



Vermont Independent
Schools Association

Act 173 Testimony to Senate Education Committee

Mill Moore, Executive Director
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From the first meeting of the Census-Based Funding Advisory Group I thought the Agency's plan to get rules written and approved by late this year was going to be very difficult to meet.

The announced schedule appeared to leave no time for the unanticipated, and as we all know, the unanticipated has a habit of showing up, especially when one is in a hurry.

On the other hand, I think the legislature's work on the design of the Advisory Group has been quite successful. This should be a model for other such undertakings in state government.

The advisory group is composed of all the principal stakeholders in the process of transitioning to a new funding model and a new services delivery paradigm. The group substantially simplified the Agency's responsibility to conduct thorough stakeholder consultations, because it brought major stakeholders together at predictable places and times and encouraged the stakeholders to come to a consensus.

I wish not to be critical of the work of the Agency of Education. All I can say is that the Agency seems to have struggled to meet its self-created schedule and it is falling behind to an extent that has caused growing concern among all advisory group members.

The concern is not because the Agency is thought to be sloppy or dilatory, but because too little time is left for the work that really must be done before rules can be forwarded to the State Board of Education.

You should hear from Advisory Group Chair Meaghan Roy about specifics of the committee's recommendation to delay. I will speak from my perspective as a representative of the independent schools community on my thinking.

Act 173 requires every approved independent school accepting public funds to enroll special education students. That is a very great change, which will require thirty mostly very small schools to gain new knowledge, practice new management skills and hire new employees.

To get this into motion requires translating the requirements of Act 173 into rules covering the complexities of bringing federal and State special education requirements into non-public institutions. Figuring out how best to transition special education funds to independent schools is particularly challenging.

The rule changes needed for this overlap with the needed public school rule changes. So, even though the independent school requirement does not take effect until July of 2020, the rule changes needed for this cannot be left until later.

One of my top concerns is giving the State Board of Education enough time to evaluate the new rules after it receives the recommendations of the Agency of Education.

Keep in mind that the Ed Board is now independent of the Agency. It has no staff, no legal advisor, no special education experts of its own. Yet it will be expected to digest and make critical judgements on a lengthy and very complex set of rule changes.

Any interested party can file a proposal when the Ed Board opens a rulemaking process. The AOE's rule recommendations may not be the only proposal on the table. The Board may have to compare and evaluate multiple proposals.

And here's my core concern: The Board will be expected to conduct some form of stakeholder input. I do not think a new advisory committee like that provided for the Agency is needed, but I do think the board will have to engage with stakeholders in a thoughtful and deliberate way.

I have the impression it was assumed the Ed Board would turn around the rule proposals quickly—ideally in a one-month meeting cycle. In my opinion a month is well short of being enough time for the Ed Board to conduct a careful inquiry and review.

Rushing the essential preparations is likely to lead to oversights and errors. On Act 173, I think we need to make a priority of getting it right the first time.

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