

This document is submitted upon request of the State Board on behalf of the Census-Based Funding Advisory Group. This summary is meant to capture the Advisory Group’s commentary on AOE proposed Rules Series 2360, inclusive of discussion held at the February 3rd Advisory Group Meeting. Please consider this as the formal adopted input of the Group.

Submitted by Meagan Roy, Ed.D., Chair

Rule Number	AOE Draft	AG Suggestion (As presented to SBE in December, 2019)	AOE Response	Advisory Group Commentary (As adopted at 2/3/20 meeting)
Advisory Group Proposals for Rule Series 2360				
Rule 2360.2.12 – Definition of “Special Education Services”	Definition revised to correspond with federal definition (34 C.F.R. § 300.39) and revisions in proposed Rule Series 1300 (Special Education Funding). Rule retaining VT specific Co-teaching rule (not in federal rules) and Transition Services rule (in federal rule, but appears as a separate rule, 34 C.F.R § 300.43).			The Advisory Group does not have issue with the Agency technical corrections as proposed
Rule 2360.2.16(d)(4) – Related Services –	Addition of available interpreting services for consistency with federal rules, 34 C.F.R. § 300.34(c)(4)(ii).			The Advisory Group does not have issue with the Agency technical corrections as proposed

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Rule 2361.1(j) – Part B	Addition of “physical education” to the definition of “core curriculum.” Appropriate as PE now has a standardized assessment, is part of ESSA reporting, and consistent with VT statutory definition of “minimum course of study” (16 V.S.A. § 906(b)).			The Advisory Group does not have issue with the Agency technical corrections as proposed
Rule 2361.1(hh) – Part B Definitions	Definition of “Special Education Services” – rule revised to refer to Rule 2360.2.12 for clarity and consistency.			The Advisory Group does not have issue with the Agency technical corrections as proposed
Rule 2361.2 – Essential Early Education	<ol style="list-style-type: none"> 1) Rule 2361.2 - Introductory language added for clarity and readability; 2) Rule 2361.2(a) – Rule differentiates between eligibility for up to three years of age and eligibility for three years through five years of age. Current rule references 			The Advisory Group does not have issue with the Agency technical corrections as proposed

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	<p>eligibility requirements in Rule 2360.5.10, then restates the rule. Proposed revisions simply reference Rule 2360.5.10 and clarifies transitional timelines.</p> <p>3) Rule 2361.2(b) – Rule differentiates between eligibility for up to three years of age and eligibility for three years through five years of age.</p> <p>4) Rule 2361.2(d) – Clarifying language to assist with compliance.</p>			
<p>Rule 2361.3 – Least Restrictive Environment</p>	<p>1. Rule 2361.3(a) – Language added to more closely reflect federal rule (34 C.F.R. § 300.115) and legal standard for provision of a free appropriate public education (FAPE).</p>			<p>The Advisory Group does not have issue with the Agency technical corrections as proposed</p>

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	2. Rule 2361.3(a)(2)(iv) – Subsection added to signal that special education entitlement extends to universal pre-k program (UPK) that has developed since the last revision to the 2360 rules. Language mirrors UPK rules in SBE Rule Series 2600.			
Rule 2361.4(a)(1) – Transition for Child Moving into Kindergarten –	Necessary clarification for the field to ensure compliance.			The Advisory Group does not have issue with the Agency technical corrections as proposed
Rule 2361.5 – IEP Content	Revisions based on Office of Special Education Programs (OSEP) guidance. Proposed revisions with assist with compliance and AOE reporting.			
Rule 2362.1(l) – Categories of Disabilities – Visual Impairment	Proposed revisions based on OSEP guidance and language provided by the Vermont Association for			The Advisory Group does not have issue with the Agency technical corrections as proposed

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	the Blind and Visually Impaired (VABVI).			
Rule 2361.2.1 – Initial Evaluations –	addition of requirement that use of academic/behavioral support systems (such as MTSS and RTI) shall not delay an initial special education evaluation.			The Advisory Group does not have issue with the Agency technical corrections as proposed
Rule 2364.4 – Least Restrictive Environment – Residential Placements	Residential Placement rule transferred from Rule 2366 (current funding section) to Rule 2364 (Least Restrictive Environment). The Rule primarily addresses placement issues, not funding issues, therefore it seems to fit more consistently with the other placement rules as opposed to the proposed Special Ed. Finance and Census-based Funding Rules. Title changed to distinguish between residential placements by LEAs and residential placement by the State.			Members of the Advisory Group question whether or not this language is consistent with Title 16. The Agency indicated that this language does not represent a change to the Rule but rather a reorganization. The Advisory Group does not have recommended changes at this point.

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Rule 2365.1.5(j) – Administrative Complaints	addition of requirement that Part C administrative complaints be sent to Agency of Human Resources (AHS) and AOE concurrently. Procedurally, AOE needs to receive the complaint as soon as possible to conduct a thorough investigation within the 60-day timeline.			The Advisory Group does not have issue with the Agency technical corrections as proposed
Rule 2366 – State Funding for Special Education	Generally, Rule 2366 and subsections will be replaced by the proposed Rule Series 13, Special Education Finance and Census-based Funding Rules. Subsections are addressed specifically in the notes within the draft.			The Advisory Group does not have issue with the Agency technical corrections as proposed
Rule 2369 – Educational Surrogate Parents	Rule reinserted, as rule was apparently inadvertently deleted during the corrective filing that occurred in August 2018. Removal at that time would have been inconsistent with			The Advisory Group does not have issue with the Agency technical corrections as proposed

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	administrative rulemaking procedure.			
Rule 2370 – Monitoring and Corrective	New proposed special education programmatic monitoring rule; responsive to rulemaking directive in Act 173, section 16.			The Advisory Group does not have issue with the Agency technical corrections as proposed