

April 18, 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; Bonnie Aten-Johnson, Heather Bouchey

Agency of Education (AOE): Haley Jones, Ted Fisher, Molly Bachman, Amy Fowler, Pat Fitzsimmons, Emily Simmons, Brad James, Jen Perry, Maureen Gaidys.

Others: Melissa Bailey, Commissioner, Department of Mental Health; Juliette Longchamp, VT-NEA; Patti Komline, VISA; Ralph Bennett, VSG/VPI; Jon Bownes, VSG/VPI; Ellen Mercer Fallon, VSG/VPI, James Carey, VSG/VPI; Bruce Labs, WRVSU; Catherine Gallagher, LNSU; Richard Roderick, Wells River; Jay Wolter, VPI South; Jay Nichols, VPA; Angeline Alley, BMU Chair; Bruce Stevens, BMU Former Chair.

Item A: Call to Order

Chairman Huling called the meeting to order at 8:45 a.m.

Item B: Roll Call and Introductions

Chair Huling asked Board members to introduce themselves.

Item C: Public to be Heard

Chair Huling asked if there were any members of the public to be heard. There was none. Chair Huling said there was an amendment to the agenda, approval of the draft minutes of the Secretary Search Committee meeting on April 2, 2018.

Item D: Consent Agenda

MOTION: Carroll moved to accept the consent agenda; Peltz seconded. There was no further discussion. **VOTE:** The consent agenda passed unanimously.

Item E: Board Announcements

Johnson-Aten shared that she went to China and visited schools, with the purpose of recruiting some exchange students at the elementary level. They are very interested in what is going on here and looking for assistance with professional development. Mathis shared that he and Bouchey just returned from New York where he had a conversation with Mike Kirst, President of the California State Board of Education, who shared that the California State Board is

supported by 13 exempt staff. He thought that was interesting. Huling thanked Gaidys and Sprague for the enormous amount of work that has been needed over the last few weeks, to include the extra meetings and the Secretary search. She also acknowledged Jones and Fisher for getting things out to the field/media in the last few weeks. Mathis said he would like to lobby for appropriate staff at the AOE and would like to look at the budget before the next legislative session starts. He noted that the law says that the Board needs to review the budget produced by the Secretary.

Item F: Chair's Report

Chair Huling said she worked with Senator Baruth, Representative Sharpe, Representative Johnson, Senator Ashe and the Governor's office for a statement on Act 46 so that people would understand that the Act 46 process would continue to move forward. Huling is working on getting an exit interview with former Secretary Holcombe. Per Bachman, this would need to be held in open session, not executive session since she is no longer a member of the Board. O'Keefe suggested an exit interview with a smaller group. Peltz and O'Keefe expressed concern over having this in open session.

Item G: Committee Reports

Legislative Subcommittee: Peltz shared that he and Mathis met at the Legislature and shared that the position paper on census count was well received. They had good exchanges before they got there and listened to testimony prior to testifying. At the legislative subcommittee meeting, they discussed H.846 and increasing meetings in June and October and the Miscellaneous Education bill that needs to be monitored. Also discussed was H.911.

Strategic Plan Committee: Carroll shared that there is a vision and they need to talk about how to determine metrics. The committee has divvied up the work with two committee members each addressing metrics for excellence, efficiency and equity. The hope is to have a solid draft at least in time for the June retreat. Carroll said they would like to have comparisons to other states and suggested time series and drilling into schools to examine the top and bottom quintiles. Carroll will be meeting with Patrick Halladay (AOE) soon for an update on what the Agency is doing in hopes that this can be adapted to the needs of this committee. Carroll is looking at eight states who are similar in demographics and will share some of this with the committee at today's lunch meeting.

Item H: Student Reports

Beck shared that her student government is made up of ten members from each class – and they came up with the idea of combining post-secondary plans with celebrating seniors with a Senior Day. This would give them one day to come to school wearing a shirt that represents the college that they will be attending or the career that they will be pursuing and will provide an opportunity for seniors to be proud and share their accomplishments. The hope would be to inspire underclassmen to set post-secondary goals. Perrin said that at Middlebury, teachers wear the shirt of the college they attended in attempt to spur conversation and interest. Huling added that her school does a scavenger hunt that involves uncovering teachers' post-high school pursuits.

