



Act 173 Advisory Group  
November 2, 2020, 9:00 a.m. – 12:00 p.m.

## Draft Meeting Minutes

### **Microsoft Teams Virtual Meeting**

**Call In: 1-802-552-8456**

**Conference ID: 617 907 876#**

*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); Brenda Fleming, Vermont Association of School Business Officials (VASBO); Jay Nichols, Vermont Principals' Association; Peter Garrecht, Vermont Council of Special Education Administrators-selected special educator; Cheryle Wilcox, Department of Mental Health; Jeff Francis, Vermont Superintendents Association; 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, Emily Simmons, Maureen Gaidys

Others: Chelsea Myers, Vermont Superintendents Association; Laurel Omland, Agency of Human Services; Marianna Donnally; Susan Aranoff; and Kimberly Gleason, State Board of Education.

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

Chair Roy called the meeting to order at 9:06 a.m. There were no amendments to the agenda.

#### **Review and Approve Minutes from October 5, 2020 Meeting**

Wilcox moved to approve the minutes; Nichols seconded. There was no discussion. The minutes were approved.

#### **Opportunity for Public to be Heard**

There were no members of the public to be heard.

#### **Updates from Agency of Education (AOE) – Dan French, AOE - COVID-19 efforts**

Secretary French spoke about guidance playing a critical role in the operation of school systems, the recent release of health guidance revision that will go into effect on November 16, 2020, that districts are in the process of complying and adjusting to this guidance, the AOE is close to publishing winter sports guidance, considering regional contexts of increase in cases, surveillance testing to increase capacity to understand patterns, and preparing for receipt of vaccines. At one point, as the state was moving from Step II to Step III in guidance, there was consideration to transitioning to addressing the impact of COVID-19 on student learning, but as cases started to escalate in the region, that work has been put on hold with the focus on safe operations at least through January 1, 2021.

## **Success Beyond Six (SB6) Update - Laurel Omland, AHS**

Omland, Director of Child, Adolescent and Family Unit, Department of Mental Health, introduced herself and shared a PowerPoint presentation titled, "[Success Beyond Six.](#)" She gave the historical background and original goals of SB6, the Medicaid funding mechanism for school mental health services provided through Designated mental health Agencies (DAs) in partnership with a Local Education Agency (LEA). She gave an overview of budgets and contracts (broad reach in almost every school district and 13 independent schools), school-based clinical services, strengths of flexibilities that can be leveraged, school-based behavioral services, service array and funding structure, and Concurrent Education Rehabilitation and Treatment (CERT) programs, service array (6 programs in the state) and daily case rate, SB6 Medicaid costs of services trend, costs of services by program type, trends of students served, per student cost (by program type and Severe Emotional Disturbance (SED) and Autism Spectrum Disorder (ASD)).

There were questions on Medicaid rate setting, [Positive Behavioral Interventions and Supports \(PBIS\) schools](#), time period for cost of student trend (FY18), exponential growth in SB6 spending, needs increasing with funds declining, high acuity cases and rising costs, and how/if shift in special education funding will impact staffing and operations for high acuity cases. Omland spoke about the impacts of COVID-19, leveraging flexibilities to eliminate restrictions (telehealth), lowered minimum thresholds of service, and the impact on behavioral intervention (BI) programs due to shifts to remote learning.

There was discussion on AOE being proactive about funding and delivery of services in hybrid models, impact of another statewide closure, meetings every 2 weeks with AOE and DMH and future planning for SB6. Omland spoke about both students and educators needing support throughout COVID-19, AOE and DMH's short- and long-term goals, service delivery reform, transparency, students' needs evolving/expanding in response to COVID-19, other partnerships, core essentials for schools, and goals for sustainability. There was discussion on fee-for-service counting as Maintenance of Effort (MOE), how MOE will continue to be demonstrated if there is a funding stream shift, the involvement of AOE's special education finance staff in this strategic shift, identifying/shrinking blind spots, and maintaining input and involvement with AOE staff who understand the technical financial aspects of the work.

Chair Roy called a break at 10:09 a.m.; she reconvened at 10:20 a.m.

## **Discussion: Rules Series 2200**

Chair Roy stated that the goal of this discussion was to get the substance of the AG's comments to the AOE and then assess where the AG was relative to the draft rules – either generally in support of them or that more conversations are needed.

Emily Simmons, AOE General Counsel, introduced herself and explained that the draft rules posted on the web and received by AG members did not include strikethroughs and underlines, which would be very important to understanding the changes being made. She shared an [updated revision of the Rules Series 2200 with strikethroughs](#) and explained that green highlights were contributions from VISA and other than adding page numbers and correcting formatting errors there are no other changes to the draft from the October meeting. Simmons suggested framing feedback into three buckets: 1) changes necessary to implement Act 173's charge to only have publicly- funded tuition paid to approved independent schools that offer services to and enroll all students; 2) address new requirements for

approved independent schools (IS) to have and prove that they have financial capacity; and 3) to create a process and procedures that allow students who are enrolled to actually be enrolled on a fair basis and for the student's resident supervisory union/school district and IS to work collaboratively to serve those students. Lastly, there are changes that are technical (reader assistance) that address edits and redundancies in provisions.

Simmons explained the revisions and went through each with the AG. Simmons asked for comments/feedback on offering but not requiring the model contract and on the terms "approved independent school" and "limited enrollment approved independent school" (vs. therapeutic or special purpose independent schools). There was no disagreement with these terms. Simmons said she will accept comments and edits on the Rules Series 2200 revision through the end of day, November 6, 2020 and that a Word version will be distributed to members. There were questions and discussion on contract language (model vs. minimum standards), costs of services, model contract acting as umbrella with the AOE offering documents as addenda, proposed strikethrough of parts of rules that might require legislative action, and recommending changes to the GA.

Chair Roy asked if it was fair to say that the AG is largely in support of the revisions with some technical input. Moore expressed that a consensus could not be stated yet. Chair Roy clarified that she was not stating consensus but wanting to gauge how much more discussion was needed before this goes to the SBE. Aranoff asked if the stakeholder group included any parents of children with disabilities; Chair Roy replied no and added that the stakeholder group's purpose was to advise/inform the AG, which does have representation of parents of children with disabilities. Chair Roy suggested that she be copied on comments sent to Simmons so that she could get a sense of the feedback and plan for further discussion if needed. She confirmed that the stakeholder group will convene prior to the December AG, where the AG will decide to support the draft revisions. Simmons said the SBE was required to initiate rulemaking by June 2021. There was discussion on these rules being narrower in scope than the last rules series and representation from the "limited enrollment" special education schools and others on the stakeholder group. Chair Roy reiterated that she be copied on comments sent to Simmons and added that the draft revisions to Rules Series 2200 would be on the agenda for the December AG meeting.

#### **Update, Professional Learning – Meg Porcella, AOE**

Porcella said surveyed subcommittee participants to find an agreeable time for the professional development (PD) subcommittee to meet. The first meeting is Friday, November 6, 2020. Attendees are Lovett, Garrecht, Gwen Carmolli, Roy, Fannon, Mahusky, Rebecca Fillion, Porcella and other AOE staff (Souliere, DeCarolis, and Case), who will take this input and make it actionable. Chair Roy said there could be an update from the PD subcommittee at the December meeting.

#### **Agenda Input**

Chair Roy shared what she had collected for the next meeting's agenda: Rules Series 2200, update from stakeholder group, PD subcommittee update, generating a list of what to include in the AG's annual report to the GA, and any changes in statute that should be suggested.

#### **Adjourn**

Chair Roy adjourned at 11:23 a.m.