



To: Members of the House Operations and House Education Committees
From: Nicole L. Mace, Executive Director, VSBA
Jeffrey Francis, Executive Director, VSA
Traci Sawyers, Executive Director, VCSEA
Jay Nichols, Executive Director, VPA
Re: Vermont Agency of Education Support for Act 173 Implementation/Special Education Support
Date: February 27, 2019

Our associations have a commitment to supporting positive learning environments for all of Vermont's students. If implemented with fidelity, Act 173 holds great potential to improve how education is delivered to students, especially to those who struggle. However, the law calls for significant cultural shifts in how education is delivered from both a fiscal and pedagogical standpoint. The cultural and operational shifts amongst systems *must* precede the change in the funding model for the law to be implemented effectively. The stakes are high for school districts and the students they serve. **It is within this context that we wish to bring to light some comments on the first year of implementation with respect to the functioning of the Agency of Education:**

1. Act 173 directed the Agency of Education to, for the 2018–2019, 2019–2020, and 2020–2021 school years, assist supervisory unions to expand and improve their delivery of services to students who require additional supports in accordance with the report entitled "Expanding and Strengthening Best-Practice Supports for Students who Struggle" delivered to the Agency of Education in November 2017 from the District Management Group. This assistance must include the training of teachers and staff and technical assistance with the goal of embedding best practices identified in the DMG report. No technical assistance or professional learning plan was put together for the 2018-2019 school year.

In January, the Advisory Group recommended that the Agency of Education (AOE) should not proceed with the professional learning offerings called for by the Act for the 2018-2019 school year, given that the school year was half over and professional

learning calendars were already set. Rather, the focus at this point should be on developing a clear, focused, and effective plan to deliver technical assistance to districts that are in greatest need of support during the 2019-2020 school year. We believe the next few months should be focused on identifying at-risk districts and consulting with them about what their needs are, and then identifying expert consultants who are qualified to deliver technical assistance that addresses those needs. We ask that the AOE be allowed to proceed in this manner without fear of losing current and future designated funds for the implementation of this law.¹

2. Act 173 necessitates substantial changes to practices and structures within school systems. Some systems are further along in their implementation of best practices than others. Act 173 directed our associations to provide input to the AOE on implementation of the law through the Advisory Group. Our strong recommendation over the summer was for the Agency to identify districts that were in greatest need of technical assistance from the Agency and allocate professional learning dollars and supports accordingly. Currently, the existing AOE contract with District Management Group (DMG) to assist systems with improved scheduling for struggling students does not prioritize those that may need it the most, but instead includes many systems that were a part of the initial DMG pilot. Ensuring equity means targeting resources to the districts most in need; access to professional learning supports is key to realizing the benefits to all struggling students as the law intends.
3. Core to the Agency's mandate is to deliver technical assistance to districts. It is not clear what the technical assistance will entail at this point. Based on the last update to the Advisory Group, the Agency aims to align district supports that are required through the state's Every Student Succeeds Act (ESSA) plan with the requirement to provide Act 173 technical assistance. The Agency of Education should provide evidence that aligning Act 173 technical assistance with ESSA interventions will ensure sufficient attention is paid to the changes that need to be made in order to respond to the changes called for in Act 173.
4. School board members, superintendents, special education administrators and principals have expressed concern with the lack of communication from the Agency of Education thus far about the law and what it will mean both pedagogically and fiscally. Our leaders strongly supported the legislature in proposing a method of special education funding that provides schools the flexibility they need to identify and support struggling learners before they fall behind. The Agency of Education has not provided

¹See section 12 of Act 173: "The sum of \$200,000.00 is appropriated from federal funds that are available under the Individuals with Disabilities Education Act for fiscal year 2019 to the Agency of Education, which the Agency shall administer in accordance with this section. The Agency shall include in its budget request to the General Assembly for each of fiscal years 2020 and 2021 the amount of \$200,000.00 from federal funds that are available under the Individuals with Disabilities Education Act for administration in accordance with this section."

5. the level of leadership required to ensure all stakeholders within the system understand the roles they play in delivering supports to struggling learners. Improved outcomes for students and cost containment can only be achieved through systems-level work, not solely through a shift in funding structures. This requires a clear vision from the AOE regarding how the pieces fit together and the best process for achieving this critical systems change.
6. Vacancies remain in the Special Education Support Team at the Agency. According to the organizational chart distributed at the December State Board of Education meeting, the three positions the General Assembly created to support implementation of this law have not been filled.² These vacancies are in addition to the departure of two veteran members of the special education team at the Agency this fall.

The Agency of Education provides support for local schools and school officials in their efforts to develop, implement and govern high quality educational programs; to promote equity of educational opportunity for students throughout Vermont; and to support implementation of state and federal mandates. In order to fulfill this role, the Agency of Education must be properly staffed and resourced. Our associations are concerned that the Agency of Education may not be performing its essential functions and call upon the General Assembly to thoroughly examine Agency performance and capacity to implement laws, establish statewide accountability and data systems, and provide effective support to the field.

² See section 13 of Act 173: “The following positions are created in the Agency of Education: one fulltime, exempt legal counsel specializing in special education law and two full time, classified positions specializing in effective instruction for students who require additional support. There is appropriated to the Agency of Education from the General Fund for fiscal year 2019 the amount of \$325,000.00 for salaries, benefits, and operating expenses.”