



2018 Acts and Resolves No. 173, An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require support:

High-level Overview

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Act 173 Background

2016 Acts and Resolves No. 148 directed AOE to contract with a consulting firm to review current practices and recommend best practices for delivery of special education services as well as a study of special education funding

- The Delivery of Services Report made the following recommendations:
 - Ensure core instruction meets most needs of most students;
 - Provide additional instructional time outside core subjects to students who struggle, rather than providing interventions instead of core instruction;
 - Ensure students who struggle receive all instruction from highly skilled teachers;
 - Create or strengthen a systems-wide approach to supporting positive student behaviors based on expert support; and
 - Provide specialized instruction from skilled and trained experts to students with more intensive needs.
- The Funding Report noted several limitations to Vermont’s then existing reimbursement model of funding and recommended moving to a census-based funding model.

Goal of Act 173: “..enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont’s school districts.”

Delivery of Services changes

Added definition of “student who requires additional support,” which includes:

- Students with an individualized education program (IEP);
- Students with a section 504 plan under the Rehabilitation Act of 1973;
- Students on neither of the above two plans but whose ability to learn is negatively impacted by a disability or by social, emotional, or behavioral needs, or whose ability to learn is negatively impacted because the student is otherwise at risk;
- Students for whom English is not the primary language; or
- Students who read below grade level

Prohibits the use of the tiered system of academic and behavioral support system to deny a timely initial comprehensive special education evaluation for children suspected of having a disability

- Requires AOE to adopt policies and procedures to ensure no such denials

Requires AOE to provide professional development and support to implement the changes in delivery of services

Creates three new positions in AOE to support special education

Funding Changes

Changed special education funding from a reimbursement model, where the state funds 60% of all special education costs through a combination of grants and reimbursements, to a census-based model, where the state will provide a grant to each supervisory union based on historical spending per student.

- Calculation in statute with a gradual transition to full implementation in FY27

Expanded the allowable use of funds

Changed threshold and calculation for extraordinary cost calculations

Independent Schools

Requires an approved independent school that accepts public tuition to enroll any student with an IEP who is placed in the approved independent school by the student's local education agency (LEA), except for an independent school that limits enrollment to students who are on an IEP

- Requirement takes effect July 1, 2023 (FY24)

Allows approved independent schools to bill LEAs for costs beyond general tuition rates if incurred pursuant to an IEP

Requires rulemaking to update independent school rules (2200 series)

- Rules take effect July 1, 2023*

Census-Based Funding Advisory Group

- Created to make recommendations on the implementation of the census-based funding model, with duties to include:
 - Advise SBE on rulemaking
 - Advise AOE and SUs on implantation
 - Make legislative recommendations to General Assembly
 - Reports on status of implementation and any legislative recommendations due January 15th of 2019, 2020, 2021, 2022, and 2023
 - Ceases to exist on June 30, 2023

Other aspects of Act 173

Various portions of Act 173 original implementation dates delayed or amended:

- 2020 Acts and Resolves No. 112
- 2021 Acts and Resolves No. 28
- 2022 Acts and Resolves No. 175
 - Adverse effect & specific learning disability identification rules

Pupil Weighting Study: AOE to issue report examining and evaluating formula used to weigh economically disadvantaged students, English language learners, and secondary-level students in Vermont for purposes of calculating equalized pupils—which led to the creation of the Task Force on the Implementation of the Pupil Weighting Factors Report and 2022 Acts and Resolves No. 127

State Board of Education rulemaking

- Series 1300, Special Education Finance and Census-Based Funding
- Series 2200, Independent School Program Approval
- Series 2360, Special Education Rules