

**June 8, 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.*

## **Approved Minutes**

### **Present:**

**State Board of Education (SBE):** Krista Huling, Chair; William Mathis, Vice Chair; Mark Perrin; Peter Peltz; John O'Keefe; Callahan Beck; John Carroll; Connor Solimano; Oliver Olsen; Heather Bouchey

**Agency of Education (AOE):** Cassandra Ryan, Molly Bachman, Emily Simmons, Haley Jones, Ted Fisher, Judy Cutler, Pat Fitzsimmons; Martha Deiss, Suzanne Sprague

**Others:** Carolyn Kenter, Lakeview Elementary School; Diane Janukatjis, Stannard School Board/Lakeview; Chaunce Benedict, Swanton; Dan Macarthur, Marlboro; David Kelley, Greensboro; Jared Jewett, Montgomery; Jay Denault, Franklin; Elizabeth Adams, Putney; Patricia Sears, Lowell; Steve Mason, Lowell/NCSU; Carolyn Partridge, Windham School Board; Jody Normandeau, Dummerston; Dorothy Naylor, Calais; Scott Thompson, Calais; Linda Treash, Barnard; Nicole Conte, Barnard; Xander Landen, VTDigger; Michael Fells, Meadow School; David Powsner, Foundations; Mill Moore, VT Independent Schools Association; John Castle, Superintendent North Country SU; Margaret MacLean, Peacham; Carin Park, Barnard; Nicole Mace, VSBA; Pamela Fraser, Barnard; Gaston Bathalon, Troy/NCSU; Emilie Knisley, BMU; Bev Davis, Superintendent Orleans Central SU; Amy Leroux, OCSU; Troy Kennett, INSPIRE School for Autism; Patti Komline, VISA, Greg Rosenthal, Lhigh School (via phone); John Scherer, Community Schoolhouse (via phone)

### **Item A: Call to Order**

Chairman Huling called the meeting to order at 9:02 a.m.

### **Item B: Roll Call and Introductions**

Chair Huling welcomed new State Board member Oliver Olsen. She asked Board members to introduce themselves.

### **Item C: Public to be Heard - General**

The following people addressed the State Board of Education on small schools grants.

David Kelley, Greensboro  
Carolyn Partridge, Windham Elementary School Board  
Steven Mason, Lowell Graded School Chair

Carin Park, Barnard School Board Chair  
Jody Normandeau, Dummerston School Board (speaking on behalf of School Board Chair Kristina Naylor)  
Margaret MacLean, Peacham  
Pamela Fraser, Barnard (speaking on behalf of Randall Szott)  
Scott Thompson, Calais/U32 School Board  
Linda Treash, Barnard

**Item D: Consent Agenda**

Carroll made a motion to accept the consent agenda. Peltz seconded. Carroll asked that the language be clarified regarding the notification timeframe of changes in enrollment, programs, policies, facilities, financial capacity, staffing and administration from independent schools to the Agency of Education be modified from immediately to a time certain such as two or five days. He said the term “immediately” can be interpreted differently. The vote passed.

**Item E: Chair's Report**

Chair Huling gave an update on former State Board student member, Rainbow Chen. She said she had a great year at Brown University. Chen wants to pursue a career in education policy and hopes to be Secretary of Education someday.

Chair Huling thanked the Agency of Education for the hard work and the amount of extra work put into the proposed Statewide Plan. She said the July, August and September State Board meeting locations have been selected. She said the locations were chosen because they are neutral. The July 18<sup>th</sup> meeting will be held in the northern part of the state at the Newark School. The August 15<sup>th</sup> meeting will be held in central Vermont at the State House in Montpelier. The September 19<sup>th</sup> meeting will be held in the southern part of the state at Green Mountain High School.

Chair Huling said that she is working on locations for the remaining State Board meetings for the 2018 – 2019 fiscal year. She is hoping that a list of final locations will be handed out at the retreat.

Chair Huling said that on May 30<sup>th</sup> the Secretary Search Committee consisting of Huling, Mathis, Perrin and Carroll met with the Governor to review the candidates being considered for the Secretary of Education position.

Chair Huling said that NASBE is hoping to attend the annual retreat. She is working with NASBE on how they can be most useful.

Chair Huling said that Troy McAllister is the new Chair of the Special Education Advisory Council. This Council is supposed to advise the State Board on special education matters. The Council will be reviewing the recent special education legislation and will have an update for the State Board at the retreat.

