

June 27, 2018

- Strategic Goals: (1) Ensure that Vermont's public education system operates within the framework of high expectations for every learner and ensure that there is equity in opportunity for all.*
- (2) Ensure that the public education system is stable, efficient, and responsive to changes and ever-changing population needs, economic and 21st century issues.*

Draft Minutes

Present:

State Board of Education (SBE): Krista Huling, Chair; William Mathis, Vice Chair; Stacy Weinberger, Mark Perrin; Peter Peltz; John O'Keefe; Callahan Beck; John Carroll; Heather Bouchey; and Oliver Olsen (via phone).

Agency of Education (AOE): Haley Jones, Molly Bachman, Amy Fowler, Donna Russo-Savage, Emily Simmons, Maureen Gaidys.

Others: Mill Moore, VISA; Gaston Bathalon, Troy School; Jody Normandeau, Dummerston; James Jewett, Franklin; Krisana Naylor, Dummerston; Dan MacArthur, Marlboro; Jay Denault, Franklin; Margaret MacLean, Peacham; Dorothy Naylor, Calais School Board; Dell Waterhouse, Worcester; Dave Kelley, Greensboro; Emily Hartz, Guilford; Elizabeth Hewitt, VTDigger; Diane Janukajitis, Stannard School Board; Elizabeth Burrows, Windsor/West Windsor; Marty Strange, Randolph; Jen Schoen, Craftsbury School Board; Doug Racine, Richmond; Christina Suavez, Montgomery; Deanna Robitaille, Montgomery; Jeff Francis, VSA; Vince Illuzzi, Derby; Ben Chiappinelli, Franklin West Supervisory Union.

Item A: Call to Order

Chair Huling called the meeting to order at 9:08 a.m.

Item B: Roll Call and Introductions

Chair Huling called roll call and asked Board members to introduce themselves.

Item C: Consent Agenda

Carroll had questions on the Consent Agenda, specifically on C-1 (language), C4 (approval) and C6 (receipt of information). Chair Huling removed these from the Consent Agenda for further discussion. Carroll moved to accept the revised Consent Agenda; Perrin seconded the motion. The Consent Agenda passed unanimously.

Carroll noted on page 6 of 9 of the draft minutes where a paragraph starts, "a member of the public..." Carroll questioned if it would be appropriate to include that there was a disturbance of the meeting and an action out of order and if the answer is yes, he suggested that the language should read, "Chair Huling ruled that the speaker was out of order and informed him of this and asked him to cease." Carroll went on to suggest that the speaker disregarded the

Chair's directives and continued to disrupt the meeting. Carroll further suggested that this person should be named. There was discussion on the less said the better, that the Agency considered how to capture this in the minutes, saying nothing or saying more detail, the matter of public record and that this would be available on the video.

MOTION: Carroll moved to amend the minutes to revise the second sentence to read something to the effect that the Chair ruled the speaker out of order, informed him of that and asked to cease. The speaker disregarded the Chair's direction and the Chair then called a recess. Lastly, that this person be identified as a member of the public by name, town and position/title. Perrin seconded. **DISCUSSION:** No further discussion. **VOTE:** The vote passed 6:0:1. Weinberger abstained, as she was not present at the last meeting. O'Keefe was not present for this vote.

Carroll asked about Item C4, paragraph one of the green sheet that referenced a NEASC self-study in 2014. He asked if there was a NEASC study and if so, what the outcome was. Acting Secretary Bouchey referred to Bachman. Since this was done by the study/monitoring group, Bachman was not familiar with this and unable to assist. Bouchey offered that perhaps the self-study was used to flesh out the material on the application form, but said that she would confirm this. Carroll asked if they entered into an approval process with NEASC that either did not conclude or concluded in the negative. Deputy Secretary Fowler confirmed that per the NEASC website, that this school was NEASC accredited in 2015. Carroll was confused why this went through the regular process if it was accredited. Carroll did not want to delay this, but asked for some clarification at a later point so that this could move forward.