Item I: Acting Secretary's Report

Acting Secretary Bouchey shared four updates:

- 1) NAEP press release: Although Vermont students are above the national average, they have continued to decline. The one exception is that 4th grade students without disabilities have remained constant. There are no increases. The AOE is concerned about this and are theorizing why and what the data means. Turnover of staff at schools and Act 46 may have had an impact. Next steps are to dig deeper into this data and ask many questions. There was discussion on PBL, mental health in schools, the difference between the administration of SBAC and NAEP, professional development, achievement gaps, how Act 46 effects instruction, and literature review.
- 2) Act 46 Memo: The shared Act 46 memo that was recently distributed was very helpful to the AOE since there was a lot of targeted pushback. She thanked Chair Huling and others involved for their work on drafting and releasing the memo.
- 3) Fair Haven: Last week was a very rough week for that community given that the youth of concern was not charged. A lot of time was spent last week with DPS and the immediate community to address safety concerns. There will also be some school safety grants pursued.
- 4) Innovation Lab Network (ILN): There are about 100 state representatives who will be here to attend the ILN conference, visit schools in Chittenden County, and participate in PBL sessions –this is a big coup for the little state of Vermont.

Item J: Update on Secretary's Search

Chair Huling shared that the committee has met, the Secretary's job is posted on SchoolSpring, Ed Week, New York Times and VT-HR. The application deadline is April 30, 2018. The job description was also sent to CCSSO, and shared with education partners, on Twitter and through a press release. Interviews will be the first week in May. Selected candidates' names will be brought to the Board at the May 16 meeting and finalists will be forwarded to the Governor by the first week in June. The Governor's Office is appreciative of the expedited process and holding time in early June for interviews. Huling said that more Board members can participate in the Secretary search interview process. Any Board member that participates must attend all of the interviews and be committed to the process. O'Keefe asked about including professionals for input. Huling said that might be more appropriate for the Governor's Office to consider. Mathis asked if names were going to be kept confidential and for how long. Huling shared that in the past, names were not shared. Weinberger asked that interview questions be shared with the Board, for review or additions. Huling added that there could be a problem-solving task or activity as well. Huling said that all dates would be forwarded to Board members. Johnson-Aten asked for a layout of the search plan/process. Carroll asked if there was access/support from the AOE on getting a background check for forwarded candidates. Huling offered to connect with the Governor's Office on background checks.

Item K: Mental Health Supports for School-Aged Children and Their Families

Melissa Bailey, Commissioner, Department of Mental Health, introduced herself and shared a Power Point presentation titled, "Child, Adolescent and Family Mental Health and System of Care."

There was discussion on payment reform driving service delivery, wait lists, capacity concerns, how Act 264 is working, lack of resources, disconnect between divisions, issues with re-organization, budget challenges, culture of organizations and funding streams as obstacles, two-generational approach, *Building Flourishing Communities*, Medicaid funding, hunker-down mentality in VT, and AHS/AOE's large and collaborative role in making the much-needed shift.

Huling called a recess at 10:34 a.m. Huling called the meeting back to order at 10:45 a.m.

Item L: Legislative Update

Jones introduced herself and shared a handout. She spoke about the Miscellaneous Education bill and discussed highlights of this bill.

Acting Secretary Bouchey spoke about the legislation that affects licensing and shared that there are two CTEs housed in private schools (St. Johnsbury and Lyndon Institute) and she spoke about program approval of CTEs and how this includes properly credentialed teaching staff. There was push back on this from St. Johnsbury; they wanted to use NEASC for approval, but this does not work. The concern is equity across systems. The impetus is that St. Johnsbury needs to have licensed teachers and this came as a surprise to them. The dislike for changing this process is not universal – there is a lot of support for keeping it as it is as CTEs have worked hard to increase rigor and change the perception/credibility of CTE programs.

Jones continued on the Ethnic and Social Equity Standards Advisory Working Group and Huling shared that she hoped the Legislature knows that there is already work being done on this. She also addressed Section 16 of the bill, which is about the State Board's general powers and duties, and Section 17 of the bill, Expanded Learning Opportunities (ELO).

