

## **State Board of Education Rules Series 1300 and 2360 Committee**

### **Draft Meeting Minutes**

**Meeting Place: Virtual Teams Meeting/Video/Teleconference**

**Call in #: 1-802-552-8456, Conference ID: 967 523 434#**

**Date: January 5, 2021**

#### **Present:**

**State Board Committee Members:** Kim Gleason, Jenna O'Farrell, Bill Mathis

**Invited Presenters:** Marilyn Mahusky, Meagan Roy, Jacqui Kelleher, Emily Simmons

**Others:** Philip Eller, Sue Aranoff, Crista Yagjian, Sandra Chittenden

#### **Call to Order/Roll Call/Introductions**

Kim Gleason called the meeting to order at 1:35pm

#### **Amendments to Agenda**

Bill moved to amend the agenda to move the work session, with representatives from the VCSEA, VLA, and AOE, to begin at 2pm, due to a conflict in the schedule for our guests. Jenna seconded. Motion passed 3-0. Noted that committee member, Angelita Peña had a conflict with her academic schedule.

#### **Public to be Heard**

No public comment at this time.

#### **Committee review of all received input regarding adverse effect, parental consent, and MTSS. Consider draft recommendation for the full board.**

The Committee discussed broadly the additional testimony that had been submitted since the last committee meeting and through the end of the year. We recognized the challenge to strike a balance between that which enhances practice, while not being too proscriptive of methods, which may be more appropriate for technical guidance than for rules. We acknowledge the importance of making changes that bring the rules in alignment with the federal regulation, and those that have greatest impact on student learning. We recognize that this round of changes to the rule/draft language should seek to make the most important changes to bring rules in line with federal regulation and those with greatest consensus, and that there may be other issues

which would benefit from further review at a future time. The timeline for these rules, must allow for completion with ample time for districts to plan and prepare their budgets for FY23.

**Work session focused on adverse effect, parental consent, and Multi-Tiered Systems of Support (MTSS). Invited: representatives from Vermont Council of Special Education Administrators (VCSEA), Meagan Roy; VT Legal Aid, Marilyn Mahusky; and the Agency of Education, Jacqui Kelleher and Emily Simmons.**

The Committee appreciated the willingness of the stakeholder groups to discuss their positions on Adverse Effect, parental consent and MTSS. The VCSEA position has evolved since the last draft of the rules, and now is in agreement that adverse effect should not apply for SLD or Deaf/Blind. This is in alignment with federal regulations. There is also agreement in moving toward RTI. Marilyn Mahusky referenced inclusion of functional skills, in alignment with proficiency graduation requirements.

With respect to parental consent, VSECA acknowledges the detailed parental engagement kit that is available from the AOE to school districts, and recognizes that there is inconsistency in practice regarding parent engagement and input in the IEP process. Rachel Selig of the Disability Law Project and the Special Education Advisory Panel recommended in earlier testimony changes to the rules regarding meeting notice, access, content, scheduling, etc., and a parent feedback form. Though it is recognized that these items are best practice, it may not be appropriate for the rules. Rather it may be more appropriate to have language that references the federal requirements for IEP meetings, district responsibility to have a process to comply with those requirements and utilize best practice in meeting planning, implementation and documentation. Jacqui Kelleher recommended that the state form that is used by most districts could be modified to make clear the parent input/feedback section of the form, along with an expectation that it be completed to capture the feedback from the meeting. Bill Mathis also suggested that the language should make clear that the AOE would hold districts accountable to these best practice measures in their formal review of districts every three years.

There was agreement that MTSS should be its own rule, and should only be reference in the 2360 rules to the extent that it make clear that a student should not be denied access to special education services waiting to determine the impact of the MTSS process. Emily Simmons will review the current draft of the rules to ensure that is captured.

Emily Simmons will draft language on adverse effect and parental consent using the previous suggested language changes as a place to start, and she will send draft language to Meagan Roy and Marilyn Mahusky by January 13 for their review and comments. It is hoped that recommended draft language changes would be available for the State Board in time for the January 20 board meeting.

The Committee will be prepared to share their process and best thinking regarding recommendation for adverse effect, parental consent and MTSS. If the draft language has the consensus of the stakeholders, the Committee will be prepared to review with and make a recommendation for adoption to the full board. It is possible that the final draft rules could be ready for board adoption as early as the February meeting or as late as the March meeting.

The Committee is grateful for the commitment and collaboration of the stakeholders and appreciates their support throughout this process.

## **Adjourn**

The meeting was adjourned at 4:30pm.

Minutes prepared by: Kim Gleason, Chair, Rules Series 1300 and 2360 Committee