

RESPONSE PROVIDED TO: Secretary Dan French

FROM: Darren McIntyre, Executive Director

TOPIC: SLD and Adverse Effect Rule Changes

DATE: January 16, 2022



Thank you for providing VCSEA the opportunity to give feedback on the Agency draft guidance for SLD identification. The VCSEA Rules and Regulations Committee met last week to review the draft documents. In attempting to provide feedback, it became clear to our organization that the complexities involved with developing guidance for this rule change is substantive and providing line-by-line input to the Agency's draft would not be sufficient for a quality guidance document. It is our belief that a more extended opportunity for joint drafting of guidance is necessary to accomplish this shift in practice. While we understand that the Agency is attempting to meet its own timeline with an aim of releasing guidance for the July 1 implementation date, we believe the risk associated with prematurely releasing guidance to the field is significant.

We are aware that the Agency has been asked to develop a position regarding the July 1, 2022 implementation date for the Rule changes and Act 173 enactment. As you consider your position, VCSEA offers the following recommendations:

1. **Consider recommending a delay of the 2360 Rules Changes not associated with Act 173 (SLD Identification and Adverse Effect):** It is our strong belief that the time needed to develop quality guidance and then support LEA implementation of that guidance is far more than the five months remaining between now and July 1. As you know, I provided testimony to the House Education Committee on behalf of VCSEA in response to the committee's request for an update on the status of schools, staff, and students. As part of this testimony, I shared the continued concerns our membership has about the need for more time to prepare staff for implementation of the 2360 Series rules. VCSEA members are clear that **they will not be ready** for implementation of these rules by July 2022 due to continued effects from the pandemic and associated staffing shortages.
2. **Convene a stakeholder group to work collaboratively on the development of SLD Identification guidelines.** VCSEA would welcome the opportunity to participate in a more thoughtful and inclusive process for developing guidance. The Agency has long used a stakeholder model for development of large-scale guidance (e.g., the MTSS field guide and associated revisions; IEP form changes; previous Adverse Effect guidance). In fact, there was a large-scale effort to develop a user-friendly and evidence-based guidance document for SLD identification, aligned with the state's MTSS field guide. We notice none of that work integrated into the current draft. Rather than attempting to move quickly, VCSEA believes strongly that a more prudent approach would be to use the additional rule implementation time for the joint development and roll out of guidance.

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These rule changes are very complex and will require at least a school year to allow preparation. Without delay this will compound existing challenges related to staffing, special education compliance, school budgets, and instructional services for students.

We welcome the opportunity to discuss this further at our upcoming VCSEA Board Meeting on January 21st at 9:30AM. I'll be sending an invite to Jacqui Kelleher and Chris Kane to join via Zoom.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren McIntyre".

Darren McIntyre
VCSEA Executive Director