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## **Agency of Education Feedback to H.897 v1.1**

Testimony to Senate Education, 4/10/2018

Agency of Education; Emily Byrne and Karin Edwards

The following provides commentary on the Senate version 1.1 of H.897. **References in red are to reflect updates based on version 3.1**

*Page 4 lines 1-9 (Lines updated in 3.1)*

AOE was under the impression that this would be updated to reflect the DMG report definitions.

*Page 5 line 18 (Page 6 line 1 – updated in version 3.1)*

Requirement should be environment.

*Page 8 Sec (b)(5) (Page 9)*

The language should be struck and updated to more accurately reflect current practice accordingly:

(5) provide all students with a continuum of evidence-based positive behavioral practices that promote social and emotional learning, including trauma sensitive programming, that are both school wide and focused on individual or groups of students;

Add a Section (7) based on language that has been contemplated in the trauma bill:

(7) provide professional development, as needed, to support all staff in full implementation of a multi-tiered system of support.

*Page 9 Sec(c)(6) (Page 10)*

This section is redundant; this requirement is outlined in 16 V.S.A. § 2904. It can be struck from this section.

*Page 10 lines 5-12. (Page 10 lines 10-17)*

This addition creates a presumption that MTSS is a component of special education. MTSS is a general education service to children and should be treated as such. By reframing MTSS to sound like a special education service it intimates a shift in the responsibility to provide these services in the general education environment.

*Page 11 Section (g) (1)-(3)*

This language is too prescriptive. Every child is an individual and the timelines and needs for each child is different. Progress is measured for each child based on the rate at which they move toward grade level benchmarks.

*Page 15 Lines 2-7 (Lines 9-14)*

These sections require the same level of reporting that is currently done. Does not accomplish the goal of simplifying the process.

*Page 19 Section (e)*

It is not clear what this section is trying to accomplish. As written AOE cannot implement. This does raise the boarder question regarding the relationship between the changes in S.229 and a census grant for special education services.

*Page 22 Section (a)*

AOE sent language for this section, this will need to be updated.

### **Extraordinary services Threshold:**

See Handout.

### **Supplemental Grant Adjustment and rule making:**

Last week professor Kolbe provided testimony that indicated a poverty adjustment on special education may not be necessary if there is a weight for poverty in the general education formula.

The current bill relies on the state board to make rules in order to implement the calculation of a block grant. This is only done through rule because there is a desire to wait until the weighting study is complete to adopt a poverty adjustment.

The state board through rule making is not the appropriate venue for the adoption of a special education grant. Like every other formula and allocation of education fund dollars, this should be adopted by the legislature and added to state statute. The rulemaking process should be reserved for the statutory role of the state board, to make rules to govern education policy and the administration of the laws as adopted by the legislature to implement the policies.

Additionally, the current rule making timeline is not workable:

Backwards timeline:

1. Rulemaking is complete by **July 1, 2020** for the implementation of the block grant on the first day of FY 2021.
2. HOWEVER, in order to build and adopt the 2021 budgets, the amount of the block grant needs to be reported by **December 15, 2019**.
3. In order for AOE to calculate the Grants, review the grants with VASBO and the Advisory board, as currently written, the formula needs to be adopted by State board by **November 2019**.
4. The Rulemaking process can take anywhere from **9-12 months**. Special education, both service delivery and the implementation of a new funding formula will be a significant undertaking.
5. In order to finish the Rule making process in time to produce budgets, the state board will need to start the process on or around **January 1, 2019**.

6. HOWEVER, the weighting study will not be submitted, as currently written, until **March 15, 2019**. Any information that the legislature wants to adopt will be incorporated by **May 2019**.
7. Additionally the state board finishes the Act 46 process on **November 30, 2018**.
8. Depending on other legislation that passes, the State board will be finishing Act 46 while opening rules on Special Education, PreK, and independent schools.

**Assumptions:**

The weighting study is a critical part to reviewing the funding of general education in Vermont and should not be rushed. The results of the weighting study should provide the legislature with the information needed to determine if the current weights are appropriate and if they need to change.

The additional costs associated with education students in poverty should be reflected in the General Education formula. Including them in the special education formula in addition is not necessary.

**Recommendation:**

1. Strike the supplemental adjustment from the special education census grant amount. If necessary, write intent that the relationship between the incidence of poverty and the cost of education will be contemplated after the weighting study is published.
2. If there is not supplemental grant adjustment, the calculation of the census grant can be adopted in this act. This eliminates:
  - a. The role of the state board in adopting grant amounts and a formula. Appropriately the legislature adopts the amount.
  - b. SU/SDs will have the information for the grants with sufficient time to incorporate into their budgets.
  - c. The state board can restrict its process to only the programmatic and administrative processes typically reserved for the rulemaking process.
  - d. Allows an updated timeline on the weighting study so that the agency can do its due diligence to select a contractor and the contract will have enough time to ensure that the study is done right, not fast, and the results provided can be integrated into legislative discussion at a later date.