

State Board of Education Rules Series 1300 and 2360 Committee

Draft Meeting Minutes

Meeting Place: Virtual Teams Meeting/Video/Teleconference

Call in #: 1-802-552-8456, Conference ID: 578 361 165#

Date: November 25, 2020

Present:

State Board Committee Members: Kim Gleason, Jenna O'Farrell, William Mathis, Angelita Peña.

Others: Susan Aronoff, Rachel Selig, Crista Yagjian

Call to Order/Roll Call/Introductions

Kim Gleason called the meeting to order at 12:03pm

Amendments to Agenda

None

Public to be Heard

Susan Aronoff, Vermont Development Disability Council, will look forward to testifying at the December State Board of Education meeting.

Rachel Selig, Vermont Special Education Advisory Panel, summarized the most recent testimony that she submitted to the State Board of Education on the Rule Series 1300/2360. (See attached.)

Christa Yagjian, Special Educator/Reading Specialist, member of the Vermont Special Education Advisory Panel, and parent. She spoke of her experience as a special educator, parent of a student accessing special education services, Advisory Panel member, and in support of removing the adverse effect third gate, considering the parent comment form and inclusive IEP practices, and referencing MTSS in rules.

Review Rules Series 1300 and 2360, with a focus on adverse effect, parental consent, and multi-tiered systems of support (MTSS)

The committee reviewed the three issues that remain most in question regarding the Rule Series 1300 and 2360. The majority of comments from the public during the public comment period have centered around the handling of adverse effect as a separate “gate” for determining eligibility for special education services in Vermont. The second issue that has been raised is related to the consideration of parental consent throughout the IEP process. The third issue is related to the inclusion of reference to MTSS in the 2360 rules.

The committee discussed the materials and testimony that had been received to date and included in previous board meetings, and brainstormed remaining questions to be forwarded to VCSEA, AOE, and/or others to inform the next meeting.

With respect to adverse effect, there was concern regarding the use of a discrepancy model as current practice, when it may no longer be considered best practice in the field. There is a concern regarding the consistency of application and assessment, in spite of the intention to have clarity regarding boundaries for identification. There was concern regarding the challenges for students moving from district to district due to the inconsistency. There was also concern that removing the “adverse effect” gate would create a much greater demand on the special education system, and would leave the decision to “local” district judgement, and perhaps result in less consistency in application.

With respect to parental consent, the committee was interested in the comment form that the VT Special Education Advisory Panel offered, along with practice considerations, to codify a more inclusive process. The committee will consider implications and whether such reference belongs in rules, or otherwise.

With respect to reference to Multi-Tiered Systems of Support (MTSS) in Rule Series 1300 and 2360, the committee discussed that it may be appropriate to reference the fact that Special Education evaluation of a child suspected of having a disability is not delayed or denied because of implementation of MTSS. (This is referenced in Title 16 Section 2902, Tiered Systems of Support.) However, since MTSS is a requirement of all school districts and intended for all students, there was discussion and consideration of whether there should be a separate rule for MTSS, as its effective implementation is a critical tool for all school districts in serving all students, and especially so, as Act 173 is enacted.

Kim will draft the email that will capture the remaining questions, share with the committee, and forward to the appropriate sources for response. The next meet of the committee will take place Thursday, December 10, 3-5pm.

Adjourn

The meeting was adjourned at 2:03pm.

Minutes prepared by: Kim Gleason, Chair, Rules Series 1300 and 2360 Committee