



Monday, August 7, 2023
Virtual via Microsoft Teams
Call-in Number: 1-802-828-7667
Conference ID: 564 965 07#

State Board of Education Rule Series 2200 Committee

Draft Meeting Minutes

Present: Chair Samuelson, Tom Lovett, Kimberly Gleason

Others: Sarah Buxton, Attorney

Agency of Education (AOE): Maureen Gaidys

Call to Order, Roll Call, and Amendments to the Agenda

Chair Samuelson called the meeting to order at 9:04 a.m. and took roll call.

Approval of Minutes from August 4, 2023 Meeting

Chair Samuelson said approval of the August 4, 2023 meeting minutes should be postponed until the next meeting, since there was not adequate time to review since last Friday. Gleason moved to postpone approval of the August 4, 2023 meeting minutes; Lovett seconded. There was no discussion. The motion passed unanimously.

There was discussion on the next Rules Series 2200 committee meeting being scheduled for 12PM – 3PM on Wednesday, August 16, 2023, and a Doodle poll for a special meeting of the full SBE for 2-hours on Friday, August 18, 2023.

Public to be Heard

There were no members to be heard.

Working Session

Chair Samuelson turned the working session over to Buxton. Buxton said issues to be addressed include annual compliance agreement, application/re-application and approval section (2224) and new organization and language, clarification of SBE's authority around public tuition, filtering of different types of requirements, and any other big topics that need to be addressed. Gleason suggested a discussion on out-of-state schools. Chair Samuelson suggested pulling out "approved school" as a definition to encompass both approved independent schools and approved independent schools that are ineligible to receive public tuition.

Buxton referenced the [marked up version of the Draft Independent School Program Approval Rules-2200 Series-Version 3](#) and started on section 2223.

There was discussion on revisiting a deadline for annual compliance, gray area of SBE enforcing compliance, timing of announced tuition rates and budgets, annual assurance submitted at the same time as tuition request, other options for timing/collection of assurances, feasibility check with the AOE on how goals can be achieved, SBE's/AOE's role with approved independent schools that do

not receive public tuition, section 2229.3, complaint and informal/formal investigations and due process.

Buxton moved to section 2224. There was discussion on the Vermont-specific addendum and being more specific about the pieces or the process. Buxton shared [Appendix Q, letter for regulatory compliance](#) as an example. There was discussion on accrediting agencies, having a reference to annual attestation for schools that go through the standard approval/reapproval process as well as schools that go through the accredited school approval/reapproval process. Buxton moved to section 2226 and reviewed the policy clarification and tiers of SBE decision making. There was discussion on moving sub-section 2226.2(b) to where it fits more logically (under 2223), and section 2226.2 and why “c” and “e” are separated. Buxton will check with the AOE on that separation and thinks it could be an error.

Buxton moved to the sections on recommended language regarding out-of-state programs in 2229.5 and tuition for out-of-state schools in 2228.2. There was discussion on [16 V.S.A. §166](#), [16 V.S.A. §828](#), [Act 173 of 2018](#), challenge with ambiguity of law, potential civil rights violations, amendment to 16.V.S.A. §828, and reimbursement for students placed in out of state schools.

Buxton moved to section 2227. There was discussion on the attestation being the addendum, clarifying state laws, Vermont-specific laws and policies, interim site visits and reports, meeting the SBE’s needs, conditions for accrediting agencies, not excluding accrediting agencies, adequacy of interim reports, and other mechanisms for reporting on an annual basis.

Buxton moved to sections 2223.3.4 and 2223.3.5 and discussed language and organization, reference to students needing to be aware of Career Technical Education (CTE) options and whose responsibility it is to inform (local education agency (LEA) or independent school), disincentive built into funding of CTE that challenges public schools but it is a requirement, study on CTE governance, publicly funded secondary students’ names need to be provided to CTEs, no LEA responsibility if secondary school is not operated.

Buxton said she would have a revised draft in time for the SBE’s monthly meeting on Wednesday, August 9, 2023, and there will also be a side-by-side outlining moves and additions and other reorganizational changes. Gleason requested a cover memo and a bulleted summary. There was discussion on adding “compliance” to the rule title, conditions of approval, quality assurance, and ongoing obligations.

Chair Samuelson thanked the group for a productive meeting and the thoughtful work and comments. She praised the well-informed and thoughtful discussions of this committee.

Executive Session (if needed) - N/A

Possible Vote – N/A

Adjourn

Lovett moved to adjourn; Gleason seconded. There was no discussion. The meeting adjourned at 11:35 a.m.

Meeting minutes prepared by: Maureen Gaidys