

## APPROVED MINUTES

**Meeting Place:** Waterbury State Office Complex – Sycamore Conference Room

**Address:** 280 State Drive, Waterbury, VT 05671

**Date:** Thursday, September 20, 2018 (9:30 AM – 1:30 PM)

**Present:** Troy McAllister, Eileen Guyette, Sherrie Brunelle, Tracy Mongeon, Joy Wilcox, Mill Moore, Barb Joyal, Nancy Richards (by phone) and Lauren Rhim-Morando (by phone), Laura Baker (AOE Liaison).

Guests: Susan Aronoff, Vermont Developmental Disabilities Council

### Agenda

- 9:30 - 9:40 Roll Call, Assign Roles, Review/Revise Agenda as Needed
- 9:40 - 9:45 Open Meeting –Sign-in Sheet/Public Comments
- 9:45 - 9:50 Approve Minutes for June 2018 Meeting
- 9:50 - 10:50 AOE Update
- 10:50 - 12:00 Review and Edit Letter to New Secretary of Education
- 12:00 - 1:20 Discuss Priorities, meeting dates and times
- 1:20 - 1:30 Determine action steps and wrap up

### Review of Agenda:

Troy requested that an update on appointments be added to the agenda. Members present agreed and the agenda as revised was approved.

### Public Comment:

Susan Aronoff with the Vermont Developmental Disabilities Council advised the Council that she was attending because she wanted to learn more about the work of the Council and was interested in the new special education funding law (Act 173). She was welcomed to the meeting and invited to participate in the discussion.

### Approval of Minutes:

The minutes for the June 13 were posted on the AOE website on June 26th. This led to a discussion of the requirements of VT's open meeting law and the SEAC bylaws. Both require posting of minutes within 5 days of the meeting. Minutes may be posted in draft form until they are formally approved. Minutes must be submitted to the AOE who ensures accessibility before posting the minutes to the AOE website.

The Chair asked for a volunteer to take minutes for the meeting since Lauren had agreed to serve as Secretary for the Council, but is unable to take minutes due to other commitments and challenges with being able to attend in person. Barb volunteered to take minutes for this meeting.

Sherrie expressed concerns about a Secretary not being able to take minutes of the meeting which is not in-keeping with the SEAC bylaws. Lauren offered to resign as secretary if someone else was willing to serve. Barb was willing to take notes, but was unwilling to serve as Secretary for the Council.

Troy proposed that we allow Lauren to continue as secretary and allow Barb to take the minutes. We can revisit the bylaws at a later point to determine how to proceed. Troy's proposal was accepted by vote of the members.

Mill moved to approve the minutes. Joy seconded the motion. Nancy and Lauren abstained because they were not in attendance at the June meeting. The motion carried.

### **Membership Update:**

Troy reached out to the Governor's office to get an update on pending appointments. There have been some changes in the Governor's office related to who is handling the appointments. We won't know until after the election who will be assigned to appointments to the Council. There are still a number of vacancies. Troy's not aware of any new appointments or reappointments since our last meeting. Troy asked that members please send a copy of your appointment certificate to him.

### **AOE Updates - Staffing:**

Laura Baker reported that she and John Spinney would be co-liaisons to the Council. She reported that;

- A new AOE Secretary, Dan French, was appointed
- Karin Edwards, retired
- Deb Lesure will be retiring Oct 1st
- Ernie Wheeler retired over the summer, but is back working part-time to fill a vacancy in the Educational Surrogate Program
- Karen Hartman moved out of state
- Richard Boltax retired
- Amy Fowler left her position
- Kascinda Fleming moved out of state
- There is also an attorney position to be filled

This leaves multiple positions open. She asked Members to refer to the AOE anyone with special education background who might be interested in a vacant position.

Laura further reported that:

- Cindy Moran is still the State Director of Special Education
- A reorganization chart will be forthcoming from Secretary French once the hiring and reorganization process is completed.
- AOE will be moving to Montpelier at the National Life Building
- Deputy Secretary, Heather Boucher, met the team looking for updates about what they are currently working on.

## **Review and Edit Letter to New Secretary of Education:**

Members reviewed the letter that Lauren drafted on behalf of the Council and concluded that it is time to move forward now that the Secretary has been appointed. Mill commented that the letter needs to be straight to the point. Troy emailed a version today (with track changes). Sherrie suggested that we bullet to highlight and that we invite him to a meeting to discuss. Troy asked the group to send any changes to Lauren using track changes by 9/27/2018.