There was discussion on the role and responsibilities of an ELO committee, the Agency's concern that this creates a parallel system, the Agency's high quality 21C system, and supporting students, not another committee. Chair Huling noticed that the Miscellaneous Education bill creates many committees and asked how many there were in total. There was discussion on effective dates of this bill and issues with rulemaking.

Jones identified Byrne as the contact for specifics on the special education funding bill and shared the most recent changes to this legislation. There was discussion on when the Legislature might adjourn, the possibility of May 11, the Board taking a position on any of this and having Jones notify the Board if there were issues of concern that arose because time is crucial.

Item M: Vermont School for Girls (VSG)

Chair Huling asked for representatives from VSG to introduce themselves. Ellen Mercer Fallon introduced herself as representative for VSG. She said there have been two submissions to the Board since the last meeting that she hopes were responsive. She introduced Jeff Caron, President of VPI, Jay Wolter, CEO of Beckett Family Services (umbrella organization), Ralph Bennett, Executive Director of VSG, and John Bownes and Jim Carey from the VPI Board. She said that there was no presentation planned, but that this group was available to answer questions. Fallon noted that at the January meeting Secretary Holcombe made a request to remove this from the consent agenda, and that this was tabled, thus she requested Bachman

state for the record the AOE's position. She went on to share the AOE's recommendation for approval for 5 years and asked that Bachman speak to this as a procedural detail. Huling said the additional information provided was helpful and asked if Bachman wanted to address the Board. Bachman introduced herself and gave some context. She explained that perhaps the Secretary was addressing that independent school approval should not be part of the consent agenda as part of the general process. Bachman stated that the Agency's recommendation was to approve and she acknowledged that this Board's role was not to rubber stamp and that it is entirely appropriate for them to address concerns. She spoke to the differences with CRA, with whom there were concerns and approval addressed that and VSG, with whom there are not the same concerns.

MOTION: Carroll moved to adopt the Secretary's recommended action except that the last sentence would be amended to read that the approval would be for three years through June 30, 2021 and that "immediately" could be improved by changing it to "five business days" to avoid ambiguity. Perrin seconded. Extensive discussion followed.

Carroll thanked the applicants for attending the meeting and acknowledged the long road that has been traversed. He spoke to the reasons for needing additional information and clarity and that their understanding of financial capacity might be different from that of the AOE. He discussed the need to understand the question of governance and leadership. He commended the group for what was provided to address the concerns with the fitness of the leader of concern. He stressed the importance of character and fitness. Weinberger supported Carroll's motion and expressed continued concern that evidence of specialized services are missing. She expressed lack of confidence in waiting three years to see this rectified. O'Keefe supported this and suggested a one-year approval. Carroll suggested a three-year approval for General Education functions and Special Education for a more limited period. Carroll amended his motion to three years for General Education and one year for Special Education; Weinberger seconded. Fallon asked for specifics on the record keeping concerns addressed by Weinberger. Weinberger directed her to page three of green sheet. Fallon clarified that the issue was addressed, as stated in the green sheet, and was no longer a concern. She added that all of these students are special education and that split approval does no good when they go to the bank to get funding for much needed improvements. She expressed that they would be very grateful for three years, as they would not be able to proceed with borrowing for improvements with limited approval. Huling asked why this documentation was missing, when this is the population most served by this school. O'Keefe shared that he will vote no if approval is for more than one year. Perrin noted that three-year approval is needed to meet financial needs and stated that he supports three-year approval. Johnson-Aten commented that the Board might be dancing close to micromanaging, and that only three IEPs were pulled. She supported a three-year approval and added that public schools are not held to this same standard and that mistakes happen. Fallon added that there was no indication that these services were not being provided and that these students would not be functioning if these services were not provided.

The motion was amended. **MOTION:** O'Keefe amended Carroll's motion to provide three years of General Education and one year of Special Education approval and to include the change in language of "immediately" being replaced by "five business days." Weinberger asked Perrin to speak again, to how a three-year approval would help them financially. Perrin shared that

banks would need some assurance that VSG would be around for more than one year, and that the Board needs to not rubber-stamp these approvals, all schools are fallible, three years is a good compromise and that he would like these folks to get on their way and get back to the business of upgrading facilities. **VOTE:** Huling called the vote and it did not pass. **MOTION:** Carroll moved to approve three years for both General Education and Special Education with the addition of replacing “immediately” with “five business days.” **VOTE:** The motion passed; O’Keefe voted no.

