

APPROVED MINUTES

Meeting Place: State Office

Address: Agency of Education, 219 North Main Street, Barre, VT 05641 Room 423

Date: Thursday, March 21, 2019 (9:30 a.m. to 2:00 p.m.)

Present: Troy McAllister, Eileen Guyette, Sherrie Brunelle, Mary Barton, Joy Wilcox, Nancy Richards, Karen Price, Tara Howe, John Spinney (AOE Liaison), Guests: Philip Eller (at 10:55 a.m.)

Agenda:

- 9:30-9:40 Roll Call, Assign Roles, Review/Revise Agenda as Needed
- 9:40-9:50 Public Comments
- 9:50-10:10 Approve Meeting Minutes for:
 - June 2018
 - January 2019
 - February 2019
- 10:10-10:40 AOE Updates and AOE Staffing Updates
- 10:40-11:15 Schedule of Required OSEP Reports
- 11:15-12:00 Act 173 Continued Discussion
- 12:00-12:30 Break
- 12:30-1:00 PBGR Access Plan
- 1:00-1:45 Legislative Update/Council Membership
- 1:45-2:00 Prepare agenda for the next meeting, and wrap up

Roll Call, Assign Roles, Review/Revise Agenda

Meeting called to order by the Chair, Troy McAllister, at 9:40 a.m., at which point, he advised the Council that Lauren Mirando-Rhim had resigned from the Council.

Troy further advised the Council that, due to illness, he was unable to get the meeting agenda out in the usual fashion and that he had asked Sherrie to do this. He also advised that Sherrie had agreed to draft and submit all agendas and minutes to the AOE designated staff member for posting.

Members reviewed the agenda and there was a question as to why time to meet with the Secretary was not on the agenda as expected. Troy advised that he had spoken with the Secretary's Administrative Assistant prior to the last meeting and understood the Secretary would be able to participate in the March meeting and when Sherrie contacted her to confirm the time that the Secretary was available for purposes of creating the agenda, she learned that a meeting with the Council was not on the Secretary's agenda for today and he was not available. Sherrie also added that the only date available for a meeting with the Secretary is our April 18th meeting. Troy advised that right after Sherrie informed him of the situation, he immediately contacted the Secretary's Administrative Assistant to schedule/confirm a meeting with Secretary French during the Council's April 18th meeting. John Spinney offered to see if the Secretary might be able to stop in between meetings. Members agreed that would be desirable. He reported back that efforts join the

meeting for a few minutes were being explored. Ultimately, the Secretary was unable to join the members as hoped. Troy will follow-up on scheduling the Secretary for our April meeting. John agreed to follow-up as well.

Sherrie moved to approve the agenda. Karen seconded the motion. With no further discussion the agenda was unanimously approved.

Approval of Meeting Minutes:

Sherrie advised that she had reviewed the AOE website to confirm the status of the postings. She noted that approved minutes are only posted for December 2018. Draft minutes are posted for June 2018, January 2019, and February 2019. There are no minutes posted for the September 2018 meeting and she has no draft minutes to work from. Eileen agreed to forward the September minutes.

June 2018 Minutes: Joy noted that Sherrie's name is misspelled. She further noted that there was a reference to herself and Eileen monitoring State Board of Education meetings which was not done. There was a lack of clarity as to the expectation. Members discussed striking that reference. Joy moved with a second from Sherrie to approve the June 2018 minutes with the stated corrections. With no further discussion the motion carried with Mary Barton, Karen Price, Nancy Richards and Tara Howe abstaining as they were not present at the June meeting.

January 17, 2019 Minutes/Membership Discussion: Sherrie asked that the minutes be revised to add the following statement after the third bullet –

“Sherrie reported that the Disability Law Project is proposing legislation to revise the SEAC statute (16 VSA Sec. 2945) to align it with the provisions of IDEA (34 CFR Secs. 300.167-169).”

