

State Board of Education

Draft Meeting Minutes

VIRTUAL Teams Meeting/Video/Teleconference

Call in #: 1-802-552-8456, Conference ID: 209 430 081#

Physical Location:

**1 National Life Drive, Dewey 206
Montpelier, VT 05620**

Date: January 18, 2023

Present:

State Board Members (SBE): Jennifer Samuelson, Chair; Tammy Kolbe, Vice Chair; Patrick Brown; Tom Lovett; Lyle Jepson; Kim Gleason; Gabrielle Lucci; Jenna O'Farrell, Amara Severtson, Richard Werner, and Dan French.

Agency of Education (AOE): Pat Pallas Gray, Patrick Halladay, Josh Souliere, J. Deborah Ormsbee, Emily Simmons, Donna Russo-Savage, Courtney O'Brien, Maureen Gaidys, Suzanne Sprague

Others: Marcy Webster, Amy Hornblas, Alison Despathy, Lynn Maxfield

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

Chair Samuelson called the meeting to order at 8:34 a.m. and roll call was taken. There were no amendments to the agenda.

Item B: Public to be Heard

Amy Hornblas, Cabot, read the following [statement](#) to the State Board. She urged the State Board and Secretary French to use their power to require that schools no longer mandate mask wearing.

Alison Despathy, Danville, addressed the State Board on requiring schools to no longer mandate mask wearing.

Item C: Review and Approve December 21, 2022 Meeting Minutes

Jepson made a motion to approve the [December 21, 2022 meeting minutes](#). Brown seconded the motion. There was no discussion. The motion carried.

Item D: Board Announcements

Chair Samuelson reminded State Board members to complete the Doodle Poll to determine the date and time of its January special meeting. Chair Samuelson shared a document with State Board members that listed the current members of each subcommittee. She asked the State Board members to email her if they wish to join or withdraw from a committee. She will make any adjustments to subcommittee membership as needed.

Item E: Student Report

Lucci said that the second semester has begun at her school, and it is both a nerve wracking and exciting change. It is a refreshing change especially for the younger students. Severtson said her semester ends on January 24th and she is looking forward to it. She said she is in a tech program and does not have any core classes.

Item F: Update: Education Quality Standards (EQS)

Gleason said the next committee meeting had been scheduled. The remaining work includes a legal review. At its next meeting, she anticipates specific recommendations from the Vermont Special Education Advisory Panel (SEAP) and testimony from students. The committee will work on a stable draft over the remaining meetings to assure consistency in language, grammar, alignment with District Quality Standards and EQS standards and make certain that the references to one or the other make sense. The committee will request a special meeting in early February to review and seek full State Board approval.

Item G: Update: District Quality Standards (DQS) and Engagement Plan

Secretary French said the goal for the SBE is to inform its work on EQS and provide input to the AOE on its works with DQS and the quality assurance process. He said that DQS emerged from the pupil weighting study. The General Assembly (GA) enacted a law to strengthen the regulatory framework in education with DQS and quality assurance. The law identifies three areas under DQS: business operations; school facilities and safety; and school board governance. He added that the AOE and SBE have an obligation to provide assurance that the education system is functioning well in achieving its goals of quality and equity. The quality assurance process needs to be strengthened to improve outcomes for kids and address persistent quality and equity gaps across the state. He shared a [presentation](#) which included the rationale, responsibility and authority, timelines, DQS domains and SBE role in quality assurance regulations.

Discussion followed regarding what education would look like when implemented, vertical and horizontal integration, role of the state, adding a reference page for acronyms, technical assistance, delegation of responsibility, using new tools to collect and visualize data, revising the Every Student Succeeds Act (ESSA) State Plan with an amendment, implication on organizational structure of the AOE, reorganizing quality oversight functions at AOE, SBE's role and modifying language in 16 V.S.A. § 165.

Secretary French asked that feedback on the DQS is sent to him directly via email.

Item J: Review Roles and Responsibilities

Kolbe said there is interest amongst State Board members to revisit the work the subcommittee did in collaboration with the AOE last year. The work was an exercise in rethinking how the State Board and the AOE would work together. A 6-part framework was created to organize the conversation. The State Board agreed to the framework and now the details need to be worked out. Kolbe said that the subcommittee would be reconstituted to take up the work again. There is interest in the GA to codify some of the recommendations in statute this session. Kolbe will resend the presentation that was shared with the State Board last year. Discussion occurred regarding the timeline and the work beginning at the end of February/early March.

Chair Samuelson called for a recess at 10:03 a.m. The meeting reconvened at 10:16 a.m.

