

State Board of Education

Draft Meeting Minutes

Meeting Place: Virtual Teams Meeting/Video/Teleconference

Call in #: 1-802-552-8456, Conference ID: 260 693 426#

Date: August 12, 2022

Present:

State Board Members (SBE): Oliver Olsen, Chair; Jennifer Samuelson, Vice-Chair; Patrick Brown; Kim Gleason, Tom Lovett; Gabrielle Lucci; Amera Severtson; Secretary Dan French

Agency of Education (AOE): Emily Simmons; Donna Russo-Savage; Maureen Gaidys; Deborah Ormsbee; Patrick Halladay; Cassandra Ryan; Pat Pallas Gray; Ted Fisher; Suzanne Sprague

Others:

Kate Larose, St. Albans; Molly Witters, Ripton; Joe Astick, Maplehill School; Martha Tucker, Maplehill School; John Flowers, Addison Independent; Joanna Doria, Ripton; Kylie Cordner, Montroll, Backus & Oettinger; Mark Oettinger, Montroll, Backus & Oettinger; Steve Cash, Ripton; Wendy Harlin, Ripton; Marin Howell, Addison Independent; Jean Cash, Ripton

Introductions and roll call

Chair Olsen called the meeting to order at 8:02 a.m. A roll call was called. Chair Olsen added an item to the agenda which was to welcome the new student member to the State Board.

Chair Olsen welcomed new student member Amera Severtson to the State Board of Education.

Public to Be Heard

Kate Larose, parent, addressed the State Board regarding [students at high risk for COVID complications and state guidance](#).

Review and Approve Meeting Minutes from July 20, 2022

Samuelson made a motion to approve the minutes from the July 20th meeting. Brown seconded the motion. There was no discussion. The motion carried unanimously.

Board Announcements

None

Student Report

Lucci welcomed the new student member to the State Board. She said she was excited for her senior year. She gave a brief explanation of the student report for the new student member. Severtson said she was excited for her senior year.

Education Quality Standards (EQS) Subcommittee Update

Gleason said that the committee continues to meet. They are working through the definitions which are foundational to the document. The work has been purposeful and intentional. The committee will finalize the work on definitions at its next meeting and begin work on the content. The committee will hold one public hearing for reaction and input. The committee will make any modifications to the final draft following the hearing and then share it with the full State Board for its consideration.

Independent School Approval Review Committee

Lovett presented an update on BRIGHtality and said it has been communicating with the AOE on bringing its facility up to code.

Lovett provided a description of the Maplehill School approval. He read the following motion:

That the State Board of Education grant renewal of general and special education independent school approval in the disability categories of Intellectual Disability, Autism Spectrum Disorder, Developmental Delay, Traumatic Brain Injury, Multiple Disabilities, Emotional Disturbance, Specific Learning Disabilities, and Other Health Impairment, and in addition approve the addition of an upper elementary program for grades 4-6 to Maplehill School, Plainfield, Vermont to serve students in grades 4-12.

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.

Gleason seconded the motion. There was no discussion. The motion carried unanimously.

Lovett provided a description of the Mount Snow Academy (Mount Snow) approval. He said the school was in compliance except for the new Rule 2227 relating to a boarding program which states it must be accredited or licensed by the Department of Children and Families (DCF). There has not been enough time to gain accreditation, and the committee is therefore recommending that the State Board grant approval and waive compliance with Rule 2227 on the condition that Mount Snow provide a written statement from the accrediting agency stating that it is engaged in the accreditation process, is making progress towards accreditation and provides a timeline for completion. The State Board has received notice from the Association of Independent Schools of New England (AISNE) that Mount Snow is actively engaged in the accrediting process.

Lovett read the following motion:

That the State Board grant renewal of approval of general education and the addition of grades four (4) and five (5) to Mount Snow Academy, West Dover, VT. This approval requires waiving compliance with Rule 2227, which requires an independent school operating a boarding program to be accredited by a State-Board-recognized accreditor, is conditional upon the requirement that the school provides evidence that (1) it is and remains actively involved in an accreditation process and has a clear timeline for completing that process and (2) it complies with the intent of Rule 2227 (e.g.

substantially complies with the Association of Independent Schools in New England (AISNE) standards 5 (Student Well-Being), 7 (Residential, Homestay, and Exchange Programs), and 14 (Safety and Risk Management).

