

February 21, 2018

- 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.*

## **Approved Minutes**

### **Present:**

**State Board of Education (SBE):** Krista Huling, Chair; William Mathis, Vice Chair; Stacy Weinberger, Bonnie Johnson-Aten, Mark Perrin; Peter Peltz; John O'Keefe; Callahan Beck; Rebecca Holcombe

**Agency of Education (AOE):** Donna Russo-Savage, Molly Bachman, Karin Edwards, Maureen Gaidys.

**Others:** John Castle, superintendent, North Country Supervisory Union; Gracie Harvey, Burlington, VT; Sean-Marie Oller, citizen.

### **Item A: Call to Order**

Chairman Huling called the meeting to order at 8:45 a.m.

### **Item B: Roll Call and Introductions**

Chair Huling asked Board members to introduce themselves.

### **Item C: Public to be Heard**

Chair Huling asked if there were any members of the public to be heard.

Julia Shannon Grillo, sophomore at Burlington High School, introduced herself. She thanked Weinberger for inviting her to speak to the Board. She shared that she recently wrote an opinion piece for her school paper discussing the effectiveness of gym classes and urging the State to give PE credit to students who play sports after school. There was discussion on partial credits, time spent in PE class that could be spent on other academics, addressing this if/when EQS is reopened, other schools that give students credit for playing a varsity sports, needing to have a licensed teacher supervise these sport activities, and talking to the VPA.

John Castle, superintendent, North Country Supervisory Union, introduced himself. He asked that in relation to Small Schools Grants (SSG), that the Board consider and make sure that the criteria for SSGs is not too stringent and/or punitive. He said there are struggles with the designation of geographic isolation, and the assumption that if you are not geographically isolated, it makes sense to close. Castle compared the SSGs as similar to current use – to keep a working landscape open, and to do the same with communities.

**Item D: Consent Agenda**

**MOTION:** Perrin moved to accept the consent agenda; Peltz seconded. Huling questioned Item D-6 and the delay in notification of six months and asked about the process. Huling also asked to make sure that all Board members had Item D-4, the State Board of Education's Strategic Vision and explained that the next steps would be to use this document to create SMART goals.

**VOTE:** The consent agenda passed with one abstention, O'Keefe.

**Item E: Board Announcements**

Johnson-Aten shared that she had the pleasure of being at the Burlington High School for the raising of the Black Lives Matter flag. She commented on the national power of students and students owning their education and that moving forward we need to think about how we continue in this direction and work hard to truly leverage the power of students. She added that it is exciting to have school boards that will step out and support these efforts. Huling echoed that sentiment and moved onto the Student Report.

**Item H: Student Reports**

Beck focused on the Black Lives Matter flag raising that started in Montpelier and then she realized that many of her Burlington friends shared this on social media. She shared an article from VT Digger, quoted a senior from Burlington High School, and shared that it is hard for students to come out and make such a statement in light of white nationalist threats and so much public attention. Beck expressed that this is very powerful for students, especially that Vermont is getting national attention. Huling agreed that this is an exciting time to think about student voice and shared that there are student protests across Vermont and nationwide as they advocate for some changes in law. There was discussion on using social media to promote student voice, students taking the reins, looking for opportunities for student voice, that this generation is forwarding thinking, student participation in IFRs, and student perspective on mostly-adult boards.

Peltz announced that Mathis was nationally recognized. Huling elaborated that Mathis had received the Horace Mann Award for advancing educational policy on a national level. Mathis said that it was really quite an honor since past recipients are very well-known. The award is specific to having significant policy research that had a national impact; Mathis expressed that he was flattered.

**Item F: Chair's Report**

Huling shared that there will be a Strategic Plan committee and that Carroll will chair this subcommittee and work to develop SMART goals by the June retreat with other subcommittee members, Perrin, Weinberger and Beck. Huling shared some writings from Woodstock students on student voice, which talked about reading the classics and the challenges these present. Huling reminded the need to acknowledge any lobbying efforts towards Act 46/49 and reminded the Board to be mindful of the process and clear that the Board is not pre-judging any proposals. Item N will address S.229 which will create legislation that looks at financial capacity and special education at independent schools. This is more student-centered than other legislation. O'Keefe asked about a letter received from a State Representative on civics testing. Huling talked about the C3 standards, that this test is a formative test, and that this doesn't really engage students in civics. There was discussion on student voice in net neutrality, finding students' passion, exposure to government/legislature, not wanting the Legislature to decide

what is taught in the schools, and a bill to create standards for diversity (with no SBE involvement).