Item N: NASBE Membership

Huling acknowledged that this was an old issue and had been discussed at several meetings. Mathis asked to put it off for another month. He shared that there was a missing piece of information that the Board should have before this item is voted on. Carroll asked for some details. Mathis shared that we receive a 25% discount and that NASBE is promising to send Board members to workshops at no cost and that they are thinking of bringing their conference to Vermont, which would bring much needed business to the state. Huling asked who on the Board would plan to take advantage of these free conferences and asked that Mathis forward the information to Board members. There was discussion on NASBE changing this to a tiered approach, the Board functioning well with or without NASBE, and the need for using these funds elsewhere. It was decided to table this item until May.

Item O: Waiver Requests

Chair Huling advised that there were four Section 1071 waiver requests and invited any representatives to come forward and introduce themselves.

Bruce Labs, superintendent, White River Valley Supervisory Union, introduced himself. He explained that it was tough winter and that they have tried to mitigate for ice days, snow days, no-heat days and no water days. He specified that he was not requesting a waiver for all schools, only for those schools that will fall below the required 175 days. There was discussion on the merger and working with staff and calendars for two different SUs that have a different number of days in their schedule. There was confusion on which schools needed a waiver. Labs confirmed that it was Strafford, Tunbridge and Chelsea. Huling read the statute. Mathis shared that there is an SBE rule that five contingency days need to be built in for weather and asked if this was the case. Labs confirmed that this was not the case. Bachman cited 2311.1 and 2311.2 and read this rule, which specifies, “Days lost because schools are closed for emergency reasons prior to February 1 of any year shall be rescheduled and made up during that school year when such closing will result in a schedule of less than 175 pupil attendance days for the year. Petitions for waivers of the 175 student attendance days shall be submitted to the Commissioner's office within 10 days as stipulated by law.”

There was discussion on building calendar plans going forward, moving to more student contact days, and that the recommendation was to deny this request. **MOTION:** O’Keefe moved to accept the Secretary’s recommendation and not approve this waiver request; Weinberger seconded. **VOTE:** The vote was unanimous to deny this request.

Catherine Gallagher, superintendent, Lamoille North Supervisory Union, introduced herself. She thanked the Board for hearing this request and stated that she was making this request on

behalf of parents, students, student council, teachers and administrators. There were five contingency days built in to their calendar. The issue is that they will be going to school until June 18, Orton Gillingham will be offering a weeklong professional development starting on June 21, and they cannot back out on that at this point, due to the expense and the PD schedule for the summer. This can be accommodated, but it will be difficult. O'Keefe suggested using Saturday as a make-up. Huling expressed concern about students losing a day of instruction and meals. Gallagher offered that summer camp is starting soon and meals are provided there. There was discussion on having a half-day Monday, the importance of this professional development, low attendance on Monday, coming back a day early from winter or spring break, and that the last snow day was March 14, 2018. **MOTION:** Perrin moved to accept the Secretary's recommendation to deny this request; O'Keefe seconded. **VOTE:** The vote passed. Weinberger voted no.

Essex-Westford School District – Chair Huling noted that this event happened February 1 and the letter was not received until March 28, 2018, which was well beyond the 10 days required. **MOTION:** Mathis moved to accept the Secretary's recommendation; Perrin seconded. **VOTE:** The vote passed unanimously.

Harwood Unified Union School District – Chair Huling commented on the number of days that students were out of school and that they dated back to September and was surprised that there was no representative present. Bachman added that they are asking for a total of four days to be waived. Bachman added that statute addresses events that happen on February 1 or later and said that it is arguable that there is even a basis to consider this under State Board Rules. Bachman added that the other two events included in the letter did not result in school closures. O'Keefe wanted it on the record that this request does not comply with statute or regulations. **MOTION:** O'Keefe moved to accept the Secretary's recommendation and added that this does not comply with state law or SBE rules (2311). Weinberger seconded. **VOTE:** The vote passed unanimously.