It is also 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. Samuelson seconded the motion.

Discussion followed regarding when Mount Snow began the accreditation process, concern that the accreditation process was not farther along to know if they would be accredited, tabling the motion for more information and if evidence can be provided, current approval remains in effect, many schools fall into this category and providing evidence of compliance makes sense, concern about waiving Rule 2227 and setting a precedent that the rule would be waived, obtaining a legal opinion on the State Board's authority to waive the rule and that AOE review and provide a new green sheet.

Lovett withdrew his motion.

District Quality Standards – Overview of AOE Approach

Secretary French said creating District Quality Standards is a requirement under Act 127. The AOE is in the process of creating the scope of work and timeline. There is a requirement that the State Board of Education adopt a communications plan for the AOE on this topic. Secretary French said he envisions school district governance to be included. He added that the Vermont School Boards Association has agreed to lead the work on school district governance. Discussion followed regarding due date, intersection with Education Quality Standards (EQS), state-level accountability, quality assurance regulations, new allocations with pupil weight revisions and assuring the funds are spent appropriately, aligning timelines with EQS, and the community engagement process.

Back-to-School Update from Secretary French

Secretary French said that a [back-to-school memo](#) published jointly with Commissioner Levine has been released and is specifically directed to school nurses. He summarized the memo. Secretary French said the CDC published its guidance after Vermont's guidance was released. The Vermont Department of Health is reviewing the CDC guidance and will come forward with any new recommendations. Discussion followed regarding removing stigma of mask wearing, memo consistent with what other states are doing, school safety, mental health focus of recovery, ways to create safe learning environments for students who are immunocompromised and strategic plan to address school safety. Chair Olsen asked Secretary French to share any response to the public comment that was received earlier in the meeting. He added that the Agency of Education does not report to the State Board and the State Board does not have the legal authority to direct the Agency of Education or the Secretary.

Pupil Weighting Update

Secretary French welcomed the new State Board of Education member. He provided the legislative outline of [Act 127](#). He reviewed the law's background and the Act 173 change from a reimbursement model to a block grant. A concern was if the pupil weights were functioning properly and specifically to the relationship of special education and poverty. If the poverty weight was functioning well, then

the allocation of state resources would be sufficient and equitably deployed. A report was commissioned by UVM and determined that the pupil weights were not accurate. The General Assembly worked on the issue and the outcome is Act 127. The act takes effect in fiscal year 2025 and will be phased in through 2029. The new weighting system has implications for tax rates. During the phased transition, a school district cannot see a tax increase of more than 5 percent per year. The poverty indicator has been modified significantly and the Free and Reduced Lunch (FRL) ratio will no longer be used as a proxy for poverty. Instead, a poverty indicator using a universal income declaration form will be used. The data that comes from the form will be factored into the poverty level calculation and used to develop a weight for pupil economic need.

Discussion followed regarding using IRS, census or tax information, income declaration form specifics, details, and process, AOE role in CTE funding and governance structures, additional capacity at the AOE and making the form accessible to diverse communities.

SBE Future Agenda(s), Plan for September In-Person Meeting in Addison County

Chair Olsen said the consensus for the September meeting is to be in-person in Addison County. The target start time will be 9:00 a.m. The morning will entail a tour of the area followed by a meeting at a physical location for official business including addressing governance issues in Addison County and other items. He reminded the State Board members to complete the Doodle Poll to identify the best date to meet.

Chair Olsen called for a recess at 9:43 a.m. The meeting reconvened at 10:10 a.m.

