

June 19, 2019  
Approved Minutes

**Present:**

**State Board of Education (SBE):** John Carroll, Vice Chair; William Mathis; Jenna O'Farrell; Kim Gleason; Peter Peltz; Kyle Courtois; Dan French

**Agency of Education (AOE):** Emily Simmons, Judy Cutler, Alena Berube, Suzanne Sprague

**Others:** Chelsea Myers, Vermont Superintendents Association; Mark Tucker, Superintendent, Washington Northeast SU; Susan Aranoff, Vermont Developmental Disabilities Council

**Item A: Call to Order, Roll Call and Introduction, Amendments to the Agenda**

The meeting was called to at 9:04 a.m. The State Board members introduced themselves. There were no amendments to the agenda.

**Item B: Consent Agenda, Board Announcements**

Consent Agenda:

Gleason made a motion to approve the consent agenda items. O'Farrell seconded. Discussion: Peltz asked that the minutes reflect at the April 17<sup>th</sup> meeting that he voiced his concern that there haven't been any substantial changes in career technical education in years and he would like the State Board to do its best to update it. VOTE: The motion passed unanimously.

The following items were approved.

1. Minutes – May 15, 2019 Meeting
2. Caledonia Central Supervisory Union Board – Change in SU Board Representation
3. Closure of an Approved Tutorial Program – Valley Vista, Bradford

Board Announcements:

Courtois successfully completed his junior year in high school.

Gleason shared that she attended the VT-NEA (National Education Association) Summit.

Peltz attended two retirement parties for long-serving employees at the Woodbury School.

**Item C: Chair's Report**

In the absence of Chair Huling, Vice Chair Carroll read a prepared Chair's report. The report included an update on securing legal services for a licensing appeal that will come before the State Board. This should be resolved by the July meeting. The report read that the Census Based-Funding Advisory Group Chair, Meagan Roy, invited Chair Huling to the July 24<sup>th</sup> meeting of the Advisory Group to seek input on any impact the Act 173 delay will have on the State Board's timeline for rulemaking. Chair Huling asked that by June 30, State Board members send her any questions or policy concerns regarding the proposed draft rules so she may share

them with the Advisory Group. Chair Huling is still developing a review team to visit the Compass School. The visit is planned for July.

**Item D: Public to be Heard**

Mark Tucker, Superintendent, Washington Northeast Supervisory Union, addressed the State Board of Education and mentioned that he attended the meeting in case there were questions regarding the Caledonia Central Supervisory Union Board configuration which is on the consent agenda. He said that he will be the new Caledonia Central Supervisory Union superintendent as of July 1. Caledonia Central Supervisory Union has expanded to include the Washington Northeast SU. Discussion followed regarding the dynamics of the community and supervisory union.

Secretary French read the goals of Act 46 and said that the Agency of Education will do an evaluation based on the guidelines provided in the statute of Act 46. Discussion followed regarding school communities and community voice.

**Item F: State Report Card – Update and Overview**

Secretary French said that the State Report Card is how the state defines and measures quality. He added that the State Report Card goes live on June 20<sup>th</sup> and data will be available to the public at 4:00 p.m. He encouraged the State Board to use the tool and become familiar with it. Secretary French provided foundational information and said a detailed training can be given at a future meeting once the tool includes data. He shared a document that showed the overall construct of the Vermont Annual Snapshot as well as a frequently asked questions document. Secretary French reviewed the accountability history in Vermont. He suggested the State Board read the ESSA plan for more information. The Vermont Annual Snapshot, overtime, will include more data and it will be several months before it is fully populated.

Discussion followed regarding the academic data, equity issues, suppressed data, timeline, No Child Left Behind, Common Core, test scores, Integrated Field Reviews and continuous improvement, “N” size, multiple markers, funding for schools that need comprehensive supports, discussion at the annual retreat, training for partners, taxpayer or parent scorecard, and looking at all domains for a complete picture, not focusing on only one.

The meeting recessed at 10:16 a.m.

The meeting reconvened at 10:29 a.m.

**Item G: Act 173 Update – Rulemaking Process**

Judy Cutler, Legal Staff at the Agency of Education (AOE) and Alena Berube, Special Education Finance Director, addressed the State Board on the rulemaking aspect of Act 173 including the AOE’s approach to date, what has been accomplished and a walk through of the drafted rules. Vice Chair Carroll asked if the delay will have any bearing on the AOE’s work. Cutler said that a great deal of work had already been completed regarding the funding rules because the delay was not yet in effect. She added that such delay allows the State Board some breathing room in terms of rulemaking. The language of the delay effects the section 5 of the act by one year. The State Board must initiate rulemaking on or before August 2020. The adoption process can take 8-9 months.

Vice Chair Carroll asked for an update regarding the practice rules which has created some criticism. Secretary French said the criticism around practice was not around rulemaking but more around the supports to be provided to districts. He said the delay allows for more time on AOE supports. Berube said there were no anticipated substantive changes in the programmatic rules associated with special education that is necessary to implement the act. Secretary French said that other work-related rule issues, such as independent schools, will be addressed separately. He added that parts of the law anticipated that the work would not be done at one time.

