

State Board of Education

Virtual via Microsoft Teams
Call in Number: 1-802-552-8456
Conference ID: 217 820 432#

Draft Meeting Minutes

Date: January 17, 2024

Present:

State Board Members (SBE): Jennifer Samuelson, Chair; Tammy Kolbe, Vice Chair (left at 9:57 a.m.); Tom Lovett; Lyle Jepson; Richard Werner; Jenna O'Farrell; Mohamed Diop; Grey Fearon; Heather Bouchey (joined at 9:06 a.m.); Kim Gleason; Aaliyah Wilburn

Agency of Education (AOE): Pat Pallas-Gray; Maureen Gaidys; Cassandra Ryan; Suzanne Sprague

Others: Adam Walker, Media Factory; Katie Ballard; Mary Kay Jurovcik; Richard W. Schneider; Mark Ballard; Gabrielle M. Malina

Call to Order, Roll Call, Amendments to the Agenda

Chair Samuelson called the meeting to order at 8:32 a.m. and asked for a roll call. Chair Samuelson asked that Item H be updated to include a possible vote. Kolbe asked to include a discussion on SBE Budget Planning and to include a vote. Chair Samuelson said the SBE Budget Planning discussion would occur after Item E. There were no objections to the amendments.

Item A: Public to be Heard

There were none.

Item B: Approve Draft Meeting Minutes

Lovett moved to approve the [December 20, 2023 meeting minutes](#); Diop seconded. There was no discussion. The motion carried.

Lovett moved to approve the [January 4, 2024 meeting minutes](#); Kolbe seconded. There was no discussion. The motion carried.

Item C: Board Announcements

Chair Samuelson said she testified in the Senate Education Committee regarding the [search for a new permanent Secretary of Education](#).

Chair Samuelson said that she and Kolbe testified in the House Education Committee on the SBE's annual [report and its work](#).

Chair Samuelson advised that she and Attorney Buxton are scheduled to testify later in the week with an update on Rule Series 2200.

Chair Samuelson said that Fearon along with Buxton's intern will work together on a project to research how other State boards are organized. The research will include how they are set up, statutory authorization, level of compensation and a survey on where the SBE fits in the spectrum of work that is required. This information might inform the possible request to shift the current practice with the SBE. Kolbe added that there would be conversations around having a stipend for State Board members and a formal budget request to include some funds to have legal counsel on retainer.

Item D: Student Report

Wilburn said the school's second semester has begun. Winter sports are in full swing, and the weather has canceled some of the events.

Fearon said the first semester has ended. The school's musical performance has begun, and winter sports are ongoing.

Item E: Special Education Advisory Panel (SEAP)

Katie Ballard, Chair, Special Education Advisory Panel addressed the State Board. She explained that the panel exists per federal law under the Individuals with Disability Education Act (IDEA). It is an advisory panel. It offers feedback on proposals, rule changes and plans for corrective action with the AOE. Federal regulations require that the panel makeup be a majority of parents of children with disabilities or people living with disabilities.

Ballard's presentation included an update on the relationship with the new State Director of Special Education, Heather Willis-Doxsee, a forthcoming letter with recommendations from panel to SBE and AOE, critical staff shortages of special education staff and providers, exit surveys for people who have left the special education field, data that should be tracked, incentivizing new educators, differences in opportunities for students based on geographic location and SEAP membership.

Ballard said they have been offered a grant to focus on transitions. In the coming year, transition services of students in the older age range will be the SEAP's focus and this will include assessments, connecting assessments to Individual Education Program (IEP), monitoring transition plans and outcomes, and making recommendations. The SEAP will also focus on how patterns of strengths and weaknesses are being used and how professionals are feeling.

Discussion followed regarding when the letter from SEAP would be sent, Act 173 rule changes, Multi-tiered Systems of Support (MTSS) and how it relates to specific learning disabilities, inconsistent implementation of the rule, staff shortages and possible solutions.

New Item: State Board's Budget

Chair Samuelson said the topic originated in the House Education Committee during testimony. Representative Conlon asked that the SBE submit a budget proposal. Kolbe said the proposal should include a retainer for independent legal counsel to represent the Board and for the General Assembly (GA) to include a budget for the Board, independent of the

AOE, along with increased funds to assist with SBE tasks. Kolbe added that there is interest and tolerance in thinking about how the Board is compensated given the amount of work it undertakes. Additionally, Kolbe said that a request for a budget line for reinstating the Board's membership in the National Association of the State Boards of Education (NASBE) will be included. Kolbe said that the Board's budget is currently embedded as a line item in the AOE's budget.

Kolbe made a motion that the Board allow the chair and vice chair to prepare a budget proposal on behalf of the State Board of Education and submit it to both the House and Senate Education Committees. Werner seconded. There was no discussion. The motion carried.

Item F: Secretary's Report

Interim Secretary Bouchey said that the AOE is partnering with the Vermont Department of Health (VDH) to get Narcan kits to schools. The plan is to start with the 75 schools that have requested kits. VDH will provide training and is currently determining who should be trained. Our health partners have been asking for this and the goal is to get ahead of it before something serious occurs. Discussion occurred regarding Narcan kits being at all schools, not just for students and faculty but also family members that may be dropping off or picking up students and Narcan has been in some schools already.

