



Special Education Advisory Council

DRAFT MINUTES

Meeting Place: Center for Achievement in Public Service (CAPS)

Address: 32 College St., Montpelier, VT 05602

Date: Monday, October 21, 2019 (9:30 a.m. - 2:30 p.m.)

Present: Troy McAllister, Joy Wilcox, Mary Barton, Nancy Richards, Robin Hood, Randi Lowe, Carrie Lutz, Mary Lundeen, Traci Sawyers, Julie Regimbal,

Guests: Rachel Sellig (Council Applicant), Jacqui Kelleher (VTAOE), John Spinney (VTAOE), Susan Arnoff (DDC), Phillip Eller (VATF), Traci Sawyers (VCSEA)

Agenda:

9:30-9:35	Introductions/Call to Order
9:35-9:40	Public Comment
9:40-9:45	Review and Approve Agenda
9:45-10:45	Review and discuss proposed State Board of Education Rules 2360 and 1300 series
10:45-11:00	Break
11:00-12:00	Review and discuss proposed State Board of Education Rules 2360 and 1300 series
12:00-12:45	Lunch (not provided)
12:45-1:45	Draft proposed changes
1:45-2:00	Break
2:00-2:30	Other Business
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. Phillip Eller (VATF) stated that VATF supports changes to redefine special education as under IDEA and supports a change in adverse effect.

Review and Approve Agenda:

Troy requested that the Council vote on Rachel Sellig's membership today. Carrie asked if we can add an action item that has not been warned. Troy noted that as long as we are not changing bylaw or something substantive, we can vote, and that he would seek clarification for future meetings.

Council agreed to add the vote to the agenda. Troy asked if there were other questions or changes to the agenda. There were none.

Review and discuss proposed State Board of Education Rules 2360 and 1300 series

Troy addressed the last-minute emailing of members questioning if today's meeting should be postponed given that at the most recent State Board of Education meeting there was discussion that the Vermont Agency of Education (VTAOE) is working on another draft of rules to share.

Jacqui noted, the legal response from the AOE is that regardless of what the VTAOE is doing, we are on track to review draft rules and that Emily Simmons (legal counsel from VTAOE) is available by conference call if we need to discuss

There was discussion about the posting of relevant materials with agendas on the VTAOE website. Troy and Jacqui will work to be sure that Council members and the public have access to documents prior to the meeting.

Mary suggested it would be helpful if the council could hear what happened at the State Board of Education meeting; There seems to be misinformation. This way we can decide what are the questions we have for Emily based on what happened in that meeting and what is our task today.

Review and discuss proposed State Board of Education Rules 2360 and 1300 series (continued)

Members of the Act 173 Census Based Committee presented at the State Board of Education Meeting. They discussed the how key the definition of special education is; if this should change, it changes everything.

At the state board of ed meeting, Secretary French, VTAOE and Act 173 Advisory Group agreed to come together to talk with FEG about what is in draft.

Central to the conversation: One of the Council's purposes is to comment on proposed rules concerning special education and the Council is supposed to have a majority of individuals with disabilities or parents of individuals with disabilities ages birth through 26. After much discussion regarding current membership and lack of parent representation, all agreed that we should attend to both.

MOTION: Mary made motion: We each recruit one to two parents or individuals with disabilities for the November meeting

Randi Seconded and suggested a friendly amendment; for invitees to come a bit earlier for an overview to ground them prior to walking in. Amendment was accepted.

Discussion:

Can invitees attend meeting without formal application? Based on bylaws, they would observe and be encouraged to participate, but not permitted to vote.

Clarification sought regarding qualifications of parent or individual:

Based on past guidance, an individual with a disability can be of any age and need not have been eligible under IDEA. A parent must have a child who is/was eligible under IDEA and is birth through age 26.

VOTE: By unanimous vote the Council agreed that all members would commit to working to bring one or two parents or individuals with disability, to the November evening meeting. They may arrive at 3:30 to complete an orientation with Joy and Troy.

MOTION: Robin made a motion that we discuss process for rule making and the definition for special education and make a statement as a group around encouraging all groups to work together

Seconded by Randi

VOTE: All were in in favor.

DISCUSSION:

The Council discussed the timeline of rulemaking, multiple drafts floating around, complexity of issues, and how to address the concerns.

Council drafted a letter as a group (see attached)

MOTION: Carrie moves that we accept the letter as drafted.

Rachel proposed friendly amendment that the letter be sent to: Secretary of Education at AOE, State Board of Ed, Chairs of House and Senate Ed., and Census Based Advisory Education Chair. Amendment accepted

Seconded by Randi

Discussion: put on letterhead, nice job!

Mary called the question. **VOTE:** By unanimous vote, all were in favor.

Troy suggested the Council brainstorm areas within the rules that are of particular concern to members with the idea that we will prioritize areas for Council consideration.

The council brainstormed a list of possible focus areas:

- Adverse Effect: look at fed rules and VT rules (draft of 2360 has not touched adverse effect;)
- Where we are in VT with Act 77 and all initiatives; there are a lot of accessibility issues that relate to general ed. (This shifts more on Special ed.)
- LEA definition language: supervisory union to district
- 236.2 Re-evaluations Part C to Part B (why it does not come new evaluation date)
- Initial evaluation convene within 15 days; language change
- Personnel qualifications 2360.2.13
- Child Find intersection with MTSS; make it clear you can provide MTSS services while you assess, but not delay
- Definitions of highly qualified sp. Ed. teachers, and services different from 2360
- If definition of special education changes; definition of need changes
- Re-evaluation timelines; same as initials?
- Idea of having parents sign the IEP (like NH)? (Would impact prior written notice)
- Timeline for prior written notice (no specified days in rules)
- Definition of what a placement is
- Basic MTSS rules; how it is layed out; how you benchmark, track, and when you suspect a disability
- Transition age down to 14
- Data given to parents/teams regarding SLD determination
- Technical Assistance

- Monitoring enforcement activities/is their federal regulatory rule language around this?

Jacqui suggested the council members bring the list back to their community to have parents look at it and get other input. She said that advising the state on our unmet needs is a priority. This way we can be very targeted on what the ask is.

Other Business:

Next agenda items additions:

Update on letter

Update on rules

Action on brainstorm (vote on priorities) Troy will set up survey monkey

2:15 Council moved to executive session to discuss Rachel's application to join.

2:22 Back to Open Session

Motion on floor to recommend Rachel to Advisory Council

Seconded by Carrie

VOTE: By unanimous vote Council agreed to recommend Rachel for membership. Troy will send email to Jacqui with Rachel's application to be forwarded to the Secretary. The secretary will recommend to governor.

2:26 pm: Meeting was adjourned

Meeting Schedule (Hold the Dates):

November 21, 2019 (4:30 pm - 7:30 pm) Montpelier High School

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