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## MEMORANDUM

TO: Vermont State Board of Education  
FROM: Robert Stirewalt, Director of Policy, Regulations and Legislative Affairs  
SUBJECT: Legislative Update on Agency of Education Work  
DATE: January 17, 2017

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### **Summary of Action on Legislation Passed in 2016 Requiring Agency of Education work, including Act 46 Update.**

#### **Act 148: An act relating to special education**

This act provided needed updates to the special education law, caused a review of the current special education funding formula, and provided consulting services to supervisory unions on special education best practices. The bill directed the Agency of Education to hire a consulting firm to evaluate the special education funding system and recommend options for a different system using \$90,000 of funds from the Agency's budget for FY17. The funds were for the provision of special education consulting services for up to 10 supervisory unions or unified school districts.

*UPDATE: AOE contracted with a consulting firm, the District Management Council (DMC), to review current practices for the delivery of special education services against research-based best practices. AOE issued a press release on November 29, 2016 that announced 10 supervisory unions and supervisory districts throughout Vermont were selected for a Special Education Services Review. The law required that the Agency select at least three supervisory unions or supervisory districts with an average daily membership (ADM) of 1,500 students or more, and at least three unified union school districts formed pursuant to Act 46 of 2015.*

*The Agency had the capacity to conduct a maximum of 10 service reviews. Supervisory unions and supervisory districts with an ADM of 1,500 or more selected for the project are the Milton Supervisory District, the Hartford Supervisory District, Franklin Northeast Supervisory Union and Bennington-Rutland Supervisory Union. Unified Unions under Act 46 selected for the reviews are Addison Central Supervisory Union, Essex Town & Essex Junction, Washington West Supervisory Union and Orange Southwest Supervisory Union. Orleans Central and Windham Central Supervisory Union were also selected to participate in the project. This group represents a diverse cross section of structures.*

#### **Act 107: An act relating to persons who are deaf, DeafBlind, or hard of hearing**

This bill proposes to establish a bill of rights for children who are deaf or hard of hearing and creates a Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council that will promote diversity, equality, awareness and access. Vermont wants to better support students who are deaf, hard of hearing, or Deafblind. The council will include a diverse group of members who have a hearing impairment, interpreters, counselors, a school superintendent, a special education administrator and others including the Secretary of Human Services and Secretary of

Education. Council members may make recommendations based on research and data collected by all internal and external stakeholders. This collaborative group will improve services for this population of students and adults in Vermont.

*UPDATE: AOE's Cindy Moran, director of special education, serves as a member of the council. She is responsible for supporting discussion or implementation of any recommendations and reporting back to AOE leadership.*

### **Act 153: An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court**

This bill asked the Agency of Education to explore the use of Restorative Justice and similar practices, and to consider research on effects and outcomes of implementation of restorative practices. The bill provided no funding, but required AOE staff to explore the designated practices and research their effects and outcomes, within the scope of existing work.

*UPDATE: On October 13, 2016 AOE sponsored a facilitated dialogue on the training and implementation of educationally-based restorative practices. A total of 20 restorative practices trainers and stakeholders developed a set of recommendations for how to improve and increase the use of restorative practices.*

*The report is attached here: [restorative practices report](#).*

*AOE is also using IDEA B funds to issue a Request for Proposals (RFP) for the creation of a resource guide for the implementation of restorative practices in Vermont schools. The guide will be made available to Vermont schools and Restorative Practice trainers.*

*The law also tasked the Agency to work with the Agency of Human Services (AHS) regarding substance abuse prevention. Both AOE and the Health Department (which is within AHS) are mutually embracing the Whole School, Whole Community, Whole Child Model in their work with Vermont schools around health education. This model focuses on 10 components to keep the child at the center being "healthy, safe, engaged, supported and challenged" always mindful that the health of students is linked to their academic achievement.*

*Governor Peter Shumlin, by executive order in October 2015, also created the Health In All Policies Task Force across nine state agencies and departments, including AOE. The intent was to bring together agencies and departments that don't exclusively focus on public health, but whose policies can impact health. The Secretary of Education and Secretary of Human Services are members of the task force. One of the task force's goals is a commitment to equity, and to meet the basic needs of all Vermonters. This includes providing substance abuse prevention and treatment for anyone in need.*

*Robert Uerz, Education Programs Coordinator – Tobacco Use Prevention, also serves on AHS' Vermont Alcohol and Drug Abuse Council, and has served on the workgroup that assisted in the development of the Health Department's Report titled, "Marijuana Regulation in Vermont: Health Impact Assessment" which was released in January 2016.*

### **Act 149: An act relating to Executive Branch fees**

This bill proposed new fees assessed to all teacher education programs in Vermont to cover the costs associated with their accreditation through the Results Oriented Approval Process (ROPA), coordinated through the AOE.

*UPDATE: Fees from this bill were sufficient to retain staff and cover most of the work associated with the ROPA program. Recruitment and hiring of a ROPA consultant was completed the last week in August*

2016. Fees schedule based on the legislation was established with the AOE business office and are currently in place for invoicing. The first invoicing for “authority to recommend Vermont licensure” by the Educator Preparation Programs was initiated in November 2016, according to Debora Price, Director of the Educator Quality Division.

**Act 132: An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes**

The Yield Bill set the property and income yields for education tax rates along with the non-residential rate. The bill tasked AOE with reviewing proposed budgets for merging districts for any large or unusual spending proposals and with making a recommendation to the Legislature on how best to calculate tax rates for member towns transitioning to the new unified tax rate.

*UPDATE: AOE contracted with Berry Dunn, a technical assistance contractor in December 2015, to help create the new Financial Management system for school districts. Among the many things this system will do, it will have the ability to determine fund balances (surpluses) for the districts as required by the law. AOE is moving toward automating how budget surpluses are reported, rather than only the current method, which would be a laborious manual process involving a review of paper copies of surplus data that is reported to the state in varied forms by Supervisory Unions. AOE plans to bring before the legislature this session three or four options for the new financial management system, which would need to be funded, including the estimated cost for each school district to have a system that conforms with the new state system.*

**Act 46 (2015) An act relating to making amendments to education funding, education spending, and education governance.**

Act 46 is intended to move the State toward more sustainable models of education governance that will be better able to ensure substantial equity in the quality and variety of educational opportunities and maximize operational efficiencies. The law encourages, and eventually could require, school districts to merge into larger units where necessary to better serve students and manage costs and where possible and practicable given existing operating/tuitioning structures and geography.

*UPDATE: Since July 1, 2015 (Act 46) voters in 58 towns have voted to merge 66 school districts into 13 unified union school districts and one modified unified union school district. Voters in four supervisory unions did not approve merger proposals (one of the four proposals is the subject of a reconsideration vote on January 31, 2017 and another will be presented to the voters in amended form in March 2017). Study committees have submitted nine merger proposals to the State Board for review in December and January, several of which propose to create districts that would operate some grades and tuition others, or that would pay tuition for all students.*