Chair Huling updated the board on the VSBPE. She said that no State Board members could attend their June meeting. The VSBPE will be under new leadership and are awaiting the

Governor's appointments. The next meeting is scheduled for August. Chair Huling is hoping to cement a relationship between the State Board and the VSBPE.

**Item F: Acting Secretary's Report**

Acting Secretary Bouchey said that there is a lot of activity surrounding the State Workforce Development Board as a result of recent federal legislation under the Workforce Investment Opportunity Act. She and key Agency of Education staff attended a training that revolved around revitalizing parts of the Development Board and reviewing requirements according to statute. Acting Secretary Bouchey continued that statutory legislation passed through Vermont State Legislation in H.919, provides the State Workforce Development Board with the authority to approve state endorsed career pathways. It is an interface between education and training. The State Workforce Development Board will also work on and move towards the approval of state endorsed credentials. Acting Secretary Bouchey said that it is important for the State Board to develop a tighter connection with the State Workforce Development Board. There should be, over the next several years, opportunities to collaborate together.

Acting Secretary Bouchey said that the Agency of Education in partnership with the Department of Mental Health, submitted a SAMSHA grant application which falls under the auspices of the U.S. Department of Health and Human Services. If awarded to Vermont, this could yield nine million dollars over the next five years to boost school-based mental health services.

Acting Secretary Bouchey said that Governor Scott's cabinet will be in Rutland on June 11<sup>th</sup> for a "Capital for a Day" event. The Cabinet meeting will be held at the airport and will be open to the public. Additionally, there are a series of meetings that the Governor and cabinet members will be attending throughout the day.

**Item G: State Wide Plan/General Overview**

Russo-Savage said the State Board will be provided with a binder that includes the Secretary's proposed statewide plan and information related to the proposal.

Acting Secretary Bouchey outlined the process and gave a brief overview of Act 46 and the purpose of the Section 9 proposals that were submitted by school boards on behalf of their districts. She noted that districts may amend or supplement their proposal for consideration prior to the State Board's release of the final Statewide Plan. Acting Secretary Bouchey said that conversations were held with all of the districts that submitted a Section 9 proposal. She said that she did not sit in on any of the conversations after her appointment to Acting Secretary because she thought it would be the most fair to those who had gone before and those that she would not be able to attend. She said that the proposed statewide plan is the work of a team at the Agency of Education.

Acting Secretary Bouchey reviewed the dates required in statute. She addressed the default articles of agreement and advised that work is progressing on a draft for the State Board to review. Acting Secretary Bouchey said that she understands that the State Board intends to have the final plan ready in late October, which will give enough time for potential transitions to take place.

Acting Secretary Bouchey said that it was abundantly clear that school boards and those that helped to put the proposals together care greatly about their students and their communities. She stated for the record that this was not ignored.

Acting Secretary Bouchey reminded the State Board of the Agency of Education's charge and that by law the Agency of Education had to abide by Act 46 and look beyond current boundaries to determine what is best for regions and the state. She noted that when the State Board issues the final Statewide Plan it will not be effective without school leaders who are prepared to take advantage of the flexibility that will arise from the final plan. There will need to be specific and intentional efforts to build trust, new work habits, and embrace and develop new shared coherent visions if the State Board requires new governance structures. Small schools are not inconsistent with sustainable governance structures. Act 46 speaks to school district size and does not specifically speak to school size. There are a lot of ways to have different types of schools and different levels of school sizes within a more cohesive larger school district. Russo-Savage added that there are examples in Vermont in merged districts that are farther along in the process where small schools that were struggling are now part of a larger system where they have become more viable even as they operate the same grades.

Russo-Savage explained the structure of the proposal. The proposal has seven sections and seven appendices, which are [available online](#). Section six is the bulk of the proposal that includes the Secretary's review, discussion, and proposal regarding each district or group of districts that submitted an Act 46, Section 9 proposal. Section seven of the Secretary's proposal addresses adjustment of supervisory union boundaries. Russo-Savage said that under Act 46 the State Board has the authority where necessary and practicable to redraw supervisory union boundaries. She advised the State Board that it will continue to have the authority after the State Wide Plan is released pursuant to a decades-old statute that gives the Board independent authority to do so.