Item H: Possible Executive Session – legal matter

Lucci read the following motion:

I hereby move that the Board finds that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the body with respect to pending litigation to which the Board is a party would clearly place the Board at a substantial disadvantage. Kolbe seconded the motion. Secretary French recused himself. The purpose is to meet with Assistant Attorney General, Jaime Kraybill, to discuss litigation that the State Board has been named as a party. The motion passed.

Lucci read the following motion:

I hereby move that the Board go into executive session to receive confidential attorney-client communications made for the purpose of providing professional legal services to the body with respect to pending litigation to which the Board is a party pursuant to 1 V.S.A. Sections 313(a)(1)(E) and 313(a)(1)(F). Brown seconded the motion. The motion passed.

The State Board entered into executive session at 10:19 a.m. The State Board exited executive session at 11:06 a.m.

Lucci read the following motion:

I move that we grant to Board Chair Jennifer Deck Samuelson the authority to execute a settlement agreement on behalf of the State Board of Education in the matter of Valente v. French. Brown seconded the motion. There was no discussion. The motion passed.

Item K: Independent School Approvals

Lovett said he and his committee will be proposing the approval of independent schools.

Orchard Valley Waldorf School in East Montpelier

Lovett read the following motion:

That the State Board accept the Secretary's recommended action and grant renewal of general independent school approval to Orchard Valley Waldorf School, East Montpelier, VT, to serve students in grades K-8. This approval is for five years, through June 30, 2027.

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. O'Farrell seconded the motion. There was no discussion. The motion carried.

Hiland Hall School in Bennington

Lovett read the following motion:

That the State Board accept the Secretary's recommended action and grant renewal of general independent school approval to Hiland Hall School, Bennington, VT, to serve students ages 5-13. This approval is for five years, through June 30, 2027.

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.

Discussion followed regarding the school being approved under the current law, mechanism for capturing schools that comply with all of Rule 2200 to continue to receive public tuition, different attestation needed after July 1, AOE to send notification of the changes, adding this topic as an agenda item for further discussion and expectation that independent schools will comply with the full extent of the rules on July 1, 2023.

Chair Samuelson reminded the State Board that there was a motion on the table. O'Farrell seconded the motion. There was no further discussion. The motion carried.

Manchester Village School in Manchester Center

Lovett read the following motion:

That the State Board accept the Secretary's recommended action and grant renewal of general and special education independent school approval to Manchester Village School in Manchester Center, VT to enable the school to serve students in grades 1-12, and to add the disability category of multiple disabilities to its current disability category offerings. This approval is for five years through June 30, 2027.

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.

Discussion followed regarding a comment by the AOE in the report on providing clarity on services. Gleason made a motion to add an amendment to the motion to include the clarifying statement on services. Werner seconded the motion.

Lovett reread the motion as amended:

That the State Board accept the Secretary's recommendation action and grant renewal of general and special education independent school approval to Manchester Village School in Manchester Center, VT to enable the school to serve students in grades 1-12, and to add the disability category of multiple disabilities to its current disability category offerings. This approval is for five years through June 30, 2027.

This approval is conditional on the requirement that the school clarifies what services are included in tuition, and what additional services (if any) are required to meet student needs and 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. The motion carried.

Werner asked if the amendment needed a vote prior to voting on the new amended motion. Discussion followed regarding the process. Simmons said that the record shows what was voted on and what the State Board intended to pass.

Kindle Farm School in Newfane

Lovett read the following motion:

That the State Board of Education grants renewal of general and special education independent school approval to Kindle Farm in Newfane, VT to enable the school to serve students in grades 2-12 and to add the disability category of speech language impairment to its current disability category offerings. This approval is for five years through June 30, 2027.

This approval is conditional on the requirement that the school clarifies what services are included in tuition, and what additional services (if any) are required to meet student needs and 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. Gleason seconded the motion.

Discussion followed regarding the truancy requirements in an independent school and student attendance, truancy affidavit is the district responsibility and communication with local education agency (LEA) and independent school. There was no further discussion. The motion carried.

Item L: Future Meeting Planning – including SBE Meetings, in-person meetings

Chair Samuelson said there will be a special meeting for discussion on DQS and quality assurance next week. There will be another special meeting sometime in February on EQS. The February monthly meeting agenda will include a Diversity, Equity and Inclusion presentation by Spaulding High School, an update from the State Special Education Advisory Panel, a discussion from a local superintendent about her approach with independent schools and compliance with the rules that went into effect last May, work to finalize the EQS draft before starting the Administrative Procedures Act (APA) rulemaking process, and independent school approvals.

Item M: Public to be Heard

None

Adjourn

Gleason moved to adjourn; Brown seconded. The motion passed. The meeting adjourned at 11:50 a.m.

Minutes prepared by Suzanne Sprague