

## State Board of Education

### Draft Meeting Minutes

VIRTUAL Teams Meeting/Video/Teleconference  
Call in #: 1-802-828-7667, Conference ID:797 989 079#  
Date: February 15, 2023

Present:

**State Board Members (SBE):** Jennifer Samuelson, Chair; Tammy Kolbe, Vice Chair (joined at 8:39 a.m.); Patrick Brown; Tom Lovett; Lyle Jepson; Kim Gleason; Gabrielle Lucci; Jenna O'Farrell, Richard Werner, and Dan French.

**Agency of Education (AOE):** Pat Pallas Gray, Josh Souliere, J. Deborah Ormsbee, Donna Russo-Savage, Emily Simmons, Jaime Kraybill, Suzanne Sprague, Maureen Gaidys.

**Others:** Marcy Webster, Amy Hornblas, Alison Despathy, Mill Moore, Katie Ballard, Vicky Fogg, Donielle Albrecht, Phil Lee, Nathan Bradshaw, Kelly Boelens, M. Gemignani, Jeff Francis, Peter D'Auria, Maria Davies, Haley Michaud, Anna Isselhardt, Matthew Califano, Emilia de Jounge, Andrew Claire, Jennifer Oldham, Madelyn Crudo-Burke, Brittany Gilman.

#### Item A: Call to Order/Roll Call/Amendments to the Agenda

Chair Samuelson called the meeting to order at 8:30 a.m. She said there was one amendment to the agenda. She postponed Item C - Brown's recognition. His term expires at the end of February, but he has agreed to stay on until his successor is named. He will be recognized at another meeting.

#### Item B: Public to be Heard

Chair Samuelson recognized Amy Hornblas. Hornblas referenced a letter from Secretary French from last year. She spoke about the harms of masking and asked for a reference to statute or criteria that would allow French to say that "schools may require masking." Alison Despathy spoke about phone calls she receives from the community and that 16 children left the Newark School last year because of the masking at school and said that she cannot get a response from the school. Students, parents, and teachers are struggling. She asked for leadership and oversight to address this issue.

#### Item C: Recognition of Patrick Brown

This item was postponed.

#### Item D: Review and Approve January 18 and January 25, 2023 Meeting Minutes

Gleason moved to approve the January 18, 2023 minutes; Lovett seconded. Gleason asked to have the [Roles and Responsibilities document](#) linked in the January 18, 2023 minutes. Chair Samuelson called the vote. The vote passed.

Lovett moved to approve the minutes of the January 25, 2025 Special Meeting; Gleason seconded. Chair Samuelson called the vote. The vote passed.

### **Item E: Board Announcements**

Chair Samuelson said that she was notified by Lucci that she needs to leave today at 12:30 p.m. She also said she was asked to testify to both the House and Senate Education committees. She asked that the links to her testimony to Senate Education on the [Overview of the State Board of Education](#), to House Education on the [Role of Rulemaking](#) and [Updates to Rule 2200 Series](#) be included in the draft minutes for this meeting. About one-third of legislators are new, so it has been mostly an overview of statutory authority and the work in progress. She was also joined in testimony separately by Simpson and Kolbe. She also testified on roles and responsibilities with Kolbe and provided some data on support provided by the AOE.

O' Farrell said she needed to leave this meeting for another commitment at 11:00 a.m.

### **Item F: Student Report**

Lucci shared that the year has gone by fast and she has noticed a lot of excitement and stress, especially with seniors. Many are awaiting college acceptances and applying for scholarships. She has also observed an increase in behavioral issues, mostly harassment of male on female harassment in the school and surrounding communities and is concerned about this. There was discussion on resources, Hazing, Harassment and Bullying policies, safe space for discussion, communication from the administration, and what could be improved to best support students. Lucci will be attending the University of Central Florida as a psychology major this fall.

Severtson shared that college acceptances and scholarship applications are keeping everyone busy. Additionally, the National Technical Honor Society (NTHS) acceptance letters have been received and this provides additional opportunities to apply for scholarships. She expressed concern over a recent change in students being ticketed and towed for parking violations at school. She shared that Program Switch Day, which was created by student leadership, and allows Career Technical Education (CTE) students to collaborate and experiment with other CTE programs for a day. She commented on the recent hoax bomb threat in Montpelier, which was scary and provided an opportunity to practice the ALICE (Alert, Lockdown, Inform, Counter and Evacuate) drill. There was another incident that resulted in a clear-the-halls drill. She said there is a lot of violence in the community. Samuelson asked about the NTHS; Severtson was a recipient of this honor. There was discussion on Program Switch Day and CTE tuition. Severtson will be moving to Georgia for barbering school and plans to start her own business in entrepreneuring and finance.

