

## MEMORANDUM

TO: Senate Education Committee  
FROM: Jeff Fannon, Vermont-NEA Executive Director  
DATE: February 9, 2023  
RE: Written Submission for Act 173 (2018) Testimony

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Thank you for inviting me to speak with you about Vermont-NEA's concerns with the implementation of Act 173 (2018). We supported and still do support the goals of Act 173. It is an implementation issue that has us concerned and why we are asking for the law to be paused.

When the bill was moving in 2018, which then passed and became Act 173, we supported the initiative; however, we raised one area of concern then and that concern has only multiplied since the passage of the Act. Specifically, we raised then the matter of there being a shortage of special education teachers, and that shortage has only gotten significantly more acute and that means the law has had difficulties since its passage.

Additionally, the Act created an Act 173 "Advisory Group" that has met regularly since the passage of the law, and at our first meeting then VSBA executive director, Nicole Mace, and I raised the issue of professional development (PD). We knew the need for PD was great, as evidenced by the District Management Group's (DMG) report upon which the entire Act was based, and we also knew that there was a need for a statewide vigorous push for PD for all educators, not just PD for special education teachers and not just for the well-resourced school districts. That concern was never addressed, and simply put, there has not ever been a statewide PD initiative, which means the law cannot succeed as intended.

As I said yesterday, the law required four years of PD before the funding system changed, and given that the PD hasn't happened in any meaningful way, we believe this should be reconciled by not changing the funding system from the reimbursement model to the new Act 173 census-based block grant model. Instead, during the pandemic, the administration said the state needed to change the funding system in order to change educators' behaviors. As I said yesterday, while I believe this is in opposition to Act 173, I do acknowledge Beth St. James's testimony that while there were delays in changing the funding system, the policy decision behind Act 173 of training educators before changing the funding has since been abandoned and the state is implementing the funding system changes without educators having received PD. This policy shift is why we believe the law should be paused entirely until the educators receive the PD the DMG report strongly encouraged and Act 173 required.

I also mentioned yesterday that Vermont-NEA has a fellowship program, and Barbie Collette, who is a special education teacher from Middlebury, is working exclusively on Act 173 issues. She is preparing a report that will outline what she has found and her recommendations going forward to faithfully implement Act 173. In short, her preliminary findings are that while many

school districts have robust plans to implement Act 173, the lack of staffing and PD deficiencies has caused these plans to be ineffective. In some cases, the educator shortage has led to students costing the system more than would be necessary, which is directly what Act 173 was intended to avoid.

These school districts are, however, doing a remarkable job educating all students under difficult circumstances while also changing the funding of special education. When passed, Act 173 also called for a study of the student weights, and while the new weights are just now being phased-in, the census-based block grants and the weights are not aligned, as intended by Act 173. This, again, is another reason why Act 173 should be paused entirely to allow for the weights and the block grants to be correctly aligned.

Finally, this request to pause full implementation of Act 173 also stems from the obvious disruption of education caused by the pandemic. As we saw during the pandemic, the school system is a critical driver of economic health and vitality in the state, and we must allow the system to heal, improve the salary and working conditions of all educators to retain and attract educators, we must deliver meaningful Act 173 PD to all educators, and then, and only then, should we change the funding system. That was Act 173's intent, and we should faithfully adhere to that objective.

Thank you.