

Act 173 of 2018 Orientation –

An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support

Presentation from the Vermont Agency of Education
Act 173 Census Advisory Group

Agenda

1. Purpose of Act 173
2. History
3. Reports
4. What's Changing and When
5. What's Not Changing
6. Other Items of Note
7. Next Steps

Purpose of Act 173

The purpose of Act 173 of 2018 is to enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont's schools.



Using Research to Inform Legislation

- In 2016, the General Assembly directed the Agency of Education (AOE) to contract for two studies.
 1. [UVM Study](#): To evaluate current special education funding model and recommends a model that provides incentives for desirable practices and stimulates innovation in the delivery of services (2016 Act 148 Sec. 3).
 2. [DMG Report](#): The second study compared current practice to best practices for special education service delivery (2016 Act 148 Sec. 4) in 10 representative Supervisory Unions/Supervisory Districts.

Who is this law intended to support?

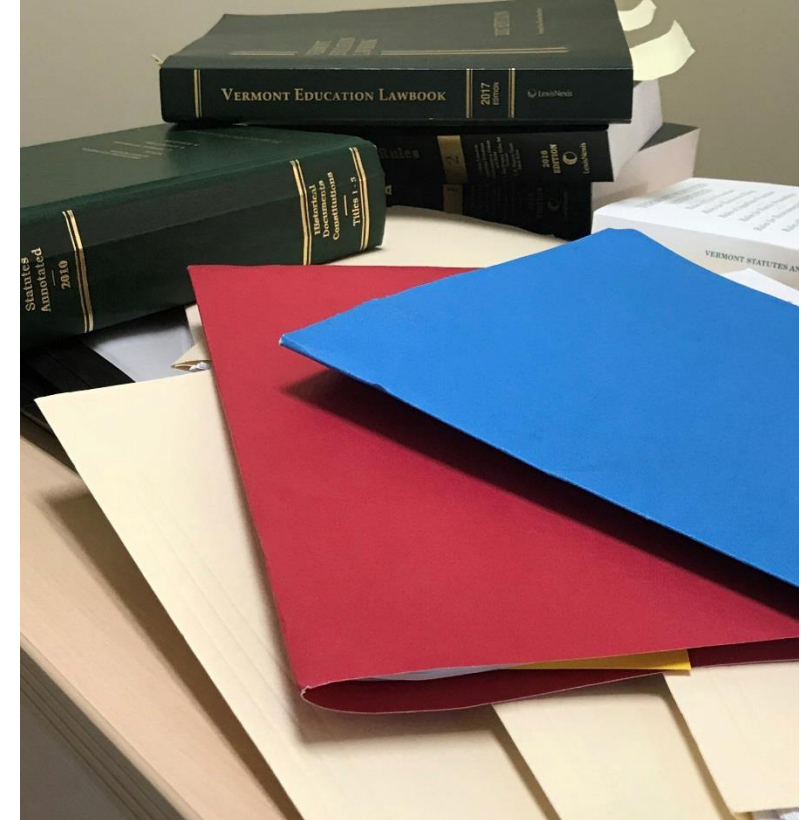


1. Students with an individualized education program (IEP);
2. Students with a 504 plan under the Rehabilitation Act of 1973;
3. Students without an IEP (1) or 504 plan (2) but whose ability to learn is negatively impacted by a disability or by social, emotional, or behavioral needs;
4. Students who are English learners;
5. Students who read below grade level.

UVM Study- Current Funding System Problems

Stakeholders reported the current funding model to be:

1. Administratively costly for both the state and local SU/SDs
2. Misaligned with current policy priorities of MTSS and PBIS
3. Incongruent in regards to incentives for identification and placement of students
4. Discouraging of cost containment
5. Unpredictable and lacking transparency



UVM Study- Solutions offered by Census Funding Model



The census model addresses these concerns because it:

1. Allows increased flexibility in the use of funds
2. Allows the use of funds for all students, not just those on IEPs, to provide flexibility for early intervention if needed
3. Is simple and predictable
4. Aligns with the policy priorities of serving students who need additional support in both general and special education

DMG Report- Opportunities for Improved Service Delivery

The District Management Group (DMG) identified five opportunities for improving services and supports for students who need additional support:

1. Ensure elementary Tier 1 core instruction meets the needs of most students;
2. Provide additional instructional time outside core subjects aligned to the core instruction, to students who struggle, rather than providing interventions instead of core instruction;
3. Ensure students who struggle receive all instruction from highly skilled teachers;
4. Create or strengthen a systems-wide approach to supporting positive student behaviors based on expert support; and
5. Provide students having more intensive support needs with specialized instruction from skilled and trained experts.

What does Act 173 Include?

1. Establishment of an Advisory group to shape proposed rules and procedures
2. A several year transition to the new funding system providing time for rule-making, procedure development and professional learning.
3. Resources to support implementation of the law and professional learning

Advisory Group

Act 173 creates a census-based advisory group that will meet from September 2018 through June 2021 that has three duties:

1. Advise the State Board of Education on the development of rules to implement the act; (adopted in 2020, in effect 2021)
2. Advise the AOE and supervisory unions on the implementation of the act; and
3. Recommend to the General Assembly any statutory changes necessary or advisable to meet the goals of the act.