### **Item G: Update for the Special Education Advisory Council (SEAC)**

Katie Ballard said since the last time she spoke, she has learned about the Education Quality Standards (EQS) revisions, and this launched a conversation with the SEAC around having a role in this and where their role has been prior to this. She said the SBE EQS Committee was very patient and tolerant of their (SEAC's) feedback. Having an intentional voice was very powerful. She expressed appreciation to the EQS Committee for asking for input. The SEAC

feedback fell into the assurance/compliance category. She said there was a lot of conversation on Flexible Pathways, Personalized Learning Plans (PLPs), and graduation proficiency requirements. There was concern on standards and assuring that there is a role for all students in this. She spoke about shared concerns that, while we say we have the same standards for graduation proficiencies, there is some ability to give students in special education modifications that eliminate some of that proficiency expectation. Concern that the standards on proficiency for all students are held to that higher standard and that special education programming should be considered. She said there are publicly funded students placed in approved independent schools that are not receiving specialized instruction. This is an area of potential unmet need, and she encouraged the SBE to be thoughtful about this. Other areas identified: attendance at Individual Education Program (IEP) meetings, IEP content (goals repeated over multiple years), COVID-19 protocols for students with significant health issues, critical staff shortage and its impact, rule change specific to literacy and the adverse effect rule and exclusionary discipline practices.

There was discussion on how to effect the change that is needed (legislative action, etc.), agency support, consistency moving forward, work with the EQS Committee, rule series 2200, bringing the SEAC back into compliance with required roles of membership. She said Dan Lesperance, Community High School (CHS), has joined as a representative of incarcerated students and the SEAC will discuss CHS and its role as an independent school. She offered to share Lesperance's presentation with the SBE and encouraged them to review it. It was acknowledged that this update was helpful. Quarterly updates from the SEAC will continue.

#### **Item H: Anticipated Executive Session**

Secretary French said he will not join the SBE in executive session.

Lovett moved that the Board finds that premature general public knowledge of confidential attorney-client communications may for the purpose of providing professional legal services to the State Board would clearly place the Board at a substantial disadvantage. Kolbe seconded. Chair Samuelson called the vote. The motion carried.

Lovett moved that the Board go into executive session to receive attorney-client communications made for the purpose of providing professional legal services to the Board pursuant to 1 V.S.A. §313(a)(1)(F). Kolbe seconded. Chair Samuelson called the vote. The motion carried. The Board entered executive session at 9:21 a.m.

The SBE returned from Executive Session at 11:08 a.m.

#### **Item J: Independent School Initial Approval of General Education**

##### United Christian Academy, Newport, VT

Lovett gave background information on United Christian Academy (UCA). Kolbe moved to postpone consideration of initial approval until such time a completed application has been received to include a signed Addendum for Independent School Applications – the “attestation clause” – without revision and consistent with Rule 2226.6 that requires the head

of school to sign an assurance that the school complies with the Vermont Public Accommodations Act (9 V.S.A. Chapter 139) in all aspects of the school's admissions and operations. Gleason seconded the motion. Gleason commented that this felt consistent and appropriate given the conditions of independent school approval and the requirements of the application process. Chair Samuelson concurred and talked about an independent school that was reviewed for approval several months ago that was out of compliance and the SBE postponed approval until compliance was achieved. This is a similar situation. UCA is being treated similarly, with initial approval postponed until compliance with 2226.6 is achieved. Chair Samuelson called the vote. The vote passed unanimously.

