

State Board of Education

Virtual via Microsoft Teams
Call in Number: 1-802-828-7667
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Draft Meeting Minutes

Date: December 20, 2023

Present:

State Board Members (SBE): Jennifer Samuelson, Chair; Tom Lovett (left at 12:00 p.m.); Lyle Jepson (left at 11:06 a.m.); Richard Werner; Jenna O'Farrell; Mohamed Diop; Grey Fearon; Heather Bouchey (left at 10:47 a.m.; rejoined at 11:43 a.m.; left at 12:39 p.m.); Kim Gleason, (joined at 8:34 a.m.); Tammy Kolbe, Vice Chair (joined at 8:35 a.m.; left at 12:33 p.m.).

Agency of Education (AOE): Roseanne Neddo; Pat Pallas-Gray; Emily Simmons; Jaime Kraybill; Suzanne Sprague; J. Deborah Ormsbee; Courtney O'Brien; Bob Donohue; Jill Briggs-Campbell; Cassandra Ryan; Maureen Gaidys.

Others: Adam Walker, Media Factory; Sue Ceglowski, Vermont School Boards Association; Sarah Buxton, SBE Attorney; Herbert Ogden; Ethan Latour; Gabrielle Malina; David Young.

Call to Order, Roll Call, Amendments to the Agenda

Chair Samuelson called the meeting to order at 8:31 a.m. and asked for a roll call. Chair Samuelson then moved to adopt the [proposed, revised agenda](#). Werner seconded the motion. There was no discussion. Chair Samuelson called the vote. The vote passed and the agenda was amended.

Chair Samuelson said that Ballard was unable to attend today and thus Item E (Special Education Advisory Panel) will be postponed to a future meeting date.

Item A: Public to be Heard

There were none.

Item B: Approve [Draft Meeting Minutes from November 15, 2023](#)

Lovett moved to approve the November 15, 2023 meeting minutes; Diop seconded. There was no discussion. Chair Samuelson called the vote. The motion carried.

Item C: Board Announcements

Chair Samuelson announced that Wilburn was not able to attend the meeting as she had rehearsal for her holiday concert. Jepson needs to leave at 10:30/11:00 a.m., Lovett needs to leave at 12:30 p.m., and O'Farrell needs to step away between 10-11:00 a.m. Interim Secretary Bouchey will be leaving the meeting at 10:55 a.m. to join the Governor's press conference and will return after the press conference. Chair Samuelson reminded members to check their email as there are two Doodle polls that need to be completed.

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

Item D: Student Report

Fearon said Vergennes High School is getting ready for holiday break. The winter musical ("Mamma Mia") is starting with auditions. The jazz band performed their holiday concert. Auditions for the NEMFA (New England Music Festival Association) have concluded and several Vergennes students, including Fearon, were selected. Winter sports are in full swing.

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

Item E: Special Education Advisory Panel (SEAP)

This item will be addressed at the January meeting.

Chair Samuelson moved to Item G since the meeting was running ahead of schedule.

Item G: Secretary's Report

Interim Secretary Bouchey commended the local education leaders for being able to keep students safe and fed with the surprise flood on Monday. With a mass dismissal event, about 120 schools were closed and thousands of students were transported safely home after being fed or provided with food to take home. Some of these students had barely arrived at school before they were sent home. Six districts were closed for two days (Harwood Union, Lamoille North, Mount Mansfield, White River Valley, Orange Southwest, and Orleans Southwest). All six schools have reopened. Moretown was the only school that has reported significant damage with heating system damage and several classrooms flooded. The school worked hard to find a creative and fun plan for students for the rest of this week, including some nature-based learning and high school field trips. White River Valley Supervisory Union lost their softball fields – the same fields that were lost in the July flood and were repaired. Interim Secretary Bouchey acknowledged that this is traumatic for many, and our most vulnerable neighborhoods are the ones likely to be most impacted.

Windham Elementary School has closed for the remainder of the year because they have been unable to find qualified staffing. Their board made the decision. The process required the Secretary to advise/approve this decision and Bouchey approved it. Next year's operating status is still to be determined.

Bouchey also shared that there have been a lot of accolades at the Agency, largely in the Student Pathways Division and she will follow up with a written memo to the Board so that the Board can hear this good news.

There was discussion on the quick turnaround to close schools to be sure students were home before roads washed out, mass communication to families, coordination with families/local emergency staff, experience/competence of Local Education Agencies, appreciation for Montpelier-Roxbury School District and others for keeping health and safety of students the priority.

