

---

## State Board of Education

### Draft Meeting Minutes

Via Teams Teleconference  
Call in #: 1-802-828-7667  
Conference ID: 294 548 883 #

**Date: May 11, 2023**

Present:

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

**Agency of Education (AOE):** Maureen Gaidys

**Others:** Adam Walker, Media Factory; Bernard Lambek, SBE Legal Counsel.

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

Chair Samuelson called the meeting to order at 12:37 p.m. and asked for roll call.

#### **Item B: Public to Be Heard**

There were no members of the public to be heard.

#### **Item C: Board Discussion – Education Quality Standards (EQS)**

Vice Chair Kolbe provided background. She thanked everyone for their feedback and said some feedback required additional consultation with AOE and the Act 1 Working Group. The Committee took this feedback, discussed it, and responded. She asked if there are other items or questions that the SBE needs to discuss before this can move forward with a vote to approve or disapprove. One substantive issue was tabled – the “to whom” issue with respect to independent schools. This discussion will start with “what” and then shift to the “to whom” question. The Committee thinks it would be helpful to bifurcate these two issues. The goal is to come to agreement on any additional changes that need to be made to the rule so that the full SBE will have a stable draft to vote on at the regular meeting on May 17, 2023. The SBE’s legal counsel, Bernie Lambek, is present today to listen and make any final edits that are agreed upon.

Vice Chair Kolbe shared a presentation titled, ["Recommended Changes to Rule Series 2000, Education Quality Standards."](#)

Jepson asked about the AOE’s capacity for any changes made, especially monitoring for the expectations for curriculum, which would be cross-curricular. Vice Chair Kolbe said the Committee discussed that and it was not within the purview of the Committee to assess the

AOE's capacity. Secretary Bouchey spoke about how the AOE would use the existing process for monitoring EQS compliance and fold in the new language, largely via assurances from superintendents. Secretary Bouchey said it was important to note that there is still significant latitude at the local level in how the standards are met.

There was discussion on professional development templates for curriculum, Act 1 Working Group recommendations, equitable implementation of flexible pathways and other initiatives, consistency of systems, unfunded mandates, state vs. local control/independence, no authority to mandate curriculum, interplay between performance standards and EQS, language in EQS that belongs in performance standards, adding social justice/equity standards, important to be explicit, how many schools are struggling, unfunded mandate for schools, worry about those needing the most not getting it, and balancing this with the broader picture of social equity work.

Diop shared that Winooski School District (WSD) has partnered with [The New Teacher Project \(TNTP\)](#), following an audit of the WSD on anti-racism work. TNTP has been very helpful and shared the audit data with the administration, staff, and community. TNTP then presented recommendations and now WSD is in the implementation phase. This started with training the leadership team and provided a sample to guide various departments through implementation. Knowing needs are crucial; self-assessment is different than professional assessment. WSD received financial support for this work through the Barr foundation. How we train teachers and students to be anti-racist/culturally competent is key to training/teaching students.

Vice Chair Kolbe noted one potential modification from the discussion: adding new language that would identify social equity curricula as part of the list to section 2125. .

Discussion continued on the sections pertaining to civic and community engagement and career readiness, looking for other examples, concern with creating long lists of examples and signaling priorities, and creating biases with lists.

Chair Samuelson addressed section 2125 and questioned whether there is a complaint process in the rule and clear recourse for someone who does not feel the rules are being complied with. She said clear instructions are needed for people to navigate issues of non-compliance. Vice Chair Kolbe clarified that this concern is not limited to the Continuous Improvement Plan (CIP). Chair Samuelson said this is an overarching concern with the body of rules series 2000 and recommended that it is its own rule.

There was discussion on authority to require a policy, families/students/communities having a voice, CIPs, that CIPs cleave with federal requirement under the Elementary and Secondary Education Act (ESEA), AOE has never taken rules as separate from what is required under ESEA, substance for complaints under EQS, codifying the process for complaints, ensuring that complaints are elevated, and having an escape valve for notifying the AOE of complaints that have not been satisfied.

Vice Chair Kolbe said having a regulatory framework that reflects common goals is important. Dominant voices in communities that marginalize other voices must be avoided; an equitable structure must be ensured. Gleason said without a policy practice that is part of a disciplined

board's work, thoughtful work could be circumvented. She is also not sure of specific authority to establish a defined process, vs. requiring a process. Vice Chair Kolbe said the SBE could give feedback to the Legislature. She noted that there is shared concern and asked if a small group should be organized to craft some language for the full SBE to consider next week.

Gleason offered language that would be a placeholder for a broad process; Chair Samuelson said that did not address her concern. Vice Chair Kolbe asked if there was a stable document, with the exception of the complaint process, whether the SBE would be comfortable and have enough time and information to vote on the rules at the monthly meeting on May 17, 2023.

There was discussion on hesitation to proceed without hearing from the field/education partners, expectation of a "rule", consequences for failed implementation, Committee meeting and getting feedback from education partners early next week,

Jepson clarified that he read [Section 2120.1, Subsection m](#), to mean that we are requiring schools to provide professional development in restorative justice policy/procedures, but that Gleason has said that was not the case, just that there be support to foster a classroom culture that is based on the tenets of restorative practice. There was discussion on others' understanding of this section, that restorative justice is a model, and it was determined that this needs further clarification by the Committee to avoid confusion. Chair Samuelson also clarified that the complaint process needs to be published so next steps are clear.

Moving on to the "to whom" question, Vice Chair Kolbe asked what SBE members needed to make a decision and provided two options: Option A: modify EQS to have certain sections apply to approved independent schools (already in statute as applying page 5 and 2113 and sections 2120.1, 2120.5 and 2122.1 and definitions) and Option B: not to address these in EQS but via re-opening the rules series 2200 and engaging in this process to update this series to reflect the same requirements as in EQS. There was discussion on EQS not extending to independent schools, legal counsel having determined that these two options might be viable, EQS Committee did not reach a decision on this issue and decided to leave it to the full SBE to have this information and then discuss and vote on it. She asked if there were questions/clarification for either option.

Vice Chair Kolbe took a straw poll on the two options. The majority of the board elected to handle the Act 1 related requirements for independent schools through updates to the rule series 2200.

There was discussion on an annual attestations clause for rules series 2200, reopening rule series 2200 being a cleaner option, expecting compliance, mechanism for ensuring compliance, implementing the aspects of Act 1 into rules series 2200 as appropriate, language that will come out through the public rulemaking of EQS, using parallel language, guidance document for ongoing practice, out-of-state tuition to independent schools without approval to serve special needs students in their state, commitment to opening rules series 2200, and ensuring that the principles of Act 1 are infused in that rule series.

Vice Chair Kolbe confirmed that the temporary text noting the option of applying selected sections of EQS to independent schools will be removed from the EQS draft update. She summarized that there are three remaining issues that need to be addressed prior to a clean draft of the EQS rules going to full SBE:

- Considering adding to section 2120.5 – a new item that addresses a social equity standard.
- Complaint process – this will be a separate section of the rules.
- Edits on 2120.m and language on restorative justice practices and making that language more general and less specific.

Vice Chair Kolbe asked if Diop would be able to review draft language on restorative practices; he agreed.

Chair Samuelson expressed appreciation for the monumental amount of work and time and preparation that went into the rules and thanked the EQS Committee. Vice Chair Kolbe acknowledged that it was a great Committee and there was a lot of good teamwork.

### **Adjourn**

Vice Chair Kolbe moved to adjourn; O'Farrell seconded. Chair Samuelson called the vote; the vote was unanimous. The meeting adjourned at 2:38 p.m.

Minutes prepared by Maureen Gaidys.