### **Item J: Independent School Renewal of General Education**

- Mid Vermont Christian School, White River Jct., VT  
Lovett gave background information on Mid Vermont Christian School. There was discussion on if the attestation clause was signed with or without modification. Kolbe moved to postpone consideration of re-approval until such time a completed application has been received to include a signed Addendum for Independent School Applications – the “attestation clause” – without revision and consistent with Rule 2226.6 that requires the head of school to sign an assurance that the school complies with the Vermont Public Accommodations Act (9 V.S.A. Chapter 139) in all aspects of the school's admissions and operations. Gleason seconded the motion. There was no discussion. Chair Samuelson called the vote. The vote passed unanimously.
- Champlain Valley Christian School, Vergennes, VT  
Lovett gave background information on Champlain Valley Christian School (CVCS). There was discussion on intention to comply with Act 173 and compliance with the rules that will go into effect July 1, 2023. Kolbe asked to have the subject of Act 173 as it relates to independent school application/approval added as a future agenda item. There was further discussion on the responsibility of Local Education Agencies (LEAs), demonstrating compliance, and considering the process in relation to the effective date of rules mandated by Act 173. Lovett asked about the non-discrimination statement on the website, which is not exactly the same as the Vermont Public Accommodations Act. Boelens, CVCS, said she is working on the website and that it should be updated by July. Chair Samuelson asked for clarification and said the Public Accommodations Act was effective as of last May. Boelens said she is new to the position and will make sure the website is updated as required. Kolbe asked if Boelens was clear on the issue of non-compliance. Boelens said she understood what needed to be corrected on the school's website and intended to bring that into compliance before the March SBE meeting. There was discussion on conditional approval.

Lovett moved that the SBE grants renewal of general education school approval to Champlain Valley Christian School in Vergennes, Vermont to serve students in grades K- 8. This approval is for five years through June 30, 2028. This approval is conditional on the requirement that the school report to the Agency of Education within five

business days whenever any changes occur in enrollment, programs, policies, facilities, financial capacity, staffing or administration during the approval; it is also conditional that the school brings its non-discrimination statement on its website into compliance with the Vermont Public Accommodations Act by the March meeting of the SBE. Brown seconded the motion. There was no discussion. Chair Samuelson called the vote. The vote passed unanimously.

- East Burke School, East Burke, VT

Lovett gave background on East Burke School and explained that this school came before the SBE Independent School Approval Review Committee this fall and there was some discrepancy and since then there has been a second site visit (September). There was discussion on the dramatic improvement in financial situation of the school since the site visit and the SBE Independent School Approval Review Committee meeting, financial sustainability, impact of 2-year approval on financial position, full application due after June 30, 2025, and that they will be under the same obligation as all independent schools in July 2023.

Lovett moved that the SBE grant renewal of general independent school approval to the East Burke School in East Burke, Vermont to serve students in grades 8-12. This approval is for two years, through June 30, 2025. This approval is conditional on the requirement that the school reports to the Agency of Education within five business days whenever any changes occur in enrollment, programs, policies, facilities, financial capacity, staffing or administration during the approval period. In addition, this approval is conditional on the requirement that, by May 2024, the school submit to the SBE a sustainability plan, a financial update and enrollment projection that shows the school remains financially viable. Jepson seconded the motion. Chair Samuelson called the vote. There was discussion on a possible amendment and a no vote. Chair Samuelson called a roll call vote. The vote passed 8:1. Yeas: Brown, Kolbe, Werner, Lucci, Lovett, Jepson, O'Farrell, Samuelson. Nays: Gleason. Gleason clarified that her no vote was due to the duration of the reapproval, not on whether the school was qualified to be re-approved.

## **Item J: Independent School Renewal of General Education and Special Education**

- The Mill School, Winooski, VT

Lovett gave background on The Mill School. There was discussion on the 2-year recommendation that would provide for technical assistance if needed, better understanding of therapeutic schools, and compliance with Act 173. Lovett moved that the SBE grant renewal of general and special education independent school approval, to serve youth in grades 6-12, in the disability categories of Autism Spectrum Disorder (ASD), Emotional Disturbance (ED), Other Health Impairment (OHI), Specific Learning Disability (SLD), and Traumatic Brain Injury (TBI), to The Mill School, Winooski, VT. This approval is for three years, through June 30, 2026. This approval is conditional on

the requirement that the school reports to the Agency of Education within five business days whenever any changes occur in enrollment, programs, policies, facilities, financial capacity, staffing or administration during the approval period. Kolbe seconded the motion. There was no discussion. Chair Samuelson called the vote. The vote passed unanimously.

Chair Samuelson thanked the SBE Independent School Approval Review Committee and AOE staff for their hard work and for the time spent on this. Lovett acknowledged the AOE for their work on site visits and reports.

Chair Samuelson offered to adjust the agenda since the meeting was running late. She suggested addressing the Presidential Scholars at noon, moving the DEI presentation to 12:10 p.m., and hearing from Lincoln at about 12:40 p.m. Oldham agreed to this. Secretary French said he would need to transition soon to testimony at the State House. Chair Samuelson moved to Item P.