Russo-Savage said there were 44 written and verbal proposals that represented the thinking in 95 districts in 90 towns. There were conversations with 42 of the districts or group of districts per Act 46, Section 10. Russo-Savage said that the Secretary's proposal divides the discussion into 6 categories based on their current structure. The six groups are union high school districts with "like" members, modified unified union school districts, union districts with unlike members, PreK – 12 non-operating districts, districts that are close in proximity and similar in structure but where there may be reasons not to merge, and districts where it is not possible or practicable to require merger. She said each discussion was set up the same way and included basic information, synopsis of Section 9 proposal and Secretary's analysis and decision. She explained why the proposal refers to average daily membership, enrollment, and other data beginning in kindergarten, rather than in prekindergarten. She said that Appendix F – Snapshots is a shortened version of each Section 9 proposal and can be used as an index to those proposals. Russo-Savage said Appendix G includes data for each district that submitted a Section 9 proposal, including enrollment, ADM, education spending, equalized pupil, education spending per equalized pupil and tax rate per district.

Russo-Savage said that the State Board is required to issue default articles of agreement to help districts during their transition. She said a draft can be ready by the next State Board meeting.

Discussion followed regarding reading the state wide plan, taking testimony, the law and understanding the language, preferred structure model, obtaining electronic copies of written proposals and authority of the State Board.

Chair Huling called for a recess at 10:37 a.m.  
The meeting reconvened at 10:58 a.m.

**Item H: Public to be Heard – State Wide Plan Specific**

The following people addressed the State Board of Education regarding the State Wide Plan.

Margaret MacLean – Peacham  
Jay Denault – Franklin  
Chaunce Benedict, Swanton  
Scott Thompson, Calais and U32  
Pamela Fraser, Barnard  
Jody Normandeau, Dummerston  
Carin Park, Barnard (read testimony on behalf of Randall Szott, Woodstock Middle High School Board)

**Item J: Small Schools Grants**

Simmons shared a graphic of the Small Schools Grants law (16 V.S.A. § 4015) which will become effective in July 1, 2019. She said the law does not apply to schools that voluntarily merged. Simmons said that the metrics to be discussed are the academic excellence and operational efficiency metrics. Carroll said that the Legislature have given small schools two avenues to qualify for small schools grants and they do not have to achieve both to qualify. Schools must be either geographically isolated or meet levels of academic excellence and operational efficiency. Huling reminded the State Board that last year it had to come up with a list of schools that are considered geographically isolated prior to working out the metric.

Simmons shared an online tool that will be available to every school in December 2018 as part of ESSA. She reminded the State Board that it already indicated that it wants to use data that is already collected and presented to the public as its metric. Simmons said that the tool will show how a school is performing as well as how it is performing compared to other schools. In terms of equity, traditionally marginalized students are put into a super group of marginalized students to include FRL, ELL and SPED because of the small numbers of students. Simmons explained how the State Board could use certain indicators for academic excellence and additionally how its economically disadvantaged students are doing in regards to academic excellence. Simmons showed how different indicators can be used to obtain the data. She further explained that the snapshot does not have a standalone measurement for ratios only and these are measured under investment priorities. Simmons further clarified that to obtain a true picture of student-to-staff ratios two indicators; high quality staffing; and investment priorities will be needed. Simmons explained the 4 options presented.

Lengthy discussion followed regarding average or above average, defining voluntary merger, annual process, point system, how the metric will perform, equity, EQS measures, state-wide average, school size, micro schools and nationwide data.

Carroll said he would prefer not using the submission of a merger report as part of the metric. He said it does not have anything to do with school performance. Carroll continued that the law states measurable and observable annual indicators of academic excellence and operational efficiency. He recommended 1) using options one and two and eliminating the merger report submission and using state averages for number one or two or 2) using the ESSA data. He recommended using cost per student instead of investment priorities. Simmons said if the State Board does not adopt metrics for submission of a merger report that goes against the statutory language. Acting Secretary Bouchey said that the State Board has latitude in weighting certain measures. Solimano asked if the State Board is considering the effects its decision will have on the schools or only looking to develop the metric. Simmons said that the safest legal approach is to develop an agreed upon metric and not to model the effects on any one district. Discussion followed on the task given by Legislature, equity, one time only criteria and requesting changes and offering suggestions in the State Board's annual report.

Chair Huling asked that Simmons come back to the State Board with option one and numbers one, two and three using the ratios, merger report should be weighted so that it is not held against a school and include a poverty measure. Discussion followed regarding points system, quantitative measures, ease of understanding, setting a threshold and consequences.

Chair Huling said that the topic will be discussed further this afternoon.

