

State Board of Education
September 15, 2021 Meeting

Summary

1. Rule Series 2200 was opened in order to make changes mandated by Act 173 of 2018 relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support.
2. The bulk of changes to the Rule Series were crafted by the Act 173 Advisory Group. This Group, which was first convened in September 2019 and comprised of a variety of stakeholders, held almost monthly public meetings to craft changes to the Rule Series that addressed the issues raised by Act 173.
3. In addition to the Act 173 Advisory Group, The State Board formed a subcommittee through the winter and spring of 2021 and invited members of the public, as well as various stakeholders, to its meetings with the goal of identifying “quick wins” that could be incorporated into the Rule Series without disrupting the Act 173 rule-making process.
4. A third working group committee was also formed between various stakeholders to develop mutually agreeable language around the issue of rate setting for therapeutic independent schools.
5. All proposed changes have been distributed and discussed at our monthly State Board meetings. In May, the State Board voted to accept the changes to Rule Series 2200 that were recommended to it by the various Act 173 subcommittees, adopt the proposed revisions of Rule Series 2200, and initiate formal APA rulemaking.
6. The proposed revisions of Rule Series 2200 were brought before the Interagency Committee of Administrative Rules on July 12th and submitted to the Secretary of State, thus commencing the formal rule-making process.
7. Under 3 V.S.A. §840, the State Board must hold at least one public comment hearing. The Rule Series 2200 Subcommittee decided to schedule four hearings at different times and different days of the week to provide the greatest opportunity for members of the public to provide comments. All four meetings provide both a physical and virtual location. The hearing dates and times are as follows:
 - a. **8/26/21 at 12pm.** This hearing included testimony from a member of the public as well as the Agency of Education; testimony is summarized and attached separately.
 - b. **9/15/21 at 4pm**
 - i. The public may attend in person at 133 State Street, Conference Room #021; Montpelier, VT 05620-2501
 - ii. The public may attend virtually. Call in Number: 1-802-552-8456; Conference ID: 681 147 302#
 - c. **10/20/21 at 4:30pm**
 - d. **10/26/21 at 7pm**
8. Another opportunity for members of the public who wish to comment on the proposed changes to the rules is to email comments to SBE.PublicComment@vermont.gov. The public comment period will be open until November 5, 2021.
9. Finally, the Rule Series 2200 Subcommittee has proposed two phases of work: Phase I, which is the work that is currently underway as a result of the Rule Series being opened in response to Act 173; and Phase II, which will be updates to the Rule Series that the Subcommittee feels are both timely and important. The Subcommittee had planned to conclude its Phase II work by the end of this year, with the goal of commencing formal APA rule-making in early 2022. However, the Subcommittee has now decided stretch out its work on Phase II for two reasons. First, it will be easier for everyone, but especially the public, to track the changes that are being proposed in

each Phase and avoid the potential confusion that might ensue if both Phases are underway at the same time. Second, allowing Phase I changes to go into effect will allow the AOE and the Board to identify any unanticipated glitches that may arise in the execution of Phase I and allow the Subcommittee to address them, in addition to its other work, in Phase II.