

## Testimony to Senate Education on H.521: An Act Relating to Amending the Special Education Laws

Given By:

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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. As these technical changes have been under consideration, the AOE was in the process of evaluating the implementation schedule of the draft Act 173 rules and the larger scope of work. Before making a determination on the value of a delay in Act 173, it was important to hear from stakeholders, including members of the Advisory Group, members of the State Board of Education and employees of the Agency of Education.

**Based on this assessment, delay in the implementation of Act 173 would be prudent for the following reasons:**

### **AOE Capacity**

1. **Staffing of New Special Education Program Positions:** The AOE has been unable to fill the two program positions assigned to the agency with the passage of Act 173. The positions have been re-posted twice but we have been unable to attract qualified candidates. The positions are currently under active recruitment.
2. **Vacancies in Key Special Education Leadership Positions:** A factor that has negatively impacted the recruitment of the two special education program positions has been vacancies in key leadership positions in the same agency division. Specifically, the Division Director, Assistant Division Director and the State Director of Special Education all retired this fall. These three positions have now been filled, with the new State Director of Special Education starting later this spring.
3. **Other Major Policy Initiatives:** A major negative impact on the field's capacity to implement Act 173 has been the requirement placed on supervisory unions and school districts 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.

These capacity issues, when added to the rapid implementation schedule in Act 173, have affected the AOE's ability to quickly create a coherent program of support for the field. Specifically, a delay would allow the AOE to:

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

## Systems Capacity

In many ways, the capacity of the AOE mirrors the capacity of our education system. The system is currently suffering from a significant degree of “initiative fatigue” because of competing initiatives, staff turnover and the uneven distribution of resources and expertise.

It is important to note, however, the changes asked of school districts under Act 173 are not new concepts. For example, DMG report which informed Act 173 made the following recommendations for changes to instructional practices:

- Ensuring Elementary Tier 1 core instruction meets most needs of most students;
- Providing additional instructional time outside core subjects aligned to the core;
- Instruction to students who struggle rather than providing interventions;
- Ensuring students who struggle receive all instruction from highly skilled teachers;
- Creating or strengthening a systems-wide approach to supporting positive student behaviors based on expert support; and
- Providing students having more intensive support needs with specialized instruction from skilled and trained experts.

Vermont has many high functioning districts who have already implemented these strategies. They are ready to move forward under Act 173 without further delay. Others, however, are still struggling to comply with earlier special education mandates. For example, we still have districts that have not implemented special education centralization as required under Act 156 (2012).

Another principle of Act 173 is the implementation of the Multi-Tiered System of Supports (MTSS). A major rationale for Act 173 was to bring our special education system into alignment with MTSS, a reform that was enacted in 2015. Since its adoption, AOE has provided extensive training and professional development to SD/SUs. (See the agency’s [Multi-Tiered System of Supports Web page](#) and [Research Collaboration’s Vermont MTSS site](#) for a description of the supports provided to districts.) Even though MTSS was enacted in 2015 (and some of its components such a needs-based professional development system and a local assessment plan can be traced back to the late 1990s), many districts have not implemented these reforms.

## Professional Development

To support the implementation of the DMG recommendations, continued support of MTSS and the development of overall coherence in this area, the Agency of Education has developed the following preliminary plan for professional development:

DMG Opportunity	Which MTSS Component(s) need to be developed to address this DMG opportunity	Existing policy and guidance to address this DMG opportunity through a MTSS lens	Related modules and other MTSS resources currently available online	Related professional Learning opportunities that we've offered or plan to offer
<b>Opportunity 1</b> - Core instruction meets most of the needs of all students.	Systemic and Comprehensive Approach  High-quality Instruction and Intervention	MTSS Field Guide  Vermont Early Learning Standards  Strengthening and Streamlining Your Local Comprehensive Assessment System  Educational Benefit Review Process  Coaching as Professional Learning  Early Literacy Blueprint	MTSS Self-Assessment Tool  Universal Design for Learning,  Systemic and Comprehensive Approach Module  Universal PreK and Early Childhood Special Education Module  Literacy and Math Modules	Early Learning Networked Improvement Communities (NIC)  Instructional Coaches  Networked Improvement Communities (NIC)  Work-based Learning Collaborative Series  Master Scheduling  High Leverage Practices  Early Literacy Blueprint  Math for Struggling Learners
<b>Opportunity 2</b> - Provide additional instructional time outside of Core instruction.	Systemic and Comprehensive Approach  Comprehensive Assessment  Effective Collaboration  High Quality Instruction and Intervention	MTSS Field Guide  Assistive Technology  Educational Benefit Review Process	MTSS Self-Assessment Tool  Systemic and Comprehensive Approach Module	Math Ed Camp  State Systemic Improvement Plan (SSIP)  Educational Benefit Review Process

