

**September 15, 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.*

## 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; Dylan McAllister; Krista Huling; Rebecca Holcombe

#### **Agency of Education (AOE):**

Jill Remick; Heather Bouchey; Vaughn Altemus; Greg Glennon; Perry Thompson

#### **Others:**

Jeff Francis, Vermont Superintendents Association; Steve Patterson, Ellis Mills Public Affairs; Ethan Latour, MMR; Tracy Wrend, Lamoille South SU Superintendent; Penny Jones, Elmore School Board; Jay Nichols, Franklin Northeast SU Superintendent; David Baker, Windsor Southeast SU Superintendent; Andrew Pond, Act 46 Project; Julie Longchamp, Vermont NEA; Lisa Ventriss, Vermont Business Roundtable; Nicole Mace, Vermont School Boards Association; Josh O'Gorman, Vermont Press Bureau

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

Chair Stephan Morse called the meeting to order at 10:10 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.

Morse noted that two of the re-approval applications were a number of months tardy. Glennon explained that the timing was partly due to staffing issues and turnover at the Agency and partly due to the need for supplemental documentation from the schools.

Oller said she would be abstaining from voting on the Consent Agenda because she had voted “no” the last time the question regarding the makeup of the Chittenden South SU Board had been address.

**Vote:** The motion passed with one (Oller) abstaining. (6-0-1).

Specifically, the items approved were:

1. Minutes of the August 18, 2015, SBE Meeting
2. Chittenden South SU Waiver Request
3. Independent School Renewals
  - a. Avalon Triumvirate Academy, Fairfax
  - b. Compass School, Westminster

## **Updates**

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

Dylan McAllister formally welcomed incoming student board member Rainbow Chen.

Mark Perrin reported that he had attended a Vermont Hunger Council meeting in his county and the Vermont Child Nutrition Reauthorization Coalition work. This included a prioritization of legislation they could get behind to advance meals and nutrition for low-income families and children. This is reflective of a priority in their Strategic Plan. Secretary Holcombe suggested the Board hear from the Agency’s Child Nutrition team.

Bill Mathis suggested Sean Marie Oller and Bill Mathis would do a presentation across the state on Flexible Pathways. He also noted the ESEA reauthorization is still anticipated in the coming months. He noted flexibility for states is a key component, especially related to assessment.

Stacy Weinberger noted the SBAC scores feedback for her child’s scores and she appreciated the details and explanation. Secretary Holcombe offered to bring back some examples from the Agency staff.

### **Item E: Chair’s Report**

Morse reported that the board has received an appeal from an educator following a licensing decision by the Vermont Standards Board for Professional Educators (VSBPE). The individual is appealing a denial of licensure by the VSBPE and Office of Educator Licensing, to the SBE. The chair must appoint a hearing officer who then meets with the parties and reports back to the full board. Morse appointed Peter Peltz as the hearing officer in this case. This is a public process.

Morse also noted he attended a presentation by Rep. Oliver Olsen on Act 46 at Flood Brook School. He will also attend a meeting in Bennington Rutland SU later in the week.

Morse also led the Board in recognition of the retirement of longtime Agency employee Vaughn Altemus for his work at the Agency and for the Board.

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

Secretary Holcombe echoed the praise for Altemus.

Act 46 is being explored in over 20 SUs covering dozens of towns, and the conversations are thorough and examining what is best for students and being proactive about preserving the most important aspects of public education.

Some concerns have been expressed about the allowable growth measure component of Act 46.

Secretary Holcombe introduced new Deputy Secretary Heather Bouchey.

She reported the retirement incentive across state government is an opportunity for many eligible staff but also creates the reality that we will not be able to fill all vacated positions. The majority of Agency positions are federally funded, not state funded and therefore we are not able to deliver on state priorities by the Legislature without funding to accompany it.

This may also involve either the Agency stopping doing some work or considering charging a fee or utilizing national processes like NEASC for approval in order to continue to do the work.

Reauthorization for ESEA may also have an impact on Agency staffing and mission for federally funded positions and goals.

The state's Education Quality Reviews are becoming an exemplar accountability evaluation process nationally and will be a robust and high quality process to examine education quality in Vermont.

Extended Learning Opportunities has become a priority. A legislative committee will be making recommendations to the Legislature this session.

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

Education Quality Review Subcommittee – Mathis said it was important that the field trials of the EQR are moving forward. He reviewed a number of unknowns that still exist in the process, such as the intent to review each SU/SD once every three years, yet statute requires each school to be reviewed every other year. He noted that the Agency does not have capacity to visit every school every other year.

Mathis requested a meeting at the next State Board meeting about the five clusters of measures under EQRs.

### **Governance Subcommittee** –

Perrin discussed a section of Robert's Rules: *To Lay on the Table*, with regard to the motion tabled at the August meeting. To avoid confusion about the August motion from the Governance

committee that was tabled, it was suggested to let the previous motion expire. Reading from Robert's Rules: "If the motion laid on the table isn't taken from the table by the next regular meeting, the motion dies."