Without being recognized by the Chair, a member of the public interrupted the Board's deliberations by speaking out of turn. The interrupting speaker, John Castle, superintendent, North Country Supervisory Union, harshly attacked the Board and the Agency on the matter of small schools. Mr. Castle was immediately informed by the Chair that he was out of order. Mr. Castle disregarded the Chair's order to desist, and he continued to disrupt the Board's meeting despite the Chair's repeated warning that his actions were out of order. In response, the Chair declared the meeting in recess. The Board recessed for lunch.

Chair Huling called for lunch at 12:29 p.m. The meeting reconvened at 1:10 p.m.

#### **Item K: Independent School Approvals and Renewals**

Bachman gave a brief overview of the agenda item consisting of 5 schools. She said that the Acting Secretary is recommending approval in varying terms of either two, three or five years. Bachman said that all schools are looking for approval in special education as well. She said the review is split into two, whereby a contractor reviews the general education piece and an Agency of Education employee reviews the special education piece.

Ryan said that there are school representatives available either by phone or in-person and each are available to answer questions.

Bachman reviewed the packet for I.N.S.P.I.R.E. School for Autism and background information on the reviews. Troy Kennett, Executive Director, represented the school. There were questions regarding the cover letter and a typo and discussion regarding I.N.S.P.I.R.E.'s organization,

application and timeliness of the report. Carroll made a motion to adopt the Acting Secretary's recommendation. O'Keefe seconded the motion. The vote passed.

Ryan said that Greg Rosenthal, LiHigh School Director, was on the phone and prepared to answer questions. There were questions regarding the governance structure, length in business and number of students in attendance. O'Keefe made a motion to adopt the Acting Secretary's recommendation. Carroll seconded the motion. The vote passed.

Bachman said that the Community Schoolhouse and Meadows were servicing a student outside their designation. The schools have since applied for approval and the reviewer determined that they did have the appropriately skilled staff to accommodate students with the disability. The Acting Secretary recommended approval but not for five years.

Bachman said that Foundations had similar findings that they were serving a student outside their designation but under very unique circumstances and was a one-off. The Acting Secretary's recommendation is for a three-year approval.

Ryan said that John Scherer, Community Schoolhouse Director, was on the phone and prepared to answer questions. There were questions regarding governance structure. Scherer said that the students they serve are in state custody and not very stable and referred to their residential facility for stabilization and assessment. Mathis made motion to adopt the Acting Secretary's recommendation. Peltz seconded the motion. The vote passed.

Michael Kell, Director of Education at the Brattleboro Retreat and Meadows Educational Center, introduced himself. Chair Huling asked him to describe his governance structure. There were questions regarding attendance and parent organization. Kell said he would be screening student records before their admission. The student in question was placed by DCF at the Meadows Educational Center so that the student could take advantage of a tutorial program even though the school was not approved for her designation. Bachman said that the Special Education Review asked for the school to change their process so this scenario would not happen again. She confirmed that the Meadows Educational Center has changed their process. Bachman also confirmed that the school does have sufficient resources to accommodate the designation. Carroll made a motion to adopt the Acting Secretary's recommendation. Perrin seconded the motion. The vote passed.

Bachman said Foundations were servicing a student outside their area of approval and the school was asked to change their admission process. David Posner, Executive and Clinical Director of Foundations introduced himself. He described the school and explained the school's governance. Posner said that the student in question was being served in South Burlington and was to be reunited with her family in central Vermont. Foundations served her during the transition period while the home placement was stabilized. He said the school has fine-tuned their admission process. Posner explained the role of SD Associates for the State Board. Mathis made a motion to adopt the Acting Secretary's recommendation. Peltz seconded the motion. The vote passed.

#### **Item L: Orleans Central Supervisory Union – Preferred Structure Proposal**

Russo-Savage said that the supervisory union presented a nearly identical proposal in 2016. The current SU consists of one union high school district and seven elementary districts with one who pays tuition. This is what the Secretary's proposed statewide plan categorizes as a union high school with un-like member districts. This proposal is for a new unified union school district PreK – 12. Chair Huling said that the original report was memorable because it included an opportunity audit that was extremely well done. She said in the original proposal all the towns were necessary and only one town voted for it.

Bev Davis, Superintendent, and Amy Leroux, School Board Chair, presented the proposal.

Huling expressed concern that the vote is happening in November and the Statewide plan may be released before then. She asked if there was consideration given to the vote taking place on primary day of August 14<sup>th</sup>. Davis said the date was not considered. Leroux said the community engagement and involvement has been problematic and the November election made the most sense. Chair Huling asked for input from Russo-Savage. Russo-Savage said that there is nothing to prohibit the release of the Statewide Plan and making a note that reads "except for these districts." She continued that the State Board has until November 30<sup>th</sup> and at the November meeting will have a better idea of what the vote will be and can address it at that time.