Werner shared that Windham worked hard to find staff to keep the school open. He asked Interim Secretary Bouchey if there were any other schools that had issues with staffing and if there was something we could do as a state to address this. Bouchey said there are several statewide initiatives in the works to boost the educator pipeline. Teacher shortages are a national issue. Vermont has increased supports for peer review licensure, is supporting a great pilot project in the Northeast Kingdom (NEK) that incentivizes paraeducators and high school educators to enter the field of teaching. Additionally, the Vermont Department of Labor received a federal grant to develop a registered apprenticeship program for educators that is currently being launched. She offered to update the Board on this topic in more detail at an upcoming meeting. Our demographic challenges will continue to impact the workforce and pressures will continue until our population increases and workforce shortages are addressed.

Chair Samuelson asked a final time if there were any members of the public to be heard. There were none.

Chair Samuelson noted that Sue Ceglowski was in the meeting. Chair Samuelson said the Vermont School Boards Association (VSBA) is putting together a Task Force to address concerns regarding the failures of the State Board of Education and/or the Agency of Education. She asked if Ceglowski would offer some context to that resolution to help the Board understand. There was no response from Ceglowski. Chair Samuelson asked Ceglowski to send an email to the Board and or to address this with her offline. This news was a surprise as the Board tries hard to be a good partner with the various education organizations and she would like to understand the shortcomings observed so these could be addressed.

Item F: Executive Session to Receive Confidential Attorney-Client Communications Made for the Purpose of Providing Professional Legal Services to the Board

Chair Samuelson moved pursuant to 1 V.S.A. §313(a)(1) that the Board finds that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the State Board of Education would clearly place the Board at a substantial disadvantage. Kolbe seconded the motion. There was no discussion. Chair Samuelson called the vote. The vote passed.

Chair Samuelson further moved that the Board enter executive session to receive confidential attorney-client communications made for the purpose of providing professional legal services to the Board pursuant to 1 V.S.A. §313(a)(1)(F). Jepson seconded the motion. There was no discussion. Chair Samuelson called the vote. The vote passed.

The Board entered Executive Session at 9:02 a.m.

The Board rejoined the regular meeting at 11:28 a.m.

Chair Samuelson moved to Item J.

Item J: Capital Outlay Financing Formula (COFF) – Act 72 Presentation

Chair Samuelson reminded the group that in September she named Kolbe and Werner to work with AOE on updating school facility standards as required by Act 72 of 2021. Kolbe and Werner have met with Donohue and Briggs-Campbell, who prepared the [Secretary's recommendation](#) for the Board's consideration. Briggs-Campbell, Director of Operations, introduced herself and her newly formed team, Donahue, School Facilities Program Manager and O'Brien, Business Operations Manager.

Donohue explained that COFF was part of a state school construction aid program when it existed and has a twofold function: 1) it is used to calculate the state contribution towards a construction project and 2) it is used in the excess spending adjustment calculation. Since school construction aid funding was suspended in 2006, the numbers used in calculating project costs are outdated. The specific ask at this meeting is updating the unit construction cost for school building construction. Donahue recapped what was included in the [Secretary's Recommended Action](#).

Kolbe acknowledged Donohue for his thorough and systematic work on this subject and offered her support for the recommendation. Werner concurred and moved that the Board adopt the Secretary's recommendation. There was discussion on consideration of PreK and that PreK has more costs than regular classrooms, constructability costs amended for PreK, charge of the Board is to approve K-12, the COFF should be reviewed at least annually, some states are reporting school construction costs of over \$1,000/square foot, and price instability is standard in this climate. Werner moved to accept the [Secretary's recommendation](#); Chair Samuelson seconded the motion. There was no further discussion. Chair Samuelson called the vote; the vote passed unanimously.

Item K: District Quality Standards (DQS)

Chair Samuelson explained that Act 127 of 2022 amended 16 V.S.A. §165 to require the Agency to adopt by rule district quality standards regarding the business operations, facilities management and safety, and governance practices of school districts in order to strengthen the regulatory framework in education. The Act further required the Agency to develop a process for school district quality reviews to be conducted by the Agency. In response, the Agency created quality assurance rules that pulled elements from the EQS and the new DQS. The Agency received input from the Board and the rules went through the formal Administrative Procedures Act (APA) rulemaking process and will become effective on July 1, 2025.

O'Brien explained that her presentation includes a refresher that addresses language used in DQS, provides information on the quality assurance process, and will end with a high-level summary of the work to come. O'Brien presented, "[District Quality Standards \(DQS\) and Quality Assurance Regulations \(QAR\)](#)." Her presentation included Operations Division, DQS and Rationale, Expected Outcomes, QAR Process, AOE Oversight and Technical Support, EQS Inclusions, and Upcoming Work.

