

# State Board of Education Independent School Rules Update Committee Meeting

## Draft Meeting Minutes

**Meeting Place: Virtual Teams Meeting/Video/Teleconference**

**Call in #: 1-802-552-8456, Conference ID: 377 861 738#**

**Date: February 12, 2021**

### Present:

**State Board Committee Members:** Oliver Olsen, Chair; Kim Gleason, Jennifer Samuelson

**Others:** Sue Ceglowski, Vermont School Boards Association; Kim Doherty, Andrus Wagstaff, PC; Micah Parnell, Andrus Wagstaff, PC

**Agency of Education (AOE):** Emily Simmons, General Counsel; Suzanne Sprague

### Adopt Minutes from Prior Meeting

Olsen called the meeting to order at 11:05 a.m. There were no amendments to the agenda. Samuelson moved to adopt the meeting minutes from the February 10<sup>th</sup> meeting. Gleason seconded. The motion passed.

### Public Comment

Kim Doherty, Attorney, Andrus Wagstaff, PC – identified that she was on the call and asked if Simmons would forward the latest working document from the committee to her attention. Micah Parnell, Attorney, Andrus Wagstaff, PC – identified that he was on the call.

### Working session on proposed changes to Rule Series 2200

Olsen said that Moore was unable to participate in the meeting but was amenable to proposal of New England Association of Schools and Colleges (NEASC) accreditation for independent schools with a boarding component. Simmons shared the draft. She identified the relevant changes in the draft by section: Rule 2223.8 – Denial, revocation, or suspension of approval; Rule 2223.8.2 – Complaints; Rule 2224 – Reciprocity; and, Rule 2227 – Approval. She shared that she added additional clarifying language provided by Samuelson to tie together the complaint and hearing process. Simmons read the language under Rule 2223.8.2 – Formal Investigations. She added that it is not clear that one process leads to the other without adding additional language. Suggested edits included: striking “after initial inquiries”; adding “inform the Secretary”; and, adding a statement “The process in Rule 2223 shall then apply.” Simmons shared new language in 2223.8 which she added. Discussion followed regarding the processes

involved, recommendation of action as result of findings, members of the review team, Secretary's authority, State Board would have all information and reports pertaining to investigation, Council of Independent Schools' (CIS) involvement, dismissal as a possible action and referencing Administrative Procedures Act (APA). Wordsmithing of the rule occurred until all committee members were satisfied with the suggested draft changes to the language.

Olsen asked Ceglowski her opinion of the draft. She said both she and Francis reviewed the draft. Francis questioned if a matter of public record can be confined to one part of the process. Ceglowski asked if the State Board rules allowed it to amend public records law. Olsen said the State Board didn't have the authority to change public records law. He said that unless there was a clear statutory exemption it was a public record. The language was an attempt to reinforce that it was a public record. Simmons reminded the committee of an earlier discussion that it did not want to create a public list that was live on the AOE website but highlight that the information was maintained by the AOE.

Olsen said the next step was to present the recommended language changes to the full State Board at the next meeting on February 17<sup>th</sup> and that the changes would be harmonized with the other changes required by the Act 173 process. He added that renumbering and reorganizing the sections would be the next task for the committee. Simmons said the rate-setting committee was still working towards consensus. Olsen confirmed that the work would include combining rules 2226 and 2227 into a single rule and the board governance approval standards. Simmons reminded the committee that the draft it had been working from was the text as amended by the Act 173 Advisory Group (AG). Olsen said that the committee's language was subordinate to that of the AG and he would clarify when presenting to the full State Board.

Olsen said he would schedule meetings on Phase 2 work of the committee. Priorities include tightening language with 2226 and 2227 and approval standards.

Gleason made a motion to recommend that the State Board of Education incorporate the committee's suggested changes as part of the Rules 2220 series changes. Samuelson seconded the motion. There was no discussion. The motion passed unanimously.

## **Adjourn**

Gleason made a motion to adjourn. Samuelson seconded. There was no discussion. The motion passed unanimously.

The meeting was adjourned at 11:54 a.m.

Minutes prepared by Suzanne Sprague, Agency of Education.