## **Discussion of Priorities**

Discussion of priorities began with a discussion of **Act 173**

Members reviewed the recent memo related to Act 173. The Act's focus is on enhancing the effectiveness, availability, and equity of services provided to students who require additional support and changing funding to a census-based funding system rather than the fee-for-service system currently in place. The changes are believed to be consistent with the ESSA rules which require every school system to have a Multi-tiered System of Support (MTSS) to support struggling learners.

Members also discussed the District Management Group (DMG) Report (November 2017 – available on AOE website), upon which parts of Act 173 are based. Laura reported that the AOE has focused on attending to the items identified in this report which conducted a systematic review of several educational systems. Five (5) key themes were identified. (Troy emailed the DMG Report to the group). The AOE has been working with the VT Council of Special Education Administrators (VCSEA) on this. Troy noted ongoing concern about the AOE's reliance on only one advisory group to inform their process.

The Council then discussed concerns about the membership of the Census Based Funding Advisory established under Act 173. The Advisory is made up primarily of lobbyists and not the people who will be most impacted by the changes under Act 173. Although part of Act 173 impacts higher education there is no one from higher education represented. Members asked: What's the mechanism for input from the field, particularly as it relates to the inadequate pool of qualified professionals to replace the over-reliance on para-educators? Mill who is member of this advisory, commented that he believes they will be gathering additional information from the field.

Troy suggested that the Council should consider whether members from the SEAC should attend these meetings to represent the SEAC. Mill commented that he raised this issue previously. Members of the group agreed that we did not "do" enough to represent our positions during the legislative process. Mill has asked to participate on one of the subcommittees.

Sherrie asked if it would be appropriate for this Council to present to the Act 173 advisory a recommendation that a representative of higher education be added as a stakeholder. Is that an option? Troy commented that the membership is established in the statute. There would have to be a statutory change. Sherrie moved that we request that the legislature add a member from higher education to the census based advisory group. Tracy seconded.

Discussion: Joy asked whether that means just UVM and not others would participate? She stated that "a person from higher education" is a broad term. If it's just UVM, it could leave out other schools. What we are really looking for is someone who has experience training special educators.

Sherrie asked if we need to have legislative action to accomplish the SEAC getting information related to Act 173 it needs. Or could someone from the higher education collaborative attending the Act 173 advisory meetings accomplish the same goal? Joy suggested that she or Patty Morgan could attend as a member of the public.

Mill commented that if the council wanted to be included on the Act 173 advisory, there was a time and a place for us to do that and we missed the boat. In addition, this Council already has two Council members that attend the Act 173 advisory meetings.

After discussion, Sherrie withdrew her motion to request that the legislature add a representative of higher education to the Act 173 advisory.

### **Implications of Act 173 – Service Delivery:**

The Council discussed the Act’s goal of changing the service delivery approach envisioned under Act 173 which focuses on early intervention and primary instruction from trained professionals in lieu of the current over-reliance on the use of para-educators.

Joy advised that there are huge challenges with the workforce and the availability of trained professionals. There are significant attrition issues. We are burning through our special educators. There are so many requirements on special educators. They are burdened with paperwork, including that needed for Medicaid compliance. This leads them to doing less teaching and more paper work. In contrast, there are lots of para-educators working with students with very significant disabilities.

Susan Aronoff asked about school based Medicaid. Sherrie explained that the money that the schools get from Medicaid goes to general education not back into the special education funding pool. Medicaid monies are used to reduce other school-based early intervention health costs. Under Medicaid, medically necessary services for children are billable to Medicaid. For children the definition of medical necessity is much broader than for adults. Others commented that Medicaid funding is variable depending on the population of the students who are Medicaid eligible. There were comments that “Gold town” schools don’t have as many kids on Medicaid. The less wealthy towns have more kids on Medicaid and as a result much more requirements related to Medicaid.

A member suggested, and it was agreed that we need to stay focused on Act 173.

Susan asked about who could help her to understand who is the right person to contact regarding the school Medicaid program. Laura will contact Susan with information.

Susan was advised that VT School Based Medicaid information is on the AOE website. Jessica Robinson is the name affiliated with the program.

