

## State Board of Education

Virtual via Microsoft Teams  
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### Draft Meeting Minutes

**Date: April 17, 2024**

Present:

**State Board Members (SBE):** Jennifer Samuelson, Chair; Tammy Kolbe, Vice Chair; Lyle Jepson (virtual); Richard Werner; Tom Lovett; Jenna O'Farrell; Grey Fearon; Kim Gleason, Zoie Saunders

**Agency of Education (AOE):** Suzanne Sprague; Ted Fisher; Emily Simmons; Jaime Kraybill; Maureen Gaidys

**Others:** Logan Chalmers and Jordan Butterfield, Media Factory; Sarah Buxton, SBE Attorney; Kathy Larsen, David Larsen, reporter, Rebecca Fillion, Wayne Kermenski, Anna Roth, MD Eldred, Jen, John Saunders, Debbie Singiser, Laurie Bertrand, Amanda Garces

#### **Call to Order, Roll Call, Amendments to the Agenda**

Chair Samuelson called the meeting to order at 12:48 p.m. and asked for a roll call.

#### **Item A: Public to be Heard**

There were no members of the public to be heard.

#### **Item B: Welcome/Introduction of Zoie Saunders**

Chair Samuelson introduced Secretary Saunders and shared that Governor Scott officially appointed her on March 22, 2024. The Secretary Search Committee was impressed with Saunders' demonstrated commitment to improving student outcomes, her skills at leveraging resources, and her ability to work collaboratively and to think creatively to solve complex issues.

Secretary Saunders spoke about how excited she was to be in Vermont in her new role and to work with the SBE, members of the community, educators, and others to strengthen the education system in Vermont. She spoke about her past work improving student outcomes, creating pathways to post-secondary training/college opportunities, and ensuring great public school options. She said she is confident that she can turn challenges into opportunities and will be offering a "Listen and Learn" tour in the near future.

Chair Samuelson asked again if there were any members of the public who wished to be heard. There were none.

### **Item C: Approve [Draft Meeting Minutes from March 20, 2024](#) and [Draft Minutes from Special Meeting on April 11, 2024](#)**

Lovett moved to approve the March 20, 2024, minutes; Kolbe seconded. There was no discussion. Chair Samuelson called the vote. The vote passed. Lovett moved to approve the meeting minutes from the special meeting on April 11, 2024; Kolbe seconded. Chair Samuelson called the vote. The vote passed.

### **Item D: Board Announcements**

Chair Samuelson shared that she and Lyle attended the Governor's press conference where he announced Secretary Saunders as Secretary of Education, and [Chair Samuelson's comments](#) were included in the agenda packet. Also included in the packet was the [email exchange with Sue Ceglowski of the Vermont School Boards Association](#). Chair Samuelson said she never received a substantive response and never saw any correction by the VSBA as to its incorrect statements. She spoke about how she acknowledged the survey that the education partners had shared and reiterated that survey results were shared with the Secretary Search Committee and included with Board packets. Those comments were taken seriously, incorporated into interview questions, and publicly acknowledged several times, and the Secretary Search Committee was appreciative of this input into the process. Chair Samuelson also said that she and Kolbe testified before the House Education Committee on 1) the proposed transfer of rulemaking authority that pertains to Career Technical Education (CTE) centers to the AOE and 2) the creation of a public education task force and its composition. Kolbe said the legislature and general public are interested in setting a vision and priorities for education in Vermont. One of the SBE's charges is to serve in that capacity, so the Board will be working with the House Education Committee to pull together this task force.

Chair Samuelson said that she, Jepson, and O'Farrell will be testifying on April 18 before the Senate Education Committee to answer specific questions about the Secretary Search process.

Chair Samuelson asked again if there were any members of the public who wished to be heard. There were none.

### **Item E: Student Report**

Fearon said he is moving into his final quarter; track has started and there is a large team this year. The last band concert has happened, but there are upcoming parades and marching band events. There are a lot of kids going to Germany for the next two weeks on an exchange program and he is excited for his friends. The school board is still working hard to address the budget vote that has failed twice and will be voted on again in May. He said that it is a very tense time for schools; teachers are worried, and a RIF list was sent out. It is a small community, and many are anxious.

