sherrie suggested people come prepared to the meeting ready to discuss the proposed rules. Karen said that the AOE's version of Rule 1300 is being redone. There were comments on the first version (provided by DLP), but that there is going to be a different version at some point. There is another meeting scheduled when the AOE will vote on what will be brought forward. The Census Based Funding Advisory group does not know what will be brought forward. Troy said that the version that was voted on by the State Board of Education would be the final. Rachel did not think that the State Board had voted on opening the rules yet. Council members agreed it would be helpful to have clarification. Nancy said her understanding was that the Census group had not had the opportunity to respond to the draft. While a draft was seen, it was the group's understanding that more work was being done on Rule 2300. Nancy said the group does not have a final draft. Troy asked Jacqui if she knows the status of a final draft. She does have the version that they should be working from. Randi asked if it makes sense to have the meeting in October, or do we need to move it, as there are many unknowns. Karen said that Secretary French advised that it would be ready at the end of this month.

The motion is whether we want to meet in October: Sherrie called the question. Randi seconded. All were in favor. Discussion was closed.

Sherrie moved that we meet in October regarding rule making; seconded by Karen.

**Discussion:** Rachel said the State Board has not formally entered the rule making process. There is a draft of special education rules, and a separate one on Rule 1300. Sherrie asked when the comments would be shared and asked that draft rules be sent out before our next meeting. VCSEA is working on comments. The DLP is working on additional comments.

Sherrie called the question. By unanimous vote the Council voted to approve the motion to convene a meeting in October focused on rule-making. The Council will meet on Monday, October 21st from 9:30 to 2:30. Location to be determined

### **General Supervision Monitoring and Enforcement Presentation and Discussion:**

Tonya Rutkowski and Amy Murphy, both from AOE monitoring team, joined us at 11:30 to discuss the AOE's planned revisions to the monitoring system/process. Tonya presented confidential drafts of the proposed revisions that are not public yet and advised that she needed to collect them at the close of the presentation. She provided members with a feedback sheet the group could use to share input regarding the strengths, challenges, opportunities, questions or recommendations regarding the proposed changes.

Tonya provided a historical perspective. The current monitoring system is a six-year cycle with two LEAs monitored each monitoring year - focused mostly on procedural compliance under IDEA. She advised that this is not enough, especially due to mergers and Act 173 requirements. Monitors not seeing the same people, not seeing the same kids. AOE is not meeting intentions of OSEP's guidance and need to improve the process by creation of a new General Supervision and Monitoring System/Process. They are starting all over again. Reviewed other states to frame model. Internal stakeholders (AOE): Legal, MTSS, fiscal, early education, data team, and special education all at the table to brainstorm and develop a draft that is aligned with other Vermont initiatives.

Tonya reviewed the Supervision Manual (major sections), forms, and procedures and some vocabulary - language mirrors federal terms for consistency with OSEP/IDEA. Monitoring will include 3-5 year olds. It is an age 6-21 system now.

OSEP lets us determine how to conduct monitoring. Previously, AOE not transparent and this system will be much more clear and transparent.

- Data are two years behind when we report to OSEP. New system will provide date data was collected.
- Missing data students receiving summer services.
- Move away from the six-year cycle.
- Will use LEA Special Ed Determinations (LSED) to decide which districts to monitor. Determinations will drive the monitoring.
- Will focus on four categories (Meets, Needs Assistance, Needs Intervention, Needs Substantial Intervention).
- Calculation of points/weighting options or a straight point system? Scoring criteria and performance measures.
- Compliance indicators and results indicators are different - can make progress toward results indicator, but compliance is a yes or no.
- Cannot eliminate Annual IEP Data Reviews and Triennial Evaluation Data Review because we sign assurances saying we monitor this.
- Designed to align with other education initiatives, divisions, and agencies.
- Theory of Action for Continuous Improvement
- Policies and procedures.
- Levels of technical assistance - universal, targeted, intensive.
- Ongoing monitoring activities instituted.
- Corrective actions when required.
- Appendices with targets.
- Align reporting dates with other submission timelines (SSP-APR, Child Count (Dec. 15th) to improve efficiency.
  - o The Council will need to provide feedback on the SPP-APR and state targets before February 1, 2020.
  - o Annual review, adverse effect, and LEAs in the monitoring cycle - eliminated November 1 submission for monitoring.
- Data submissions will be made through the GMS data system. Visual screen shots were shared.
- Will be asking for "read-only" access to IEP documents in order to do desk reviews.

