

STATEMENT PROVIDED TO: Senate Education Committee
FROM: Meagan Roy, Ed.D. (Chair, Census-Based Funding Advisory Group)
TOPIC: Statement in Support of [H.716](#)
DATE: March 22, 2022

The Census Based Funding Advisory Group (CBFAG) is a multi-disciplinary stakeholder group that includes representation from disability rights organizations, families, educational organizations (including Independent Schools), the Agency of Education and others. Its statutory responsibility is to “...recommend to the General Assembly any statutory changes it determines are necessary or advisable to meet the goals of this act...” The following comments are offered as part of ongoing Advisory Group discussions regarding Act 173 implementation. A full summary of the issues can be found in the most recent [Report to the General Assembly](#).

Unequivocally, this group believes that Act 173 is critical legislation that needs to be enacted to have a positive impact on Vermont’s struggling learners. Over the three years of this group's existence, however, we have continually articulated the magnitude of change the Act requires of LEAs and the deep and comprehensive professional development required of systems for successful implementation. As the state approaches the third year of the pandemic, we again find ourselves facing the implementation date of Act 173; this time, in the midst of unprecedented impacts on schools. The ongoing situational impacts of COVID19 combined with the related and crippling workforce shortages make it extremely difficult for LEAs to move forward the work necessary for them to be prepared for implementation.

The CBFAG has spent a considerable amount of time providing input to the Agency of Education regarding the professional development necessary to implement Act 173. Throughout these discussions, the Group has had significant concerns about the lack of a cohesive, comprehensive and timely professional development plan available to LEAs. In addition to the MTSS implementation that has been discussed at length, the passage of the 2360 Series Rules has created two additional and significant changes that school districts are required to implement: adverse effect and SLD identification (the two rule changes referenced in H.716). Guidance for implementation of the rule changes was only released in full in February of 2022, leaving less than four months for school districts to adequately train their special education and general education staff. A full technical description of how the rule changes impact schools is beyond the scope of these comments; but it is clear to the CBFAG that the rule changes magnified the challenges school districts are facing regarding implementation.

H.716

The Advisory Group took action to endorse H.716 as written. The motion carried by a vote of 6-2. The Nay votes were submitted by members representing the Disability Law Project and Vermont Coalition for Disability Rights. The Agency of Education abstained. The following is a summary of key points shared by individual Advisory Group members:

Support of H.176	Not in Support of H.716
LEAs will not be prepared to implement the SLD and adverse effect rule changes. Poor implementation risks time and resources spent on costly litigation rather than on continued implementation of Act 173. Delay provides more time for implementation and preserves the welcome changes to funding and MTSS.	Advocacy community expresses concerns that students are failing to be identified for special education properly and believe the change in rules would remedy this