

**TESTIMONY PROVIDED TO:** House Education Committee  
**FROM:** Meagan Roy, Ed.D. (Chair, Census-Based Funding Advisory Group)  
**TOPIC:** Response to Committee Bill 19-1250  
**DATE:** March 12, 2019

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The current draft bill was distributed to the Census-Based Funding Advisory Group at their meeting on March 4, 2019. An in-depth discussion of the bill was not possible at that time, but the group had an opportunity to provide initial reactions. The following is a summary of those discussions. It also overviews more global conversations the Group has had about implementation of Act 173, that may result in possible recommendations to the General Assembly for statutory changes.

### **Response to Technical Changes**

The Advisory Group acknowledges that the majority of the changes in the proposed bill are technical in nature and developed based on the recommendations of the Agency of Education. The group did not specifically voice any concerns with the specific changes outlined here, although members were encouraged to consider the draft and send comments to the Chair after the meeting. Rather, the discussion focused on whether or not the General Assembly should consider more than just technical changes to the Act.

### **Additional Comments**

The Advisory Group does believe that it is important for the legislature to be contemplating changes to Act 173. The Group is still engaged in discussions about whether or not they will make additional recommendations beyond technical corrections. Those discussions are summarized below.

#### Professional Learning:

To date, the Advisory Group has heard a series of presentations by the Agency of Education Technical Assistance and Professional Learning (TAPL) team regarding their approach to supporting districts in implementation of Act 173. It is the consensus of the Group that these presentations have not yet demonstrated that a clear framework exists to identify and support districts who are most in need of implementation support. The Agency has outlined a number of voluntary initiatives (funded by Federal grants and other sources) that support implementation of elements of Act 173. The Advisory Group, however, has been clear in their feedback to the Agency that such voluntary opportunities may be of high quality, but may not be reaching districts most in need of professional learning. They are often accessed by high performing districts and/or districts who have already conducted significant self-assessment and determined what support was needed. The bigger concern across the state is those districts who are unaware of or choosing not to access the professional learning.

In the absence of a clear plan, the Group has discussed concerns by some of its members that the Agency has no way of monitoring districts who may not be implementing the MTSS portion of Act 173 effectively, and that this may result in a denial of evaluation of a child suspected of having a disability under IDEA or Section 504. The Agency does not currently have policies and procedures outlining expectations under MTSS (as referenced in §2902(e) - §2902(g), nor do they have a way of monitoring implementation of those expectations once identified. In this scenario, there is question about whether or not the Rules need to specify expectations, as well as concern that Rules are not the appropriate vehicle for policy/procedure.

In short: The lack of clarity of the professional learning plan has made it difficult for the Advisory Group to move forward on issues of Rulemaking, and have prompted discussions regarding a recommendation for delay (see below).

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### Rulemaking

To date, the Advisory Group has not received a full draft of the Rules that will be submitted to the State Board. There was a decision at our most recent meeting to delay submittal of the draft Rules to the State Board so that the Advisory Group has an opportunity at their April meeting to react to a full draft.

It has become increasingly challenging to provide meaningful rule input because of the lack of clarity about professional learning (described above). The Group is being asked to determine whether a set of draft rules is sufficient without clarity about professional learning, monitoring and support for districts. In April, after reviewing a full draft of the Rules and a clearer summary of the Agency's professional learning plan, the Group will engage in a discussion about how sufficiently each addresses the issue of monitoring and support for districts.

### Delay

Although the Group has not had a formal discussion and has not taken action about the concept of recommending a delay, it has increasingly become a talking point during Advisory Group meetings. Some members have expressed concern on behalf of the organizations they represent that implementation will be a significant challenge. Other members indicate that their organizations are concerned that delaying the shift in funding makes it hard to implement the changes required by the Act. Further discussion of this concept will occur in April.

In conclusion: The work of implementing Act 173 is complex, as is the work of advising implementation. It is possible that the Advisory Group will return to the general assembly with recommendations beyond technical corrections, and looks forward to additional conversations with this committee.