

SBE Timeline for Act 173 and Related Rulemaking, v.5

Rule Series 1300/2360 and Rule Series 2220

Vermont State Board of Education

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The purpose of this **Timeline** is to coordinate, during the first half of 2021, the framing, drafting, and adoption of new and revised rules mandated by Act 173 of 2018.

Framing, drafting, and adoption of State Board of Education rules takes place in four stages:

- stage 1 stakeholder groups and AoE develop initial proposals for new or revised rules; (3 to 18 months)
- stage 2 the State Board of Education reviews the various proposals, invites public input, and builds consensus on a "proposed rule"; (2 to 5 months)
- stage 3 the Board adopts its "proposed rule" and submits it to the Interagency Committee on Administrative Rules to begin the formal APA rule-making process, and then the Board conducts public hearings to gather more public input; (5 months)
- stage 4 after considering public input, the Board adopts its "final rule" and submits it to the Legislative Committee on Administrative Rules. After review, the new rule becomes official, the APA process concludes, and the new rules go into effect. (3 months)

This **Timeline** sets forth milestones for the Board's work on two separate rule-groups: **Rules 1300/2360** (census-based funding and associated special education practices) and **Rules 2220** (special education and approved independent schools)

Each of these two sets of rules is currently in different stages of development and on different schedules.

- work on **Rules 1300/2360** started nearly two years ago. Right now the Board is well into Stage 4. The 1300/2360 rules will be finalized and go into effect by late summer.
- work on **Rules 2220** began only a few months ago. The Board is currently in the midst of Stage 2 - reviewing proposals. Stage 3 – the initiation of formal rule-making -- will begin before the end of June. Stage 4 will be completed by Spring of 2022.

Several different groups and agencies are involved in developing, drafting, and adopting these rules:

- CBF Advisory Group -- a working group, created by Act 173, of stakeholders and entities knowledgeable about special education;
- Rules 2220 Rate-Setting Group -- a specialized working group including VISA, AoE, and other stakeholders;
- SBE Rules 1300/2360 Committee -- an *ad hoc* working committee of the State Board;
- SBE Rules 2220 Committee -- another *ad hoc* working committee of the Board
- other special-interest and stakeholder groups;
- students, parents, and the general public;
- State Board of Education and Agency of Education;
- Interagency Committee on Administrative Rules, Secretary of State, and Legislative Committee on Administrative Rules

This **Timeline** sets out key milestones for the work of each of these groups in the first half of 2021. The **Timeline** coordinates efforts so that all these groups and organizations, working in parallel and together, will meet targets for initiating and completing rule-making in compliance with deadlines mandated by the General Assembly.

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<p>17 February SBE Meeting</p>	<p>Rule Series 1300/2360:</p> <p>SBE Rules 1300/2360 Committee to present <i>PROPOSED AMENDMENTS TO RULES 1300 AND 2360 (v.2)</i> and <i>SIDE-BY-SIDE (v.2)</i> as mark-up to existing <i>SBE RULE SERIES 2220</i>.</p> <p>CBF Advisory Group, AoE, and stakeholders to offer comments and suggestions.</p> <p>SBE to provide guidance and confirm timeline.</p> <p>Rule Series 2220:</p> <p>CBF Advisory Group to present <i>PROPOSED_CONSENSUS 173 RULES 2220 (EXCEPT RATE-SETTING) (v.2)</i>, presented as mark-up to existing SBE Rule Series 2220.</p> <p>AoE and stakeholders to offer comments and suggestions.</p> <p>SBE to indicate needed changes (if any) and <u>vote provisional approval</u> as (part of) <i>SBE PROPOSED REVISIONS TO RULE SERIES 2220</i>.</p> <p>Rules 2220 Rate-setting Group (AoE, VISA and others) to present <i>PROPOSED CONSENSUS 173 RATE-SETTING RULES 2220 (v.1)</i>.</p> <p>AoE and stakeholders to offer comments and suggestions.</p> <p>SBE to provide guidance and verify time-line.</p> <p>SBE Rules 2220 Committee to present <i>PROPOSED NON-173 RULES 2220 REVISIONS (v.1)</i>.</p> <p>AoE and stakeholders to offer comments and suggestions.</p> <p>SBE to provide guidance and verify time-line.</p>
<p>18 February to 12 March</p>	<p>Rule Series 1300/2360:</p> <p>SBE Rules 1300/2360 Committee to prepare <i>PROPOSED AMENDMENTS TO RULES 1300 AND 2360 (v.3)</i>, incorporating guidance from 17 February SBE meeting. AoE to integrate as mark-up to <i>SBE PROPOSED NEW RULE SERIES 1300 AND REVISED RULE SERIES 2360 (as approved by SBE 19 February 2020)</i>. Not later than 12 March, AoE to disseminate to SBE, CBF Advisory Group, and stakeholders.</p> <p>Rule Series 2220:</p> <p>CBF Advisory Group to prepare <i>PROPOSED (FINAL) CONSENSUS 173 RULES 2220 (EXCEPT RATE-SETTING)</i>, incorporating guidance from the 17 February SBE meeting. AoE to integrate as mark-up to existing <i>SBE RULE SERIES 2220</i>, and not later than 12 March disseminate to SBE, CBF Advisory Group, and stakeholders.</p> <p>Rules 2220 Rate-setting Group (AoE, VISA and others) to prepare <i>PROPOSED CONSENSUS 173 RATE-SETTING RULES 2220 v.2</i>, incorporating guidance from the 17 February SBE meeting, and not later than 12 March, disseminate to SBE, CBF Advisory Group, and stakeholders.</p> <p>SBE Rules 2220 Committee to prepare <i>PROPOSED NON-173 RULES 2220 REVISIONS v.2</i>, incorporating guidance from the 17 February SBE meeting, and not later than 12 March, disseminate to SBE, CBF Advisory Group, AoE, and stakeholders.</p>
	<p>Rule Series 1300/2360:</p>