Carroll addressed Item C6 and asked if the Agency is satisfied that Avalon Triumvirate Academy has no lingering financial obligations that it is not capable of satisfying, in what it disclosed. He asked if it had been affirmatively confirmed that there are no pending obligations. Acting Secretary Bouchey offered to verify this. Carroll asked to table this until the Agency can address to the Board's satisfaction, that there are no loose ends on the financial pieces.

Item D: Board Announcements

Mathis shared that he and Perrin met with Peter Smith, former congressman, and discussed the idea of working with UVM to get more of an outreach capacity, very preliminary at this time; they will keep the Board informed on further developments.

Item E: Chair's Report

Chair Huling spoke about attending a recent CTE Strategic Planning meeting, with 40 stakeholders to work on the strategic vision for the state. Discussion included a lot of planning focused on regional organization and integration, governance, the barrier governance presents to access, and integrating CTE at a younger age. A strategic plan will be developed over the next few months and then finalized by the fall by the AOE. This will include SBE rules that have not been revisited in 25 years and do not envision career pathways or proficiency based learning. Peltz asked about the governance issues and Mathis asked about thinking about future models for delivery of CTE.

Item F: Committee Reports

None.

Item G: Student Reports

Solimano shared that he and Harrison Bushnell (the other VT delegate to the VT State Senate Youth program) spoke at a recent Scholar Leader Dinner, sponsored by the VT Association for Middle Level Education, held at Norwich University to honor middle level students who have shown leadership and academic potential. This is one of the only events that honors middle school students and Solimano found it interesting because it reaches out to these students and spurs them to be involved.

Beck spoke about AOI, which is required for juniors at St. Johnsbury and where students pick a topic and debate it. She picked financial literacy and whether it should be required and said that most of her information came from Champlain College. She learned that students with large amounts of debt are less likely to be able to buy a house and they are more likely to have their debt change their employment plans. Her analysis looked at other states that require this, such as Alabama and she said she is considering this for her Capstone project. Mathis commented on the issue of student debt and asked if the group had ideas on how to address this. Solimano spoke about some basic concepts that can be taught in a short amount of time that can benefit in the long run; he feels it is too important of a topic to leave for family instruction, as it often does not happen there. There was discussion on the history of student debt, student voice, 529 plans, tax credits, and family wrap-around conversations.

Chair Huling shared that a student appointment has been made. The student is from Georgia and attends school in St. Albans. A press release is forthcoming. Chair Huling said the Governor's Office has interviewed the three candidates that were put forward for the Secretary position and they hope to have a decision within two weeks.

Acting Secretary Bouchey addressed Item C6 (Avalon Triumvirate Academy) – and confirmed that the plan assures record keeping but not specifically any follow through on financial obligations, since that is not required. Bachman added that VHEC looks at this when they review for post-secondary approval. Bouchey continued with Item C4 (Oak Meadow) and clarified that this is a distance learning school, and falls under State Board Rules 2331 and this is different, (other independent schools fall under State Board Rules 2223) and this requires approval even if approved by NEASC.

MOTION: Carroll moved to approve Item C4 and accept the Acting Secretary's recommendation and approve the Acting Secretary's recommendation for Item C6 – and acknowledged receipt of information requested. Perrin seconded. Discussion: None. **VOTE:** The vote passed unanimously.

Item H: Acting Secretary's Report

Acting Secretary Bouchey expressed appreciation for Chair Huling's participation in the CTE Strategic Planning meeting. She also shared that on Monday and Tuesday, a state contingency that included Jay Ramsey, State CTE Director, Lindsay Kurrle, Commissioner of Labor and Janet Bombardier, Senior VP of Green Mountain Power, attended a forum at the White House on STEM innovation and integrating education, workforce, and career technical education in a

more streamlined way. She also shared that the Agency is working on a new career pathway for cyber security and many CTEs are excited about this. Additionally, Global Foundries is interested in donating some software and curricular supplies. AOE's Aliaga is spearheading this work. The Perkins reauthorization is moving; it passed out of the committee. On Tuesday, Bouchey was able to share with staff that there would not be a government shutdown and this relieved a lot of anxiety. Lastly, AOE has been celebrating many retirements and long-term anniversaries; there was one this week who has worked for the agency for 40 years. There will be some new faces coming soon at the Agency.