### **Item F: Anticipated vote of [final Draft Rule Series 2000 \(Education Quality Standards\)](#) for submission to the Legislative Committee on Administrative Rules**

Chair Samuelson introduced this topic and introduced Sarah Buxton, the attorney who has been assisting the SBE with updates to both rule series, 2000 and 2200. Kolbe provided background on the work of the Rule Series 2000 Committee. Kolbe explained that last week, the Committee voted out a draft of rule series 2000 that was unanimously approved. She explained that the

Committee has spent months responding to public comment, making sure that rules are implementable, and aligning the two sets of rules. There are some minor changes that Buxton will address today.

Gleason acknowledged the diverse group of people who engaged in the process, including the Act 1 Working Group. Werner commented that the Committee would not have done the work it did without co-Chairs Gleason and Kolbe. He said that anyone who gave input was considered and brought into the fold. Fearon also thanked Kolbe and Gleason for their efficiency working through the substantial public comments. Werner acknowledged Buxton and her time spent behind the scenes to ensure consistency. Gleason acknowledged the work of former Board member Patrick Brown, and current Board members Mohammed Diop and Tom Lovett.

Kolbe clarified that the current proposed changes constitute minor proposed updates from what the Committee voted out. These changes ensure that, to the extent possible, the language of the common components of EQS and 2200 is the same. If the Board opts for the wording to remain different, it is defensible as to why they are different. These are two sets of rules that apply to two sets of groups.

Buxton suggested working through the [side-by-side document](#), noting changes the Board decides to make as members progress through proposed amendments and referencing the number in the left column to include proposed edits in the motions to approve the final draft of each rule.

#### Number 1: Statement of Purpose

There was discussion and the Board decided to not change the EQS language to include “to the fullest extent of law”, to use “discrimination” instead of “discriminating” in EQS, to not include “unlawfully” in rule series 2200 and using “any other reason set forth in...” in rule series 2200.

Number 2: The Board discussed using “supervisory union, supervisory district, and school district” or “all schools” and decided to keep the language different in each set of rules.

Number 3: The Board discussed using “and” or “or” in this sentence: “Culturally and Linguistically Diverse Students are those who are members of home, cultural, and social environments whose experience and success is enhanced by schools demonstrating respect for a multitude of linguistic competencies....” The Board decided to change rule series 2000 to “or.”

Number 4: The Board discussed how to help the section on restorative practices read better. The Board decided to use the language from rule series 2200, “Neither restorative approaches, practices, processes, nor programs shall remove or lessen to any degree a supervisory union, supervisory district, or school’s responsibility under Vermont law...” and using “policy on” in both rules instead of “policy for.”

Number 5: The Board discussed using “unlawfully” and decided not to use unlawfully in EQS and to change rule series 2200 to include, “reason set forth in.”

Number 6: The Board discussed using “curriculum content learning areas” and decided to use “curriculum content areas.” There was discussion on whether the District Quality Standards (DQS) will need to be reopened and updated to correctly reference the updated rule numbers in

EQS. The Board also discussed using the full title of Act 1 of 2019 (“An act relating to ethnic and social equity standards for public schools”) or citing the act as Act 1 (2019). The Board decided to take out the reference to the whole title in EQS and to cite Act 1 (2019) in both sets of rules.

Number 7: The Board discussed reference to 16 V.S.A. §1161a and whether the same reference to statute should occur in Rule Series 2000 as is noted in Rule Series 2200. The Board decided to have the EQS language mirror the rule series 2200 language.

There was discussion on renumbering two sections, noting that sections have been renumbered, using “previously known as” to signal this change, Buxton working with Simmons on non-substantive numbering changes, and collapsing section 2120.8. Simmons said some of these sections are substantively confusing (graduation requirements) and it is challenging for the AOE to make alignment changes quickly. Kolbe noted that we want to keep track of the fact that we are making these changes and that they are referenced elsewhere and will need to be addressed at some point. There was discussion on 2120.7, 2120.5, physical education, proficiency-based learning/graduations requirements, and using the AOE’s suggestions to build out the language on tiered systems of support.

Buxton said she will save the changes agreed upon today as a document titled, “Proposed Amendments to Reconcile Language v.2.”

Kolbe moved that the Vermont State Board of Education approve [rule series 2000, the version which is now noted as the clean final version](#), as further amended at today’s meeting and to include options 1, 3, 4, 6, and 7 on the spreadsheet titled the “Proposed Amendments to Reconcile Language,” to be filed with the Secretary of State as its final version. Gleason offered a friendly amendment as referenced in v.2 on the document, “Proposed Amendments to Reconcile Language.”

