

TESTIMONY PROVIDED TO: House Education Committee
FROM: Meagan Roy, Ed.D. (Chair, Census-Based Funding Advisory Group)
TOPIC: Summary of Final Report to the General Assembly
DATE: February 3, 2023

This year marks the final year of existence for the Census Based Funding Advisory Group. The Group's advisory role was extended through the close of 2023 in order to support implementation through the various delays. This testimony, then, will focus on some of the Group's closing recommendations. It is meant to be a summary of the Census-Based Funding Advisory Group's full report, which was provided to the General Assembly on January 15th.

Summary Impressions

Since 2018, the Group has met on a regular basis to inform the Agency of Education, State Board of Education and the General Assembly regarding implementation of the Act. It continues to be the belief of the Group that Act 173 represents some of the most impactful education legislation to date, and that **the educational structures of MTSS required under Act 173 are critical to improving outcomes for struggling students in Vermont.** Despite the potential impact, however, implementation of the Act has not been smooth. While the Advisory group continues to believe that the tenets of Act 173 are critical for the development of robust and equitable educational support systems in our schools, we are also keenly aware of the implementation challenges that continue to plague districts across the state.

Advise the SBE on proposed rules

1300/2360 Series (Special Education Funding & Programmatic Rules)

A significant portion of the Advisory Group's work since passage of the Act was focused on providing input and feedback to the State Board of Education regarding "...the development of proposed rules to implement this act...(pg 44)". As a result of continued concerns about the readiness of LEAs to implement the Rule Changes, the General Assembly delayed implementation of the Adverse Effect and SLD Identification rules; they will now go into effect on July 1, 2023, and the Group has focused its more recent efforts in providing recommendations to the Agency on supporting implementation.

2200 Series (Independent Schools)

The Advisory Group also provided significant input to the State Board regarding changes to the 2200 Series Rules. This committee has heard lengthy summaries of that work in the past.

Advise AOE and supervisory unions on implementation

Professional Development for MTSS and Associated Rule Changes:

This committee has heard frequent testimony from the Advisory Group regarding professional development. It has been clear to the Group from the beginning that in order to fully realize the

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potential of the Act, school districts would need to have the capacity to fully implement a multi-tiered system of supports. It also recognized that there was significant variation in LEAs ability to implement the law. It continues to be clear to the Advisory Group that not only does this variability in implementation remain, it has been exacerbated by the impacts of the COVID19 pandemic and subsequent challenges districts have faced. **The Group feels it is important to acknowledge that poor implementation of the tenets of the Act will mean that the identified positive impacts will not be realized.** With the final date approaching for implementation of all associated rule changes, our concerns are heightened.

The Group made strong recommendations to the Agency that a comprehensive plan be developed that would:

1. Identify the evidence-based practices and framework for implementation
2. Design a multi-disciplinary model for professional development that would be accessible to districts at all levels of implementation
3. Identify those districts that would need significant support in implementation so that professional development resources could be targeted
4. Develop an accountability mechanism for ongoing implementation monitoring that operates independently of a structure such as the Advisory Group (since this group is not the right structure for ongoing monitoring)

Documentation of Maintenance of Effort:

In addition to advising the Agency regarding professional development, the Group has focused a significant portion of its final year advising the Agency on documentation requirements for the Federal construct of Maintenance of Effort (MOE). As recently as the Fall of 2022, the Group has been engaging with members of the AOE team to inform the development of guidelines, examples and Frequently Asked Questions documents designed to maximize flexibility while preserving the ability of an LEA to remain aligned with Federal requirements. It continues to be a firm recommendation of the Group that the Agency leadership be involved with ground-level staff as it understands Maintenance of Effort to ensure that requirements are not developed that exceed Federal documentation standards.

Recommendations to General Assembly for necessary Statutory changes

The January reporting timeframe can make it difficult for the Advisory Group to know definitively whether other statutory changes are recommended. The Group may return to the General Assembly later in the session with new recommendations for consideration. Currently, the Group will be focused on two possible issues (although it is not yet clear whether statutory changes would be recommended):

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Special Education Funding for Independent Schools

The Group will be discussing whether it should recommend changes “...necessary to align special education funding for approved independent schools with the census grant funding model for public schools as envisioned in the amendments to 16 V.S.A. chapter 101 in Sec. 5 of this act.” Concerns were raised during the Group’s tenure about funding implications for LEAs who send their students to independent schools. LEAs are responsible for reimbursing independent schools for excess special education costs; however, they do not have a mechanism to receive commensurate reimbursement if independent schools increase their costs.

Adjustments to the Calculation of the Census Grant

Since 2018, the Advisory Group has heard testimony from a small number of LEAs who raised concerns about the calculation of the census grant. Currently, the census grant is calculated by a district’s average *enrollment* (ADM) rather than *equalized pupil count*. Concerns were raised that this does not take into account demographic differences within a school district. During its considerations of whether to recommend a change in calculation, the Advisory Group discussed the parallel legislation around Pupil Weighting. It concluded that before recommending changes to the census grant calculation, implementation of the revised pupil weights would be essential. Therefore, the Group is not formally making a recommendation to change the calculation at this time. It may be an issue that the General Assembly should consider after duly reviewing the impacts of the pupil weight changes.

Submitted on behalf of the advisory group by:

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Chair