

Testimony to House Appropriations: Delay in Act 173

Given By:

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The Vermont Agency of Education is pleased to provide the following status updates and policy suggestions to the committee on a delay in implementation of certain provisions of Act 173.

Update on Act 173

H.521 includes language sponsored by the Agency of Education to make technical corrections to Act 173. These changes are necessary to ensure the successful implementation of this major policy initiative.

Concurrently to the consideration of these technical changes, the AOE solicited feedback from stakeholders (CBAG, SBE, AOE staff) to evaluate its position on delay, and determined that a delay would be prudent, as outlined in [Secretary French's recent testimony to Senate Education on April 12th, 2019](#).

Why delay?

AOE capacity

Staffing of new Act 173 positions: These positions are still currently under active recruitment. In previous hiring rounds we have been unable to attract qualified candidates.

Vacancies in key leadership positions on student support services team: All three positions (Division Director, Division Assistant Director, and Special Education State Director) have now been filled with the Special Education State Director expected to begin later this spring.

SU/SD capacity

A major negative impact on the field's capacity to implement Act 173 has been the requirement placed on SU/SDs to simultaneously implement several other major policy initiatives such as Act 46, Act 77, Act 166 and the Agency's implementation of three large statewide data systems.

Benefits of a Delay

A delay would allow the AOE to:

- Continue evaluating the effectiveness of, and legal requirements for, current special education monitoring and design a new system of monitoring with a goal of greater flexibility for the field that also ensures compliance with federal law.
- Align our Grants Management System with the Education Quality Standards and its related subdomains to better assist districts with targeting their funding in support of Act 173 work.
- Implement our Professional Learning Network website so that we can better advertise, target and integrate professional development activities.

- Continue development of a needs-based professional development plan to support districts with the implementing the necessary changes practice called for by Act 173.
- Develop better internal and external communications structures for Act 173.

Structure of the AOE Proposed Delay

The Agency proposes to:

- Continue with rule-making process as per the initial schedule (November 1, 2019 deadline). A draft of the census block grant and special education funding rules were recently delivered to the State Board of Education.
- Provide more time for developing a coherent approach to professional development.
- Move forward with shift from a reimbursement model to block grant funding in FY21 as to not delay savings in the reduction of administrative burden.
- Hold districts harmless for an additional year to allow for adequate and coordinated professional development to be rolled out.
 - The FY22 census block group would be FY21 increased by the NIPA.
 - FY25 would remain the year in which the census block model would be "fully implemented", but the step down would happen from FY23 to FY25, rather than FY22 to FY25, 3 years instead of 4 years.

Status Update

The Senate Education Committee amended H.521 as passed by the House to reflect a one-year delay in the implementation of the census block grant and the rulemaking process. It also provides an additional year for training and technical assistance, from 3 to 4 years.