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

There were none.

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

Secretary Holcombe talked about the effect of new commissions/councils on existing resources and the importance of building on current structures vs. creating parallel structures. There are a large number of education bills that are getting a lot of attention. Regarding PreK, there is work with AHS to negotiate to a better solution/compromise to honor the goals of this complicated and contradictory bill. It is important to finalize and move on to the other issues. On special education funding, the bill will probably be voted out of the House Education committee this week, then will move to a money committee. There was discussion on the benefits of having special education delivery elevated to the SU level, onerous administrative burdens, dollars tied to IEPs, how the census block model offers more flexibility for strategic decisions, the risk of possibly needing to expend local funds, and the goal of loosening flexibility this year. AOE is also watching S.291 (trauma bill) to make sure that it works in a way that works for schools; the committee is being sensitized to the nuances of education. There is a workforce readiness bill that AOE is working on closely with DOL. Regarding Act 46, the draft version of the state plan will be presented by July 1. This plan will not be drafted until all meetings with local boards have been completed. Holcombe shared that 80% of budgets are in and state spending is down; newly merged systems and towns that operate are contained slightly more.

AOE Child Nutrition team was recognized for increasing access for children to free breakfast. Grants are available for low-income rural schools; 45 school districts in 28 LEAs are eligible.

School safety is being addressed through building the development of social and emotional skills, local guidance on HHB, proactive administrators in investigating and responding to these issues, working with media and social media, sharing evidence of need to be thoughtful about how/what is shared in the two weeks following a traumatic event, and reinforcing that community members who see something, need to say something. There is a lot of work statewide on school safety planning. AOE has a School Safety Liaison who does this work; there is a website and multiple resources and there is also work being done with different systems that are doing work around risk assessments. Holcombe thanked the first responders and the school communities for their good work in being responsive, supportive and resilient. Mathis asked about workforce readiness and integration. Holcombe responded by saying that we need to be careful that we are not stereotyping the ends that students are moving towards and the goal is to speak about college **and** career-readiness and that some of the groups that we are most concerned with are not getting the advantages of this; we are not using current opportunities in an equitable way.

### **Item J: North Country Union High School District-Westfield Section 721 Request**

John Castle, superintendent, North Country Supervisory Union, introduced himself and expressed appreciation for the important work and discussions that are taking place. He provided background information on the request of NCUHSD's proposal to include the Westfield School District as a member of the NCUHSD for Grades 7 and 8.

He explained that is in the best interest of both North Country Junior High School and Westfield, and that financial analysis is complete and there might be only negligible increases. Huling clarified that there was not a formal recommendation from AOE on this request. There was discussion on why this would be voted down, historical choices and patterns, and giving Westfield choice. **MOTION:** Perrin moved to approve the request; Mathis seconded. **VOTE:** The vote passed unanimously.

Huling suggested a 5-minute recess, then decided to move on to Item K without recess.

**Item K: Orange Southwest School District – 16 V.S.A § 1071 Waiver Request**

Huling shared the recommendation of the AOE. She asked if there were any members in the audience speaking to this. She asked for comments. There was discussion on keeping kids in school, emergency days, and sufficient time to make accommodations. **MOTION:** O’Keefe moved to deny this request; Peltz seconded the motion. **VOTE:** The vote was unanimous to deny this request.

Huling asked Peltz for a legislative subcommittee report. Peltz stated that subcommittee met via conference call on February 7 and Huling testified on S.229 that same week. The subcommittee discussed PreK and the special education reports. One of the more lively discussions was the voice of the Board and how that is exercised outside of meetings. Peltz shared that he spoke with Deputy Secretary Fowler and public and private providers and that there is concern in the field for how placement and coordination will happen. Holcombe clarified that the only thing that will be retained at the AOE is the administration of the voucher process. There was discussion on relocation of families, how critical these programs are to our state and economy, the goal of reducing dual regulation, and economies of scale. Huling said this topic would be addressed later under Item N.

Chair Huling called a recess at 10:13 a.m. Huling called the meeting back to order at 10:28 pm.

