

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: 499 590 066#

Date: January 18, 2021

Present:

State Board Committee Members: Kim Gleason, Jenna O'Farrell, Bill Mathis, Angelita Peña
Invited Presenters: Emily Simmons

Call to Order/Roll Call/Introductions/Amendments to the Agenda

Kim Gleason called the meeting to order at 4:05pm

Review and Approve Minutes

Jenna moved to approve the minutes from the meeting of January 5th, 2021. Kim Gleason seconded. Motion passed 2-0 (non-voting student board member, Angelita Peña, was also present.) Bill Mathis joined the meeting at 4:25pm, due to technical difficulties.

Public to be Heard

No public comment at this time.

Review of revised draft Rule 2360 changes regarding adverse effect, parental consent, and Multi-Tiered Systems of Support (MTSS)

Emily Simmons, of the AOE, walked the committee through the most recent working draft of the 2360 rule series as it related to Adverse Effect, Parental Consent, and Multi-tiered Systems of Support (MTSS). The AOE draft was the result of input from the meeting of January 5 and Jacqui Kelleher, and was reviewed by Marilyn Mahusky, of the Disability Law Project, and by Meagan Roy, of the VCSEA, and their feedback was incorporated in the comments to the draft. The AOE draft made the following amendments (general response from stakeholder is noted in italics):

1. Revised the definition of adverse effect. Move away from hard line-drawing and toward appropriate use of professional judgement. (*consensus, with differences in recommendation for language changes*)
2. Added functional skills to the basic skills area, with some detail about evaluation of these skills. (*consensus, with differences in recommendation for language changes*)
3. Removed evaluation of adverse effect from process of identifying Specific Learning Disability (SLD) and deaf blind. (*consensus*)
4. Removed use of discrepancy model from SLD. Allowed for either Response to Intervention (RTI) model or other research-based model. (*still in need of clarity, but support for the concept; form suggested, and modification and concerns regarding implementation, support and timelines offered*)
5. Required a new element of IEPs for Parent Input. Provided some minimal process requirements for this new element. (*VCSEA is in opposition to this recommendation. DLP was in support of the concept and offered suggestions for clarifying language changes.*)
6. Nothing new at this time on MTSS. Rule 2362.2.1 is already being amended as follows:

2362.2.1 Initial Evaluations (34 CFR § 300.301) Either a parent of a child, or an LEA, or the AOE, or other State agency, may initiate a request for an initial evaluation to determine if a child or student is eligible for special education and related services. Implementation of Response to Intervention (RTI), Multi-tiered System of Supports (MTSS) or other strategies for academic and behavioral support shall not cause the evaluation of a child or student suspected of having a disability to be delayed or denied.

After review of the draft and stakeholder feedback, the committee asked Emily Simmons to update the draft with the consensus feedback and the comments to include the feedback where there was not consensus. We appreciated the modifications to the rules, as they bring the regulations into better alignment with the federal regulations and address some of the parental participation concerns raised in testimony. We recognized the challenge to strike a balance between that which enhances practice, while not being too proscriptive of methods, which may be more appropriate for technical guidance than for rules.

The committee will share the most current working draft with the full State Board of Education and indicate the areas of change. We will convene another working session with AOE, VCSEA, and DLP, in the next week to finalize the draft, in hopes of presenting it to the full board at the February State Board of Education meeting. The Committee is grateful for the commitment and collaboration of the stakeholders and appreciates their support throughout this process.

Adjourn

The meeting was adjourned at 5:17pm.

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