

State Board of Education

Draft Meeting Minutes

Rutland High School Library

22 Stratton Road

Rutland, VT 05701

Call in #: 1-802-552-8456, Conference ID: 202 975 310#

Date: May 17, 2023

Present:

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

Agency of Education (AOE): Pat Pallas Gray, Josh Souliere, J. Deborah Ormsbee, Emily Simmons, Maureen Gaidys, Suzanne Sprague

Others: Don Tinney, Vermont National Education Association (VT-NEA); Mill Moore, Executive Director, Vermont Independent Schools Association (VISA); Mark Oettinger, Expeditionary School at Black River; Marilee Blodgett, Expeditionary School at Black River; Gary Blodgett, Expeditionary School at Black River; Becky Wynne, Expeditionary School at Black River; Marissa Selleck, Expeditionary School at Black River; Judith Pullinen, Expeditionary School at Black River; Patrick Pullinen, Expeditionary School at Black River; Bill Lucci, Stafford Technical Center; Amaya Tonda, Rutland High School (RHS); Kallie Brooker, RHS; Jia Harchind, RHS; Ms. Marsha Cassel, RHS; Amanda Garces, Human Rights Commission

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

Chair Samuelson called the meeting to order at 11:06 a.m. and roll call was taken. There were no amendments to the agenda.

Item B: Public to be Heard

Patrick Pullinen, Expeditionary School at Black River: Mr. Pullinen read a [statement](#) in support of the Expeditionary School at Black River.

Gary Blodgett, Expeditionary School at Black River: Mr. Blodgett read a [statement](#) in support of the Expeditionary School at Black River.

Becky Wynne, Expeditionary School at Black River: Ms. Wynne read a [statement](#) in support of the Expeditionary School at Black River.

Marissa Selleck, Expeditionary School at Black River: Ms. Selleck spoke in support of the Expeditionary School at Black River.

Mark Oettinger, Expeditionary School at Black River: Mr. Oettinger spoke in support of the Expeditionary School at Black River.

Item C: Board Announcements

Gleason said she attended a Vermont Student Assistance Corporation (VSAC)- sponsored conference in Stowe attended by educators and counsellors from around the State. The topic was implementing flexible pathways and ensuring that all students are college and career ready.

Chair Samuelson offered her congratulations to Sabina Brochu, former student Board member, on her intern position in the Governor's Office. She added that the Governor's Office has received several applications for the soon to be vacant student member positions on the State Board. She is hoping that appointments will be ready by the July meeting.

Item D: Student Report

Lucci said that the school year is wrapping up and students are excited for summer vacation or graduation. Her future holds a lot of changes, and the changes will be good. She thanked the school librarians for giving the State Board the space for the meeting.

Item E: Resolution for Gabrielle Lucci

Jepson read a [resolution of appreciation](#) for Gabrielle Lucci for her service on the State Board of Education.

Item F: Approval of April 19, 2023, Meeting Minutes and May 11, 2023, Special Meeting Minutes

Gleason moved to adopt the [April 19, 2023 meeting minutes](#). Kolbe seconded the motion. There was no discussion. The motion carried. Lovett abstained since he was not at the meeting.

Jepson moved to adopt the [May 11, 2023 meeting minutes](#). Gleason seconded the motion. Chair Samuelson suggested some changes to the minutes on page three, and specifically to the parenthetical in the fourth full paragraph. She said it should read, (already in statute and applying as noted on page 5 to sections 2113, 2114, 2120.1, 2120.5 and 2122.1) and to strike "and definitions" from the parenthetical. She offered another correction to a section on page 4 and said the third bullet should read 2120.1(m). A vote was called on the minutes as amended. The motion carried.

Item G: Secretary's Report

Secretary Bouchey said the AOE was prepared to support the field with the new 2200 Rule Series for those independent schools that go through the process to accept public tuition once the amendments to the 2200 Series that are related to Act 173 go into effect on July 1st. A survey was sent to independent schools to collect data from those that may want to apply to accept public funds. Thirty-six (36) survey entries were received. Fourteen (14) were from approved independent schools that plan to move forward and accept public funds. One (1) approved school does not plan to move forward. Twenty (20) were therapeutic schools and one was a recognized school. Over the next week, the AOE will review and fine tune supports specific to each school. There is a virtual office hour scheduled to help with questions from independent schools. More office hours will be offered if needed. Secretary Bouchey said that the AOE is moving to an updated electronic system that will allow independent schools to apply for and request to change their reimbursement rate.