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<p>17 March SBE Meeting</p>	<p>SBE Rules 1300/2360 Committee to present <i>PROPOSED AMENDMENTS TO RULES 1300 AND 2360 (v.3)</i>, presented as mark-up to existing <i>SBE PROPOSED NEW RULE SERIES 1300 AND REVISED RULE SERIES 2360 (as approved by SBE 19 February 2020)</i>.</p> <p>SBE to indicate needed changes (if any) and <u>vote provisional approval</u>.</p> <p>Rule Series 2220:</p> <p>CBF Advisory Group to present <i>PROPOSED (FINAL) CONSENSUS 173 RULES 2220 (EXCEPT RATE-SETTING)</i>, presented as mark-up to existing <i>SBE RULE SERIES 2220</i>.</p> <p>SBE to <u>vote provisional approval</u> of the Advisory Group's <i>PROPOSED (FINAL) AMENDMENTS TO RULES 1300 AND 2360 (v.4)</i>, pending integration (see page 5).</p> <p>Rules 2220 Rate-setting Group (AoE, VISA and others) to present <i>PROPOSED CONSENSUS 173 RATE-SETTING RULES 2220 (v.2)</i>.</p> <p>AoE and stakeholders to offer comments and suggestions.</p> <p>SBE to provide guidance and verify time-line.</p> <p>SBE Rules 2220 Committee to present <i>PROPOSED NON-173 RULES 2220 REVISIONS (v.2)</i>.</p> <p>AoE and stakeholders to offer comments and suggestions.</p> <p>SBE to provide guidance and verify time-line.</p>
<p>18 March to 16 April</p>	<p>Rule Series 1300/2360</p> <p>SBE Rules 1300/2360 Committee to prepare <i>PROPOSED (FINAL) AMENDMENTS TO RULES 1300 AND 2360 (v.4)</i>, incorporating guidance from the 17 March SBE meeting. AoE to integrate as mark-up to <i>SBE PROPOSED NEW RULE SERIES 1300 AND REVISED RULE SERIES 2360 (as approved by SBE 19 February 2020)</i>. Not later than 16 April, AoE to disseminate to SBE, CBF Advisory Group, and stakeholders.</p> <p>Rule Series 2220:</p> <p>CBF Advisory Group: <i>(further drafting is pending integration: see page 5)</i></p> <p>Rules 2220 Rate-setting Group (AoE, VISA and others) to prepare <i>PROPOSED CONSENSUS 173 RATE-SETTING RULES 2220 (v.3)</i>, incorporating guidance from the 17 March SBE meeting. AoE to integrate as mark-up to existing SBE Rule Series 2220, and not later than 16 April disseminate to SBE, CBF Advisory Group, and stakeholders</p> <p>SBE Rules 2220 Committee to prepare <i>PROPOSED FINAL NON-173 RULES 2220 REVISIONS v.3</i>, incorporating guidance from the 17 March SBE meeting. AoE to present as mark-up to existing SBE Rule Series 2220 and not later than 16 April disseminate to SBE, CBF Advisory Group, AoE, and stakeholders</p>