**Item L: Study of Vermont State Funding for Special Education – Tammy Kolbe, UVM**

Tammy Kolbe, Assistant Professor of Educational Leadership and Policy Studies, University of Vermont, introduced herself. Kolbe walked through the presentation on the findings of the December report that was given to the Legislature in January 2017. She offered her professional commentary on several items of interest in the Legislature.

There was discussion on the \$50K threshold for IEPs and extraordinary reimbursement, additional expenses per IEP, average increase in IEP cost, benchmarks developed based on national data and weights, that Vermont spends about twice as much as other states based on national averages, and that the study used several different methods to understand the numbers. There was discussion on funding formulas vs. best practices, outcomes for students with disabilities (SWD) being at or below national average, difficulty of estimating special education costs, consistency in estimates, cost drivers, little evidence that students were being erroneously identified, rules around reimbursement that affect delivery of services, census model losing its identity over time, obligations of the LEA, the pros and cons of implementing a census-based funding system, opportunities for larger districts, policy priorities for SUs. Discussion continued on the current special education bill, estimates and assumptions of excess costs, assignment of some responsibility to the Board, the creation of an advisory board, two-

tiered model, extraordinary expense threshold is kept so that fiscal responsibility can remain a priority at the local level, ample evidence of highly-committed educators around the state who are dealing with kids on a daily basis with significant challenges.

**Item M: Expanding and Strengthening Best Practice Supports for Students Who Struggle**

Karin Edwards, AOE, Director, Integrated Support for Learning, introduced herself and shared her presentation. Edwards shared that the recommendations from the study resonates with many people and there is a lot of energy around it - in the SUs, at the AOE and in the Legislature.

Edwards shared the five opportunities and asked the group to think about them through the lens of educational equity: 1) ensure elementary Tier 1 instruction meets most needs of most students, 2) provide additional instructional time for students who struggle outside the regular instruction time, 3) ensuring students who struggle gain their instruction from highly skilled educators, 4) create or strengthen a systems-based approach to support positive behaviors based on expert support and 5) provide students with more intensive specialized instruction from experts.

Huling suggested moving Item N to after lunch and addressed Item P.

**Item O: Edmunds Middle School Student presentation/discussion on Equity (Tentative)**

There was no student panel.

**Item P: Bonnie Johnson-Aten Recognition**

Weinberger read the resolution for Johnson-Aten. **MOTION:** Mathis moved to accept the resolution; Weinberger seconded. **VOTE:** The vote was unanimous. Huling thanked Johnson-Aten for her service. Superintendent Obeng thanked the Board members and spoke to the work that Johnson-Aten has initiated at the state level and what she contributes to the Burlington School District (BSD). He presented her with flowers on behalf of the district, and expressed great appreciation for her work as an advocate of instructional leadership and a champion of equity. Huling thanked Sean-Marie Oller for coming to this meeting to celebrate with us.

Huling invited Obeng to speak further about BSD's initiatives. Obeng spoke about student voice around the raising of the Black Lives Matter flag and the motivating and inclusivity of this event, decreasing the loss of instructional time, an exciting new program being developed around international students (China), a recent community presentation on the achievement gap and how this relates to the opportunities that Edwards addressed, BSD's strategic plan and how Burlington is not so different from the rest of the state, and can be a good model for others in relation to economies of size and levels of diversity.

Chair Huling called lunch recess at 12:29 p.m. to resume at 1:15 p.m.

Chair Huling called the meeting back to order at 1:24 p.m.

**Item N: State Board Responses to Ongoing Legislative Actions- Legislative**

Huling introduced the written statement on special education and Mathis spoke to them. There was discussion on the disconnect between education (AOE) and home life (AHS) and the need for more coordination, restorative justice, communications with AHS and the challenges with

this despite good efforts/intents, changes in legislative need to address resources, fundamental changes for teachers and the need for taking our time. **MOTION:** Peltz moved to accept this statement; Mathis seconded. There was no further discussion. **VOTE:** The vote passed unanimously.