Discussion followed regarding percentage of schools that responded to the survey, survey was not mandated or binding, supplying support materials to all independent schools, revision to the attestation, attestation clause related to Act 173, recognized independent school seeking approval to accept public tuition, moratorium on approved independent schools, including outreach to public

schools, payment to independent schools, effect this will have on families and students and mechanisms in place to notify all schools.

Item H: Justice for All Presentation, Rutland High School Social Justice Club

Rutland High School students Amaya Tonda, Kallie Brooker, Jia Harchind, along with their advisor, Ms. Marsha Cassel, [presented](#) to the State Board. They discussed their mission, club activities including amplifying the work of other clubs, displaying of representational flags, hearing Eric Holder, former Attorney General of the United States, speak about the importance of preserving and protecting democracy, reading and donating books on normalizing diversity and inclusion to kindergarten – 2nd grade students. The club plans to work with teachers on June 19th in a facilitated dialogue on how to engage when slurs are overheard or reported to have been used against a student.

Discussion followed regarding the inspiration for the club, number of students involved, if parents were aware of involvement in the club and how do they help, work of the club is important, club could be a role model to other schools, partnering with neighboring schools, connecting with the Vermont Student Antiracism Network (VSARN) and Portrait of a Graduate.

Item J: Independent School Approvals

Lovett said he will bring forth three schools and, following the approvals, he would like to discuss two additional schools that are not on the agenda for discussion today as well as the committee's meeting schedule going forward.

Bridge School

Lovett made a motion to accept the Secretary's recommendation and grant renewal of general independent school approval to the Bridge School, Middlebury, VT, to serve students in grades K-6. This approval is for five years, through June 30, 2028.

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. Chair Samuelson seconded the motion.

Discussion followed regarding a wait list for kindergarten and first grade students, serving students with special needs, new attestations for all schools, Act 173's impact on special education approval, general education approvals, technical assistance, and reporting changes in average daily membership. The motion passed unanimously.

Okemo Mountain School

Lovett made a motion to accept the Secretary's recommendation and grant renewal of general independent school approval to Okemo Mountain School, Ludlow, VT, to serve students in grades 5-12. This approval is for five years, through June 30, 2028.

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. Werner seconded the motion.

Discussion followed regarding enrollment process, number of Vermont students, tuition is pro-rated per day, application fees, scholarships and added extra tuition. The motion passed unanimously.

New England School for Girls

Lovett made a motion to accept the Secretary's recommendation to grant renewal of general and special education independent school approval to the New England School for Girls, Bennington, VT,

to serve female-identifying students ages 11-21. This approval is for five years, through June 30, 2028.

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. Werner seconded the motion. There was no discussion. The motion passed unanimously.

Chair Samuelson said the Board will continue with Item J following the recess. She called for a recess at 12:47 p.m. The meeting was reconvened at 1:28 p.m.

Item J: Independent School Approvals (continued)

Chair Samuelson invited Lovett to continue with his independent school approval update. Lovett said the committee considered Kurn Hattin and the Greenwood School. Both schools were recommended for approval by AOE staff because they met all the criteria and had New England Association of Schools and Colleges (NEASC) accreditation. However, in a letter from NEASC to the schools, NEASC indicated each school would be receiving a focused staff visit to investigate financial capacity and the financial health of the schools. The Independent School Approval Review committee determined that it could not grant a 5-year approval with the outstanding question from NEASC. Lovett said that delaying action allows the schools to maintain their current approved school status. The schools will still be required to sign the attestations and be in compliance with the new Act 173 rules.

Discussion followed regarding NEASC accreditation and SBE's role in approval.