### **Item P: Calendar Waivers**

Secretary French gave background information. There is a mechanism in SBE regulation to approve waivers of a school calendar. During the pandemic, this authority was transferred to the Secretary to process these waivers as a logistical consideration. He said this responsibility is largely administrative and it would be in the best interest of the SBE to delegate the authority for waiver processing and free up their time for other matters. The second part of the request is to make these waivers retroactive prior to February 1. With ongoing staffing shortages and continued illness, it would be advised to make this retroactive to the beginning of the year.

Gleason moved that the SBE accept the Secretary's recommended action that the State Board of Education authorize the Secretary to, on its behalf, grant waivers for any unanticipated closures under 16 V.S.A. §1071(c) in the 2022-2023 school year, that the State Board waive the application of State Board Rule 2311.1 for the entirety of 2022-2023 school year, and that the SBE receive a report back on those waivers from the Secretary of Education. Lovett seconded the motion. Chair Samuelson called the vote. The vote passed unanimously.

### **Item N: Presidential Scholars 2023**

Chair Samuelson welcomed the Presidential Scholars and provided some background information. This program was established in 1964, by executive order of President Johnson, to recognize and honor some of our nation's most distinguished graduating high school seniors. In 1979, the program was extended to recognize students who demonstrate exceptional talent in the visual, creative, and performing arts. In 2015, the program was again extended to recognize students who demonstrate ability and accomplishment in career and technical education fields.

The Vermont Presidential Scholars Program recognizes graduating high school seniors who show outstanding scholarship, leadership, and service to their communities. These outstanding students were selected based on nominations from teachers, administrators, and

fellow students. Presidential scholars are recognized in three categories: general, arts and career technical education. Among this year's scholars are technologists, writers, student leaders, advocates, mentors, and volunteers. This group of scholars includes students working to destigmatize mental health, bring new facilities to their schools, prioritize equity in their school libraries, found new school clubs, master the trumpet, and teaching other students to code.

She congratulated them and asked them to introduce themselves and share their future plans.

Andrew Claire: lives in Dover, goes to Burr and Burton Academy, future plans are to attend Duke University and major in economics with a concentration in finance.

Emilia de Jounge: lives in Winhall, attends Burr and Burton Academy, future plans are to attend Washington University in St. Louis as a business major, a large part of being a Presidential Scholar is wanting to develop the community; she is very interested in entrepreneurship and looking for ways to use business start-ups to help the community.

Anna Isselhardt: lives in Elmore, goes to People's Academy, not sure of future plans, but her top choice is Georgetown, she will be studying international relations with a political science major.

Matthew Califano: lives in Craftsbury and is a junior and has not thought through college plans but intends to continue writing and using all the arts pursuits that got him this honor.

Brown congratulated the students and encouraged the Presidential Scholars that were going to college out of state to come back to VT and join our workforce. Lovett also congratulated the scholars and said he was impressed with the diversity of their skills and interests and the high standards they set for themselves in their communities.

Damian Stagner: student at RVTC (River Valley Technical Center), works as a hands-on computer systems programmer, in second year, immediate plans are to continue working at Simon Pearce in their IT department in Windsor.

Emma Dana: senior at Springfield High School, in third year of an advanced manufacturing and engineering program at RVTC, currently doing an independent study in architecture and will be heading to college somewhere to study architecture and is also this year's SkillsUSA, (a Career and Technical Student Organization) Vice President.

Chair Samuelson acknowledged how interesting and varied their backgrounds are and said that engaging with students is the highlight of SBE meetings and reminds the SBE of why they are doing the work they are doing – because they believe in the power of education in Vermont. She thanked the Presidential Scholars for joining the SBE and taking time out of their day.

### **Item M: Lamoille North Supervisory Union – Diversity, Equity, and Inclusion (DEI) Presentation**

Brown said he intentionally tapped into some rural schools to be more inclusive and diverse,

and he introduced Maria Davies, DEI Coordinator, and said she brought along some students. Davies asked the students to introduce themselves and speak about their work.

Three 8<sup>th</sup> graders spoke about: the challenges of school space, that now is the time that kids are struggling, respecting teachers and other students is an issue, much of the behavior includes sexism and other discrimination, that the school has been working together to build a better community through the student council, the Kindness Committee (Student Council), whose goal is to create a more inclusive environment and encourage students and staff to welcome all types of people, that this is done through theme days, school spirit activities, friendly competitions, sharing the announcement of national days, inspirational quotes, and jokes.

Davies spoke about giving the students a voice to make their school more inclusive and said that they organize themselves. She provides ideas on how to move forward and is looking forward to seeing them at the high school next year, where her office located. There was discussion on the impact of what happens at high school, the social justice committee, making community more positive, and that their student council is student-led.

