



Act 173 Advisory Group
January 4, 2021, 9:00 a.m. – 10:30 a.m.

Draft Meeting Minutes

Microsoft Teams Virtual Meeting

Call In: 1-802-552-8456

Conference ID: 316 874 505#

Purpose of the Advisory Group per [Act 173 of 2018](#): To consider and make recommendations on the implementation of a census-based model of funding for students who require additional support.

Present:

Advisory Group (AG) Members: Meagan Roy, Chair, Vermont Council of Special Education Administrators (VCSEA); Marilyn Mahusky, Vice Chair, Disability Law Project; Jeff Fannon, Vermont-National Education Association (VT-NEA); Jay Nichols, Vermont Principals' Association; Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Cheryle Wilcox, Department of Mental Health (DMH); Jeff Francis, Vermont Superintendents Association (VSA); Mill Moore, Vermont Independent Schools Association (VISA); Karen Price, Vermont Coalition for Disability Rights; Lisa Bisbee, VT-NEA-selected practitioner; Sue Ceglowski, Vermont School Boards Association; and Dan French, Agency of Education (AOE).

AOE: Meg Porcella, Maureen Gaidys

Others: John Castle, Superintendent, North Country SU; Chelsea Myers, VSA; Susan L. Aranoff, Vermont Developmental Disabilities Council; Kimberly Gleason, State Board of Education (SBE), and Dillon Burns, VT Care Partners.

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

Chair Roy called the meeting to order at 9:05 a.m. There were no amendments to the agenda. She explained that John Castle was here to speak about the Weighting Study and that this item was not on the agenda but was a chance to make this a priority for the AG under public comment.

Review and Approve Minutes from December 7, 2020 Meeting

Chair Roy asked for a motion to approve the minutes. Wilcox moved; Francis seconded. There was no discussion. Chair Roy called the vote; the minutes were approved.

Opportunity for Public to be Heard

John Castle, superintendent, North Country Supervisory Union (NCSU), introduced himself and thanked the AG and spoke to the inherent inequities of a block grant without some modification. He referenced section 11 of the law and noted that this pre-dated the Weighting Study. His understanding of Act 173 and the Weighting Study was that there is clearly a nexus between the two. He spoke about Dr. Kolbe, students who require additional support, section 11, the idea of a census grant adjustment and concern about how Act 173 implementation can move forward without connection to the Weighting Study. He was curious where the AG sees these things in relation to the rulemaking process and what advocacy may need to happen.

Chair Roy spoke about what the AG has done to date – and that it was not going to be discussed in detail today, but that it would be used as a prompt for discussion at a future meeting, perhaps the February meeting. Chair Roy spoke about the report to the General Assembly (GA) and that it did not include anything about the Weighting Study, but that the report would be discussed today.

Castle added that his SU has higher than average poverty level, especially high (25%) child find counts, and will have fewer funds than currently receive and still have obligation to provide services to all IEP students. His hope was that the supplemental adjustment per section 11 will be addressed as an immediate concern. He ventured a guess that other SUs/SDs have similar concerns. He acknowledged that digging into the Weighting Study was complex and he appreciates the many issues the AG has to tackle. Chair Roy asked if the AG was ready to have a discussion on the Weighting Study in February or if they needed something else. Francis spoke about the GA being pretty dynamic around the Weighting Study and thought it appropriate to discuss this in February and to call out specific actions the AG should take in respect to the Weighting Study. Chair Roy asked if it was too early to hear from the AOE on the Weighting Study in February. Secretary French spoke about the [Weighting Study presentation](#) given to the AG by Dr. Kolbe in January 2020. There was discussion on being ready when the AG's opinion was asked, weighting of overall pupil count, additional need for adjustment, categorical aid, reimbursement model, and the complexity of section 11. Chair Roy said the Weighting Study will be on the February agenda and said she would welcome any further comments offline. She asked for any additional comments from the public. Secretary French added that the AG could react to specific legislation as it is drafted.

Updates from Agency of Education

- [Professional Development Subcommittee Meeting Update](#)
Porcella said there was nothing additional to add to last month as the committee has not met since then; work continues.
- [COVID-19 Efforts](#)
Secretary French said that we are waiting to see the trends from the holidays; we are at a plateau and expect that to change. He spoke about the state's ongoing progress with vaccinations and the dependence on supply chain issues. He advised that the AOE was working on transitioning to a recovery mode with the idea of pointing districts in that direction sometime in February. Secretary French was interested in sharing that work with the AG.

Review Draft Report to the General Assembly

Chair Roy reviewed the draft report by section with the AG for a topical review and/or for any omissions. Nichols commented that his main concern was around a comprehensive plan for district support for professional learning to implement the law with fidelity and suggested that this be highlighted. There was discussion on recommendations, the Weighting Study, continued financial support for implementation and holding on additional legislation. Chair Roy asked if there was anything left out of the draft report that should be included. Mahusky asked for a more specific rule related to implementation of Multi-tiered Systems of Support (MTSS) as being important to holding districts accountable. Mahusky said the statute should reflect what was being proposed – that language would be

to clarify, “agency shall be charged with drafting policies and procedures...” with “agency would be charged with drafting a rule.” This was a small change with bigger implications. Chair Roy asked if the AG felt comfortable with asking the AOE to draft a rule. Price agreed. There was discussion on issues identified through public comment to the State Board, and Rules Series 1300 and 2360 committee meeting.

Secretary French spoke about deficiencies in creating systems and structures, processes for supporting and holding accountable, comprehensive Professional Development (PD) plans, required needs-based PD plans, lack of systems-oriented approach. There was discussion on accountability, observation and experience of variability across the state, variability as a strength and weakness, movement with the PD subcommittee, variability prompting a desire for a rule, no additional legislation that requires action, three-year averages and accounting for COVID-19 funding into the future, concerns about underfunding of essential services, COVID-19 recovery work as a driver, districts planning for an impact, the current situation to ensure accountability to MTSS and district/SU-wide PD plans, and using structures that already exist. Chair Roy asked for any additional comments to be sent to her by January 6, 2021 so that she could finalize for submission to the General Assembly.

Update on Rules Series 2200 Rate Setting Stakeholder Working Group

Chair Roy spoke about this working group’s first meeting was, January 5 and named its group members: Chair Roy, Act 173 AG; Tom Lovett, Act 173 AG; Mill Moore, Act 173 AG; Laura Pelosi, MMR, LLC; Drew Gradinger, Kindle Farm School/Healthcare and Rehabilitation Services; Carrie Hathaway, Howard Center; Paul Eaton, Bennington-Rutland SU; Dylan McNamara, Essex-Westford SD; Emily Simmons, AOE; Pat Pallas Gray, AOE; Patrick Halladay, AOE; and Deborah Ormsbee, AOE. This group will continue the work of the previous version of this stakeholder group. Chair Roy spoke about another committee of the State Board, the Rules Series 1300 and 2360 committee, that will meet on January 5, 2021. Gleason spoke about the charges of this group - to make a recommendation to the full Board and understand if a separate MTSS rule was needed. She also spoke about another committee that was focusing on Rules Series 2200 and was looking at other parts that are not related to Act 173 that need to be addressed. There was discussion on Rules Series 2200 rulemaking, the role of the State Board’s subcommittee, not delaying Act 173 implementation, and how the Board’s subcommittee will engage in the Act 173 relevant Rules Series 2200 modifications.

Chair Roy asked for further discussion; there was none. She identified agenda topics for the next AG meeting: Weighting Study, update on PD subcommittee, and update on Rules Series 2200 Rate Setting working group.

Adjourn

Chair Roy adjourned at 10:28 a.m.