Chair Huling explained that Smalls Schools Grants would be discussed first and voted on after Public Comment. Any motions should be reserved for after Public Comment. Huling asked any members of the public who wished to address the group to sign in on the appropriate sheet, so that she could budget time accordingly.

Item J: Small Schools Grants: Metrics for geographic isolation and education and fiscal excellence

Chair Huling recognized and thanked Emily Simmons for the work that went into this item. Simmons introduced herself and spoke to the two documents that were provided to Board members the day prior. She referenced the statute and talked the group through the handout noting that for all metrics they were using 1 as a starting point (lowest) and a 4 as the endpoint (highest) to better align with what the Agency is already using. Simmons explained some caveats for the worked example: 1) that this data is 2016-2017, three years of data was not available; 2) the worked example only relies on SBAC assessment for science and math; 3) that this data is 2016-2017 for all points and the SSG is an annual application; 4) that the worked example does not include school names because the Board agreed to look at metrics in principle rather than actual outcomes on a school-by-school basis; and 5) that the primary model uses nine points out of the 16, realizing that this has not yet been decided, but because there needed to be a starting point. Lastly, the 35 schools listed are the full list of schools that could apply for a SSG under either facet (geographic isolation or economic efficiency and academic excellence). Deputy Secretary Fowler clarified that equity performance looks at students who have one or more characteristic of being historically marginalized (ELL, FRL, SWD, etc.) or who have none of these characteristics.

There was discussion on using FRL, the difference between FRL eligibility and FRL participation, viable alternatives to defining poverty through FRL, using tax department data, the limits of sharing data across agencies and departments, obligation of schools to accurately report FRL and that this might reinforce the importance of this, building confidence in this data, and that FRL-eligibility is used nationally to collect this data. Simmons moved on to discuss student-to-staff ratios and explained why some staff are excluded.

Carroll applauded Simmons for the decisions that were offered for consideration. There was further discussion on student-to-staff ratios and that EQS addresses staffing levels. Carroll offered that the Board has three days to get this right and that the context of what is conveyed to the General Assembly needs to clarify that this is a work in progress and not a set in stone proposal. He continued that perfect should not be the enemy of the good, that the Board needs to do what the Legislature has asked of them, but that they should ask the Legislature to reconsider this. Simmons proceeded to discuss the bonus categories and explained that the

assumption for the worked example was that a bonus point was not awarded to districts that remained a stand-alone or a one.

Carroll commented that the work from the Agency was terrific and interesting in how it presents equity challenges and the patterns therein and shared his observations. There was discussion on category three and section 4015 in Title 16, subsection (a)(b) 2 was quoted. Olsen suggested taking the metrics from category 2 and breaking that down. Carroll spoke to this. Olsen questioned the wording in category three and if that was accurate. Simmons directed him to page two, category 2, “equity results” and said her terminology may have caused confusion. Deputy Secretary Fowler reminded the Board that only 20% of our schools are at the advanced level and that a rating of “4” is rare and that a rating of “3” is quite good and should not be thought of as average or mediocre.

There were questions and discussion on legislative intent, the letter to the General Assembly, the different measures and interplay, avoiding the language of “rewarding and punishing” schools, clarification on eliminating SSGs and how the statute changes on July 2019, continuing as-is and addressing geographic location, proposal to cut drop score to 8, importance of sending a message to the public and the Legislature, and that SSGs are an entitlement and the Legislature decided to change this from an entitlement and required criteria to be met. There was continued discussion on concern over using 8 as a cut-off, Vermont as a whole being small, doing as little harm as possible, the sentiment that there needs to be metrics, confidence in the system and its robustness and whether it captures what it was intended to capture, preference for starting with a higher cut-off score, stories to tell that are not universal, theories of motivation around improvement for school systems and the choice of how many years of data to evaluate.

