

October 20, 2015

*Strategic Goals: (1) Ensure that Vermont's public education system operates within the framework of high expectations for every learner and ensure that there is equity in opportunity for all.  
(2) Ensure that the public education system is stable, efficient, and responsive to changes and ever-changing population needs, economic and 21st century issues.*

**Draft MINUTES**

**Present**

**State Board of Education (SBE):**

Stephan Morse, Chair; Sean-Marie Oller, Vice Chair; Rainbow Chen; Peter Peltz; William Mathis; Mark Perrin; Bonnie Johnson-Aten; Stacy Weinberger; Krista Huling; Rebecca Holcombe.

**Agency of Education (AOE):**

Jill Remick; Donna Russo Savage; Greg Glennon; Bill Talbot; Debora Price; Rebecca Plude.

**Others:**

Jeff Francis, Vermont Superintendents Association; Julie Longchamp, Vermont NEA; Martha Allen, Vermont NEA; Jeff Fannon, Vermont NEA; Nicole Mace, Vermont School Boards Association; Mill Moore, VT Independent Schools Association; Mill Moore; VT Independent Schools Association; Deborah Bucknam, Attorney St. Johnsbury; Jerry & Nancy Dyke, Windham; Mike Heaney, Hartland; Ethan Latour, MMR; Joanne Unruh; VCSEA, Kevin Christie; VT Legislature; Ken Page, VPA; Thomas DeBalsi, Superintendent; Josh O'Gorman, Vermont Press Bureau; Kevin Ellis, VT Public Affairs; Tiffany Danitz, VT Digger; Jonathan Wolff, Primmer.

**Item A: Call to Order, Pledge of Allegiance, Roll Call**

Chair Morse called the meeting to order at 9:46 AM. He reminded those in attendance to sign the attendance sheet and led the group in the Pledge of Allegiance. The members of the SBE introduced themselves.

**Item B: Public to be Heard** (Items not on the day's agenda)

None.

**Item C: Consent Agenda**

**Motion:** Oller moved to approve the Consent Agenda as presented. The motion was seconded by Perrin.

Oller noted the statement regarding Vaughn Altemus should be included in the minutes. Additional details regarding the discussion around the Board's statement on Act 46 should also be included.

**Vote:** The motion passed. (9-0-1).

Specifically, the items approved were:

1. Minutes of the September 15, 2015, SBE Meeting
2. Independent School Renewals
  - a. The Downtown School of Manchester Center, VT

### **Updates**

#### **Item D: Board Members Announcements and Student Representatives' Emails**

Huling updated the Board regarding her attendance at the yearly meeting of the VT Business Roundtable orchestrated by Lisa Ventriss, President and chief spokesperson. Students from her district attended the meeting alongside her. There is an upcoming conference on November 12, with the Governor's Institute in Rutland, on gender in education hosted by the VT Business Roundtable.

Morse reminded the Board that the VT Business Roundtable would like to host a joint meeting with the Board in the near future.

#### **Item E: Chair's Report**

Morse reported that the rule making process for implementing [Act 166, An Act Related to Universal Publicly Funded Prekindergarten](#), has completed in the approval of the rules by the Legislative Committee on Administrative Rules. More information may be found [here](#).

#### **Item F: Secretary's Report**

Secretary Holcombe spoke to the Board about the recent release of the spring 2015 New England Common Assessment Program (NECAP) Science assessment results for Vermont students in grades four, eight, and 11. The science assessment is designed to measure students' scientific literacy and inquiry. As the Next Generation Science Standards (NGSS) are implemented, this assessment will change dramatically. The US Department of Education will be developing this test. Vermont students are held to the highest standards possible; therefore the test is also set at a high standard. Overall, students' learning is improving statewide.

Mathis added that media coverage has not been representative of VT student's actual performance compared to national results.

Rainbow Chen, student Board member commented on the student's perspective of the scores they received.

Holcombe added that recently, Vermont Positive Behavior Interventions and Supports (VT PBIS) held their Vermont Annual PBIS Leadership Forum. VT PBIS is a State-wide effort designed to help school teams form a proactive, school-wide, systems approach to improving

social and academic competence for all students. Dothan Brook School was recently recognized for implementing these strategies to systematically teach proactive social behaviors particularly to the early grades.

Secretary Holcombe introduced new Principal Assistant to the Secretary on School Governance Donna Russo-Savage. Since at least 2010, the year in which RED incentives were enacted in Act 153, members of the General Assembly have questioned whether a multi-town merged district could provide different opportunities to its resident students by, for example, paying tuition for students who lived in what had been a tuitioning district prior to merger, but requiring students to enroll in the district-operated school if they lived in a member town that had been an operating district.

Her memo summarizes the research and analysis conducted and discussed by lawyers in and outside Legislative Council since at least 2010.

