

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: 527 170 91#

Date: January 15, 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); Jeff Francis, Vermont Superintendents Association; Micah [Unknown], Andrus Wagstaff; Maggie Lenz, Leonine Public Affairs

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

Welcome / overview of committee and its charge

Olsen called the meeting to order at 1:34 p.m. He asked if there were any changes to the agenda. Samuelson made a motion that the approval of the January 8th meeting minutes be added to the agenda. Gleason seconded. The topic was added to the agenda based on unanimous consent. Samuelson made a motion to adopt the meeting minutes from the January 8th meeting. Gleason seconded. The motion passed unanimously.

Public to be Heard

None

Working Session

Olsen reviewed the discussion from the January 8th meeting which addressed the concept of refining the complaint procedure and including an intermediary step in the investigatory process to include a probationary step. Simmons drafted the language and explained that the working draft was that of the Act 173 Advisory Group's (AG) accepted language that will be presented to the full State Board at its January 20th meeting. She said that the AG did not address rule 2223.8.2 which addresses complaints. Simmons reviewed the current rule language and based on the previous meeting's discussion, drafted new language. She said that she tried to write the language as an escalating process that would end with full State Board involvement.

Simmons shared the drafted steps after the Secretary's initial investigation of the allegation: 1) Secretary recommends corrective action or technical assistance; 2) probation; and, 3) convene a review team to conduct a formal investigation. Simmons said that she added language that indicates an approved independent school can appeal the decision to be placed on probation by requesting a hearing and that the Secretary would maintain a register of all complaints that result in a formal investigation which would be a public record. Discussion followed regarding probationary process and the formal investigation process both being part of the public record, range of violations and how they equate to each step, Administrative Procedure Act (APA) and third party status, State Board continuing to conduct investigations, clear distinction between AOE and State Board roles and that all rules regarding education belong to the State Board.

Olsen addressed understanding the flow of the complaint process and at what point the complaint becomes a public record. Gleason said the rule was not clear that if a school was at step three if there may have been a corrective action and probation step. Discussion followed regarding transparency and the disciplinary process followed for licensed educators. Olsen asked if an approved independent school was placed on probation, should it be public record. Gleason said yes. She added that it would be better to parallel the steps followed by daycares. Samuelson said no. She suggested that probation was a less serious sanction compared to a formal investigation. She added that the rules should be clear on timing. Olsen said his preference would be to add probation to the public record. Discussion followed regarding using the term required or recommend in the first step, expanding the right to appeal and that any complaint should be a public record if escalated to the State Board. Olsen said more work needs to be done on this topic and that it would be taken up later. He said the open question is whether probation should be part of the public record. Simmons shared new draft language based on the previous discussion which removed the steps and more accurately described the current process for resolving complaints informally.

Discussion followed regarding timeline, financial capacity, recommending legislative change, not being prescriptive with timelines, 16 V.S.A. 166b § 8 and the investigations handled by the AOE. Olsen asked the stakeholders for input. Moore and Ceglowski had no objection to the AOE performing investigations. Further discussion followed regarding capacity at the AOE, two separate processes for reviewing standards, public schools, standards articulated in statute and adding school governance standards.

Potential Recommendations to the Full Board

Olsen said the Chair of the State Board would like the committee to make specific recommendations to incorporate into the process underway with Act 173 for the State Board's consideration at its next meeting. Olsen said the complaint section was an important section but was one of the messiest mainly due to sequencing. He feels the topic a priority. He would like to report to the State Board indicating that there was an opportunity to enhance the complaint process by providing clarity with a measured and graduated approach. He asked the stakeholders to check with their groups on when the complaint should become a public record.

Olsen said he would like to maximize transparency where appropriate and where it makes sense.

Olsen said he was hopeful that given a reasonable timeframe the committee and stakeholders could find consensus on good language. He said that following the complaint process, he would like to address independent school approval standards. The approval standards have not been addressed by the AG. Samuelson said that re-arranging the order should be added to the report.

Olsen summarized that he will provide a report to the full State Board at its next meeting with the immediate focus on the complaint process and then the committee will address the independent school approval standards which will take part in Phase II. He asked the stakeholders to consider what information should be made available to the public. At the next meeting, yet to be scheduled, there will be a discussion on the incongruity of the financial capacity process.

Adjourn

The meeting was adjourned at 3:00 p.m.

Minutes prepared by Suzanne Sprague, Agency of Education