

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: 264 608 828#

Date: January 8, 2021

Present:

State Board Committee Members: Oliver Olsen, Chair; Kim Gleason, Jennifer Samuelson
Others: Sue Ceglowski, Vermont School Boards Association (VSBA); Mill Moore, Vermont Independent Schools Association (VISA); Sandra Cameron, Vermont School Boards Association (VSBA)

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

Welcome / overview of committee and its charge

Olsen called the meeting to order at 8:03 a.m. He reviewed the agenda and asked if there were any changes to the agenda. There were none. Olsen said the next meeting of the committee will be scheduled for Friday, January 15th, from 1:30 p.m. – 3:00 p.m.

Olsen reviewed the committee's charge as addressing needed changes to Rules Series 2220 that are outside the mandate of Act 173 of 2018. He said that the committee should be careful not to disrupt the Act 173 process. The first stage of work or Phase I, will look for simple changes to the rule that would have a positive impact, have little to no resistance and consensus among key stakeholders. The intent was to add the changes to enhance the rules as part of the Act 173 process.

Olsen said that Phase II would be for proposed changes to the rule that might require more time because they are more complex and/or might require more work to find consensus with the key stakeholders. Phase II would occur as part of a subsequent rulemaking process.

Olsen said the committee would report to the full Board at the next meeting with its changes for Phase I and what the committee would like to address during Phase II. He would like to have an inclusive process and engage with stakeholders early in the process. Olsen invited stakeholders to participate in the process as ideas are developed in each phase. Discussion followed regarding inviting a member from each of the Education Committees and reviewing

the original draft rules changes from 2015. Olsen summarized the State Board of Education's previous Rules Series 2200 attempted changes and the process which followed that went beyond the scope of the Board's authority. The Legislature stepped in and halted the rulemaking process. Discussion followed regarding the previous process, what went beyond the Board's authority, resistance from the proposed rules and the use of public funds.

Public to be Heard

Sue Ceglowski, VSBA – She said she was not involved in the previous process. She said she would listen to understand the charge of the committee and understand what the committee was looking for from the VSBA. She said that her colleague, Sandra Cameron, would be listening to the meeting in her absence.

Sandra Cameron, VSBA – She identified that she was covering the meeting for Ceglowski.

Olsen said he welcomed their thoughts and input.

Discussion continued regarding licensed educators and independent schools offering different area of focus for students.

Discuss high level ideas for additional changes to Rule Series 2220

Olsen asked Simmons for some areas in Rules Series 2220 that should be addressed as part of Phase I. Simmons reviewed the charge of Act 173 as it pertains to independent schools. She said the AOE's draft of the rules has been approved by the Act 173 Working Group (AG) and will be presented at the State Board's January 2021 meeting. There are rules within the 2220 series that have not been addressed by the AG. Working groups consisting of AG members and others are considering rate setting processes of therapeutic independent schools. They will bring their work to the AG and once approved, to the State Board.

Simmons said that the AG did not address the independent school application and review process and that it was a possible topic the committee might address. Additionally, the revocation and suspension process does not match up to what is in Act 173; this was another area to address. Simmons suggested reviewing the draft rules that will be submitted to the State Board at its next meeting to determine if there might be other areas.

Olsen said the areas that should be looked at are the application process and standards for general education approval of independent schools as well as the process for intake/acceptance and adjudication of complaints about adherence to standards. Discussion followed regarding rearranging the order of the rules, creating a spreadsheet to catalogue anticipated changes, navigating the responsibilities with the State Board and the AOE, incongruity in the handling of noncompliance, financial capacity issues, investigation versus adjudication and capacity of the AOE.

Mill Moore, Vermont Independent Schools Association, joined the meeting. Sue Ceglowski, Vermont School Boards Association rejoined the meeting.

Olsen summarized that the process for dealing with noncompliance issues and concerns when not conforming to standards needs work. He suggested that the AOE should be charged with receiving the complaint, investigating the complaint and presenting its findings to the State Board. Moore agreed. Olsen added it to the spreadsheet of changes. Simmons suggested adding a middle step for schools to take corrective action. She added that the withdrawal of approval was very traumatic. Discussion followed regarding middle ground, adding an appeal process, AOE providing an ongoing record of complaints, educator misconduct process, triggers to place a school on probation, probation status made available to public and taking a supportive approach so schools can be successful and continue to operate.

Olsen asked Simmons to draft language to reorganize the rules to a more logical order and away from Dewey Decimal System and to update the complaint and adjudication process to include a probationary status and public transparency. He would like the committee to review them at the next meeting.

Simmons suggested that the committee address the rules around reciprocity with other states specifically rule 2223 and rule 2224.3. She said there is a lot of ambiguity around this rule. She clarified that Vermont has a clearly defined process for approving independent schools which is connected to receiving tuition and other states do not. She added that schools without a New England Association of Schools and Colleges (NEASC) approval become an issue. Discussion followed regarding oversight of sending tuition dollars out-of-state, inter-state commerce issues, and what is outside the scope of Board or within the scope of the Board.

Simmons will review the rules and report back to the committee for the next meeting. Moore said he receives a report from the AOE that displays the tuition dollars sent both in-state and out-of-state. He said around 100 students attend out-of-state schools with half attending larger boarding schools and the other half attending schools where the students can attend daily. He said that most were larger independent schools and likely NEASC approved. Discussion followed regarding state-placed students at therapeutic schools, rules beyond the purview of the Board but that should be addressed and out-of-state funds coming into Vermont.

Discuss process for stakeholder input

Next steps and future meetings

Olsen said the discussion at the meeting was good. He will summarize and add the various issues to the spreadsheet and share with the committee in advance of the next meeting. He welcomes any new topics for suggested changes. Discussion on reciprocity will continue at the next meeting. He asked the stakeholders to provide any suggestions or ideas to be discussed at the next meeting. He reminded the committee that he was looking for quick wins that can be presented to the full Board at its next meeting. Olsen asked Simmons to provide a Word version of the rules. Moore offered to share the data report he received from the AOE that shows where tuition dollars are sent to the committee.

Adjourn

The meeting was adjourned at 10:02 a.m.

Minutes prepared by Suzanne Sprague, Agency of Education