

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: : 649 622 940 #

Date: January 27, 2021

Present:

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

Invited Guests: Emily Simmons, Jacqui Kelleher, Meagan Roy, Marilyn Mahusky

Public: Phillip Eller

Call to Order/Roll Call/Introductions/Amendments to the Agenda

Kim Gleason called the meeting to order at 12:06pm

Review and Approve Minutes

Jenna moved to approve the minutes from the meeting of January 18th, 2021. Motion passed 3-0 (non-voting student board member, Angelita Peña, was also present.)

Public to be Heard

No public comment at this time.

Review of revised draft Rule 2360 changes regarding adverse effect, parental consent, and Multi-Tiered Systems of Support (MTSS)

1. Emily Simmons, of the AOE, walked the committee through the most recent working draft of the 2360 rule series as it related to Adverse Effect, Parental Consent, and Multi-tiered Systems of Support (MTSS). The AOE draft attempted to incorporate the feedback from Marilyn Mahusky, of the Disability Law Project, and by Meagan Roy, of the VCSEA. The committee and working group modified the language of the draft as indicated below:

- a. Revised the definition of adverse effect. Move away from hard line-drawing and toward appropriate use of professional judgement, and arrived at a consensus on language which incorporated aspects of both sets of feedback.
- b. Added functional skills to the basic skills area, with some detail about evaluation of these skills. (*consensus on the concept with some differences remaining on recommendation for specific language changes*)
- c. Removed evaluation of adverse effect from process of identifying Specific Learning Disability (SLD) and deaf blind. (*consensus*)
- d. Removed use of discrepancy model from SLD. Allowed for either Response To Intervention (RTI) model or other research-based model. (*It is acknowledged that this will be a change for the field and will require support from the AOE to ensure districts are prepared to implement this plan for July 1, 2022. The form previously suggested will no longer be a part of the rules, but rather an available tool provided through guidance to the field, with appropriate stakeholder input in the process.*)
- e. Required a new element of IEPs for Parent Input/Feedback. Provided some minimal process requirements for this new element. (*AOE clarified their intent with the form and VCSEA expressed their support for the concept, recognizing the opportunity to capture parents' feedback either within the IEP meeting or within a specific timeframe following the meeting, but feedback doesn't require change to the IEP.*)
- f. Nothing new at this time on MTSS. Rule 2362.2.1 is already being amended as follows:

2362.2.1 Initial Evaluations (34 CFR § 300.301) Either a parent of a child, or an LEA, or the AOE, or other State agency, may initiate a request for an initial evaluation to determine if a child or student is eligible for special education and related services. Implementation of Response to Intervention (RTI), Multi-tiered System of Supports (MTSS) or other strategies for academic and behavioral support shall not cause the evaluation of a child or student suspected of having a disability to be delayed or denied.

Emily Simmons will incorporate the draft changes that were agreed upon in the meeting, and will circulate the draft to the stakeholders. If there are any remaining outstanding discrepancies in the language the committee will convene another meeting. A final draft will be available for inclusion in the State Board packet by February 12th, and committee recommendations will be shared with the full State Board for their review and approval at the February 17th meeting. The Committee appreciated the collaborative work of the stakeholder, as we attempt to bring these rules into better alignment with the federal regulations and address some of the parental participation concerns raised in testimony. 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. The Committee is grateful for the commitment of the stakeholders and appreciates their support throughout this process.

Adjourn

The meeting was adjourned at 2:08pm.

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