

## State Board of Education

### Draft Meeting Minutes

VIRTUAL Teams Meeting/Video/Teleconference  
Call in #: 1-802-828-7667, Conference ID: 555 527 889#  
Date: April 13, 2023

Present:

**State Board Members (SBE):** Jennifer Samuelson, Chair; Tammy Kolbe, Vice Chair; Tom Lovett; Lyle Jepson; Kim Gleason; Richard Werner; Jenna O'Farrell; and Mohamed Diop.

**Agency of Education (AOE):** Suzanne Sprague, Maureen Gaidys.

**Others:** Adam Walker, The Media Factory; Nicholas Smith, Milton Resident.

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

Chair Samuelson called the meeting to order at 12:06 p.m.; Roll call was taken. Chair Samuelson said she had two brief amendments to the agenda: 1) add an item after Item F to include a discussion/vote on issues to be discussed with Senate Education Committee and 2) add a board announcement to address a couple quick requests for the April 19, 2023 meeting. Chair Samuelson moved to add these two items; Kolbe seconded. The motion passed.

#### Item B: Introduction/Oath of Allegiance – Mohamedou Diop

Chair Samuelson welcomed Diop and shared that he is currently the Director of Multilingual Learner Programs at Winooski School District and member of the Champlain Valley Education Center Board in South Burlington. He has held various other positions in the field of education both in the United States and abroad. She gave praise for the wonderful presentation he gave to the SBE in November 2021. Chair Samuelson administered the Oath of Allegiance and the Affirmation of Office.

Diop expressed deep appreciation for the SBE members and their support of students in Vermont.

#### Item C: Resolution for Patrick Brown

Chair Samuelson recognized Brown and read a [resolution from the SBE for Patrick Brown](#).

She explained that historically there have been small tokens of appreciation for departing SBE members. In a conversation with Brown, he indicated that he did not want this. A compromise was reached and a contribution in his honor will be made to the Greater Burlington Multicultural Center.

Gleason moved to approve the resolution for Brown; Kolbe seconded. The motion passed unanimously.

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

Chair Samuelson said public comment would be limited to 90 seconds per speaker. Nicholas Smith was recognized. Smith provided [written comment to the SBE](#). He expressed disappointment that there was a 90-second limit on the public comment and that this special meeting was called and that meeting materials were not provided until 2 days ago, and other material provided less than 24 hours ago and that there was not sufficient time to review. He said he is familiar with the Act 1 Working Group and its directives but feels this goes well beyond the scope of EQS. He is worried that we are hiding data rather than seeking data that would help us to better understand the situation. Act 1 was formed under scanty evidence, and he is afraid that we are going to perpetuate that system.

## **Item E: Act 1 Background**

Chair Samuelson acknowledged the incredible work of the EQS committee, the tireless support of the Act 1 Working Group and expressed gratitude for AOE's administrative assistance. She reassured members of the SBE and the public that the EQS rules would not be voted on today and the EQS Committee agreed on that.

Chair Samuelson acknowledged the time spent reviewing materials and the depth and the breadth of these rules. She said these are important rules and they are the SBE's rules. It is important that everyone has time to review all materials and be able to have an informed discussion before voting on them. Depending on how much progress board members have made reviewing the materials, she suggested that the EQS Committee lead the SBE through an overview of the rules, and as appropriate and as time allows, follow-up with questions. She asked for a show of hands of those in agreement that this suggested approach made sense; there was no disagreement.

Vice Chair Kolbe spoke about lack of support, this being a very complicated rule, testimony from many stakeholders and others, and the work to collect and collate input without outside support has been very challenging. Kolbe provided some background for the discussion.

Vice Chair Kolbe shared a presentation titled, "[Recommended Changes to Rule Series 2000, Education Quality Standards.](#)" She and Gleason spoke about the Act 1 Working Group charge. Gleason expressed gratitude for the body of work received from the Act 1 Working Group and commented on the Legislature being thoughtful in creating the group that would do this work. Lovett added that whenever clarification or background was requested, the Working Group was most responsive. Kolbe added that the Act 1 Working Group was a terrific partner in this work. Gleason continued to explain the EQS Committee Process.

Representative Christie joined at 12:32 p.m. Gleason introduced Christie and added that he was one of the primary architects of Act 1 of 2019. He was asked to help the SBE to best understand the intentions of Act 1. Christie thanked the SBE for the invitation. He spoke about his experience with the House Education Committee when he initially presented the bill and explained that he posed a question to the House Education Committee: "Think about the year 1922, following WWI and what event strikes you as change, insurrection, racism, and abomination?" There was a long pause. He then explained that in 1922 in Tulsa, OK, what was referred to as Black Wall Street was leveled. Hundreds of Black Americans were killed,

there were bombs and armed insurrection. He said this was not in his history book and asked if anyone had heard/learned about this in their history experience. He spoke about the importance of telling the truth to our children and that is what this is about at the end of the day. This is about taking care of all our kids. He spoke of Maslov's hierarchy of needs and that the base of the pyramid is safety, and the top is self-actualization. If any of us are not feeling safe, the opportunity of getting to the top of the pyramid is lessened. We must provide an environment in all schools for all children so that they can achieve self-actualization. We need to not forget that all means ALL. And every Vermont student is under our care and our responsibility.