There was discussion on AOE's role of determining compliance, what tools will be used for this, annual assurances, additional components for deeper dive for subset of QAR, district's self-assessment, concern that process is not moving forward, implementation appears to be delayed with deadline approaching, when will work start on the guidance, AOE Operations team is confident with the timeline, substantial revisions for equity in updated EQS need to be considered, connection between DQS and QAR, process is intended to provide a connection between the new DQS and existing provisions of statute, state assessment scores, assessment data is not the only indicator, several options for indicators, this QAR process is specific to DQS rule but is not the only mechanism, testing measuring actual learning, balancing systems and outcomes, not over-focusing on assessments, intent is to build a sustainable system, and process was designed to be thoughtful and meaningful.

Item H: State Board of Education's Annual Report to the General Assembly

Chair Samuelson advised that she sent the draft report to SBE members and did not receive any suggested edits. Chair Samuelson moved that the Board adopt the State Board's annual report to the Governor and General Assembly. Gleason seconded the motion. There was no discussion. Chair Samuelson called the vote. The vote passed unanimously. Chair Samuelson said this report would be posted on the [SBE webpage](#) and that she will have it delivered to the General Assembly and the Governor's Office.

Item L: Modification of Scope of Charge of Independent School Approval Committee

Chair Samuelson explained that in December 2021, an independent school approval committee was created and was meant to be another step in the independent school approval process to ensure that schools were fully vetted before being approved by the Board. Today most of the requests that have come to the Board for approval have involved schools serving the K-12 student populations in more traditional settings. But Rule 2200 also encompasses tutorial programs, distance learning schools, post-secondary schools, and kindergartens. She advised Board members that any approval that comes up pursuant to Rule Series 2200 will be handled in the first instance by this Independent School Approval committee and she wanted to clarify/expand the scope of the charge. She asked if there were any questions or discussion.

Chair Samuelson moved that the State Board of Education modify the scope of the current standing Independent School Approval Committee's charge and authorize it to (a) review the Agency of Education's recommendations for all applications for approval or reapproval that are filed pursuant to Rule Series 2200, (b) seek additional information as necessary from any school seeking approval or reapproval, and (c) bring fully vetted recommendations to the full Board to formally accept or reject a school's request for approval or reapproval brought pursuant to Rule Series 2200 and for clarity, rename the committee the "Rule Series 2200 Approvals Committee." Gleason seconded the motion. There was no discussion. Chair Samuelson called the vote. The motion carried.

Chair Samuelson further moved that the State Board of Education authorize its Chair to appoint members to the Rule Series 2200 Approvals Committee. Gleason seconded the

motion. There was discussion on naming committee members. Chair Samuelson called the vote. The motion carried. Chair Samuelson re-appointed Lovett, O'Farrell, and Jepson to the committee.

Item M: Rule Series 2000 and 2200 Update/Possible Executive Session

Chair Samuelson moved pursuant to 1 V.S.A. §313(a)(1) that the Board finds that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the State Board of Education would clearly place the Board at a substantial disadvantage. Gleason seconded the motion. There was no discussion. Chair Samuelson called the vote. The motion carried.

Chair Samuelson further moved that the Board enter executive session to receive confidential attorney-client communications made for the purpose of providing professional legal services to the Board pursuant to 1 V.S.A. §313(a)(1)(F). O'Farrell seconded the motion. There was no discussion. Chair Samuelson called the vote. The motion carried.

The Board entered Executive Session at 12:39 p.m.
The Board rejoined the regular meeting at 1:48 p.m.

Chair Samuelson explained that the public comment period has ended for both sets of rules. Both committees are processing comments and will make recommendations to the Board. The Board has been clear that its goal is to ensure alignment between the two rule series with regard to the substance of the rules that embodies the principles and goals of Act 1. Comments that were received in one rule series will also be considered if they are relevant to the other rules series. Both committees met separately yesterday. Buxton has been asked to identify themes that crossover both rule series. Because of the number of Board members on both committees, there will be Special State Board of Education meetings to discuss these themes together (members of both committees) and reach some consensus. Buxton will take that information and draft applicable language for consideration by each committee. The committees will process public comment as quickly as they are able.

Item N: Future Meeting Planning

Chair Samuelson said at the next meeting there will be an EQS update, Rule Series 2200 update, possible update either in writing or in-person from Ballard regarding the Special Education Advisory Panel (SEAP), and a post-secondary school approval.

There was discussion on having an annual work calendar. Gleason agreed to work on this calendar and compile a list of people who regularly report to the Board. There was discussion on the State Board of Education having in-person meetings and/or hybrid meetings. Chair Samuelson forecasted a plan for in-person meetings in April and May. There was discussion on public access/input, and paying for technical support off-site.

Item O: Public to be Heard

There was none.

Gleason moved to adjourn; Werner seconded. There was no discussion. Chair Samuelson called the vote. The motion carried. The meeting adjourned at 2:08 p.m.

Minutes prepared by Maureen Gaidys.