Mary moved and Karen seconded that the January minutes be corrected as requested. With no further discussion the motion carried by unanimous vote.

February 14, 2019 Minutes: Minutes were reviewed with no recommended correction or revisions. Karen moved and Joy seconded a motion to approve the February minutes as presented. Eileen raised the issue of changing the frequency of meetings and the impact that has on recruitment and retention of members. Karen concurred noting that the frequency and length of meetings is a barrier to participation on the Council. Troy recommended that this issue be tabled given that there are provisions in H.140 that discuss frequency of meetings and once we know what the outcome of the legislation we can revisit the frequency of meetings. Eileen and other Members concurred. With no further discussion, the motion carried with Eileen, Tara and Mary abstaining as they were not in attendance at this meeting.

AOE Updates:

John advised that Laura Baker is retiring at the end of the month. In response to questions, he confirmed that an offer was made to a candidate for State Director of Special Education and salary and other negotiations are in process.

John reported that the 5 training modules developed by AOE in collaboration with Leann Jung are now available on the AOE website. The modules look at the interplay between Personalized Learning Plans (PLPs), Proficiency-Based Graduation Requirements (PBGR) and Individualized Education Plans (IEPs). The modules consist of some lecture, recommended reading and an opportunity to ask Leann questions.

He also advised the Council that he is in the process of developing a Request for Proposal (RFP) to create a Peer Mentor Project for middle and high school students. The project is based on the College Steps model in place for students with intellectual and developmental disabilities. The Peer Mentor Project would focus on students with other types of disabilities. He is working with an educator who has experience with a similar model in Colorado. This project is in-line with the recommendations of the DMG report, AOE initiatives, and Act 173. It is a way to reduce reliance on para-educators, provide students with opportunities for meeting PBGR through PLPs and work-based learning opportunities. It is also a way to reduce the stigma of special education. The proposal is to do a pilot in one school district that will hopefully create a model that can be replicated statewide.

This led to a discussion about other youth/transition focused activities happening in the state.

Tara shared information about the Youth Advocacy Council that was recently established. This youth based group was initially an initiative of the State Rehabilitation Council (SRC) for VocRehab. But it has grown to involve many other youth focused agencies and groups. The members –ages 15 through 27 – have a range of disabilities, though they need not identify as such. The youth established their own logo, motto and membership requirements. They have toured the State House, participated in the VR/SRC card room event in February and met with the Governor for a half hour. The youth are planning their first annual youth summit to be held at VT Technical College (Randolph) from 9am to 2 pm. The focus of the summit is:

Bullying & Harassment	Self-Advocacy
Employ & Careers	Transition to Adulthood

The Youth Advocacy Council received a grant from the VT Federation of Families for Children’s Mental Health (VFFCMH) and is seeking workshop proposals for the conference.

There was also discussion of a College Steps type of program a Castleton currently involving 5-6 youth with disabilities other than developmental disabilities which is the focus of College Steps. There are also discussions underway to figure out how to get students with disabilities to participate in dual-enrollment (DE). At present, this option is not be utilized by students with disabilities. John sees this as “progressive education” similar to progressive work options available through VocRehab. John also reported that the AOE is looking to reduce the silos and blur the lines between general and special education.

Separate from the Castleton pilot discussed above, it was noted that the Developmental Disabilities (DD) Division is doing a housing based pilot at Castleton for students with DD participating in the traditional College Steps program. It is hoped that this pilot, too, could be one that is replicated at other post-secondary education institution.

Nancy brought to John’s attention a situation involving Personalized Learning Plans (PLPs) and Multi-Year plans (MYP) where a guidance counselor inaccurately stated that PLPs and MYPs are the same thing.

John responded that different people are serving as work-based learning coordinators in various districts/schools. He would like to hear about any systems issues related to work-based learning, dual-enrollment and PLPs encountered in the field. He would also like to hear about successes in the field.

Mary asked about alternate assessment training being cancelled. John referred Mary to the weekly field memo and perhaps Chris Case.

