

## State Board of Education

Virtual via Microsoft Teams  
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### State Board of Education Rule Series 2000 - Education Quality Standards Rule Update Committee Draft Minutes

**Date: December 7, 2023**

Present

**State Board Members (SBE):** Kimberly Gleason, Tammy Kolbe, Mohamed Diop, Grey Fearon, Richard Werner.

**Agency of Education (AOE):** Maureen Gaidys

**Others:** Sarah Buxton, SBE Legal Counsel; Jeff Francis, Vermont Superintendents Association (VSA); Chelsea Myers, VSA; Representative Elizabeth Burrows; Jay Nichols, Vermont Principals' Association (VPA); Rin

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

Gleason called the meeting to order at 5:03 p.m. Gleason, Kolbe, Diop and Fearon were present. There were no amendments to the agenda.

#### **Approval of [November 20, 2023 Meeting Minutes](#) and [November 27, 2023 Meeting Minutes](#)**

Kolbe moved to approve the November 20, 2023 minutes; Diop seconded. There was no discussion. Gleason called the vote; the vote passed.

Kolbe moved to approve the November 27, 2023 minutes; Diop seconded. There was discussion on Gleason wanting to make a friendly amendment to the November 27, 2023 minutes. Gleason realized this friendly amendment should have been part of the November 20, 2023 minutes, not the November 27, 2023 minutes. There was no further discussion on approval of the November 27, 2023 minutes. Gleason called the vote; the vote passed.

Gleason corrected the record and said there was an error in the November 20, 2023 minutes and she asked for a motion to supplant the previous approval of the November 20, 2023 minutes with the correction of the first sentence in the second full paragraph of the last page

to read, “Gleason noted that there was significant comment related to part b (definition of ethnic groups) and asked if the Committee wanted to consider if the concerns have been addressed by the technical adjustment.” Previously, this sentence read, “Gleason noted that there was significant comment related to part b (definition of genocide) and asked if the Committee wanted to consider if the concerns have been addressed by the technical adjustment.” Kolbe moved; Diop seconded. There was discussion on how to improve minutes to avoid errors such as this in the future. The vote was called. The motion passed unanimously.

### **Public to be Heard**

Gleason reminded members of the public that they could follow-up with written comments via email to [SBE.PublicComment@vermont.gov](mailto:SBE.PublicComment@vermont.gov).

Chelsea Myers read [this statement from the Vermont Superintendents Association](#).

### **Working Session**

Gleason explained that legal interpretation is being sought around aligning definitions with statute, so the Committee is pivoting to other sections of the rules to continue work while they await legal review. Kolbe offered that the legal review, once ready, will occur in executive session. Definitions, when revisited, will be clustered, as previously discussed.

The Committee decided they would discuss and consider public comments related to the application of Act 1-related matters and where they will be housed in respect to independent schools. Kolbe reminded the Committee that many of the comments were resolved at a meeting of the full Board and she encouraged the Committee to be attentive and consistent to what the full Board has already decided upon.

Gleason invited questions from the Committee as it is newly constituted. She said the broad question was if the Education Quality Standards (EQS) would apply to independent schools and the Board acknowledged that there are rules for independent schools and that Act 1 values apply to all publicly funded Vermont students and approved independent schools and that there is a separate set of rules for independent schools and those matters will be addressed in the Rules Series 2200. Kolbe reminded the group that the Act 1 recommendations included a recommendation for the entire EQS to apply to independent schools and public schools. Currently, EQS does not do that. This Committee worked to examine statute, guardrails and to whom EQS should apply. The statutory boundaries do not extend to independent schools. This Committee made a strong recommendation that the underlying intent was for the principles of Act 1 to apply equally to independent and public schools. It was this recommendation that prompted Chair Samuelson to open up both sets of rules (Rule Series 2200).

Buxton walked the Committee through [this summary spreadsheet of public comments](#) and discussed comments under the topic of EQS applying to approved independent schools.

There was discussion on developing a standardized response crafted in statute, referencing 16 V.S.A. [§165](#) and [§166](#), how each section provides different levels of rulemaking authority

and that the Board acknowledges that the intent of the values of Act 1 should apply to all Vermont students and all approved independent schools.

There was continued discussion on obligation to respond to oppositional comments, acknowledging with appreciation support for the rules, some comments needing research, that some comments are providing an example and do not necessarily require a response, that Buxton will prepare an economic impact statement, using “culturally responsive” to align with EQS language, EQS historically had applied to public schools, tension between session law and thus rule, legislative constraints and rulemaking avenues, using “receipt” instead of “accept” for comments, waivers for independent schools, making best effort to understand public comment provided without being able to gain clarification, addressing rule series 2200 comments separately, and that Buxton will create memo to post on what comments will also be considered under rule series 2200.

Representative Burrows shared this link to [an article in the Vermont Daily Chronicle](#) via the meeting chat that related to the waiver comment. This article suggested parents could obtain waivers to keep their kids from having to take part in equity education.

The Committee discussed eliminating the second public comment at the next meeting to allow more time for this work, having a Doodle poll for two more committee meetings before the next meeting of the full State Bboard on December 20, 2023, not reading the public comments at the next meeting and being prepared, reading public comments for transparency, oral public comments, and how to make the work of the committee more efficient.

Buxton offered to draft responses for the remaining comments to be reviewed at the next meeting. This [updated summarized public comment spreadsheet](#) is where the Committee ended their work.

### **Future Agenda Items**

For the next two meetings, the Committee will continue to work through the remaining buckets and if legal review is received then an executive session will be added. There will be two additional meetings scheduled soon – before December 20, 2023.

### **Public to be Heard**

There was none.

### **Adjourn**

Kolbe moved to adjourn; Werner seconded. There was no discussion. Gleason called the vote and the motion passed. The meeting adjourned at 6:32 p.m.

Minutes prepared by Maureen Gaidys.