

State Board of Education

Draft Meeting Minutes

Meeting Place: Virtual Teams Meeting/Video/Teleconference

Call in #: 1-802-552-8456, Conference ID: 627 809 017#

Date: April 20, 2022

Present:

State Board Members (SBE): Oliver Olsen, Chair; Jennifer Samuelson, Vice-Chair; Patrick Brown; Kim Gleason, Tammy Kolbe; Tom Lovett; Gabrielle Lucci; Jenna O'Farrell; Angelita Peña; Secretary Dan French

Agency of Education (AOE): Emily Simmons, Donna Russo-Savage, Maureen Gaidys, Suzanne Sprague

Others:

Paul Forlenza, Lincoln Selectboard; James Warnock, Lincoln; Victoria Riley, Lincoln Community School Principal; Jeanne Albert, Lincoln; Andrew Furtsch, Lincoln; Amanda Garces, Chair, Ethnic and Social Equity Advisory Working Group; Mark Hage, Vice-chair, Ethnic and Social Equity Advisory Working Group; Marlon Maylor, Essex Westford SD; Erin Maguire, Essex Westford SD

Introductions and roll call

Chair Olsen called the meeting to order at 8:03 a.m. A role call was called. There were no amendments to the agenda.

Public to Be Heard

None

Review and Approve Meeting Minutes from March 16, 2022

Lovett made a motion to approve the minutes from the March 16th meeting. Samuelson seconded the motion. There was no discussion. The motion passed unanimously.

Board Announcements

None

Student Report

Peña said she and her peers participated in the Smarter Balanced Assessment Consortium (SBAC) testing and are now preparing for Advanced Placement (AP) exams and SATs. She said these types of exams are not representative of the work the students have learned. She added that the school

environment is stressful during exam season. Lucci said that exam season has not yet begun in her school and is typically a nerve-wracking time of year.

Weighting Study Update

Secretary French said that the issue is complex and is a policy revision of the education funding system. The General Assembly (GA) is deliberating the funding piece. They are evaluating two separate options pertaining to the implementation of weights. The two models being considered are to adjust education spending proportionally or to provide fixed grant amounts to districts state-wide to offset costs.

Discussion followed on the State Board's role, the Chair's neutral comments during testimony, keeping the theme of testimony student-centered and focusing on equitable learning opportunities for English Language Learners (ELL) and students of color and/or poverty, not having legislation be prescriptive to a specific subject area and discussing new developments for follow-up at the next meeting.

Preliminary Discussion with Lincoln

Chair Olsen said that Russo-Savage prepared a [legal memo](#) that outlines what is being asked of the State Board and highlights both issues and challenges with current law. Representatives from Lincoln included Paul Forlenza, James Warnock, Victoria Riley and Jeanne Albert who together provided an overview of the request to withdraw from the Mount Abraham Unified School District (MAUSD). Warnock shared the following [presentation](#) which included the history of the work to date, information on school and staff, tax rate and evidence of no undue hardship on the MAUSD, current tuition rates, plans and preparations for creation of a new supervisory to include Ripton as a member district, staffing contracts and master agreements, meeting and complying with Education Quality Standards (EQS) and an exit agreement.

Discussion and questions followed pertaining to the geographically closest school to Lincoln, available capacity and confirmations from nearby school districts, low and declining enrollment and sustainability, combining classrooms, complexity of withdrawing from a supervisory district, no school district willing to accept it, consulting with Vermont School Board's Association (VSBA) and the Vermont Superintendents Association (VSA) for expertise, finding resources to assist, hiring a licensed superintendent, providing special education services, partnering with Ripton and staff sharing positions, expense of administrative positions, distance between Ripton and Lincoln, licensed special educator as a case manager, reconfiguring elementary schools, students on Individual Education Programs (IEP), scarcity of resources, finances required for running a school district, Ripton's inability to secure a consultant, timing and designating a high school and oversight.

Chair Olsen said that the focus and concern is how the proposed supervisory union is going to move forward. He sensed that the State Board was reluctant to move too quickly and make a mistake. Joining Lincoln and Ripton makes sense, but Ripton is struggling to get its plan together. Chair Olsen added that both Ripton and Lincoln will be added to the next month's agenda for an update on progress made in creating a solid structure that will provide an equitable education to all children attending.

Act 1 Presentation

Chair Olsen reviewed the history of Act 1 and its charge. The Ethnic and Social Equity Standards Advisory Working Group (WG) completed its first phase and will make recommendations to the State Board on changes to the EQS. Amanda Garces, Chair of WG and Mark Hage, Vice-chair of the WG shared this [presentation](#). Garces shared that the WG has 23 members and spoke about its timeline, EQS subcommittee, and goals. She also spoke about suggested changes to its statement of purpose, discrimination and definitions, curriculum content and planning, teacher support and practices, student supports, school administration and challenges including time and language accessibility. Garces shared a [draft](#) and said the final document will be shared in a week.

Discussion followed regarding translation by the Vermont Multilingual Task Force, translation to plain language, impact of COVID-19, Jewish community and concerns whether their interest is represented, critical race theory and the public democratic process.

Chair Olsen said that the document will be referred to the EQS Subcommittee that is co-chaired by Tammy Kolbe and Kim Gleason. The committee will determine the structure, goals, and engagement plan. He added that the State Board rulemaking will be as open and as inclusive as possible to members of the public. The work of the State Board will be done within the committee. The committee will provide regular updates to the full State Board.