What's Changing: Funding Model

Today

Special education is funded through a reimbursement system. Overall the state funds 60% of all special education costs through three mechanisms:

- Mainstream Block Grant
- Special Education Expenditure Reimbursement
- Extraordinary Service Reimbursement

Future

Starting in Fiscal Year 2021 the State will replace Mainstream Block Grant and Special Education Expenditure Reimbursement with a census-based grant.

- The state will set a per student (ADM) amount
- SU/SDs will receive a grant equal to the per student amount times the 3-year average ADM count

What's Changing: Funding Model

- SU/SDs will use these funds for services outlined in IEPs and to ensure compliance with IDEA fiscal requirements
 - If all IEP requirements are met, SU/SDs can use the funds to provide other services to kids, that were not allowable for reimbursement under the reimbursement model.
 - All remaining costs will be the obligation of the SU/SD
- Extraordinary cost relief will be available for students with high individual costs at a new threshold of \$60,000 that will increase annually by inflation.

What's Changing: Independent Schools

Act 173 also addresses special education costs provided to independent schools.

- Independent schools may bill LEAs for costs required by an IEP that exceed the general tuition rates.
- An LEA may receive extraordinary cost reimbursement if the individual students' special education costs at the independent school exceed the threshold for reimbursement.
- Provisions related to independent schools do not go into effect until July 1, 2022.

What's Not Changing: Funding Model

Some aspects of state special education funding were not addressed by Act 173 and will continue in their current state:

- Annual grant funds for BEST/Act 230,
- Annual grants for consultants for students with the most significant and complex disabilities, for student that are blind or visually impaired and for students that are deaf or hard of hearing.
- Essential Early Education grant program that provides SUs with funds for 3-5 year-olds who are eligible for special education will not change.

Resources for the Transition: Professional Learning in 2018-19



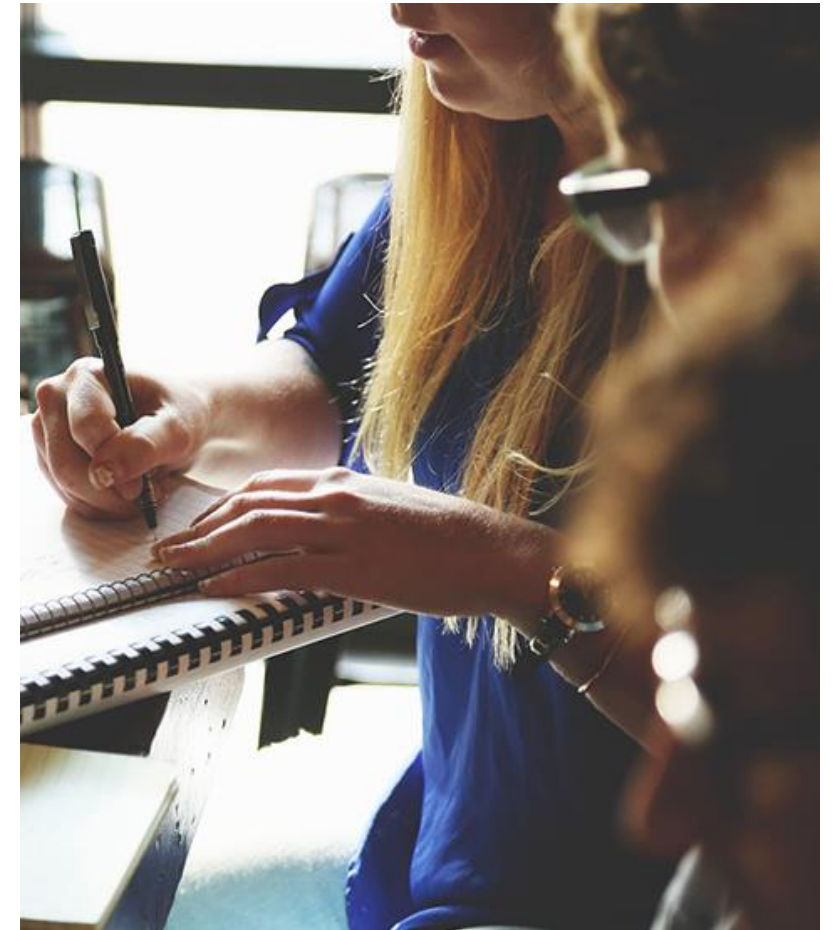
1. Underway- A contract to develop a statewide blueprint/plan for early literacy
2. Underway- A contract to provide regional training for 12 SU/SD for high leverage instructional strategies;
3. Underway- A contract for regional training and technical assistance on building schedules
4. Underway: A contract in process for professional learning on effective first instruction for students who struggle in math.

Resources for the Transition: Professional Learning in 2019-20

This year, the AOE will work with the Advisory Group to develop a state-wide, coordinated professional learning plan for anticipated stakeholder groups:

- **Finance Strand:** SU/SD Special Education Financial Staff
- **Instructional Strand:** SU/SD Instructional Staff including general education and special education
- **Communications Strand:** Community members, particularly those who have children needing support, legislators and educators.

We anticipate a high-level plan being disseminated to stakeholders in November 2018.



Resources: Weighting Study

Act 173 directs AOE to contract for a weighting study analyzing factors that should be used to increase the census grant to supervisory unions, based on what may cause an increase in the number of students needing support.

A report of the findings of the study is due to several legislative committees on or before November 1, 2019.



Closing Thoughts for the Advisory Group



1. As we present this across the state we will be leveraging this group as the conduit for questions and comments to the Agency.
2. Solicit feedback from your constituency to bring to this group
3. Brainstorm who you need to hear from