Chair Samuelson asked for a roll call. The vote passed 6:0:1. Yeas: Lovett, Kolbe, Werner, O’Farrell, Gleason, Samuelson. Jepson said he was abstaining as he was switching platforms and having some trouble hearing the discussion.

### **Item G: Anticipated vote of [final Draft Rule Series 2200 \(Independent School Program Approval\)](#) for submission to the Legislative Committee on Administrative Rules**

Chair Samuelson said some of the work on this agenda item has already been addressed in the Board’s prior discussion of proposed amendments to reconcile language between Rule Series 2000 and 2200. Chair Samuelson recapped that Act 1 (2019) created a Working Group to help implement the goals of Act 1. The Working Group was given broad discretion to look at any rules, statute, etc. and make recommendations, and they turned their attention to the EQS. In their recommendation submitted to the SBE, they recommended that independent schools be included in EQS. At the May 2023 SBE meeting, the SBE determined that it could not require independent schools to comply with EQS without running afoul of the statute, which gives independent schools the choice to become an independent school designated as meeting EQS. Upon this realization, the SBE decided to reopen rule series 2200 instead, because the SBE has authority to create rules that pertain to independent school approvals. Last summer, these rules were reopened and

there were three phases to this work: 1) lift and shift, from EQS to Rule Series 2200, using the work done by the Board's EQS Committee and the Act 1 Working Group, 2) create new language related to an annual assurance form that independent schools need to complete annually as a condition of their continued approval, and 3) create a framework for recognizing accrediting agencies. Additionally, Buxton did a significant reorganization of the rules to make the rules much more user-friendly. Kolbe gave kudos to the Rule Series 2200 Committee and acknowledged that it was a mammoth effort.

Buxton noted that the Committee considered renaming the terms used to denote the categories of schools because they are wordy and complicated, and the Committee tried to simplify and add clarity. In the final version, it is clear that independent schools must comply with section 2231, in addition to section 2229, in order to be approved for public tuition. Categories of schools are now 1) approved independent school and 2) independent school approved for public tuition. Recognized independent schools still exist but are not covered in this rule.

There was discussion why we are using state resources to approve independent schools that are not approved to receive public tuition when there is an accrediting process, what statute requires in the rule, making specific recommendations to the legislature on this topic, the time and attention spent by the Board and the AOE on independent schools, and the roles and responsibilities of the Board.

Buxton spoke about new language in Section 2224.4 that applies to both accredited and unaccredited schools. Such schools are required to submit their application to receive public tuition when they seek re-approval, and, previously, there was not a specific finding, for either category of schools, where the Board would say that it had found that the school met the requirements of Sections 2229, 2231, enrollment provisions, etc. This has now been addressed in Section 2224.4 by adding number 17 under (a) and adding number 4 under (b). Buxton also noted that the AOE already has a public register of approved independent schools; the new directive is to maintain a register that includes a list of recognized schools and approved independent schools and, for approved independent schools, distinguish if a school is eligible or ineligible to receive public tuition. Lastly, Buxton said there was another change of note, made in response to public comment received, around responsibility for Individualized Education Programs (IEPs) and an independent school's participation in IEP meetings. The Committee clarified that it is the Local Education Agency (LEA) who is responsible for administering the IEP.

There was discussion about assuring that it remains the State Education Agency's (SEA's) responsibility to ensure Individuals with Disabilities Education Act (IDEA) compliance, the Secretary's responsibility for overseeing special education service delivery in the State, responsibility for state-placed students, moving out the effective date for the new section about recognizing accrediting agencies, the lead time required for accrediting agencies to go through the new process, whether there would be lag time in the accrediting agency approval process, what impact a possible lapse in recognition of an accrediting agency would have on an independent school, the likelihood that standing up a new process and approving existing agencies would take less than the 90 days currently allotted in the proposed updates, the benefits or downsides of an extended versus truncated timeline, the sunseting of rules series 7000, and accrediting agencies listed in Rule 7320.

The Board discussed section 2223.4 (d), (e), and (f), and wondered what would happen to schools who have not submitted an assurance form and have not been in communication with the AOE about it in advance of the deadline. The Board discussed adding notice confirmation, scenarios that would constitute unforeseen circumstances, the AOE's ability to confirm that notice was received, whether there needs to be a "lack of good cause" addition to the section, whether the rule's administrative load on independent school administrators was appropriate, and whether changing "dealing with" to "engaging with" (in the private prekindergarten section) is within the Board's legal authority to change. The Board made changes to the assurance section and the agency accreditation sunset deadline as discussed.