There was discussion on the alignment of the EQS work with the legislative intent/goals of Act 1. Christie ended by sharing a quote from Congressman Lewis: "Little by little, day by day, what's meant for you, will find its way."

### **Item F: Education Quality Standards Proposed Updates**

Gleason continued with the ["Recommended Changes to Rule Series 2000, Education Quality Standards."](#) She and Kolbe spoke about the Basis for EQS Committee Changes, Focus on EQS Committee's work, Section 2114 - Definitions, Section 2120 – Curricular Content, Sections 2124 & 2125 – Reporting of Results, and Section 2128 – Effective Date.

There was discussion on the effective date, the Interagency Committee on Administrative Rules (ICAR) process, testimony on definitions and context, Continuous Improvement Plans (CIPs) as part of the mechanism and implementation and, if independent schools are included, independent schools not included in statute, monitoring/accountability for independent schools, appreciation for postponing the vote, equity/accountability, evaluating Social Emotional Learning (SEL), need to confer with Secretary Bouchey around AOE guidance on SEL, monitoring of Personalized Learning Plans (PLPs), balancing regulatory framework vs. specific guidance, status of AOE Dashboard and lack of data, a section of EQS is not required in the District Quality Standards (DQS) reporting, the need for more time to digest and formulate questions, definitions and curriculum instruction and stakeholder participation/feedback (VT-NEA, VT Curriculum Leaders Association, Special Education Advisory Council (SEAC), VT Student Anti-Racism Network (VSARN), VT School Boards Association, and others.)

Kolbe asked SBE members to provide written comments/questions to the EQS Committee by April 24, 2023, end of day. She will send an email with additional documents and instructions. Following that, the EQS Committee will meet, review feedback/comments and provide written responses back to the SBE, and then have another discussion. There was discussion on the rulemaking timeline, ICAR process, public comment period, time to make corrections, statutory process, and decision to have a prolonged public comment process.

Chair Samuelson recessed at 1:53 p.m. and called the meeting back to order at 2:05 p.m.

Kolbe said Gleason would open the discussion of to whom the rule applies and then the SBE would be presented with two options for consideration as identified by the EQS Committee. The presentation, ["Recommended Changes to Rule Series 2000, Education Quality](#)

[Standards](#)” continued and addressed “To Whom” the rule applies and Committee Considerations on implementing the Act 1 Working Group’s recommendations for approved independent schools (other statutes, 16 V.S.A. §164(9), §906, §1161 and Rule 2200). Kolbe stressed that the EQS Committee is unanimous in its perspective that the principles and goals in Act 1 should be available to all students in Vermont; it is the details in how to operationalize that within the existing statutory framework that is causing the Committee to contemplate the best way it can be implemented.

Gleason presented Option 1: Selectively apply sections of the EQS to independent schools approved to receive public tuition. Those sections 2113, 2114, 2120.1(instructional Strategies), 2120.5 (curriculum content) and 2122.1 (learning environment) shall apply equally to public schools and approved independent schools that are eligible to receive public tuition, unless otherwise noted herein.

Lovett presented Option 2: Revise Rule 2200 to include new requirements for independent schools that mirror changes to the EQS recommended by the Act 1 Working Group. This would allow pullover of the parts identified by the Act 1 Working Group that apply to all Vermont students. It would stay within the current statutory framework, meet the goals of Act 1, and would have significant accountability requirements for independent schools, without needing to adjust the regulatory framework.

Kolbe shared that the EQS Committee spent significant time on this and decided to elevate this decision and bring these options to the full SBE. She added that there are very different implications for each option, for how this is implemented in regulation and for the intersection of regulating independent and public schools going forward in Vermont. That is somewhat contested terrain and the EQS Committee wanted to be very thoughtful about how this goal is achieved.

Chair Samuelson said that pursuant to section “i” of Act 1 (page 10), the only thing that Act 1 directed the SBE to do was to consider standards – and reference to standards doesn’t mean EQS, it is a different set of standards (i.e., Common Core) and these can apply equally to independent and public schools. She asked why we are not looking at the Act and 16 V.S.A. §164(9) as the way to implement standards that would apply equally to public and independent schools. The Act 1 Working Group trained its focus on EQS, which is frameworked by 16 V.S.A. §165; and §165 is clear that it does not apply to independent schools unless you are an independent school designated as meeting EQS, and if so, then full tuition is received. She cautioned against putting anything pertaining to independent schools in §165 that is not bound by statute. She did not see the statutory authority to put 2120.1 in EQS and have it apply to independent schools.

Kolbe referenced the slides and said that the EQS Committee identified 16 V.S.A. §164(9) as a consideration; she also said that the Act 1 Working Group could review other SBE rules. She said there are two questions: 1) to whom does EQS apply? and 2) under Act 1 there is a call that needs to be attended to, the standards under 16 V.S.A. §164(9) and the Act 1 Working Group is coming back with recommendations that would apply equally. She would like to bifurcate these two issues.