Huling introduced the next statement, created by Mathis, Carroll and Huling, on cost containment, which is in response to Secretary Young's memo and based on equity, excellence and efficiency. There was discussion on needing time, closing inefficient schools, reducing student-to-staff ratios thoughtfully, centralizing some functions at the AOE, making the funding formula more accessible, and being mindful of what is being asked of the field. Huling opened it up for questions and shared that Beck is Carroll's proxy, while he is in Kenya. Beck shared that the Governor's intent is to dial things back so that Vermonters can better afford their taxes. She shared that Carroll agrees with this and is in support of having cost containment, but doesn't agree with the process and thinks that since this statement comes from three different views, it is fair. Beck agrees with Carroll and said it is important to increase voters' awareness of tax impacts. There was discussion on bullet 2, how this draft had evolved, and that there was not consensus. Mathis expressed that he is tired of schools being the whipping boy. There was discussion about having too many schools for Vermont and needing to be brave enough to say that, looking at students' needs first (not adults' needs), small high schools vs. small elementary schools, and the Governor creating a council to look at closing schools. Discussion continued on the importance of having a statement on cost-containment, the importance of including excellence and equity, the statute that references closing a school and the Board's authority to do this, rid of the word radically, and various other edits. Huling offered to table this item until later, so that it could be edited/revised before being voted on.

#### **Item Q: East Meadow School**

Molly Bachman, AOE General Counsel, introduced herself and the request for renewal from East Meadow School which had two components, general education and special education. The recommendation is to grant renewal of both special education and general education approval, but to limit this to the period that ends June 30, 2020. Bachman shared that this is a bit different from other requests. Bachman shared background information which included the physical facilities of the school, instructional practices, and financial stability. Overall, the reviewers were very complimentary of this school. She added that there was a record keeping issue with 1:1 services and documentation was missing in some areas. The reviewer did not immediately write the special education report, allowing the school time to address the deficiencies noted above, which was accomplished. During the interim between the visit and report date, East Meadow lost its only licensed special education teacher, who had only a provisional license that expired on June 20, 2017. At the time the report was written, a licensed teacher had not been hired and East Meadow School did not employ a special educator.

The reason the recommendation is not for 5 years is because: 1) East Meadow was serving students for six months with no licensed/qualified teacher to provide such services for which they were contracted; this also makes the district liable and 2) this makes the point that this school is one staff member away from being out of compliance. There was discussion on why/how this was overlooked, how a provisional license works, the resilience of small schools, what happens to these students if this is denied, that this is a trust issue with this school, and

whether this was reported to the appropriate LEAs. **MOTION:** O’Keefe moved to grant a one-year probationary approval through June 30, 2019. Bachman suggested caution with statutory authority and not using “probationary” or “conditional.” The motion was revised to be approved for one year. Peltz pulled up the website and read its mission and expressed concern over the school’s focus on special education, without a special educator. Mathis seconded the motion. There was discussion on the appeal process. Huling called the vote. **VOTE:** The motion passed with one nay, Perrin.

**Item R: Update/Act 49 Section 9 Proposals - Donna Russo-Savage**

Russo-Savage said the plan was to talk about how to go forward with this process and gave an update on the current situation. She said the AOE has started meeting with school boards, have divided the state into four regions, and have met with 7-8 groups to discuss proposals. More meetings are scheduled. There is a list of questions that are based on Act 46 and groups are asked to highlight any appropriate areas of their proposal as it relates to Act 46. AOE is asking every group what would make sense, if the Board were to redraw boundary lines. Nothing of much surprise has been heard to date.

Russo-Savage shared what some of the conversations have covered: we are good as we are, we don’t have many options, here is what we are thinking, we are working on merging with X and that’s going well or not, etc. Huling asked about the transparency of the process. These meetings are public, but space is limited and meetings are held in the Secretary’s office. The public is encouraged to be heard when this gets to such a place with the Board, or to address this at the local level and include the superintendent. The boards are being careful not to bring a quorum to these meetings. Almost all proposals were submitted electronically. At this point, if members want to review these proposals, they can be found on the AOE website. The AOE are carefully not reviewing any proposals at this time. There is an internal worksheet and at some point they will be formatted for sharing with Board members. Holcombe suggested dividing the proposals up among Board members to become versed on certain groups of proposals.

Peltz asked for clarification of process. Russo-Savage said the Secretary’s State Plan will be written by June 1 and discussed at the June Retreat. The final product will be examined and strategies for moving forward will be discussed. Post-retreat, the Board needs to decide by November 30. It was suggested that a reading schedule for Board members would be assigned and ready for March, if possible. Russo-Savage said the Board’s State Plan should be close to agreed-upon by October. The AOE is encouraging that all superintendents that are hired, are hired for a shorter interim period because of potential mergers. Some regions will require more discussion than others. Huling will review proposals and divvy up among Board members. Proposals are large, but most have extra material that might not be needed and most include a short summary.