**Questions:** Members had a number of questions.

- What is a risk assessment? What determines risk?
- What are the indicators (in Appendix)?
- Is bonus point assignment subjective?
- Is it an option to monitor Results indicators?
- If something is 2 points or 4 points - How do you lose points?
- Can we change SSIP?
- Does a particular indicator trigger a monitoring visit - such as Indicator 1?
- Is there a growth indicator?

- What is the capacity of the AOE to do this monitoring given staff shortages and competing obligations?
- What is the commitment of the AOE to follow through and not drop this initiative as was the case with the Adverse Effect Work Group?
- Is written notification of noncompliance going to the Board or Superintendent - is this new?
- What is the role of the parent in monitoring – member of team, provide input to team?
- What will be done to facilitate greater parental input?
- Is there anything in the system where parents can see what is reported out regarding their district? Like a report card?
- What will be the impact of new system on independent schools?
- How many files get reviewed?
- How can we make it objective and meet the needs of the LEA during the desk audit?
- Why do we need to go this deep?

While the AOE staff were able to answer some questions, Members were encouraged to put their questions on the feedback form. Jacqui assured Members that the Council will have additional opportunities to review and comment on proposed changes to the monitoring system.

#### **Member Feedback:**

- Indicator 1 - schools used to get hit on this indicator (work with Mike Bailey). Was a problem for schools in defining graduation/completion/MYP.
- Indicator 8 needs support.
- Resource intensive

#### **Other Discussion Points:**

- Performance criteria and scoring is wide open for feedback.
- May be having a feedback session with parents/guardians.
- Feedback on a roll out plan.

#### **Membership Sub-Committee Report, Discussion and Vote:**

Troy presented the history on this issue. Openings on the Council occur when end of terms come up or members are no longer able to serve. The past process for recruiting, vetting, and appointing members has been unclear and inconsistent. This is complicated by VT's special education advisory law that includes membership designations and caps on the number of members not required by IDEA resulting in non-compliance with the IDEA. Proposed legislation designed to bring VT's special education advisory law into compliance with IDEA was introduced in the last session. No vote on the bill was taken by the Senate due to a lack of time, but it is expected to be passed in some form in the upcoming session.

In preparation for this, a subcommittee of the Council was established (Robin, Karen, Troy, Jacqui and Carrie) and worked over the summer on a process for membership recruitment, vetting, appointment, etc. The draft created by the group was shared with the Council

**Executive Committee:** Having an executive committee is in the VT House's version of the last legislative session. We are assuming this will be part of the ultimate legislation expected to pass in the upcoming session. The purpose would be to help the Council with recruitment and to orient new

members. He also advised that the legislature has proposed changing the name of the Special Education Advisory Council to the Special Education Advisory Panel.

Joy said it sounds like other committees she has been on, and good work by the group. Susan shared that recruitment can be done, but she does not want people to think it is not hard. There is a constant effort to get members with diversity; recruiting is constant. Carrie noted that it was not our role in the subcommittee to discuss how many members, for example the number of parents, etc. This is in the Council's bylaws. Members commented that the IDEA defines the membership with the requirement that the majority being parents and individuals with disabilities. We will need to get to the required membership through attrition as people have already been appointed. Rachel noted there is a VT statutory cap of 19 members. This may go away. There is no federal cap. Troy said we would not be able to reach the majority requirement with the current makeup of the Council.

The subgroup worked to identify the process to get on the committee so that we do not have unbalance in the future. Randi asked if we can all recruit parents. Council members agreed that anyone can recommend/recruit parents. Sherrie commented that if we can have support from the AOE on this process, it would reflect what is in federal law. She is supportive of this proposed new membership process.

Randi moved to accept the proposed process for membership developed by the subgroup; Eileen seconded.

**Discussion:** Karen asked what happens next. Troy said it goes into the bylaws. Randi asked if the AOE supports this. Jacqui stated that they understand we are out of compliance with membership. Troy said the House membership last year would not support this, but the Senate version would align. Sherrie called the question. Vote in favor unanimous. Motion passed.

**Defining the Executive Committee:** Troy shared the definition of executive committee that the subgroup worked on. See notes from previous subcommittee. Sherrie moved that we adopt the language as written; Karen seconded.