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<b>Opportunity 3</b> - Ensure learners who struggle receive all instruction from highly skilled teachers.	Systemic and Comprehensive Approach  Expertise  Comprehensive Assessment  High-quality Instruction and Intervention	MTSS Field Guide  Licensing Requirements  Education Quality Standards  Core Leadership Standards for VT Teachers	MTSS Self-Assessment Tool  Professional Learning Network (PLN) self-paced courses  Systemic and Comprehensive Approach Module	Early Learning NIC  Instructional Coaches NIC  Work-based Learning Collaborative Series
<b>Opportunity 4</b> - Create or strengthen a systemwide approach to supporting student behavior.	Systemic and Comprehensive Approach, Effective Collaboration, Expertise	MTSS Field Guide  Rule 4500  Positive Behavior Intervention and Supports (PBIS)  Hazing/Harassment/Bullying Prevention  Whole School Restorative Approaches Resource Guide	MTSS Self-Assessment Tool  Systemic and Comprehensive Approach Module  Universal PreK and Early Childhood Special Education Module and Support  Schoolwide Integrated Framework of Transformation (SWIFT)	BEST: Positive Behavior Intervention and Supports (PBIS) <ul style="list-style-type: none"> <li>• Functional Behavior Assessment</li> <li>• trauma-informed</li> <li>• restorative approaches</li> <li>• social-emotional learning</li> </ul>
<b>Opportunity 5</b> - Provide students with more intensive support needs specialized instruction from skilled and trained experts.	Systemic and Comprehensive Approach  Expertise  Effective Collaboration	MTSS Field Guide  Vermont Early Learning Standards (VELS) Guiding Principles  Flexible Pathways Case Studies for Students with Disabilities	MTSS Self-Assessment Tool  Schoolwide Integrated Framework of Transformation (SWIFT)  Systemic and Comprehensive Approach Module  Assistive Technology  Family Engagement Toolkit	Education Benefit  Universal Design for Learning  Preschool Development Expansion Grant

A further opportunity that could be realized during a delay in the implementation of Act 173 would be for the agency to identify and focus resources that are already available. Some of the activities that are being leveraged to support capacity building for Act 173 implementation include:

- Early Literacy Blueprint - \$120,000 (April 23, 2018 to December 31, 2018)
- High Leverage Instructional Practices - \$80,288 (August 1, 2018 to June 28, 2019)
- Effective Master Schedules - \$78,000 (August 27, 2018 to August 26, 2019)
- Math for All Learners - \$99,999 (August 1, 2018 to June 30, 2019)
- Educational Benefit IEP Writing Process - \$83,350 (June 1, 2018 to June 28, 2019)
- BEST Project - \$1,250,117 (October 1, 2016 to June 28, 2019)

A delay would allow us to better design, integrate and communicate professional development for the field.

### **Conclusion on the Need for a Delay**

1. AOE capacity is improving to support the implementation of Act 173. AOE capacity has not negatively impacted the development of draft rules to implement the changes to a block grant system, or the administration of the financial shift. A delay would assist the AOE in developing a more coherent approach to professional development.
2. We need to move forward implementing a block grant funding system now to establish the right incentives to move districts forward in the necessary changes in practice.
3. To implement a delay, rather than extending the whole implementation schedule by one year, the AOE recommends an approach that still provides an extended implementation timeline while also beginning to shift the funding model to achieve the fiscal and administrative benefits intended by Act 173. Accordingly, I recommend shifting to the census model in 2021, as currently required by Act 173, but holding districts harmless for two years instead of one. The graduated step up or down to the census grant should start in 2023 rather than 2022 and continue through 2025. This alternate implementation schedule would:
  - a. Give LEAs and the AOE one more year to implement programmatic changes and take full advantage of professional development before there is a change in the amount of funding they receive;
  - b. Provide more time to full flesh out how the state will ensure compliance with all reporting requirements under IDEA with a new system in place; and
  - c. Eliminate much of the administrative burden associated with service plans and Special Education Expenditure Reporting at LEAs and AOE.
4. This is important work. If given a delay, the Agency of Education will use the additional time to provide additional support and resources to the field. Likewise, districts will also be able to use the time constructively to better implement this law at the local level.