Joy asked why Council members were not receiving the “Nuggets” information that goes out to special education administrators as was promised. John was not aware of this and said he’d follow-up on it.

Sherrie stated that she would like to see the SEAC members receive copies of any memoranda to the field with relevance to special education, PLPs, DE, or WBL. John agreed to follow-up on that.

Schedule of Required OSEP Reports:

John did not have the needed information. He referred the Council to Tanya Rutkowski. Troy will follow-up with Tonya so we have the information at our next meeting. This item was deferred to the April meeting.

Members expressed concern that the Annual Performance Report (APR) was submitted to the Office of Special Education Programs (OESP) without review by the SEAC as required under IDEA. John was unable to respond to this concern and referred members to Tonya Rutkowski. Troy agreed to contact Tonya to obtain the schedule.

PBGR Access Plan:

Troy asked that this agenda item be moved to follow discussion of H.140 given the time and his need to hear from the Council before he had to leave to testify before the Senate Education Committee on this bill. Members agreed to make the agenda adjustment. Ultimately, due to the lack of time, the agenda item was again deferred to the April 18 meeting at which John expected that he would have a revised draft for the Council to review.

Act 173 Continued Discussion:

Troy reminded Members that we had agreed to review minutes of the Census-Based Funding Advisory (CBFA) as part of the Council’s ongoing responsibility to provide input on rules related to special education. He noted that most recent minutes seemed to show some concerns about the AOE’s rulemaking proposal. He asked Karen about the response of the CBFA to the presentation by Marilyn Mahusky of the Disability Law Project. Karen reported Marilyn used a power point to illustrate why we cannot revise the funding rules without looking at the remainder of the rules given their impact on areas of the rules, particularly evaluation and eligibility for special education as well as the implications for MTSS. She also noted in her presentation a recent Office for Civil Rights decision and a situation recently in the news illustrating violations of IDEA evaluation requirements. CBFA members were concerned. Unfortunately, nobody from the AOE attended that meeting. Members had anticipated having Ms. Mahusky to do the same presentation for the Council at this meeting. Sherrie explained that she was not available for this meeting. Members still would like to have Ms. Mahusky present her perspective to the Council. Sherrie agreed to check her availability.

Members continued to express their concerns about limiting rulemaking to the funding portion and questioned whether this approach is even legal. The Council will continue to monitor the work of the CBFA. Karen will forward the DLP power point to Council members.

The Council members discussed how best it could participate in the rulemaking process at this juncture. It was recommended and all agreed that it would be helpful to have Judy Cutler attend the April 18 Council

meeting to discuss the draft rules prior to publishing for public comment. John agreed to ask Judy to participate at 1:00 pm on April 18th.

Legislative Update/Council Membership (H.140):

Members reviewed the bill as passed by the House. Troy explained his discussions with the DLP/VT Legal Aid as to the House's concerns about the bill and his testimony to date.

Representation from PTI on the Council: Troy shared the House Education's concerns about including the IDEA mandated parent and training information center (PTI) as a stand-alone member of the SEAC. He stated that the AOE's position is that the PTI should not have a stand-alone slot on the SEAC. Council members strongly disagree with this position. There is consensus among the members that the knowledge and expertise of the PTI is critical to the SEAC. They have a broad based, statewide awareness of the issues in the field. They can also serve as support to new parent members on the Council. The Council recommends that the current bill be amended to include the PTI as a stand-alone member of the SEAC by inserting such under a new paragraph (C) under 16 VSA §2945 (a) (1) (i). If necessary, the Council would accept language stating that the PTI must be a parent, which really is not an issue given that the parent support division of the VT Family Network (VT's PTI) is totally parent run and staffed. The motion carried with Sherrie abstaining.