Interim Secretary Bouchey said there is likely to be a cut from the federal government pertaining to Title funds in the current 2024 budget. It is not good timing considering that ESSER Funds are expiring, and we are facing pressure on the Education Fund. This cut could affect staffing both at schools and at the AOE. Discussion occurred regarding the effects on elementary schools, Title funds are meant to supply supports for literacy and math, local funds are strained and the federal fiscal year.

Interim Secretary Bouchey updated the Board on the State PCB Program and the joint testimony given along with Secretary Moore, Agency of Natural Resources (ANR), and Dr. Levine, Commissioner of Health, to some legislative committees. ANR has located some funds to extend a revised PCB Program that will try and address the challenges this program has posed for our local education agencies (LEA). Subject to legislative approval, the program would continue testing and focus on mitigation. The goal is to keep children safe with less drastic measures like shutting down classrooms and having students leave their school. The new plan would cover about half of Vermont schools. Discussion followed regarding the effect of PCBs on humans, inviting the Commissioner of Health to address the Board and the focus on making the physical spaces safe.

Interim Secretary Bouchey said that in the next week the statehouse will be honoring Vermont's Presidential Scholars. It is a national competition, and two Presidential Scholars will represent Vermont in Washington, DC. She said it is a wonderful event. At the event, you hear about the amazing things that the Presidential Scholars have done. There is a separate group of CTE Presidential Scholars.

Item G: Rule Series 2200 Update

Chair Samuelson said the committee has been processing public comment and has identified areas where there are questions. Attorney Buxton has taken notes, compiled the committee's feelings on topics, flagged areas for additional research and will come back to the committee when the work is completed. Earlier in January, there was a special meeting warned of the full Board so that the Rule Series 2200 and EQS committees could come together to discuss themes that implicate both sets of rules. The committees have identified some areas for research and Attorney Buxton is researching and coming up with proposed draft language that she will take back to each committee for consideration with the idea that the principles and goals of Act 1 will be implemented in both EQS and 2200 rules.

Item H: Education Quality Standards (EQS) Update

Chair Samuelson said that the EQS is following the same framework as Rule Series 2200, both flagging items for research and seeking clarification from stakeholders. Attorney Buxton is working on shifting some of the language in the definitions section to actionable sections of the rule series. Gleason said the committee meetings are on hold until the draft language is ready. She said that some of what is in the definitions may need to be included in the operations sections and it is important to have a stable draft in place first.

Gleason said that two more meetings may be required. She signaled that, with the Legislative Committee on Administrative Rules (LCAR) filing, the completed documents should be submitted in the first week of February. The committee cannot meet this deadline and will need to seek an extension. She added that the committee is dealing with real issues and challenges with statute and legislation that is hindering the committee's efforts to make operational and implementable rules. Chair Samuelson said it would be helpful for the GA to step in and help with the pressure points the Board faces in crafting language that implements the goals of Act 1 while staying within the confines of legislative constraints.

Chair Samuelson made a motion that the Board authorize its chair and vice chair to find a reasonable date for extension and to follow up with a request to LCAR. Werner seconded. There was no discussion. The motion carried.

Item J: Post-Secondary School Approval

Lovett provided an overview of the process the committee followed for post-secondary approvals. He then updated the Board on the Northeastern Baptist College renewal, specific information about the college, what the committee learned about the college and the report provided by Vermont Higher Education Council (VHEC). Discussion followed regarding that the college receives no state funding, financial viability, concerns with access to programming, liability for unpaid salaries, if not approved the college will not be able to offer degrees, process if concerns are identified with the college by AOE, confidentiality, five conditions of approval, Title IX is linked to accepting federal dollars which this college does not receive and this is a different system from public institutions.

Lovett moved that the State Board of Education grants renewal of Northeastern Baptist College's (NEBC) Certificate of Approval to offer credit-bearing courses and Certificate of Degree-Granting Authority for associate and bachelor programs and approve the addition of the master's level programs in Biblical studies (Applied Theology, Advanced Applied

Theology, and Biblical Exegesis in Old or New Testament) for a period of four (4) years commencing upon the date of State Board of Education's approval and contingent on NEBC providing the Agency of Education annual reports on the following:

1. An Enrollment Plan and a Fundraising Plan including financial expectations over a 3-year time period.
2. Copies of submitted Annual 990 tax forms.
3. Copies of approved annual external audited financial statements with accompanying opinion letter and response.
4. Progress made on the extent to which back salaries stated in employment contracts are honored and paid.
5. On alternate years starting in 2024 a report on progress made regarding launch of the graduate programs and implementation of the assessment plan.

Jepson seconded the motion. There was no discussion. The motion carried.

Item N: Future Meeting Planning

Chair Samuelson said the February meeting will include an EQS update, Rule Series 2200 update, presentation on CTEs, invitation to Presidential Scholars to join and discussion of regularly occurring activities with an eye to creating a calendar plan.

Item O: Public to be Heard

There was none.

Gleason moved to adjourn; Lovett seconded. There was no discussion. The motion carried. The meeting adjourned at 10:52 a.m.

Minutes prepared by Suzanne Sprague.