Chair Huling called a recess at 11:02 a.m. and asked to reconvene at 11:10 a.m. since the meeting was running behind schedule.

Chair Huling called that meeting back to order at 11:14 a.m. and confirmed that there were four members of the Public to be Heard and that 6 minutes per person would be allotted. Elizabeth Burrows asked to go last as her comment does not relate to SSGs.

Item K: Public to be Heard

Doug Racine, former Legislator and former Secretary of AHS, introduced himself and encouraged the Board not to close small schools and to keep the SSGs alive and gave reasons for this – impact on kids, studies that show small schools work for younger kids and especially kids that have grown up in poverty, practical effects of putting small kids on school busses for long rides, impact on rural communities which are already struggling, that SSGs make the principles of freedom a reality, and potential legal challenges.

Emily Hartz, chair of Guilford Town School Board, introduced herself and spoke to the challenges faced by Guilford and addressed the recognition and support of fiscal responsibility. She read the Board an excerpt from a letter from the Guilford School Board, which addressed the original merger articles presented by the committee, keeping small rural schools alive, and

thriving, lobbying efforts from neighbors for an alternate structure, and the request of an extension for the SSGs to 2019-2020.

Vincent Illuzzi, Derby VT, introduced himself and shared that he served as a non-voting student member of the State Board, and was a former Senator. He talked about significant areas of the state who struggle with Act 46, challenges and trouble with one-size fits all models, that it's wrong to assume that small towns want to do the wrong thing, importance of weighting study, questions for the General Assembly, small and efficiently-run schools are the norm, schools as extensions of families, children from disadvantaged families are best served by small schools, positive impact of small schools and small towns, revisiting wisdom of the Brigham decision, and reiteration that the legislative intent is not to close schools.

Elizabeth Burrows, West Windsor School Board Chair and Chair of the Transition Board with West Windsor and Windsor, introduced herself. She spoke to the group about page 188 of the State Plan, specifically the merger between Windsor Southeast Supervisory Union and Springfield. She explained that there is no relationship there, any savings would be offset by increased costs in technology and transportation, and that they put forth two years of good work towards merging their districts and those discussions have included Hartford, not Springfield. She said this plan does not take into account anything beyond proximity on the map, not culture or anything else.

Item L: Small Schools Grants: Metrics for geographic isolation and education and fiscal excellence

Chair Huling introduced the letter drafted by Carroll and said that he put the Board's ideas forward on this issue. Huling continued that a motion is needed on three separate votes – lengthy driving times, excellence and academic efficiency, and the draft letter. Huling shared some metrics used by Maine for geographic isolation (lengthy driving times). Peltz commented that he sent a letter to the Board on June 20 that had cumulative time and included drop-off time. Huling asked for the source of data. Peltz said it came from talking to school bus drivers and superintendents, not through Google maps.

MOTION: Carroll moved to have the criteria to be either 15 minutes driving time to the existing school or no more than 30 minutes from the next nearest school that might be considered in a merger OR if more than 5% of the students had an actual bus riding time of more than 30 minutes. This would be for K-8 only. Chair Huling clarified the motion – that the metrics reflect 15 minutes from school to school OR no more than 5% of students (K-8) have an actual bus riding time of more than 30 minutes from the new school. Weinberger seconded. There was discussion on the nuances of this, not counting students who do not take the bus, unnecessarily over-complicating this, that the Agency does not collect student level data on bus-riders and bus riding time, and that providing transportation is a local decision and not a legal mandate. **AMENDMENT:** Olsen amended the motion to read 30 minutes school to school. Perrin seconded. There was discussion on clarifying the 30 minutes as a car/personal vehicle drive from school to school, preference for the original motion and its flexibility, difficulty with monitoring this and collecting the needed data in a responsible way, that data would be presented and certified by the SU as part of the application vs. the Agency collecting it, reliability of calculating bus times as participation is volatile and size of fleet affects bussing times, intent to find objective metrics and the subjectivity of this, arbitrary decision points and