**Item S: Small Schools Grants (SSGs) – Donna Russo-Savage**

Russo-Savage shared the context for this discussion. Since SSGs were created, they were determined based purely on mathematics, then the Legislature suggested using other criteria, possible geographic isolation. In 2009/2010, AOE was asked to do a study and provided a list of schools that might be considered geographically isolated; nothing much happened with this.

Starting in 2010, and again in 2015 with Act 46, the Legislature decided that it wanted SSGs to be available to merged districts, but that starting in July 2019, districts that hadn't merged would have different criteria. It was decided that if a school was very small and could prove academic excellence and fiscal efficiency *or* was geographically isolated, then SSGs would come into play. The Board was charged with coming up with metrics for use by 2019, and the metrics need to be decided on by this summer.

There was discussion on schools that would need to be evaluated, using a 15- minute drive as a metric, the many nuances that were recognized by the Board when this was discussed in September, small schools and suppressed data, how excellence is determined without data, meeting the objectives of the Legislature, a research base on performance of small schools, nothing to be gained educationally, preference of wrestling with this as a Board vs. sending it back to Legislature, small elementary schools vs. small secondary schools, density of students, using federal impact aid as a consideration in receiving SSGs, breaking this into two pieces (geographic isolation and academic excellence), distance vs. time, and other states' practices. Russo-Savage clarified that metrics would be adopted by the Board and annually, the schools would provide proof that they qualify. She asked the group to be thoughtful about distance travelled and the students' ages.

Russo-Savage suggested focusing on this as two separate parts at two separate Board meetings and maybe using a point system (miles, time, road quality) or maybe have 7 criteria and require that 4 be met to qualify. Russo-Savage asked Huling to have some proposed metrics for academic excellence ready for the April meeting. O'Keefe and Mathis volunteered to work together on a draft metric for geographic isolation for March's meeting.

Peltz asked about the weighting study and if this will impact SSGs. Holcombe said this is timely because you can look at density weightings/funding formulas and added that eligibility for SSGs, federal impact aid and proximity to other schools needs to be considered. Huling asked to have federal impact aid included in the rubric.

Huling suggested going back to Item N and talked about the edits that were suggested. There was discussion on further edits to this statement. **MOTION:** Peltz moved to accept these revisions, as amended; Weinberger seconded. There was no further discussion. **VOTE:** The vote was unanimous to approve the amended statement on cost containment.

O'Keefe excused himself at 3:30 p.m.

#### **Item T: Bennington Rutland SU membership waiver request**

Russo-Savage introduced this topic and gave background information. There was discussion on the one-person, one-vote rule. **MOTION:** Perrin moved to accept the request; Johnson-Aten seconded. Russo-Savage added that on the green sheet, the second part (following "or") of the second bullet under number 1 should be struck. There was no further discussion. **VOTE:** The vote passed unanimously. **Item V: NASBE Membership and Dues – Chair Huling**

Huling shared that Mathis has negotiated the same discount as in years past – but the dues are still \$19,000 with the discount and we cannot guarantee that we will continue to receive a discount. There was discussion on stipends around initiatives, following up on this and getting



some clarity, not paying these dues right away, having the time or the bandwidth to use the resources provided by NASBE, harnessing these dollars for Vermont students. The Board agreed to table this item until next month when we might have more information.

**Item U: Calendar Review – Chair Huling**

Huling named Section 9 proposals from Russo-Savage and draft rubric on geographic isolation from O’Keefe and Mathis as items for the next meeting. There was discussion on hearing more on student voice, how to include more of this in meetings, the relationship between AOE, DOL and AHS, and school safety and climate. Holcombe suggested inviting Rob Evans to the next meeting. There was discussion on mental health as a topic for April, legislative updates and a student panel. Holcombe offered to send the Board the letter that she sent to the media and asked the Board to be thoughtful about how this addressed.

**Adjourn**

**MOTION:** Johnson-Aten moved to adjourn the meeting; Weinberger seconded. There was no further discussion. **VOTE:** The vote was unanimous to adjourn.

The meeting adjourned at 3:46 p.m.

Minutes recorded and prepared by Maureen Gaidys.

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