Ripton Status Report Review Committee – Review of Findings and Opinion and Determination of Preparedness

Chair Olsen provided background on Act 176, which directed the Ripton School District (RSD) board to identify whether it would begin providing education for its students on July 1, 2023 or defer the start date to July 1, 2024. Act 176 required the RSD board to advise the State Board of its decision and to provide a status report of actions completed and planned in order to be prepared to assume responsibilities by its chosen date of full operations. The RSD board chose not to defer the start date and submitted its status report on July 20, 2022. The Ripton Status Report Review Committee heard testimony from Ripton, the AOE, and persons with experience in operating school districts and supervisory unions (SUs) in Vermont. Act 176 required the SBE to issue an opinion by September 1, 2022 on the preparedness of RSD. If the SBE finds that there is a “reasonable risk” that RSD will not be operational by July 1, 2023, then the RSD may hold a vote so the voters can reconsider joining the Addison Central School District (ACSD). The vote must take place by September 30, 2022. The Ripton Status Report Review Committee issued a [draft decision](#) for consideration by the full SBE indicating that the RSD was not prepared and there was considerable risk that moving forward would negatively impact its students.

Oettinger addressed the State Board. He said they have reached out to ACSD legal counsel. RSD is willing to return to the ACSD if there is a charter change relating to a vote required in the event that any school within the ACSD were to close. Oettinger was cautiously optimistic that if the ACSD agreed to that change, they could engineer a return to ACSD. He added there are two possible scenarios: 1) ACSD agrees to school closure requirement and 2) Ripton votes to rejoin ACSD. If both

options fail, then the State Board would either name Ripton to be its own school district (SD) or assign Ripton to another supervisory union. Chair Olsen clarified that Ripton is its own SD and the draft opinion to be considered by the SBE notes that RSD will not be prepared under any configuration (i.e., if Ripton is its own supervisory district, is a district within an as-yet-to-be-created SU, or is assigned to an existing SU).

Discussion followed regarding: the State Board being limited in its decision in January and had to vote to approve withdrawal, offramp vote, charter changes and who can make them, a lack of awareness of the necessary requirements to running a school district prior to the first vote in Ripton, timeline, Ripton returning to ACSD, articles of agreement change, vote of the electorate, RSD to warn a meeting, mechanics of changing the articles of agreement under § 722, and the offramp process versus § 721 process.

Cash said the RSD board is interested in returning to ACSD with protection being preferred. He said that, although the Ripton Status Report Review Committee's draft opinion did not reflect his desired outcome; the process had some benefits nevertheless. He is hoping there is a successful solution. He asked that RSD be included as a stakeholder in the AOE's school closure study required by Act 176.

Samuelson made the following motion:

I move that, pursuant to Act 176, Section 4(d)(3), the State Board approves the Subcommittee's draft Preparedness Statement as the State Board of Education's final "written advisory statement detailing the factors underlying its conclusion" that there is a "reasonable risk" that the Ripton School District will "not be able to be prepared" by July 1, 2023, to assume the responsibilities of a stand-alone supervisory district, a school district within a yet-to-be established supervisory union, or a school district that is a member of an existing supervisory union. Gleason seconded the motion. There was no discussion. The motion carried unanimously.

Chair Olsen said the draft report will be updated to note the final vote of the State Board and, pursuant to Act 176, the report will be posted and distributed to the RSD.

Addison County Governance Issues (Preparation for September)

Chair Olsen said that the ratification vote in Starksboro failed. There are 30-days to petition to reconsider the vote. Unless the decision is reversed on a reconsideration vote, Starksboro will remain with the Mount Abraham Unified Union School District. Ripton may return to the ACSD. Samuelson reached out to Lincoln for its preferred configuration and is awaiting a response. Two neighboring SUs have responded that they are opposed to having the towns assigned to them. Chair Olsen said that there may be some difficult discussions and decisions at the State Board's September meeting. Discussion followed regarding: Ripton, Lincoln and remaining options, legislative action may be required, transition funding, and concern with the outcome.

Public to Be Heard

Jeanne Cash, Ripton resident, addressed the State Board. She said without protection for rural school closure there is potential for towns to not vote to rejoin a supervisory union or district. She hopes that ACSD will amend its articles to protect small schools, so they have a say. She asked what the State Board's contingency plan is if Ripton votes not to return to the ACSD.

Adjourn

Samuelson moved to adjourn; Brown seconded. The meeting adjourned at 11:29 a.m.

Minutes prepared by Suzanne Sprague