Chair Samuelson moved that the Vermont State Board of Education approve [Rule Series 2200 Final Rule Version 2](#), as further amended at today's meeting and including the edits in "Proposed Amendments to Reconcile Language" Version 2 noted in Options 1, 5, and 6 and subject to Attorney Buxton's research as to whether the Board has the authority to change the wording of Section 2272, to be filed with the Secretary of State as its final version. Kolbe seconded the motion. Chair Samuelson asked for a roll call vote. The vote passed 6:0:1. Yeas: Gleason, Kolbe, O'Farrell, Werner, Lovett, Samuelson. Jepson abstained.

Chair Samuelson further moved that the Vermont State Board of Education delegate to the Rule Series 2200 Committee Chair the authority to work with Attorney Buxton to finalize updates to Rule Series 2200 to incorporate any changes made to Rule Series 2200 Final Rule Version 2, as further amended at today's meeting and including the edits in "Proposed Amendments to Reconcile Language" Version 2 noted in Options 1, 5, and 6 and subject to Attorney Buxton's research as to whether the Board has the authority to change the wording of Section 2272, and further including the authority to make any non-substantive edits to produce the final, proofread draft, file the rules and other required forms and documents with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR), and appear with Attorney Buxton on behalf of the Board before LCAR at a date to be determined.

Chair Samuelson asked for a roll call vote. The vote passed 6:0:1. Yeas: Gleason, Kolbe, O'Farrell, Werner, Lovett, Samuelson. Jepson abstained.

There was discussion on needing another motion for Rules Series 2000, Item F. Secretary Saunders offered that, if Rules Series 2000 was being revisited, AOE General Counsel Simmons has recommendations on two amendments that would not require that the DQS rules be reopened.

Werner suggested moving to Item H since the meeting was running behind schedule. The Board agreed to table Item F and return to it after Item H.

The Board recessed at 3:13 p.m. and reconvened at 3:28 p.m.

### **Item H: Presentation on District Effort to Prevent Harassment, Hazing, and Bullying and Promote Diversity, Equity and Inclusion**

Anna Roth, Twin Valley Principal, and Wayne Kermenski, Director of Climate, Belonging and Inclusion, shared [their presentation on Climate, Belonging and Inclusion](#). Roth gave an overview

of the Department of Justice settlement and spoke about the Climate and Equity work in 2022-2023: training, Justice, Equity, Diversity, Inclusion (JEDI) Team, partnerships, listening sessions, and creation of the Director of Climate, Belonging and Inclusion.

Kermenski spoke about the work of the Director of Climate, Belonging and Inclusion, that he covers two schools, that the elementary school work is more staff focused (professional development around equity topics, identity, gender, microaggressions, etc.), that the middle/high school is more student focused, and that he works closely with the Collaborative for Education Services who are on call for assistance. He shared how his work includes student education, creation of incidence response team, planning for belonging summit, implementation of restorative practices, facilitated repair circles, student involvement/student-led assemblies, trauma informed office referrals for “situations,” teachers adding social justice themes, empowering student voices, and addressing conflicts before they lead to harm.

There was discussion and questions on how EQS helps or connects to the school’s work, next steps, parent involvement, schools as a microcosm of their communities, accurate communication with family members, changes already evident (increase in perceived kindness), correlation with student performance/attendance, some mild pushback, common values of wanting kids to feel safe, respecting where people are, importance of pacing, critical success factors, having the support of the school board, and openness/investment of staff.

**(Continued) Item F: Anticipated vote of final [Draft Rule Series 2000](#) (Education Quality Standards) for submission to the Legislative Committee on Administrative Rules**

Chair Samuelson returned to Item F. During the recess, Buxton had emailed an updated draft, titled “[Rule Series 2000-Final Rule Clean v.3](#),” to Board members. General Counsel Simmons was asked to speak about the amendments.

Kolbe clarified that the AOE has identified two quick fixes that can be added to Rules 2120.5 and 2120.7. There might also be some substantive work that needs to be done, but that is not for today. Kolbe clarified with Simmons that the AOE’s request for amendments at this time are limited to these two amendments that reference language with respect to dates; and any future alignment would have to happen through DQS at a later date.

There was discussion on DQS and future alignment happening through DQS, whether district reporting annually would or could be in one format, and the addition of parenthetical notes to address the new section numbers to avoid confusion in the cross-references in DQS.