Lovett said that, according to the AOE, there are a couple schools that may be ready in June. There will be seven schools ready in July. ESBR is not on either list. Discussion followed regarding ESBR and receiving public tuition and that the moratorium will prevent any new initial approvals, even of those schools that are currently in the pipeline when the moratorium takes effect. Lovett said that applying the moratorium to schools in the pipeline does not seem fair or right. Kolbe said she would like to find a way to work with the AOE to clear the pipeline of initial approvals before July 1. Samuelson clarified that the Board's actions would be limited to only considering any applications for initial approval by those schools whose applications could reasonably be complete and ready for the Board's consideration prior to July 1st. The entire application process takes a significant amount of time, and it may be that the moratorium will capture schools that are in the pipeline because there simply will not be enough time for their application packets and the ensuing review process by the Agency and the Board to be completed before the moratorium takes effect. Additional discussion followed regarding number of schools awaiting initial approval, various circumstances that come into play when working on approving a school, capacity constraints on AOE and SBE resources, several factors cause the system to slow down, best use of resources come July 1, independent school approval process and follow-up. Lovett will follow up with Secretary Bouchey and Josh Souliere to see if it is possible to move any initial applications in process before July 1.

Secretary Bouchey said that the AOE was not asked to testify on the moratorium. Samuelson added that the Board was not asked either.

Item K: Adopt Updates to Rule Series 2000 (Education Quality Standards)

Vice Chair Kolbe provided background and shared this [presentation](#). She and Gleason reviewed the Act 1 Working Group charge, EQS Committee process, basis for EQS Committee changes, and changes to the draft since the May 11 Special SBE meeting. Gleason detailed the revisions to the document based upon the Board's discussion at its May 11th Special Meeting. The changes were revised definitions for: "Equity" to refer to career technical education; "Civic and community engagement" to include community service (2114.8); "Restorative practices" to align with statute

(2120.1 (m)); removed reference of EQS to independent schools; and, clarified requirements for school boards to establish a process for soliciting and responding to public feedback and complaints regarding schools' implementation of the EQS.

Discussion occurred regarding restorative practices, adding an ethnic and social equity studies content (2120.5 (h)), curriculum standards and content area, professional development, transferable skills, culturally responsive teaching is an evidence-based approach, feedback and complaint process for families (2121.1), evidence to show compliance with EQS, adding minimum reporting requirements of incidents of hazing, harassment and bullying (2124.1 (f)), taking independent schools out of the EQS, removing reference to "in a public school or approved independent schools" from 2113, whether 2126.3 is necessary or should be relocated in the EQS, aligning with District Quality Standards (DQS), legacy language, EQS is rooted in statutory framework that does not apply to independent schools unless they seek designation as an independent school meeting EQS, the rules governing independent schools are located in Series 2200, and that the Board intends to re-open 2200 to apply the provisions of Act 1 to independent schools

Werner made a motion to adopt the language presented with the one correction made in 2113. Chair Samuelson second the motion. There was a roll call vote. Yea votes: O'Farrell, Kolbe, Werner, Lucci, Lovett, Gleason, Diop, Jepson and Samuelson. Nay votes: None. The motion carried.

Vice Chair Kolbe made a motion to direct the Chair to initiate the formal Administrative Procedures Act (APA) rulemaking process for the Board's proposed revisions to Rule Series 2000. Lovett seconded the motion. There was a roll call vote. Yea votes Gleason, Jepson, O'Farrell, Werner, Diop, Lucci, Kolbe and Samuelson. Nay votes: None. The motion carried. Here is the [SBE approved draft of series 2000 Education Quality Standards](#) for filing with the Interagency Committee on Administrative Rules (ICAR).

Item L: Future Meeting Planning

Chair Samuelson said that the next meeting will include a resolution for student member Severtson, an update from the Special Education Advisory Panel, Secretary's update and possibly some independent school approvals. The June meeting will be virtual.

Item M: Public to be Heard

Mill Moore, Executive Director VISA: Moore addressed the Board regarding the ESBR. He said the school approval process has been going on for 3 years. Moore said the school deserves better than it has received. If its application is affected by the upcoming moratorium, then it must be acted upon before the moratorium takes effect.

Amanda Garces, Human Rights Commission: Garces thanked the Board for its work. She hopes to continue to work together to make Vermont better for all students. She offered her appreciation for the work of the EQS committee.

Don Tinney, Executive Director, VT-NEA: Tinney asked for clarification on the EQS vote and said that the vote exempted private schools that receive public funds from the EQS rules. Tinney read the following [statement](#) in opposition of exempting private schools from the rules.

Adjourn

Werner moved to adjourn; Gleason seconded. The motion passed. The meeting adjourned at 2:58 p.m.

Minutes prepared by Suzanne Sprague.