Carroll asked that the record show that the Acting Secretary is batting 1000.

Huling called recess at 12:17 p.m. with a plan to return at 1:00 p.m.
Huling called the meeting back to order at 1:11 p.m.

Item P: Small Schools Grant Metrics (Excellence)

Chair Huling introduced the item and invited presenters to introduce themselves. Deputy Secretary Amy Fowler, Emily Simmons, Staff Attorney and Brad James, Finance Manager introduced themselves.

Simmons shared a flow chart that detailed the application for small schools grants under 16 V.S.A. §4015. She cautioned that the language of the General Assembly and what they chose to focus on do not map neatly with what is collected, especially in the first two instances, so it might be difficult to decide on what is good enough and what is fair, not what is perfect. Deputy Secretary Fowler discussed that she would walk through the presentation and started with asking the Board three questions for consideration related to Academic Excellence Criteria and Operational Efficiency Criteria. She offered to break for discussion following each section.

There was discussion on breaking this out by grade level, aggregating this data, what is already available, measures used, measuring what is available instead of what would be useful, using three or multiple years of data, the availability of FRL data, informing the Legislature that the Board cannot disaggregate the groups, looking at the three prior years for every year a recommendation was made, statute not asking for grade-by-grade analysis, using English language arts and math assessments, collapsing grades, having the AOE certify the data without providing it, transparency concerns, calculation of benchmarks, and how many schools are geographically isolated. Deputy Secretary Fowler explained the tables and different levels and shared the Agency's recommendation. There was discussion on specifics, or lack thereof in statute, loss of small schools grants resulting in closing of schools, determining excellence by comparison to peers. Huling queried the Board members on which table is preferred. There was discussion on transparency, consistency of what is used statewide, definition of excellence, dilemma faced in this work, complication of using a top shelf model, public perception, and the value of recognizing growth over time.

Simmons and Deputy Secretary Fowler continued with their presentation. Simmons shared that the second two criteria are discrete from one another and are clearer. There was discussion on high student-to-staff ratios, participation in the merger study, merger report to the Board, the need to consider what is used to determine staff ratios, excluding the bulleted list of staff, the need to consider pro-rating the SU staff based on a percentage or not, the statute that says "high student-to-staff ratios" and the need to know what is being compared. There was discussion on how small schools operate compared to statewide averages, parameters of statute, and when the Board will vote.

Simmons made a final point that there was a wrinkle created by Act 49 and certain structures (3x1s and 2x2x1s) had an option that would make them exempt from statewide plan, but were not given any other merger incentives. She advised that the Board will need to determine if participation as existing district in an Act 49 structure will count towards the metric or not.

Fowler reminded the Board that they passed EQS, which required certain ratios for certain positions, and that they could ask for a yes/no on if that school is providing that service at that pro-rated rate. Carroll offered that all four areas only need to be considered. Simmons advised that if the Board decides to look at this holistically, the Board would need to tell the Agency how each of the four categories are weighed so that the process would be clear and consistent. Huling asked the Board to think about how to move forward on this and when. There was discussion on working from this document or not, capacity of the Agency, the time sensitivity of this, and whether or not this has anything to do with closing small schools. Fowler recommended that Simmons bring back two proposals, one separate and the other collective. The Board agreed.

Item Q: Strategic Plan – Next Steps

Huling shared that other states are doing this work already and shared that this is in response to legislative requests and asked for names to be stated for the record. Pat Fitzsimmons, Education Program Manager, introduced herself and spoke about H.794 and the issues that it presents. Deputy Secretary Fowler offered that at the time this was prepared the bill was H.794,

but that it is now included in the Miscellaneous Education Bill, brought forth by our fellow citizens. This is another piece of the big picture of equity.

Fitzsimmons shared her presentation that included resources and Agency recommendations. There was discussion on the working group and how these members will be appointed, social justice standards, *Teaching Tolerance*, that standards are adopted but curriculum is developed locally, expectations of educators, resources available to inform next steps, remedies for culturally insensitive teachers, if this should be addressed as a transferable skill or move towards standards of social and cultural competence. There was further discussion on losing something inherent if left as a stand-alone item, uneasiness of using “culturally and socially responsive students,” dictating culturally and socially responsive behaviors, treating as a competency vs. a body of thought, having this received at the district level as a mandate, expected backlash, profile of a Vermont graduate, global citizenship and future calendaring of this topic.