### **Act 173 Continued**

Joy continued her comments about the inadequate pool of professionals to provide services. She noted that paperwork doesn’t come up as the number one issue contributing to attrition. It’s about the lack of supports available and the impact that has on their ability to adequately support any student at an adequate level. The level of trauma and the emotional disabilities in the student population has an impact on attrition.

Tracy asked for clarification of the term “paraprofessional?” If it includes behavioral interventionists, she would object to the use of that term in the context of BIs because they are generally trained in their profession, but are unlicensed as educators.

### **Discussion of Adverse Effect**

Joy advised that the Adverse Effect webinar is available and has to be requested through the AOE as it is too large to be posted on the AOE website. The webinar has been provided to special education administrators. AOE doesn’t have the capacity to provide technical assistance to the schools about this process. The stakeholders group also looked at the information gathered after the statewide training and determined that in the future the group needed to look at the whole eligibility process and not just adverse effect.

The Council then turned to discussion of other priorities. Members were reminded that we identified potential priorities in our June 2018 minutes. Those were reviewed today and the following priorities were identified and affirmed:

- Improved collaboration with the AOE and the State Board of Education
- Review Rules (using the lens of our priorities, training, funding, adverse effect etc.)
- Services for Children with Emotional Disabilities
- Development of the Workforce

### **Discussion of Training on Determination of Educational Benefit under IDEA**

The AOE has arranged for training sessions on how best to determine whether a special education eligible student is making educational progress with the services provided in the IEP. It is based on a CT Train the Trainers model. It involves reviewing a student’s IEP over three years, looking at all aspects of the IEP. The process has been eye opening for districts. Participants learned that there needs to be a sustained focus on making sure that the assessment matches the IEP. The next session is on October 5<sup>th</sup> at VT College Fine Arts (CAPS program building).

### **Discussion of Special Education Rules (2360 series)**

Are expected to be opened for public comment will be opened in November with focus on changes in the funding rules.

### **Discussion of Children Identified with Emotional Disabilities**

Laura reported that scores in math in grades 3-5 are very low for these students. There are pilot schools looking at practices and some data has been/is being collected.

### **Discussion of Collaboration between DMH and AOE**

Tracy asked about the collaboration between DMH and AOE. The AOE contact person had been Karin Edwards and then Deb Lesure. They also had engaged with Amy Fowler. DMH is not sure who their best contact should be at this time. New grant work will be starting. Laura advised that Cindy Moran and Alicia Hanrahan are the best contacts for now.

### **Discussion of Meeting Dates and Times**

Troy reported that at the June meeting there was a discussion about meeting dates and times. Since then, new conflicts have come up making attendance challenging including the location.

- Thursdays never work due to a standing meeting-one member
- Driving past Montpelier is a challenge takes a couple hours to get there (even that is a challenge)-three members
- Travel may impact our ability to develop the membership
- Availability of free space in central VT

Lauren said that where we hold the meeting should be informed by our priorities.

It was agreed that we would explore other locations for meetings. For our next meeting:

- Eileen will investigate whether Gifford Hospital/Randolph is an option
- Eileen will investigate the Union Bank in Barre
- Troy will inquire about the space in the State Office Building in White River Junction
- Troy will inquire about 2 Prospect and the VT State Library in Barre

We had agreed to meet bi-monthly (Sept; Nov; Jan; March; May; July) and in that discussion considered the following:

- State Board meets on the third Wednesday each month
- Monday will work if we want a legislator to attend
- Thursdays currently work for the majority of the group (except Karen)

Joy moved that we meet on the third Thursday of the month as agreed to in June (Next meeting Nov 15); Tracy seconded. Unanimous vote to approve. Motion carried.

There was then discussion about meeting for a longer time if we are not meeting on a monthly basis. Troy and Mill both commented that if we are going to convene for a full day we need to have a tight agenda. It was agreed that the November meeting (specific location to be determined) will be in the southern part of the state from 9:30 am to 3:00 pm. Members should send their agenda items to Troy.

### **Determine Action Steps and Wrap Up**

- Members to review the letter to Sec. French and provide your edits with track changes to Lauren by 9/27/2018 with the goal of finalizing the letter via email.
- Lauren will incorporate comments and provide a draft to the members.
- The Council will have an online discussion and agree on a date to send.
- Members will send Troy a copy of their appointment certificate.
- Members should send their agenda items to Troy.
- Troy will send the link to the Google docs to the group again.

**Meeting Schedule (hold the dates):** Jan 17; Mar 21; May 16; July 18