### **Item K: Education Quality Standards (EQS) Committee Update**

Gleason said the most recent draft was provided to SBE members. She said areas were identified for review by the Act 1 Working Group and the AOE. Tracking and formatting the changes in the document has been challenging. Kolbe also provided a [Clean Copy of the EQS Working Draft](#). Kolbe spoke about the clean copy reflecting the agreements of the SBE EQS Committee. There is still work being done to tighten up language and add clarity – aligning a few sections with new District Quality Standards (DQS) rule and understanding what is already in statute and how that overlaps with EQS. There will be a more comprehensive review with the full SBE once finalized.

Gleason spoke about the statement of purpose and added that it is centered around the student and cites the statute. There are some sections driven by Act 1 and important sections that might apply to independent schools, but this needs to be reviewed. Kolbe said they might be coming back to the full SBE with recommendations for next steps with respect to independent school rule series; a potential addendum that could be added to the accreditation process; and aligning these two rules to have the appropriate oversight and monitoring that was conceived by Act 1. Lovett said he is preparing a crosswalk between the EQS and the Association of Independent School in New England (AISNE) and New England Association of Schools and Colleges (NEASC) indicators. Both organizations are willing partners in this work.

Kolbe acknowledged the SBE EQS Committee for their hard work. Chair Samuelson also acknowledged the hard work and thoroughness of the committee. Kolbe invited SBE members to communicate any areas of concern. Gleason said there are two more SBE EQS Committee meetings. She and Kolbe will coordinate with Chair Samuelson on when this item comes before the full SBE.



Simmons said the DQS rules were filed last week, and these are on the agenda for the February 22, 2023 Interagency Committee on Administrative Rules (ICAR) meeting.

### **Item O: Lincoln School District Update**

Oldham spoke about prioritization, organizational structure, data management system, teacher contracts, and transportation/facilities contracts. She said they are quite far along regarding the infrastructure. They are still working on hiring key staff, getting insurance in place, completing data transfer (physically and electronically), etc. Finances have been secured to move forward on transition activities and they have relationships with banks if utilization of a line of credit is needed. There is genuine excitement from the community and confidence that there will be success.

There was discussion on a timeline for the transition work, projected spending of ~\$22K per student and \$0.14 tax increase, Common Level of Appraisal (CLA) driving the tax increase, reference to additional review of students' IEPs, projection of costs provided for Lincoln is substantially less than expected, 50% of budget is for tuitioning students in grades 7-12 and what assumptions were used for this estimate, clarification of open positions (fractal vs. full-time), status of open/shared positions, working to negotiate a new contract, letters of intent will go out by March 15, benefits for fractual positions, budget warning, necessity of licensed educators, fragility of reliance on volunteer staff, impact on a small system if students with special needs move in, Continuous Improvement Plan (CIP) will be required, contingency planning, acknowledgment of Lincoln's hard work, inviting Lincoln representatives back in April for another update, teacher contracts, enrollment trends, property yield, pupil weights, private-pay students, increased PreK enrollment, staffing, tax increase, concerns of community members, and transparency/regular communications contributing to community support.

Chair Samuelson acknowledged that the various and diverse perspectives resulted in a very rich conversation and that Lincoln would be invited back to the April SBE meeting. In the meantime, Lincoln will provide a timeline and a list of projects completed.

### **Item L: Future Meeting Planning**

Chair Samuelson said she meant to share during Board announcements that she has appointed Werner to the Roles and Responsibilities Committee. It is not anticipated that this committee will be active until after the EQS Committee has finished its work, but she wanted to have it in place in case it was needed before then.

Chair Samuelson said the following would be agenda items for the next meeting: 1) update on the tuition hearing, 2) presentation on the collaboration between Vermont State Colleges and the Vermont Career and Technical Education Centers to offer programming through Vermont Technical College, 3) Werner has offered to host a DEI presentation with Scott Tabachnick, NewBrook Elementary Principal, and Wayne Kermenski, Marlboro Elementary School Principal on the Windham Central JEDI program, and 4) election of officers. Gleason suggested adding an update on how to approach the recertification of independent schools receiving public dollars.

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

Chair Samuelson asked for members of the public to be heard. There were none.

### **Adjourn**

Jepson moved to adjourn; O'Farrell seconded. Chair Samuelson thanked everyone for their hard work. She called the vote; the vote was unanimous, and the meeting adjourned at 1:35 p.m.

Minutes prepared by Maureen Gaidys.