Mathis moved to accept the Acting Secretary's recommendation. Peltz seconded the motion. The vote passed.

#### **Item M: Authorization to Initiate a Review of World Language Standards**

Huling said this was in response to an e-mail from the Vermont World Language Association, who requested new standards. The process is that the Agency of Education has to request permission from the State Board to begin to look at new standards.

Pat Fitzsimmons and Martha Deiss asked the State Board for permission to survey the field, review the data and learn what teachers are looking for in order to meet their needs in regards to foreign language standards. They would then present their recommendation on new standards to the State Board for its approval at a later time. Discussion followed regarding the procedure for seeking permission and proficiency-based learning.

Mathis made a motion to adopt the Acting Secretary's recommendation. Perrin seconded the motion. The vote passed.

#### **Item N: Board Announcements**

Beck announced that it was Connor Solimano's birthday. Peltz said there is a program on WDEV called Conversation with David Goodman. He did an interview with Rebecca Holcombe. It was her first interview since her resignation and was outstanding in terms of what she had to say.

#### **Item Q: Calendar Review**

Chair Huling reviewed the calendar. She said June 27<sup>th</sup> and 28<sup>th</sup> are the retreat at Lake Morey Resort. The regular meeting will take place on the 27<sup>th</sup> at the same location. The agenda is still in progress and she asked for ideas. It was decided that an overview by region will be useful. Chair Huling reminded the State Board that she assigned Carroll, O'Keefe and Perrin to the



northern region in Vermont. She assigned herself, Weinberger and Olsen to the central region in Vermont. Beck, Peltz and Mathis are assigned to the southern region in Vermont. Discussion followed regarding future agenda items.

Beck left the meeting at 2:30 p.m.

**Item P: Small Schools Grants revisited**

Chair Huling said that Simmons, Mathis and Carroll worked on a new proposal for presentation to the Board. Simmons shared a new slide. Carroll said that the slide represents his interpretation of what he heard during the previous discussion. He suggested using the measures from ESSA Snapshot for each school for academic excellence and equity results. Carroll additionally suggested adding a number to the result of the score of not meeting, approaching, meeting and exceeding. He further suggested using readily available data for scoring student-to-staff ratios. A bonus would be awarded for districts that participated in a merger. Discussion followed regarding student-staff ratios, scoring, cost per student and equalized spending per pupil.

Olsen made an alternate proposal that would be binary in nature. Chair Huling said that the State Board's first interpretation was as Olsen proposed and has morphed into the current thinking and draft. Further discussion followed on the draft proposal. Chair Huling asked if the State Board was comfortable with the scale and categories with a few added tweaks. Discussion followed regarding average, awarding mediocrity, exceeding our authority by including cost per student and not being able to change the metric.

O'Keefe made a motion to authorize the AOE to incorporate a seven-point metrics as discussed, in a draft final form to be discussed at the June 27<sup>th</sup> meeting. Perrin seconded the motion. Discussion followed regarding the seven-points and how the metric will behave. O'Keefe withdrew his motion and made a new motion to authorize the AOE to create a draft final form of the metrics to be discussed at the June 27<sup>th</sup> meeting and the scoring system to be determined. Perrin seconded the motion. The vote passed.

Carroll asked if the Agency of Education will come back with a result of how the metric will work. Acting Secretary Bouchey said that the bottom two can be estimated and the top two may be harder. Simmons said that the sample result will have a caveat.

Peltz asked about geographic isolation. Huling said at the March meeting the State Board agreed to a thirty-minute threshold. Peltz asked for further discussion and said the thirty minutes was picked randomly. Discussion followed regarding the impact and lessening the time from thirty minutes. Chair Huling asked for a consensus of the State Board members. Peltz expressed that he wanted it lowered, Carroll and Solimano asked to view the report of 2011 prepared by former Commissioner Vilaseca. O'Keefe, Perrin, Huling and Olsen said 30 minutes is reasonable. Mathis was leaning towards 15 minutes. Chair Huling said this will be discussed at the June meeting.

**Adjourn**

Carroll made a motion to adjourn. Peltz seconded the motion. There was no further discussion. The vote was unanimous to adjourn. The meeting adjourned at 3:45 p.m.

Minutes recorded and prepared by Suzanne Sprague.

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