Kolbe moved that the Vermont State Board of Education approve [Rule Series 2000 – Final Rule clean v.3](#), as further amended at today’s meeting and revising the earlier version that was voted upon, to be filed with the Secretary of State as its final version. Gleason seconded. There was no discussion. Chair Samuelson asked for a roll call vote. The vote passed 7:0. Yeas: Kolbe, O’Farrell, Lovett, Gleason, Jepson, Werner, Samuelson.

Kolbe moved that the Vermont State Board of Education delegate to the Rule Series 2000 Committee Co-Chairs the authority to work with Attorney Buxton to finalize updates to the Rule

Series 2000 to incorporate any changes made to Rule Series 2000 – Final Rule Clean v.3 as further amended at today’s meeting and replacing the earlier version including the authority to make any non-substantive edits to produce the final, proofread draft, file the rules and other required forms and documents with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR), and appear with Attorney Buxton on behalf of the Board before LCAR at a date to be determined. There was discussion on including the Board Chair as having authority to help finalize the rules and a friendly amendment was offered. Chair Samuelson asked for a roll call vote to accept the friendly amendment. The vote passed 6:0. Yeas: Werner, Gleason, Lovett, O’Farrell, Kolbe, Samuelson.

Chair Samuelson called the vote on the amended motion. The vote passed 7:0:0. Yeas: Kolbe, O’Farrell, Lovett, Gleason, Jepson, Werner, Samuelson.

### **Item J: Otter Valley Unified Union School Board Waiver Request per 16 V.S.A. §719 and process**

Chair Samuelson provided background and said she received a request from the Otter Valley Unified Union School District Board to change the default configuration of the supervisory union and she asked Simmons if Simmons could work with the parties and come to the Board with a recommendation.

Simmons referenced the [Secretary’s recommended action](#), which also provided additional background on this issue.

Chair Samuelson confirmed that the SBE had only heard from Otter Valley Unified Union School District (OVUU) and not Barstow Unified Union School District nor the supervisory union that oversees both school districts. Simmons said three board members were present today. Chair Samuelson asked if the three entities had met and reached any sort of agreement or recommendation for the Board. Bertrand confirmed that the OVUU board is the only board that has had a conversation around this. Chair Samuelson asked if it was possible to postpone consideration of this item and for the parties to come back to the SBE with a recommendation or multiple scenarios and justifications. She expressed concern over the SBE not having enough information today to decide. Bertrand agreed, as did Singiser. There was discussion on local consideration first, acknowledging the size differential, that this is a highly contested issue, OVUU needs a deeper discussion, creating disharmony, taking action or not, and giving the locality more time.

Chair Samuelson said there would not be any action today but that the localities should reach out to be on the agenda of a future SBE meeting. Bertrand said she would like a deadline. Chair Samuelson said the next two SBE meetings are scheduled for May 15, 2024, and June 19, 2024. Bertrand and Singiser said June 19, 2024, would be an agreeable deadline. This item was tabled until June 19, 2024. Chair Samuelson said the SBE would need to know by June 14, 2024, if the parties wanted to be on the June meeting agenda.

### **Item K: Future Meeting Planning**

Chair Samuelson queried the Board on taking a month off this summer, and if the preference was for July or August. The preference was to take July off, although that is still to be determined.



Further, June 19 is a holiday (Juneteenth) and the June SBE meeting will need to be rescheduled. A Doodle poll will be forthcoming on that. The Vermont Teacher of the year presentations will be on the July or August agenda. Chair Samuelson reminded people that recruitment is open for a new student member for the SBE, as Wilburn is leaving and Fearon will become a voting member next year. Interested high school students may apply at the [Vermont Careers webpage for Board and Commissions](#). There was discussion on a retreat in August and a request that Board members reach out if interested in helping to plan this retreat; O'Farrell will be assisting. The next meeting will be in-person at North Country High School. Possible agenda items include status of technical assistance reviews of independent schools, AOE/SBE roles and responsibilities, hearing from North Country on its Community School, and an update from Wilburn on the Vermont Student Anti-Racism Network (VSARN).

### **Item M: Public to be Heard**

There were no members of the public to be heard.

Chair Samuelson thanked Twin Valley for hosting; the food was wonderful, and the tour was great.

### **Adjourn**

Werner moved; Kolbe seconded. The meeting adjourned at 4:49 p.m.

Minutes prepared by Maureen Gaidys.