**Motion:** Oller moved that the State Board of Education will use the following three statements when looking at proposals put before it:

1. Section 4 of [Act 46](#) ensures that the electorate in Vermont's School Districts, and the electorate alone, will decide whether their district will continue as either an operating or tuition district, for some or all grades, as presently constituted.

Section 5 of Act 46 does not change existing law regarding operation of schools, or paying tuition. There is no authority in Act 46 that authorizes a newly formed district/preferred model, to both operate and pay tuition, for the same grade level(s).

2. Act 46 does not modify, amend, or repeal 16 V.S.A. § 822(c)(1)(A) and (B).

3. Act 46 does not modify, amend, or repeal 16 V.S.A. § 822a., the "Public High School Choice" law (Act 129 of 2012).

Jay Nichols, Superintendent of Franklin Northeast Supervisory Union, noted that the motion perpetuates the status quo and doesn't give them any options.

David Baker, Superintendent of Windsor Southeast Supervisory Union, noted that although it will make things rocky, he appreciates the clarity.

The motion was seconded by Peltz and passed unanimously (7-0).

#### **Item H: SBE Budget**

This item was delayed until the October meeting.

#### **Item I: Vermont Business Roundtable**

Lisa Ventriss, Executive Director of the Vermont Business Roundtable, spoke before the Board about their organization and their priorities for the coming years, including continuing supporting implementation of Act 46.

Chairman Morse noted they were to respond to the Agency with possible December meeting dates.

*(Agenda changed to accommodate time)*

#### **Item L: Review Executive Order 3-53**

Greg Glennon, General Counsel for the Agency, led the Board through a review of the executive order regarding Conflict of Interest, in light of the distinct possibility that a particular Board member would need to recuse themselves as various merger proposals come before the Board

under Act 46. He also noted as a general conduct rule Board members represent all Vermonters, not only those from their area of residence.

The meeting was recessed until 1 p.m. for lunch.

### **Action/Tabled Items**

#### **Item J: Elmore Morristown Unified Union Study Committee**

Glennon introduced the recommendation from the Agency that the Board approve the final study committee report of the Elmore Morristown Unified Union Study Committee. The Agency noted this was not an Act 46 merger, but rather under existing statutes under Act 153 and Act 156. The Study Committee helpfully still utilized the standards under Section 2 of Act 46 to illustrate it was in the best interest of the students and the communities.

Tracy Wrend, Superintendent of Lamoille South Supervisory Union, and Penny Jones, Chair of the Elmore School District and member of the Elmore Morristown Unified Union Study Committee, outlined the logistics and findings of the study committee report.

Motion to approve made by Peltz, seconded by Oller. The motion passed unanimously 8-0.

#### **Item K: Act 46 of 2015**

Secretary Holcombe and Vaughn Altemus walked the Board through a document Agency staff created to act as a template for merger criteria, and used the Lamoille South SU proposal to illustrate how it could be used to evaluate proposals as they come before the Board. The template is based on the language from Act 46, and will include regional considerations. It will be posted on the Agency Web page so proposals are brought forth with this in mind.

Mark Perrin, chair of the Governance Subcommittee, shared a motion unanimously voted out of the committee to help the Board get through the process. He made the following motion:

Whichever preferred model a Merger Study Committee may propose to the Secretary of Education for review, the Secretary will evaluate the proposal against the goals set out at Section 2 of Act 46 and the statutory factors in Union School District formation statutes. The Secretary shall advise study committees to provide evidence that any proposed accelerated merger meets each of the goals set out at Section 2, as follows:

#### Section 2. GOALS

"By enacting this legislation, the General Assembly intends to move the State toward sustainable models of education governance. The legislation is designed to encourage and support local decisions and actions that:

- (1) provide substantial equity in the quality and variety of educational opportunities statewide;
- (2) lead students to achieve or exceed the State's Education Quality Standards, adopted as rules by the State Board of Education at the direction of the General Assembly;

- (3) maximize operational efficiencies through increased flexibility to manage, share, and transfer resources, with a goal of increasing the district-level ratio of students to full-time equivalent staff;
- (4) promote transparency and accountability; and
- (5) are delivered at a cost that parents, voters, and taxpayers value."

#### State Board of Education Action

Upon completion of his or her review, the Secretary will present the Study Committee Proposal to the State Board with a recommendation to the SBE as to whether the plan should be presented to local voters. The Secretary will provide a summary report to the SBE, applying the facts contained in the Study Committee Merger Proposal to the criteria in Act 46 and the Union School District formation statutes (e.g., 16 V.S.A. § 706c), for the SBE's consideration, prior to rendering its decision.

<http://legislature.vermont.gov/statutes/section/16/011/00706c> (link to Section 706c)

The motion was seconded by McAllister and passed unanimously (7-0).

#### **Adjourn**

**Motion:** Altemus moved to adjourn the meeting at 2:30 PM. The motion was seconded by Perrin.

**Vote:** The motion passed unanimously (8-0).

Minutes recorded and prepared by Jill Remick