

**TESTIMONY PROVIDED TO:** House Education Committee

**FROM:** Meagan Roy, Ed.D. (Chair, Census-Based Funding Advisory Group; CVSD Director of Student Support Services)

**TOPIC:** Act 173 Delay due to COVID19 ([Draft Bill](#))

**DATE:** April 17, 2020

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### **Act 173 Census-Based Funding Advisory Group**

The Advisory Group has not met to formally discuss the issue of delay; however, they have had an opportunity to review the draft legislation as well as the Agency of Education's [Considerations](#). The first part of this testimony is a summary of the individual feedback of the group.

*The Advisory Group supports a delay in the shift to a census-based funding model as outlined in this committee's draft.* Given the unprecedented impact of the COVID19 crisis, for the foreseeable future districts will be singularly focused on managing through the various and significant implications of the school closure, and the significant financial implications that will follow. The enormity of this unexpected impact on both the programmatic and financial workings of schools makes it nearly impossible to simultaneously manage Act 173. In particular, members of the Group have considered the following:

#### Professional Learning

This committee has heard previous testimony from the Advisory Group about the significant professional learning impact on schools to effectively implement Act 173's programmatic elements. The legislation has already been acknowledged to be "landmark" legislation, requiring significant change at all levels of the educational system. The Advisory Group was already concerned about a lack of available professional learning opportunities about systematic implementation of MTSS as required in the law, and was advocating for the Agency to clearly identify a coherent and sustained professional development plan.

None of that need has changed. What has changed, however, is the unexpected and fundamental shift that has occurred in schools due to the COVID19 crisis. Districts have undergone a complete redesign of the delivery of education, including special education services, in a matter of weeks. They will continue to iterate, redesign and adjust throughout the course of the next several months in response to feedback about remote learning. It will not be feasible for schools to simultaneously continue the professional learning required to implement Act 173. The delay in legislation will ensure more time for districts to implement, as well as more time for the Agency to support that implementation.

#### Financial Implications

Act 173 was already poised to have significant impacts on the amount of state funding for special education that districts received. In the leadup to a statewide calculation of the block grant amount, roughly half of Vermont school districts stood to receive less state funding in support of special education - in some cases, significantly less funding. Further, the addition of the weighting study prompted early discussions about possible changes to the calculation of the census grant. Modeling in the weighting study illustrated other, significant, impacts on special education funding and overall tax rates for Vermonters. Both of those realities now coincide with the additional and more severe financial impacts of the COVID19 crisis. A delay in the shift to a census-based funding model would provide additional time to consider both of these financial impacts simultaneously.

#### RuleMaking

The Group supports the identified delay in the effective date of revised special education funding rules. As the Committee is aware, the Series 1300 and Series 2360 are currently open for public comment. The Group has

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communicated to the State Board about the importance of public comment, and the impact that the current “Stay home, stay safe” order will have on the ability of the public to provide commentary. A delay in the effective date of the Rules will allow the State Board to work within their authority to extend the public comment period for the Rules that are already open.

#### Act 173 Advisory Group Meetings

The current draft bill does not address the continued existence of the Act 173 Advisory Group. Given the myriad of issues facing districts as they implement on a delayed timeline, the Advisory Group will remain an essential voice for stakeholders. It is essential that the proposed legislation include language that sustains the Advisory Group and adjusts the frequency of meetings so that the Group has the time they need to inform implementation. The Group would recommend that the committee include language from a previous bill that directed the group to meet up to 12 times per year, and provided appropriate funds to support reimbursement for that amount of meetings.

#### **Administrative Perspective**

In addition to the above concerns (which I echo from my perspective as a district administrator), I would like to offer some additional input regarding the current COVID19 crisis. These issues are perhaps separate from your draft bill regarding delay of 173, but I hope will inform your continued discussions.

#### Revenue Concerns for FY20

In order to comply with Governor Scott’s school closure order, school districts continue to pay all faculty and staff while school is closed. This has been true both during the Maintenance Phase (March 18th - April 10th) and as we transition to Continuation of Learning (on and after April 13th). Part of the rationale for this is that schools have budgeted for these salaries and therefore are able to pay, minimizing the economic impact for those staff who aren’t working their full hours during the closure. While it is true that schools have budgeted to provide these salaries, it is also true that those budgets include a significant amount of state aid (revenue). It is essential that districts continue to receive that revenue, if we are to continue to pay our staff.

Specifically, districts are concerned about reimbursement for special education contracted services. Districts have continued to pay existing contracts for students who receive contracted services as part of their IEPs (either at independent special education schools or through specialized service providers). Many providers are creating remote learning opportunities that provide much-needed support for students on IEPs. Districts, however, have not received confirmation that the Agency of Education will continue to provide special education reimbursement for the continuation of these contracts during the closure, as the services will assuredly look different than they do when school is in session. Districts are understandably concerned about the financial risk involved in continuing to pay contractors who are providing essential services without receiving reimbursement. I would ask that the legislature support districts as they ask the Agency to keep them “whole” during this challenging time.

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### Act 166

Another funding source that districts have continued to provide during the school closure is payments to Act 166 Early Learning Partnership programs. We understand and support the need to ensure that our childcare programs remain solvent at the end of this crisis - and we are not advocating to stop those payments. However, recent guidance from the Agency of Education has asked that, in addition to continuing payments, school districts are to develop remote learning plans for preschool children who are enrolled in community-based early learning partner programs. I'd like this committee to understand the magnitude of what this means: in CVSD alone, this represents nearly 400 additional students to serve, with no additional staffing capacity to do so. While our district is prepared to minimally meet the requirement (by developing a website for families to access), many districts will not even have this capacity. The idea that schools could so easily take this on undermines the work of early education in general, as it seems to suggest that creating curriculum for 3-5 year olds is simple. We're concerned that this requirement will only serve to further exacerbate existing challenges with Act 166 as a construct, putting it at risk as we move forward.

### Acknowledge Complexity Moving Forward

Education is a complex system in the best of times - and now is clearly not the best of times. We are, quite literally, moving mountains to redesign instruction in this remote context, bringing with it all of the challenges inherent in such a shift. The professionals in our systems have been creatively adjusting to a remote learning reality, while working tirelessly to support families as they navigate a home-based educational environment. It is essential that the legislature keep this in mind when addressing the myriad of issues to come relative to COVID19. As we move forward in this context, we need to fully consider and understand the intersection of all that is happening right now with all that was happening before. This requires "zooming out" and looking at the constructs together:

- The professional learning lift to transition to remote learning for one third of the school year, in less than two week's time, is significant. There will be ongoing repercussions of this on our ability to implement additional programmatic elements in school (MTSS/Act 173)
- The financial implications of the COVID19 crisis has specific impacts on special education budgets, as districts grapple with the need to provide compensatory education services when schools are reopened. This is layered on top of the financial implications of a shift to a census-based funding model and any changes that are made relevant to the weighting study
- The overall financial implications of the COVID19 crisis on the entire educational funding system will require a much broader and deeper discussion about how education is funded in Vermont.

Districts will need to pause, reflect, fully understand the various issues facing them, and move forward thoughtfully. The legislature will need to do the same. We can't look at any one of these issues on its own.