There was discussion on the EQS Committee recognizing that 16 V.S.A. §165 is problematic for applying the entire EQS to independent schools, where the regulatory framework for implementing statute lives (in EQS for both private and independent, or in Rule Series 2200 for independent schools), challenge of other elements recommended by Act 1 Working Group, EQS has to comply with 16 V.S.A. §165 or we have exceeded our statutory authority, 16 V.S.A. §1, rules need to be grounded in specific statute, which regulatory framework should be used, accountability in Rule Series 2200 is more strenuous than EQS, independent school approval/accreditation process, no mechanism within Rule Series 2200 for going back to an already approved school and requiring an attestation, and room for other ideas besides the two options presented.

Chair Samuelson requested that 16 V.S.A. §164 and §165 and Rules Series 2200 be provided to SBE members.

There was further discussion on receiving legal opinion, request for executive session with independent counsel, all means ALL, history of statutory authority, independent school attestations, complaint process, stakes for independent schools complying are higher, ability exists in Rule Series 2200, AOE's choice to create a mechanism to collect attestations, and no statutory authority for ongoing monitoring compliance from an approval process.

Gleason asked for any other information that would be helpful to SBE members. 16 V.S.A. §906 and §1161(a) were suggested. Kolbe asked if there were any other questions that needed to be answered. Kolbe reminded the group that April 24, end of day, is the deadline for SBE members to get comments/feedback to the EQS Committee. Chair Samuelson suggested the EQS Committee meet after that and distribute a stable draft to the full SBE prior to meeting, with ample time for review, which may or may not be the regular May Meeting. Another discussion-oriented meeting was suggested. There is sensitivity to getting these rules to ICAR by June 2023 because of the implementation schedule for school districts (i.e., budgets) and a resolution by the May meeting would be very helpful.

## **Board Announcements**

Chair Samuelson thanked the EQS Committee for leading an in-depth and clear conversation and for all the work they did to distill complicated information.

Chair Samuelson announced that she was asked to testify to the Senate Education Committee on H.483, an act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition. She has emailed the Senate Education Committee to say that she does not feel it is appropriate for the SBE to opine on policy. She thinks it would be helpful to bring before the Senate Education Committee two specific issues that the SBE has already discussed:

- 1) As a condition of approval to receive public funds, an independent school would have to be accredited by a third party such as the Association of Independent Schools in New England (AISNE) or New England Association of Schools and Colleges (NEASC). The benefit would be that this would free up the SBE and AOE and streamline work.
- 2) Annual attestation of compliance with provisions of Rule Series 2200 as a statutory requirement for independent schools as a condition of receiving public funds.



There was discussion on recognized and approved schools, public funds, benefit to the state in inserting ourselves in a process that is not about providing public dollars for attendance, burdening the SBE with approval, needing more discussion on accreditation, State resources, rigorous and potentially costly process, Rule 7000 Series listed accrediting agencies, framework for compliance would need to be taken on, benefits to having this in statute, and risks in offloading accrediting responsibility to a select two organizations.

Chair Samuelson moved as follows: that the State Board of Education authorize me to represent to the Senate Education Committee that the Board is in favor of requiring independent schools to complete an annual attestation of compliance with the Rule 2200 Series as a condition of their approval to receive public funds. Jepson seconded. There was discussion on concern/limits on accreditation guidelines. Chair Samuelson said she would drop the request for testimony on accreditations. Chair Samuelson asked if it would be appropriate for her to acknowledge that the SBE is currently engaged in discussions to figure out how to apply the provisions of Act 1 to independent schools that are seeking to receive public funds. Chair Samuelson called the vote regarding annual attestations by independent schools as a condition of their approval to receive public funds; the vote passed unanimously.

Chair Samuelson moved as follows: that the State Board of Education authorize me to represent to the Senate Education Committee that the Board is engaged in discussions to consider how best to implement the provisions of Act 1 to independent schools that are seeking to receive public funds. Jepson seconded. There was no discussion. The vote passed unanimously.

Chair Samuelson said that Lovett, Jepson, and Severtson are not attending the April 19, 2023 meeting. She asked for confirmation that others were attending. All others confirmed. Chair Samuelson asked to be contacted if anything changed for any SBE member. There was discussion on recruiting two new student members for the SBE. Gleason offered to share this information and said she would copy Chair Samuelson.

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

Chair Samuelson asked for members of the public who wished to be heard. Amanda Garces, Act 1 Working Group Chair/Director of Policy, Education and Outreach for the Human Rights Commission thanked the EQS Committee for all their work. It has been one full year since the recommendations were delivered, based on role to look at SBE rules to align with Act 1 work and content standards. She said she hopes this can move forward and consideration is given to independent schools who receive public funds.

### **Adjourn**

Kolbe moved to adjourn; Gleason seconded. Chair Samuelson called the vote. The vote was unanimous; the meeting adjourned at 3:52 p.m.

Minutes prepared by Maureen Gaidys.