A school district, no matter how many districts have merged to form it, is a single municipality, with one governing body, one budget, one group of voters, and one homestead tax rate. As a practical matter, it would be difficult for a district to provide different educational opportunities to district students in the same grade based upon their town of residence. More significantly, a school district would likely violate the Common Benefits Clause of the Vermont Constitution if it provided specific educational opportunities to one group of resident students and denied them to another group of resident students in the same grade based solely upon where they live.

Morse reminded those in attendance that the Board's position on Act 46 was not intended as a philosophical public policy statement. Their review was of Act 46 and how it related to existing laws, specifically 16 VSA Section 822.

Mill Moore, VT Independent Schools Association spoke to the Board about the confusion around Act 46 that is present in school districts, especially regarding section 4 the school choice provisions. Chairman Morse accepted the letter from Moore as presented to the Board.

Holcombe clarified that the district of Westford is not being compelled to give up school choice. The decision regarding an accelerated merger is before the voters of those districts. If the town of Westford would like to preserve the option of tuitioning, residents may vote down the merger, and choose to maintain its school choice.

Deborah Bucknam, private attorney and School Board member of the Thaddeus Stevens School, presented her legal analysis of section 4 of Act 46 to the Board. Chairman Morse accepted the letter from Bucknam as presented to the Board.

Oller clarified that the Board is not directing school districts in their choices.

Holcombe clarified that tuitioned towns are considering merging with towns which share the same structure; districts are not being compelled to merge. The decision to merge rests solely with the voters of each individual district.

Huling added the Board's statement clarifies that the interpretation of Act 46 will be concurrent with Title 16.

Michael Heaney, resident of Hartland and School Board member for Sharon Academy, spoke to the Board regarding the confusion around implementation of Act 46.

Morse clarified that the Board's statement interpreting Act 46 issued at its September 15<sup>th</sup> meeting, was intended to provide clarity to school districts and address any confusion. The opinions expressed by various constituents, simply do not concur with the Boards statement, therefore creating additional confusion.

Jeff Francis, Executive Director VT Superintendent's Association spoke to the Board regarding the confusion around implementation of Act 46, the public would enjoy additional improved clarity regarding the interpretation.

#### **Item G: Committee Reports**

Perrin asked Nicole Mace, Executive Director of the VT School Boards Association to update the Board on recent meetings held by the VSBA. Mace stated that meetings were conducted around the state to inform all School Board members of their options and the implications of Act 46. At these meetings, Secretary Holcombe provided an overview of the Education Quality Review process; and Mace provided an overview of the governance provisions of Act 46.

#### **Item H: State Board Request to Legislature for Staffing to Implement Act 46**

Mathis presented the draft letter to the Board. A state assistance capacity is required within the Agency of Education. The Board understands one staff member has been added for this purpose but doubts this level is sufficient. Likewise, the state board of education requires a parallel capacity as they are the reviewing and approving body. As every school district in the state is affected, this represents a sizable work load. This must be accomplished while balancing the constraints and dynamics of each town while also assuring equality, high educational quality, and fairness for all children in the state.

Morse added that the relationship between the Agency and the Board has always been excellent. The Board relies on Agency staff to provide assistance. The Boards priority is to see the Agency is fully staffed, before their requested needs for staff are met. This should be clear when speaking to Legislative Committees.

**Motion:** Oller moved to approve the letter as presented. The motion was seconded by Perrin.

**Vote:** The motion passed unanimously.

**Item I: SBE Budget**

Bill Talbot, Chief Financial Officer at the Agency, presented the State Board budget. Board members clarified line items and discussed.

**Motion:** Oller moved to approve the budget as presented. The motion was seconded by Perrin.

**Vote:** The motion passed unanimously.

**Item J: Teacher & Leader Evaluation Review Summary**

Debora Price, Director of Educator Quality at the Agency, led the Board through a summary of the Teacher and Leader Evaluation Review process. Evaluations were rated on an expanded rubric of 20 criteria based on the Vermont Guidelines for Teacher & Leader Effectiveness. The AOE reviewers normed, using an anchor example and then a practice example, and then each evaluation was rated by two reviewers. “Expected to be seen during site visit” was added to five criteria.

**Item K: Update on Education Quality Review**

Debora Price, Director of Educator Quality at the Agency, gave a brief update on the Education Quality Reviews. Education Quality Reviews (EQR) help assess the degree to which the [Education Quality Standards](#) (EQS) are being addressed in Vermont schools, identify best practices and to support the continuous improvement of our schools. Amy Fowler, Deputy Secretary of Education has been instrumental in the pilot program and its implementation.

**Item L: Teacher of the Year Announcement**

Rebecca Plude, Teacher of the Year Coordinator for the Agency, led the Board through a history of the TOY process.