Appointment of Members to the Council: Members expressed concerns about designation of only certain entities as the source of recommendations for appointment to the Council under proposed revisions. It was noted that the NEA does not represent all teachers, VCSEA does not represent special educators and the Secretary of Education is not knowledgeable about potential appointees involved in transition. Members expressed significant concerns about allowing primarily lobbyist groups to dictate who should be recommended for appointment. Likewise, it is concerned about adding further responsibilities for the AOE which is already over-burdened and chronically understaffed. Further, once fully empaneled, the Council's by-laws permit creation of committees one of which could include a membership committee. An appointment process that includes involvement of the SEAC would also allow the Council to monitor appointments to ensure that the required representation is reflected.

Council members proposed that H.140 be amended to permit recommendations from relevant state agencies (VR, DMH, DAIL, DOC, and DCF) where the statute requires such representation, as opposed to appointment upon recommendation of the Secretary. For all others recommendations for appointment not be within the control of lobbying groups because not all stakeholders are members of the referenced professional lobbying groups. A vote was taken and this recommendation was affirmed with Sherrie Brunelle abstaining.

Council members also expressed concerns about a potential imbalance in membership should a special education administrator also serve as a McKinney-Vento representatives to the Council. It is critical that the potential for increasing representation on the Council by special education administrators beyond the two representatives referenced in 16 VSA §2945 (a) (1) (i) (K) be considered when appointments are made. A vote was taken and this recommendation was affirmed with Sherrie Brunelle abstaining.

Alternatively, the Council believes the that the statute should be revised to reflect Governor appointment "in consultation with the Council" as is the case for similar advisory councils such as the VT Developmental Disabilities Council. Possible wording for 16 VSA §2945 (a) (1) (i) (H) might indicate the statement "two

individuals not otherwise represented on the Council.” A vote was taken and this recommendation was affirmed with Sherrie Brunelle abstaining.

The Council also discussed the specification in statute requiring and designating the membership of an executive committee. Members indicated that they see Council structure as most appropriate in the bylaws rather than the statute. A vote was taken and this recommendation was affirmed with Sherrie Brunelle abstaining.

The Council also discussed the specification in statute as to the number of meetings the Council could convene. Members indicated that this determination is most appropriate in the bylaws rather than the statute. Members shared the concern about monthly meetings as has been the case historically. It puts significant demands on recruitment and retention of members. In fact at the June 2018 meeting a decision was made to move to bi-monthly meetings. However, the need to monitor, review, and comment on Act 173 mandated rulemaking as well as revisions to 16 VSA §2945 necessitated a return to monthly meetings. A vote was taken and the recommendation was made that frequency of meetings be a decision made by the Council under its bylaws. The recommendation was affirmed with Sherrie Brunelle abstaining.

Troy will present the Council’s perspective to the Senate Education in his testimony today. He invited any interested Council members to join him if they wished. To facilitate this, Joy moved and Sherrie seconded a motion to adjourn. With no further discussion, the motion was carried by unanimous vote.

Determine Action Steps, Prepare Agenda for Next Meeting, and Wrap up:

Next Steps:

1. Troy testify/monitor H 140 in Senate Education
2. Troy check with Tonya Rutkowsky re OSEP reports
3. Sherrie draft meeting minutes and submit AOE
4. Sherrie follow-up on scheduling with Secretary French
5. Sherrie ask Marilyn Mahusky about presentation to Council re DLP concerns
6. John request Judy Cutler to present on proposed CBF rules on 4.18.19
7. John prepare revised draft of PBGR Access Plan for presentation on 4.18.19

Agenda for April 18, 2019

1. Public Comment
2. Approval of Agenda
3. Approval of Minutes
 - a. September 20, 2018
 - b. March 21, 2019
4. AOE Updates
5. Meeting with Secretary French
6. Monitoring of Act 173 Census-Based Funding Rule Development
 - a. Meeting with Judy Cutler
 - b. Presentation by DLP
7. Review of Draft PBGR Access Plan

8. Schedule of OSEP Reports
9. Legislative Updates: H.140

Meeting Schedule (hold the dates): April 18, May 16, and June 20