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<p>21 April SBE Meeting</p>	<p>Rule Series 1300/2360</p> <p>SBE Rules 1300/2360 Committee to present <i>PROPOSED (FINAL) AMENDMENTS TO RULES 1300 AND 2360 (v.4)</i>, presented as mark-up to <i>SBE PROPOSED NEW RULE SERIES 1300 AND REVISED RULE SERIES 2360 (as approved by SBE 19 February 2020)</i>.</p> <p>SBE to <u>vote approval</u> of the SBE Rules 1300/2360 Committee's <i>PROPOSED (FINAL) AMENDMENTS TO RULES 1300 AND 2360 (v.4)</i> and adopt as <i>FINAL SBE NEW RULE 1300 AND FINAL SBE REVISIONS TO RULE SERIES 2360</i>, and to <u>vote authorization</u> to submit <i>FINAL SBE NEW RULE 1300 AND FINAL SBE REVISIONS TO RULE SERIES 2360</i> to Legislative Committee on Administrative Rules (LCAR) and to file with the Secretary of State (SoS).</p> <p>Rule Series 2220:</p> <p>Rules 2220 Rate-setting Group (AoE, VISA and others) to present <i>PROPOSED CONSENSUS 173 RATE-SETTING RULES 2220 (v.3)</i>, presented as mark-up to existing SBE Rule Series 2220.</p> <p>AoE and stakeholders to offer comments and suggestions.</p> <p>SBE to indicate needed changes (if any) and <u>vote provisional approval</u> as <i>partial SBE REVISIONS TO RULE SERIES 2220</i>.</p> <p>SBE Rules 2220 Committee to present <i>PROPOSED NON-173 RULES 2220 REVISIONS (v.3)</i>, presented as mark-up to existing SBE Rule Series 2220</p> <p>AoE and stakeholders to offer comments and suggestions</p> <p>SBE to indicate needed changes (if any) and <u>vote provisional approval</u> as <i>partial SBE REVISIONS TO RULE SERIES 2220</i></p>
<p>22 April To 14 May</p>	<p>Rule Series 1300/2360</p> <p>SBE Rules 1300/2360 Committee: <i>(developing Act 173 Rules is complete)</i></p> <p>AoE to submit <i>FINAL SBE NEW RULE 1300 AND FINAL SBE REVISIONS TO RULE SERIES 2360</i> to Legislative Committee on Administrative Rules (LCAR) and file with the Secretary of State (SoS).</p> <p>Rule Series 2220:</p> <p>Rules 2220 Rate-setting Group (AoE, VISA and others) together with CBF Advisory Group, SBE Rules 2220 Committee, and AoE to prepare <i>PROPOSED INTEGRATED ACT 173 AND RELATED REVISIONS OF SBE RULE 2220 (v.1)</i>, incorporating guidance from 21 April SBE meeting, as mark-up of existing Rule 2220 integrating:</p> <ul style="list-style-type: none">>> Rule 2200 Rate-Setting Group's <i>PROPOSED CONSENSUS 173 RATE-SETTING RULES 2220 (v.3)</i> as provisionally approved by SBE 21 April; and>> CBF Advisory Group's <i>PROPOSED (FINAL) CONSENSUS 173 RULES 2220 (EXCEPT RATE-SETTING)</i>, as provisionally approved by SBE 17 March; and>> SBE Rules 2220 Committee's <i>PROPOSED NON-173 RULES 2220 REVISIONS (v.3)</i> as provisionally approved by SBE 21 April. <p>Not later than 14 may, AOE to disseminate to SBE, Rules 2220 Rate-setting Group, CBF Advisory Group, SBE Rules 2220 Committee, and stakeholders.</p>

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<p>19 May SBE Meeting</p>	<p>Rule Series 2220:</p> <p>Rules 2220 Rate-setting Group (AoE, VISA and others) together with CBF Advisory Group, SBE Rules 2220 Committee, and AoE to present <i>PROPOSED INTEGRATED ACT 173 AND RELATED REVISIONS OF SBE RULE 2220 (v.1)</i> as mark-up of existing Rule 2220 integrating:</p> <ul style="list-style-type: none">>> Rule 2200 Rate-Setting Group’s <i>PROPOSED CONSENSUS 173 RATE-SETTING RULES 2220 (v.3)</i> as provisionally approved by SBE 21 April; and>> CBF Advisory Group’s <i>PROPOSED (FINAL) CONSENSUS 173 RULES 2220 (EXCEPT RATE-SETTING)</i>, as provisionally approved by SBE 17 March; and>> SBE Rules 2220 Committee’s <i>PROPOSED NON-173 RULES 2220 REVISIONS (v.3)</i> as provisionally approved by SBE 21 April. <p>Rules 2220 Rate-setting Group, CBF Advisory Group, SBE Rules 2220 Committee, AoE, and stakeholders to offer comments and suggestions.</p> <p>SBE to indicate needed changes (if any) and <u>vote provisional approval</u> of <i>PROPOSED INTEGRATED ACT 173 AND RELATED REVISIONS OF SBE RULE 2220 (v.1)</i></p>
<p>20 May to 11 June</p>	<p>Rule Series 1300/2360</p> <p>SBE Rules 1300/2360 Committee: <i>(developing Act 173 Rules is complete)</i></p> <p>Rule Series 2220:</p> <p>Rules 2200 Rate-setting Group (AoE, VISA and others) together with CBF Advisory Group and SBE Rules 2220 Committee to prepare <i>PROPOSED (FINAL) COMPREHENSIVE ACT 173 AND RELATED REVISIONS OF SBE RULE 2220 (v.2)</i> incorporating guidance, if any, from 19 May SBE meeting, as mark-up of existing <i>SBE RULE 2200</i>. Not later than 11 June, AoE to disseminate to SBE, Rules 2200 Rate-setting Group, CBF Advisory Group, SBE Rules 2220 Committee, and stakeholders.</p> <p>AoE to prepare all necessary <i>DOCUMENTATION</i> required for SBE filings with Interagency Committee on Rulemaking (ICAR) and required for filings with Secretary of State (SoS), and not later than 11 June disseminate to SBE.</p>

