

AOE Testimony on Act 173

Testimony to: House Education Committee
Respectfully Submitted by: Meg Porcella, AOE, Act 173 Lead
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Current State

In May 2021, the Special Education Finance rules (series 1300) and the updated Special Education Rules (series 2360) were adopted by State Board of Education (SBE) with a July 1, 2022 start date. The AOE's Special Education team finalized the rollout of professional development and informational sessions that address the changes to the Special Education series 2360 rules. That timeline is discussed below.

The AOE's Finance team is finalizing the Technical Manual for Use and Accounting of Individuals with Disabilities Education Act (IDEA) Part B Entitlement Grants: Rule Series 1300 Special Education Finance and Census-based Funding (Technical Manual). The Technical Manual will describe eligibility toward the Maintenance of Effort (MOE) calculation for the following:

- Census Block Grants
- Extraordinary Special Education Expenditures Reimbursement
- State-placed Special Education Reimbursement
- Local funds attributed to special education
- Essential Early Education (EEE) grant also known as Early Childhood Special Education (ECSE)
- IDEA Part B Flow Through and PreK Flow Through grants

The Technical Manual will be provided to the Act 173 Census-Based Funding Advisory Group for their feedback and will be available for public comment for 30 days prior to being shared publicly.

The switch to the census block grant will be enacted over time according to the schedule described on page 16 of [Act 173 of 2018 as Enacted](#). However, the due dates have been changed in this document to reflect the one-year delay in implementing the census based funding requirement:

(d)(1)(A) For fiscal year 2023, the amount of the census grant for a supervisory union shall be: (i) the average amount it received for fiscal years 2018, 2019, and 2020 from the State for special education under sections 2961 (standard mainstream block grants), 2963 (special education expenditures reimbursement), and 2963a (exceptional circumstances) of this title; increased by (ii) the annual change in the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and Local Government Consumption

Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis.

(B) The amount determined under subdivision (A) of this subdivision (1) shall be divided by the supervisory union's long-term membership, to determine the base amount of the census grant, which is the amount of the census grant calculated on a per student basis.

(2) For fiscal year 2025 and subsequent fiscal years, the amount of the census grant for a supervisory union shall be the uniform base amount multiplied by the supervisory union's long-term membership.

(3) For fiscal years 2023, 2024, and 2025, the amount of the census grant for a supervisory union shall be determined by multiplying the supervisory union's long-term membership by a base amount established under this subdivision. The base amounts for each supervisory union for fiscal years 2023, 2024, and 2025 shall move gradually the supervisory union's fiscal year 2022 base amount to the fiscal year 2026 uniform base amount by pro rating the change between the supervisory union's fiscal year 2022 base amount and the fiscal year 2026 uniform base amount over this three-fiscal-year period.

The members of the Special Education finance team are working with Federal and state-level partners to finalize technical manuals and calculators. When these are ready, members of the Finance division will begin leveraging the ongoing Special Education team's trainings (these are described below). Topics will include the updated Technical Manual, changes in documenting Maintenance of Effort, and introducing the new online MOE calculator that is being developed by the Center for IDEA Fiscal Reporting (CIFR). Brad James, AOE Finance Manager, shared the Act 173 Census Block Grant and FY23 Extraordinary Reimbursement Template with business managers in October 2021.

Contracted Professional Development Services

The Math for All Learners contract with the All Learners Network is finishing its 3rd year on June 30, 2022 and has thus far cost a total of \$531,100. This contract may be renewed for one additional one-year period at the discretion of the State. The contract's scope of work includes professional learning workshops, coaching, conferences, a summit for middle school teachers, training in best practices around number sense routines, and resources on specialized instruction for Pre-K, elementary, and secondary learners.

The contract with the District Management Group (DMGroup) provides the DMSchedules software, and accompanying training, coaching, and resources around creating and implementing effective master schedules in elementary schools. The contract started February 8, 2021 and will end on June 30, 2022 at a total cost of \$191,120.00. To date, 86 schools in 37 Local Education Agencies (LEAs) have registered for the elementary school scheduling software and received their account login information. DMGroup continues to provide online software and scheduling support as requested.