this being the nature of the beast. **VOTE:** Huling called a roll call vote on the amendment to change the driving time to 30 minutes. The amendment passed 5:3. In favor: Olsen, O’Keefe, Solimano, Perrin, Weinberger. Opposed: Carroll, Peltz, and Mathis. **MOTION:** Huling clarified the original motion was for 30 minutes driving time. Carroll offered an amendment that the distance, not driving time, between the two schools would be 15 miles or no more that 5% of the students would be farther than 15 miles from the neighboring school with capacity. Mathis seconded. **DISCUSSION:** O’Keefe asked for legal opinion on using miles vs. time, per statute. Simmons stated that she had no legal concerns with using miles as an indicator for driving times. Carroll clarified that the amendment was that “30 minutes” be replaced with “15 miles.” There was discussion on the objective collection and auditing of this data, residency vs. routes, and the Agency’s opinion on collecting this data. **VOTE:** Chair Huling called a roll call vote on the amendment. The vote was 4:4. In favor: Carroll, Peltz, Weinberger, Mathis. Opposed: Olsen, O’Keefe, Solimano, and Perrin. Huling voted in favor and broke the tie. The motion passed 5:4. **VOTE:** Huling called a roll call vote on the amended motion for 15 miles and no more than 95% outliers. The vote passed 6:2. In favor: Carroll, Olsen, Solimano, Peltz, Weinberger, Mathis. Opposed: O’Keefe, Perrin.

Regarding academic excellence and operational efficiency, Chair Huling asked for a motion. Carroll recommended a cut point of 8 and elaborated that whatever we do now might very well be undone by the General Assembly. **MOTION:** Carroll moved to adopt documentation prepared by the Agency, commended them for their work on this and answered the question of a cut point with an 8. Perrin seconded. O’Keefe offered an amendment of having a score of 3 in at least one of the four categories. Weinberger seconded. Weinberger asked Fowler for help in understanding how this amendment might look. Fowler shared that the eligibility would be eleven additional schools, if the amendment were applied, this affects three schools and drops eligible schools to eight. **DISCUSSION:** Olsen stated that he could not support this amendment. There was further discussion on the unknown of how this model is going to behave, the need to keep this simple, that this is not a permanent solution, the use of the term “approaching” and that this is not always a good status. **VOTE:** Huling called a vote on an amendment for a cut score of 8 with a 3 in at least one category. The motion failed, 2:6. In favor: O’Keefe, Weinberger. Opposed: Carroll, Olsen, Solimano, Peltz, Perrin, and Mathis. **DISCUSSION:** There was discussion on the bar being too low, concern for doing no harm, instability of these numbers, and erring on the side of generosity. Simmons offered a point of order – that the motion supports what the document states – staff and eligibility of merger bonus –and that the motion assumes 4 points for each category for a total of 16, plus a bonus point. Carroll said these assumptions are implicit in the motion. There was discussion on per pupil expenditure, staffing, and not wanting this questioned after adoption. **MOTION:** Olsen moved to call the original question. **VOTE:** Huling called a roll call vote on the original question with a stipulated cut off point of 8 with a roll call vote. The vote passed 5:3, which was not a two-thirds majority. Huling voted in favor, bringing the vote to 6:3. In favor: Carroll, Olsen, Solimano, Perrin, Weinberger, Huling. Opposed: O’Keefe, Peltz, and Mathis. Huling called a roll call vote on the motion as prepared by the Agency with a cut score of 8. The motion passed. Peltz stated that his vote was opposed and he asked to explain his vote. The motion passed 5:3. In favor: Carroll, Olsen, Solimano, Perrin, Weinberger. Opposed: O’Keefe, Peltz, and Mathis. Peltz commented that this was a terrific lesson in why the Board should not have tackled this and instead should have sent it back to the Legislature.

