

Vermont State Board of Education

**Presentation to the
Senate Education Committee
January 18, 2024**

Phase II Updates to Rule Series 2200

State Board Membership

- **Jennifer Deck Samuelson, Chair** (2020 - 2/28/2026)
 - *Winhall*; Chair, Winhall School Board; Attorney at Law
- **Tammy Kolbe, Vice Chair** (2021 - 2/28/2027)
 - *Warren*; UVM Assoc. Prof. of Educational Leadership and Policy Studies; Principal Researcher at American Institutes for Research
- **Mohamed Diop** (2023 - 2/28/2029)
 - *Bristol*; Director, Multilingual Learner Programs; Winooski School District
- **Grey Fearon** (2023 - 6/30/2025)
 - *Panton*; Student Member
- **Kim Gleason** (2019 - 2/28/2025)
 - *Grand Isle*; Former Chair, Essex Westford School District (EWSD); former Treasurer, VSBA; Substitute Teacher, EWSD
- **Lyle Jepson** (2021 - 2/28/2027)
 - *Rutland*; Former teacher; former Principal, Fair Haven Union High School; former Director, Stafford Technical Center
- **Tom Lovett** (2021 - 2/28/2027)
 - *Waterford*; Teacher and former Head of School, St. Johnsbury Academy
- **Jenna O'Farrell** (2019 - 2/28/2025)
 - *St. Johnsbury*; Former teacher, Assistant Principal, and Principal, St. Johnsbury Sc
- **Richard Werner** (2022 - 2/28/2024)
 - *East Dover*; Chair, Windham Central Supervisory Union; Chair, River Valleys Sc
- **Aaliyah Wilburn** (2023 - 6/30/2024)
 - *Derby*; Student Member

State Board of Education (SBE) Rule Series 2200 Committee

Jennifer Deck Samuelson, Chair

Kim Gleason

Tom Lovett

General Overview: Three Categories of Work

- ❖ Applying the principles and goals of Act 1 (2019) to independent schools
- ❖ Creating a requirement that all independent schools, as a condition of their approval, must provide annual assurances of their compliance with the Rules
- ❖ Introducing a framework that accrediting agencies must follow in order to be recognized by the SBE

Implementing the Goals of Act 1 (2019): Timeline

- Act 1: “An act relating to ethnic and social equity studies standards for public schools”
- Act 1 created a Working Group and invited it to review State statutes, SBE rules, and school district and supervisory union policies that concern or impact standards for student performance or curriculum used in schools.
- After more than two years of evaluation, the Working Group proposed updates to Rule Series 2000 “Education Quality Standards” (EQS) based on the principles of Act 1 and presented them to the SBE at its April 20, 2022 Meeting.
- Proposed updates to EQS were considered by the SBE EQS Committee, which met 28 times to hear testimony, discuss and deliberate possible revisions to EQS Rules.
- Revisions to EQS that embody the goals of Act 1 represent efforts of a diverse group of stakeholders to ensure that the rules are anti-racist, culturally responsive, anti-discriminatory, and inclusive.

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Implementing the Goals of Act 1: Authority to Engage in Rulemaking

- The SBE has the authority pursuant to 16 V.S.A. §164(7) to make legally binding rules within the scope of its authority in order to assist in the interpretation, implementation, and enforcement of the education statutes within the limitations of legislative intent. <https://education.vermont.gov/state-board-councils/state-board/rulemaking>
 - 16 V.S.A. §165 provides statutory authority to the SBE to adopt EQS, which are located in Rule Series 2000
 - Pursuant to 16 V.S.A. §165(f), EQS only applies to independent schools if they seek designation as an “independent school meeting education quality standards”
 - Act 1 does not change this.
 - 16 V.S.A. §164(14) provides statutory authority to the SBE to adopt rules for approval of independent schools, which are located in Rule Series 2200.
- At its monthly meeting on May 17, 2023, the SBE decided that, although it agreed that the principles and goals of Act 1 should be applied to approved independent schools, the EQS rule series was not the appropriate mechanism.
- Instead, the Board felt that it would be more appropriate to apply the principles and goals of Act 1 to independent schools by re-opening Rule Series 2200.

Implementing the Goals of Act 1: “Lift and Shift” from EQS to 2200

- EQS Committee identified five subsections of Rule Series 2000 that were applicable to independent schools: 2113 (Nondiscrimination), 2114 (Definitions), 2120.1 (Instructional Strategies), 2120.5 (Curriculum Content), and 2122.1 (School Facilities and the Learning Environment)
- 2200 Committee brought this language into proposed updates to Rule Series 2200 and incorporated parallel language from the EQS Statement of Purpose
- SBE counsel also created a Side-by-Side so that it is easy to identify where EQS language has been incorporated into Rule Series 2200 and understand where and why any changes to the language have been made

Annual Compliance Assurance Form (Section 2223.4)

- Closes gap in current Rule Series
- Reflects interest expressed by General Assembly
- Language developed in consultation with the Agency of Education
- Gives authority to the Secretary, in consultation with the Board, to prepare the form and make it available to schools
- Sets January 15th of each year as the deadline by which approved schools must provide assurances of their compliance
- Form includes assurances that school meets requirements of 2223.2 (Nondiscrimination) and, if applicable, 2229.4 (Procedure for Ensuring the Provision of Special Education Services to Publicly Funded Students in Approved Schools)
- Sets forth process to use in cases where schools do not submit the Secretary's form

New Procedure by which to Recognize Accrediting Organizations (Rule 2227)

- Former Rule Series 7000
 - Outdated List
 - Board opened Rule Series 7000 in 2021
 - SBE represented to LCAR and members of the public that it would create a new framework by which it would recognize accrediting agencies and include this in Rule Series 2200
 - **Rule Series 7000 sunsets July 1, 2024.**
- Several options considered by 2200 Committee
- Proposed language was developed in consultation with the New England Association of Schools and Colleges (NEASC), Association of Independent Schools in New England (AISNE), and International Council Advancing Independent School Accreditation (ICAISA)

Summary of Framework by which to Recognize Accrediting Organizations (Section 2227)

- New framework includes 11 criteria with which interested accrediting organizations must comply
- Accreditation leads to streamlined approval process in Section 2224
- Accreditation does not change Secretary's obligation to review a school's compliance with state specific requirements set forth in Subsections 2223.3.4 (Maintaining Safe and Equitable Access to Educational Opportunities), 2223.3.5 (Other Required Activities), relevant state law, and, if applicable, its submission of a complete, unmodified annual assurance attestation form described in 2223.4. This obligation exists whether the school is accredited or not.

Other Changes

- Introduction of term “approved school” which is defined to include both approved independent schools and approved independent schools that are ineligible to receive public funds
 - Reorganization of Rule Series to be more user-friendly
 - Cleaning up language to provide stylistic consistency
 - Adding in reference to other requirements for approved schools that are already set forth in statute
- No substantive changes to last round of updates to the Rule Series since these just went through the formal APA rulemaking process last year