Item R: Public School Register

Acting Secretary Bouchey and Jennifer Perry introduced themselves. Perry shared that they will be back next year with more in-depth conversations on how to revamp the guidance to the public school register and that they are required to have the Board’s approval before publishing this document on July 1. She shared that over the past few years, there have been some additions to this and that she is here to answer questions and take notes. Bouchey clarified that they are asking the Board to review and approve the changes and reiterated that as Perry has said, the changes are mostly cosmetic. For transparency, she shared a presentation that showed the edits that were made. O’Keefe asked if there were any hot button issues. Bouchey replied that there was none. There was discussion on independent schools being required to use the register and if not, why not, that the statute only addresses public schools, if it would be an asset to have this information from independent schools, limited requirements of independent schools, academies’ participation in the student census, and burdens on Business Managers. Huling asked to be provided with the document that shows the changes and that this be added to the consent agenda for next month. Perry added that the page numbers are incorrect and to ignore this. Perrin indicated that he was ready to vote today.

MOTION: Perrin moved to accept Secretary’s recommendation; Carroll seconded. **VOTE:** The vote was unanimous.

Item S: Blue Mountain Union School District – SU Realignment

Chair Huling invited representatives from Blue Mountain to come forward. Bruce Stevens, former board chair, and Angela Alley, current board chair, introduced themselves. Huling shared that Blue Mountain has been on the radar for a while as a concern and shared that the current superintendent is leaving and going to Orange East SU and that they are requesting to search for a part-time superintendent. Alley shared that there has been another resignation, of their full-time Business Manager, who is also moving to Orange East SU. Alley said their biggest concern is to keep their K-12 school. They would like to remain a standalone, but understand that the Board can redraw boundaries. There was discussion on what towns are involved (Wells River, Groton, Ryegate) the number of school buildings (one) and ADM. Chair Huling asked where they might like to merge and Alley replied that was difficult to say. She

explained that Orange East was pursued and did not pan out and that Danville does not want them. Huling asked who was left of the leadership team. Alley replied that there was a curriculum coordinator and a K-12 principal. There was discussion on contracting services, any SU that would not be a good fit, that the discussion is not about closing the school but moving governance, sharing transportation, concern of closing the school comes from the 706(b) study, impact for students on opportunities/challenges, history of SU administration, importance of moving quickly due to lack of leadership, timeline for moving forward, authority of the Board for re-assignment, possibility of Blue Mountain proposing re-assignment, Blue Mountain seeking involvement of the VSBA and the need to move fast.

Item T: Calendar Review

Chair Huling asked if all members had completed the Doodle poll for the extra meetings in June and October. Other May agenda items that were identified were completion of the SSG metrics, a resolution for Solimano's last meeting, something special that he might want to do to highlight his school, and NASBE membership. Chair Huling said that there were no dates yet secured for the additional June meetings; and that work is underway for price quotes for the June retreat. She said she wanted to add to the first meeting in June for the final vote out on candidates for the Secretary of Education position to be forwarded to the Governor's office. Other agenda items for May: something student-centered, Rules 2200 series (rules and application process), Carroll's think piece on improving the process for independent school applications and steps the AOE takes upon receipt of application. There was discussion on the Agency needing more clarity on governance and what to look for in applications, that Agency reviewers didn't see the unanswered questions and/or the deficiency in information provided, differences between the interests of AOE and the Board, level of trust and what/who is trusted, the importance of understanding audited financial statements, insufficient capacity due to budget, gathering of 1099 information through Google, seeing a blank application and level of review. Huling asked Carroll if he wanted to discuss the Strategic Plan with the Board in May. He agreed.

Adjourn

MOTION: Peltz moved to adjourn; Mathis seconded. There was no further discussion. **VOTE:** The vote was unanimous to adjourn. The meeting adjourned at 3:30 p.m.

Minutes recorded and prepared by Maureen Gaidys.