Cutler walked the State Board through the existing Special Education rules. The approach was to keep the scope as narrow as possible necessary to implement Act 173. The majority of changes were technical edits. Cutler high-lighted the substantive programmatic changes and the reasons that justify the proposed changes. Discussion followed regarding each proposed change including wordsmithing, burden on administrators, accountability and compliance, reaction or approval from stakeholders, positive or negative impact, Census-based Funding Advisory Group addressing the State Board, stakeholders varying opinions, rulemaking is highly technical and that there is no way to avoid political pushback with differing positions.

Cutler walked through the redlined version of Rule 2366. She said that the approach was to separate the funding rules, which are found in 2366 and part of the entire body of the Special Education Rules, and promulgate the special education funding rules as its own rule series. If it is determined at some point that one of the rules are not appropriate then not all of the rules will need to be reopened to adjust for this. Therefore, Rule 2366 has been deleted because the rule exists or has been revised and included in the new body of Rules 1300 or deleted altogether because the AOE has determined it is no longer consistent with current practice or new rules have been drafted. Cutler explained the one exception in Rule 2364.4. Discussion followed regarding Rule 1300, permissive use of funds and a more efficient way to address the funding rules without opening the entire rule series and promulgating two different rule sets.

Cutler walked through draft of the proposed new special education funding rule, rule series 1300. She explained one of the primary goals of the rules was to establish the requirements necessary for the mechanics of the funding shift from a reimbursement to census-based model. Another goal was to identify permissive uses of special education funding and ensure the uses continue to be consistent with state and federal requirements. The final goal was to make sure the IDEA was priority and the flexibility comes after. Cutler and Berube reviewed the document and highlighted where some stakeholders may not have agreed. Discussion followed regarding child count, exceptions, not restating the law, federal requirements and compliance, UVM and DMG reports, controlling costs, risk, over-identifying students, referencing AOE Uniform Guidance and Best Practice document, extension of Act 230, use of para-educators, excess costs, independent school rules and block grants.

The meeting recessed for lunch at 12:20 p.m.  
The meeting reconvened at 12:53 p.m.

#### **Item H: Legislative Update**

Secretary French handed out a summary of the 2019 Legislative Session. He reviewed Act 1, an act relating to ethnic and social equity studies standards for public schools. He must convene a meeting of the Ethnic and Social Equity Standards Advisory Working Group on or before September 1, 2019. The State Board may consider recommendations from the Working Group on developing ethnic studies standards. Lead Testing in Schools and Childcares Project, S.40, is headed by the Department of Health and requires all schools and childcare facilities to test for lead to an action level of 4 parts per billion. Testing will begin this summer at child care facilities. Secretary French said there were implementation delays of certain aspects of Act 173 and the Shared School District Data Management System (SSDDMS).

Discussion followed regarding curriculum versus standards, Harassment, Hazing and Bullying data, school climate survey, Youth Risk Behavior Survey (YRBS), central accounting system and working relationship with the Agency of Human Services.

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

Secretary French said the AOE is working to develop a work plan for all the AOE's different initiatives. He said the AOE has been engaged in a visioning exercise that will be shared with the State Board. The AOE is working to unpack Act 46 and Act 173 in addition to continuing data systems work. There are several districts that need supports at varying levels.

Discussion followed regarding if assistance by the AOE is supplied in person, Integrated Field Reviews (IFRs) and Special Education, AOE coordination across divisions, State Board members attending IFRs and reviewing continuous improvement plans. Secretary French said he would include some presentations that he has used to inform schools in the next State Board packet.

#### **Item K: Strategic Vision Planning**

Vice Chair Carroll introduced the topic of strategic vision planning and gave a brief history of the State Board's recent work to develop an updated statement of strategic vision. He shared a document with the State Board which is a draft of a strategic vision framework which now includes 'student wellness'. He explained the rationale used in drafting the document to make it more student-centered and away from a score-based language used in the prior State Board's thinking. In the draft, achievement and proficiency is the goal for all students making certain that equitable opportunities are available for all students and that the health and well-being of all students is considered at every step. Additionally, the education system must be sustainable, efficient, effective and economical.

Rich discussion followed on topics including the mission to educate all children, monitoring outcomes, dashboard measures, Act 77 and 166, unintended consequences of legislation, State Board's future and direction, goals driving work plan and carving agenda time, maximizing the meetings, reviewing the impact of legislation on education, AOE capacity, power to convene, ESSA State Plan and Education Quality Standards, aligning the State Board's vision with the AOE's purpose statement, review the statutory responsibilities of the State Board and update them accordingly to fit the State Board's purpose and mission.

#### **Adjourn**

Peltz made a motion to adjourn. Gleason seconded. The meeting adjourned at 2:57 p.m.

Minutes recorded and prepared by Suzanne Sprague.

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