Chair Olsen called for a recess at 10:31 a.m. The meeting reconvened at 10:42 a.m.

Update on H.727, an act relating to the exploration, formation and organization of union school districts and unified union school districts

Gleason provided an update that the current focus is withdrawals. She added that it is the State Board's responsibility to have critical thought around what creates a sustainable high-quality education for all students. There needs to be a state-level responsibility. The most recent conversations in the GA pertain to guardrails on the withdrawal process, State Board indicating whether a withdrawal was reasonable based on the criterion offered or an advisory opinion that would go back to the voters if the State Board declined to support the withdrawal. Most recent testimony surrounded the withdrawals that are currently in process and the concern and threat of school closure.

Discussion followed on putting a moratorium on school closures, State Board focus is on governance, concern about potential school closure, separation of school closures from governance changes, state standards that apply to school closures, statute promotes consolidation to gain efficiencies, clarification from GA is essential, different mechanism to address school closure, statute has conflicting goals, articles of agreement prescriptive of timeline for school closures, common standards, summer study committee to look at both issues and moratoriums do not preclude districts from continuing to move forward with withdrawals.

Independent School Approval Review Committee

Lovett worked with the AOE to identify a list of school approvals that might use a desk review instead of an on-site visit as part of the Independent School Review process. These include kindergartens approved by the National Association for the Education of Young Children and non-special education schools and programs that are seeking minor amendments to their application. The committee reviewed the list of assurances in the draft around nondiscrimination and health and

safety. A communication to schools about the rule changes will be sent so the AOE can provide proactive technical assistance. The assurance draft will be sent to schools that have completed their application, review and visit. The schools will be sent an addendum to their application to include the assurances that must be signed. The assurance draft will be sent to the schools that have submitted their application but have not been reviewed or visited. The assurances will be part of the review and visit and will be part of the process for those schools who are not yet in the queue when they submit their application for renewal or approval in the future. There will be a 10 school approvals/renewals in August and the backlog will extend over a few years.

Discussion followed regarding making the review process extend to 6 years, 5-year limit in statute, statute is not specific on 5-year process being forward or backward looking, public tuition dollars, signed assurances as addendum to current approval, attestation to four statements, effective July 1, 2023, and the backlog should be cleared by February 2024.

Rule Series 2200 Update

Chair Olsen said upon submission to Legislative Committee on Administrative Rules (LCAR), it was discovered there was difference on how timelines for rulemaking were calculated. This necessitated a formal request for an extension to the 8-month rulemaking deadline, which was granted. LCAR deferred substantive action on Rule 2200 on the rules to their April 21 meeting. There has been public comment asking LCAR to object to the rules. Legislative Counsel have reviewed the rules and identified a few typographical issues and one question around statutory authority with respect to the Public Accommodations Act (PAA). Chair Olsen hoped that the State Board would grant Samuelson more authority to make any changes necessary to respond to potential objections at the April LCAR meeting.

Chair Olsen explained that there are differing beliefs that the PAA may not apply to all schools all of the time. Simmons said the State Board has not received notice of any objection to the wording.

Discussion followed couching application of PAA to the extent applicable, not understanding how it is limited if students are attending schools with public funds, whether LCAR would object, advancing the rule without endorsement of LCAR not advised, rate and reimbursement, suggested changes weaken the standards of IEPs was not intentional, accountability of entitlements is the responsibility of the Location Education Agency (LEA) and addressing areas during Phase 2.

Additional robust discussion followed regarding potentially adding the words "as applicable" to Rule 2226.6, and whether this would be superfluous language. Chair Olsen suggested using "as required by statute". Simmons agreed it may be an acceptable solution. Chair Olsen asked the State Board that, if necessary and only if necessary, that Samuelson has the authority to make the change regarding the PAA at the April LCAR meeting. Seeing no objection, Chair Olsen said Samuelson should consider herself authorized.

Essex Westford School District-Diversity, Equity and Inclusion (DEI)

Brown introduced Marlon Maylor, Assistant Principal of the Essex High School. Maylor introduced Erin Maguire, Director of Equity and Inclusion of the Essex Westford School District. Maguire shared this [presentation](#) and included success stories, challenges, and a future project on diversity, equity and inclusion district-wide. Maylor focused on programs taking place at the Essex High School.

Tuition Appeal

Chair Olsen provided background on the prior tuition appeal process. He had a conversation with the Assistant Attorney General, Jaime Kraybill, on the best steps forward. Chair Olsen suggested appointing Samuelson as the hearing officer for the appeal and to have her report back to the State Board with a proposed order and findings of fact. He added that the State Board should not discuss the case with either party. The State Board needs to remain neutral on the process.

Discussion followed if Samuelson would act as the State Board's attorney or as a hearing officer and no potential conflict or crossover that would be challenging. Lovett made a motion to appoint Samuelson as the hearing officer in the appeal concerning the matter of Angela Eastman and the Echo Valley Community School District and to bring a proposed order with findings of fact and conclusions of law to the State Board for final consideration. Brown seconded the motion. The motion passed unanimously.

Public to Be Heard

None

Adjourn

Gleason moved to adjourn; Kolbe seconded. The meeting adjourned at 12:49 p.m.

Minutes prepared by Suzanne Sprague