With schools well underway with the 2021-22 school year, and school schedules having largely been established, engagement with the DMSchedules application has decreased. AOE staff is

currently working with DMGroup to develop a campaign to enroll more schools in the application, and to conduct training, scheduling, and software webinars at the start of the new calendar year in time for schools to prepare schedules for the 2022-23 academic year. At the end of the contract period, schools will have the option to continue using the DMSchedules software at a reduced rate.

AOE Training and Technical Assistance

The AOE's Special Education Team developed a series of trainings that were finalized and launched in May after the SBE approved changes to the Special Education Rules series 2360. These professional learning opportunities began with foundational information on the Vermont Multi-tiered Systems of Support (VTmtss) Framework and Early MTSS, before presenting information specific to the Special Education rule changes, within the following categories:

1. Specific Learning Disability Eligibility Determination
2. Adverse Effect
3. Functional Skills
4. Individual Education Plan (IEP) Goal Writing
5. Parent Input
6. Special Education Definition Clarification

We are also providing informational sessions on these early childhood special education rule changes:

1. Least Restrictive Environment for children aged 3 through 5
2. IEP Content

As additional training materials are finalized, they will be posted on the [Early Childhood Special Education Services](#) page.

All the informational sessions in this training series follow a similar pattern: an informational package is distributed ahead of the training date that includes an instructional video, usually in the form of a voice-over PowerPoint, rule change guidance, applicable tools, templates and/or annotated documents, as well as links to any additional relevant resources. These materials are posted to the AOE's [Special Education Rule Changes](#) webpage, and are supported by a live "Office Hour" meeting at which participants can ask questions about content, talk about applications to LEA systems, and network with each other around current practices.

At this time, approximately 30 supervisory unions have received direct support from the AOE's MTSS Team. In addition to requests made directly to the AOE's MTSS team through the [TA Request Form](#), SUs/SDs have accessed the technical support through multiple projects. The technical assistance and support use the VTmtss Framework to work on improvement goals/measures. Examples of the different projects that are the vehicle for the AOE's MTSS team to provide technical assistance around VTmtss include:

- Project AWARE (Advancing Wellness and Resilience in Education)
- VT Positive Behavior Intervention and Supports (PBIS)
- Building Effective Supports for Teaching (BEST)/VTmtss Summer Institute

- State Systemic Improvement Plan (SSIP)
- Education Recovery Phase 1 & 2 conversations
- Early Learning Networked Improvement Community (NIC)

The AOE's MTSS team is focused on Educational Support Teams as well. Tom Faris of the AOE's MTSS team has engaged in 14 interviews with LEAs regarding the current state of their Educational Support Teams (ESTs) and to learn of their needs. These interviews have taken place during this school year.

Online Guidance

The [Act 173 Guidance Documents](#) page of the [Act 173 website](#) is organized around the four "systems levers" and provide tools, documents, and resources related to achieving the goals of Act 173. The systems levers are as follows:

- Educational Support Teams
- Coordinated Curriculum
- Local Comprehensive Assessment Systems
- Needs-based Professional Development

VTmtss Framework Tools

The [AOE's VTmtss webpages](#) also offer tools and resources to educational teams seeking to improve their systems so that they can implement best practices necessary to meet the needs of VT students.

Recovery and Continuous Improvement Coherence

Within recovery planning, SUs/SDs have been asked to organize their continuous improvement goals and investment requests to reflect three priority areas: Mental Health/Social-Emotional Learning (SEL), Engagement/Truancy, and Academic Achievement/Success. SUs/SDs will have the opportunity to leverage the VTmtss Framework components to determine the strengths and needs their school systems, and to improve the four systems levers that the AOE has identified as being critical for achieving the goals of Act 173.

The DMG "opportunities" represent the best practices the DMGroup suggested in their 2017 report. The four "systems levers" offer SUs/SDs and schools a starting point. It is our position that the system needs to be addressed to ensure that those best practices can be effectively realized and implemented with fidelity.