Chair Huling introduced the draft letter to the Legislature. **MOTION:** O'Keefe moved to accept the letter as drafted; this was seconded by Olsen. **DISCUSSION:** There was discussion on the letter being targeted to the Legislature, this being a very low bar, good faith effort, lack of satisfaction of the results, the terrific work effort of the Agency, that most Board members are not entirely happy with this vote and that this letter explains the dissatisfaction. Chair Huling clarified that the motion is to adopt the letter as-is. Mathis expressed that he would like to move forward proactively, address the equity issue, and be clear on neutrality of being for or against small school grants. Carroll suggested recessing and working with Mathis to address concerns over lunch and discussing this later. O'Keefe tabled the motion.

Chair Huling called lunch recess at 12:50 p.m. and advised that the group would reconvene at 1:25 p.m.

Chair Huling called the meeting back to order at 1:46 p.m., as a quorum was present, even though the full Board was not.

Item M: Vermont HITEC, Inc.

Bachman introduced the HITEC Item M and gave background information. Ghazi had requested to appear before the Board and was given several dates and he chose today, but notification was received that he would not be here. The Agency found that the team's report was well supported and well documented. HITEC acknowledged that they had/have a closed-door approach. Huling asked if there were questions for Bachman or questions that were not addressed in the recommendation. O'Keefe asked if HITEC gave a reason for not showing today. Bachman reported that they did not. **MOTION:** Carroll moved that the Board accept the Secretary's recommendation; Peltz seconded. **DISCUSSION:** Carroll commented on the language from HITEC and said that it is clear that new information to the Board needs to be vetted by HITEC and that their letter alone makes it clear that they are not ready for approval at this time. There was further discussion on HITEC not showing up. **VOTE:** Huling called the vote. The vote passed unanimously.

Item N: V.S.A. 16, Section 161 - Windham Southwest Supervisory Union and Essex North Supervisory Union

Russo-Savage introduced item N1 and expressed that the one concern for N1 is that they will have the same composition as pre-merger and that old habits would come easy. **MOTION:** Perrin moved to accept the Acting Secretary's recommendations for N1; Weinberger seconded the motion. **DISCUSSION:** There was none. Huling called the vote. **VOTE:** The vote passed unanimously.

Russo-Savage introduced item N2. Perrin asked who brought forth this petition. Russo-Savage explained that it was brought forth by the Board of Governors, who are appointed to oversee gores such as this. **MOTION:** Perrin moved to approve the Acting Secretary's recommendation to assignment Ferdinand to the Essex North Supervisory Union; Mathis seconded the motion. **DISCUSSION:** There was no further discussion. **VOTE:** The vote passed unanimously.

Huling reopened the issue of the draft letter to the General Assembly regarding SSGs. Perrin discussed the edits below that were agreed upon by Carroll and Mathis:

- 3rd paragraph, second line, striking especially, sentence below to fix typo from it to is, line below that we are striking ask, adding request and striking consider, and changing revisiting to revisit...
- Next paragraph, strike purely in second sentence and strike in the sentence starting with “no other...” to the end
- Page 2, last paragraph, last sentence, strike in early 2019, strike equalization
- Page 3 first paragraph, strike may, strike consider at the end of the second sentence, revisiting is revisit, and insert sentence, “in this review we ask that the GA to examine the question of equity and the resources to achieve it...”

There was discussion on the weighting study, using alternate language, and using the word “adequacy.” **MOTION:** Carroll moved that the letter be amended as described by Perrin; Mathis seconded. **DISCUSSION:** There was discussion on Attachment A and changing the cut point of 9 to 8. **VOTE:** Huling called the vote. The motion passed unanimously.

Carroll acknowledged Perrin for his Kissinger-like work with Mathis and Carroll.

Item 0: Adjourn

Chair Huling asked for a motion to adjourn. **MOTION:** Weinberger moved to adjourn; Solimano seconded. There was no further discussion. **VOTE:** Huling called the vote to adjourn. The vote was unanimous. Solimano adjourned what is his last State Board of Education meeting at 2:25 p.m.

Minutes recorded and prepared by Maureen Gaidys.