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<p>16 June SBE Meeting</p>	<p>Rule Series 2220:</p> <p>CBF Advisory Group and AoE to present <i>PROPOSED (FINAL) COMPREHENSIVE ACT 173 AND RELATED REVISIONS OF SBE RULE 2220 (v.2)</i>.</p> <p>SBE to <u>vote approval</u> of <i>PROPOSED (FINAL) COMPREHENSIVE ACT 173 AND RELATED REVISIONS OF SBE RULE 2220 (v.2)</i> and adopt as <u>SBE PROPOSED REVISIONS TO RULE SERIES 2220</u>.</p> <p>AoE to present to SBE all necessary <i>DOCUMENTATION</i> required for SBE filings with Interagency Committee on Rulemaking (ICAR) and required for filings with Secretary of State (SoS).</p> <p>SBE to review <i>DOCUMENTATION</i> and modify as necessary. SBE to <u>vote to adopt <i>DOCUMENTATION</i></u> for submission with filings to ICAR and SoS.</p> <p>SBE to <u>vote to initiate formal APA rule-making process</u> for revisions to Rule Series 2220</p> <p>SBE to <u>vote approval</u> to submit <u>SBE PROPOSED REVISIONS TO RULE SERIES 2220</u> to Interagency Committee on Administrative Rules (ICAR) and to file with the Secretary of State (SoS).</p>
<p>17 June to 31 July</p>	<p>Rule Series 1300/2360</p> <p>SBE Rules 1300/2360 Committee: <i>(developing Act 173 Rules is complete)</i></p> <p>CBF Advisory Group <i>(developing Act 173 Rules is complete)</i></p> <p>late June:</p> <p>Chair of SBE and AoE to present <u>FINAL SBE NEW RULE 1300 AND FINAL SBE REVISIONS TO RULE SERIES 2360</u> to Legislative Committee on Administrative Rules (LCAR)</p> <p>early July:</p> <p>AoE, on behalf of SBE, to file <u>FINAL SBE NEW RULE 1300 AND FINAL SBE REVISIONS TO RULE SERIES 2360</u> with Secretary of State (SoS)</p> <p>late July (fifteen days after filing with SoS):</p> <p><u>FINAL SBE NEW RULE 1300 AND FINAL SBE REVISIONS TO RULE SERIES 2360</u> to go into effect.</p> <p>AoE, on behalf of SBE, to notify school districts that <u>FINAL SBE NEW RULE 1300 AND FINAL SBE REVISIONS TO RULE SERIES 2360</u> are in effect.</p> <p>Rule Series 2220:</p> <p>Rules 2220 Rate-setting Group: <i>(developing Act 173 Rules is complete)</i></p> <p>SBE Rules 2220 Rules Committee: <i>(developing Act 173-related Rules is complete)</i></p>

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before 30 June:

AoE, on behalf of SBE, to initiate APA rule-making process by pre-filing **SBE PROPOSED REVISIONS TO RULE SERIES 2220** and required *DOCUMENTATION* with Interagency Committee on Administrative Rules (ICAR).

early July (15 days after pre-filing with ICAR):

AoE, on behalf of SBE, to file **SBE PROPOSED REVISIONS TO RULE SERIES 2220** and required *DOCUMENTATION* with Secretary of State (SoS).

mid-July (first Wednesday following filing with SoS):

AoE, on behalf of SBE, to publish online public notice of **SBE PROPOSED REVISIONS TO RULE SERIES 2220**.

Eight-month APA Rulemaking timeline to begin.

late-July (if SBE proposed Rules are included in ICAR July schedule):

Chair of SBE and AoE to present **SBE PROPOSED REVISIONS TO RULE SERIES 2220** to Interagency Committee on Rulemaking (ICAR).

Public comment period to open.