Chairman Morse presented certificates to: Outstanding Finalist, Steven Rand, an English Teacher at Harwood Union High School; Alternate TOY, Anne Marie Mahar, a Biology Teacher from Rutland High School; and 2016 VT Teacher of the Year Susan Koch, a Kindergarten and First Grade Teacher from Union Elementary School.

The meeting was recessed until 12:40 p.m. for lunch.

**Item M: NEA Request to SBE for Act 46 rulemaking**

Morse responded on behalf of the Board, to a letter and request from the VT NEA. The NEA asked that the Board consider creating rules which would aid in the implementation of Act 46. Morse responded that the Board does not see the need, at this time, for the initiation of administrative rulemaking, regarding Act 46 implementation.

**Item N: Update on Independent School Process**

Glennon introduced the recommendation from the Agency that the Board approve the Agency’s proposal for review of institutional applications submitted to the Agency pursuant to Rule Series 2200. The Secretary at his/her discretion, through the institutional review workgroup, may assign one site reviewer to conduct a site review of an applicant institution for an applicant

seeking status as (i) an approved independent school, (ii) an approved distance learning program, or (iii) an approved tutorial program. The rules (Rule 2222 and 2230.2.2) state a review committee conducting a site visit shall consist of at least two persons. The approach being proposed by the Secretary would allow one person, at the Secretary's discretion, to conduct a site visit. If that review results in a favorable recommendation for the applicant, then the application could move forward to the State Board. In this scenario, there is no harm to the applicant if one person conducts a site visit (as opposed to two persons). If a site review conducted by one person results in an adverse recommendation (i.e. –recommendation of denial of approved status), then the Secretary shall convene a second site review committee of at least two (2) persons. In this scenario, the applicant will be entitled to a second review, conducted by a review committee of at least two (2) persons. This ensures every applicant will not be subject to any adverse action without access to all of the options (set forth in the State Board's rules) having been exhausted.

To the extent one site reviewer is assigned to conduct a review by the Secretary, and the review results in a favorable recommendation for an application, the Agency can direct personnel resources to other tasks necessary for supporting organizational needs. At this time, the Agency simply lacks personnel capacity to staff site reviews with two or more staff members as a matter of course. In addition, the streamlined process outlined above is expected to add significant quality to the application review/recommendation process. Specifically, for independent school and distance learning program applicants seeking general education approval (that are not NEASC approved), the application review and site visit by a retired school headmaster will be akin to a peer review by a professional in the field who has unique knowledge, skills, and abilities to comprehensively assess all aspects of the institution's application for alignment with the State Board's approval rules.

Huling clarified that the site reviewers the Agency contracts with may change over time.

Morse asked Agency staff to supply the EQS Committee with the existing rules governing Independent School approval. The committee will review areas of concern and work with Agency staff to align processes.

**Motion:** Mathis moved that the State Board of Education approves the Agency's proposal for review of institutional applications submitted to the Agency pursuant to Rule Series 2200. The motion was seconded by Oller.

**Vote:** The motion passed unanimously.

#### **Item O: Update on Smarter Balance Assessment**

Secretary Holcombe presented a sample individual student report received by parents summarizing the student's performance on the Smarter Balance Assessment. In this pilot year, schools are working with assessment data to determine what conclusions can be drawn related to student learning. Compared to the old test model (NECAP) far fewer students scored in the proficient range. This is because Smarter Balance is a much harder test, not because our students are doing worse.

Mathis presented a letter to the Board describing the report parents will receive for their child's standardized "Smarter Balanced" test results from the *Vermont Comprehensive Assessment Program*. The Agency and Board chose to use the national assessment consortium's report template while we work to create a better model for next year that presents test results in their proper context.

**Motion:** Mathis moved that the State Board of Education approve the distribution of an informational letter with the Individual Student Report's that are sent to parents. The motion was seconded by Oller.

**Vote:** The motion passed unanimously.

Weinberger suggested the letter be simplified and shortened to better inform all intended recipients.

Morse suggested that the letter be reformatted into a memo.

Mathis and Chen will reformat the memo for distribution.

#### **Item P: Media Contact State Board Member**

Morse explained that due to the complex nature of the Boards work and involvement in various pieces of legislation, a uniform voice and response should be maintained when responding to media inquiries.

Peltz asked for clarification, should Board members discuss responses prior to speaking publicly.

Huling added that Morse and Oller as Chair and Vice Chair are appropriate contacts for all media inquiries. In instances where members are approached individually, a check in with the Chair is appropriate.

Oller added that the discussion on proficiency based learning is ongoing, and often difficult to provide examples of, and explain what schools are implementing.

Holcombe responded that Agency staff will identify two different systems to present their approach to the Board.

#### **Adjourn**

**Motion:** Huling moved to adjourn the meeting at 2:07 PM. The motion was seconded by Oller.

**Vote:** The motion passed unanimously.

Minutes recorded and prepared by Rebecca Plude