**Discussion:** Eileen asked what would happen if the past chair was unavailable or we were unable meet the majority requirement. Troy noted we are not suggesting we would create the executive committee right away. Joy suggested we would be out of compliance. Karen pointed out that technically the council has been out of compliance for many years. Carrie suggested that when we have a 19-member committee the executive committee would have membership, but with this size group it may not need to be formed yet. Sherrie said that being on the council alone requires orientation and training to effectively participate. Robin noted that changing meeting times based on Karen and Sherrie's feedback about the difficulty for parents to attend may make a difference in increasing parent membership. [clarify]

Troy asked if there was a friendly amendment that can be added, such as when the panel is in full compliance with IDEA the executive board could be formed. Carrie suggested that it might not be a number. Randi noted that the executive committee exist in the absence of the correct numbers and meets the configuration as soon as possible. Karen noted that we might not need language that tells us when it needs to be implemented. Do we have to stipulate when? It may be needed, or never needed. Troy asked if we want to wait until the legislature dictates this, or do we let them know that we have done this.

Carrie called the question; seconded by Mary. The council unanimously voted to adopt the proposed executive committee and incorporate it into the Council's bylaws.

Karen inquired about the application form. Troy said a separate form was created with the role of the applicant noted. Sherrie reminded all that it is not only parents, but we are seeking membership from individuals with disabilities as well. Students may also apply to the council.

Eileen reminded the group that a person does not have to self-identify as having a disability. Further discussion regarding roles and disabilities and that our meetings are open to the public, so that all that is said here is public information.

### **Membership Application:**

Troy reviewed the sub-committee's proposed process for applying for appointment to the Council. He shared a draft of the application form for those seeking appointment to the Council. (See draft). He shared the document with governor's office and Jacqui brought the version to the AOE team in August. Both offices support trying the new model.

Karen suggested putting a link to the application on the AOE web site rather than having to email the AOE liaison. The application should be accessible versus having to ask a liaison for it. This will make recruiting easier. Jacqui will get the current application linked on the web site.

Troy noted that currently there are 16 appointed members. 31% of the 16 members are parents (those who have self-identified). There are multiple special education administrators. The council also needs to have a related service provider, someone who represents independent schools or someone who represents vocational, community or business. The council also needs someone who represents the McKinney Vento Act. Mary L asked if independent schools that are specialized treatment programs can serve as an independent school eligible for appointment. Sherrie advised that historically these programs served as the representative of independent schools on the Council.

Troy noted that Rachel has submitted her application. She shared information with the group. Rachel grew up in Vermont. She attended law school in New York and returned to Vermont. She has been working at the Disability Law Project since 2015. About half of her work is special education. She tries to work as much as possible with teams. Rachel has had family members that have had disabilities and struggled with schools. She has learned a lot from Sherrie. Randi inquired about what role she would represent. Rachel said under the current rules it would be an "at large position"; with the new rules there would be a seat for protection or advocacy.

### **Election of Officers:**

Eileen asked that we hold off on election of officers until the next time. Consensus vote to table election and move to Nov. 21 meeting agenda.

### **Upcoming Meetings:**

We are in need a facility to have the next meeting. We also need meeting space for the Dec. 21 [?] and March 19 which are the two evening meetings [4:30 to 7:30]. Joy and Mary will look in their organizations to find a meeting space.

**Agenda for Oct. 21, 2019 meeting :**

- Review/comment on proposed rules

**Agenda for Nov. 21, 2019 meeting:**

- Review of bylaws
- Determination process [?]
- SPP-APR (due Feb. 1)
- Local Determinations
- Follow up on October work on rules
- Election of Officers

**Other Business:**

Susan Arnoff announced three events being offered through The Vermont Developmental Disabilities Council and Vermont Story Lab. Free, come tell your story.

2:30 p.m. Meeting was adjourned

**Meeting Schedule (Hold the Dates)**

October 21, 2019	(9:30 am - 2:30 pm)	TBA
November 21, 2019	(4:30 pm - 7:30 pm)	TBA
January 16, 2020	(9:30 am - 2:30 pm)	CAPS Montpelier
March 19, 2020	(4:30 pm - 7:30 pm)	TBA
May 21, 2020	(9:30 am - 2:30 pm)	CAPS Montpelier