

# 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: 551 504 511#**

**Date: February 5, 2021**

### Present:

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

**Others:** Mill Moore, Vermont Independent Schools Association (VISA)

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

### Adopt Minutes from Prior Meeting

Olsen called the meeting to order at 10:06 a.m. There were no amendments to the agenda. Samuelson moved to adopt the meeting minutes from the January 29<sup>th</sup> meeting. Olsen seconded. The motion passed.

### Public Comment

None

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

Simmons said that there are three approved independent schools that have neither New England Association of Schools and Colleges (NEASC) accreditation or licensure as a residential treatment facility through Department of Children and Families (DCF). The schools are the Mount Snow Academy, Mount Mansfield Ski Club and Academy and Kurn Hattin Homes. Olsen reviewed the previous meeting's discussion on the complaint process and moved to independent school approval standards. The Chair of the State Board of Education, John Carroll, requested that the committee consider how the standards address schools with a residential component. Olsen added that it would be a large undertaking and it would be good to rely on NEASC which has a residential component as part of its accreditation process. He suggested that if an independent school had a boarding program, it would need to be NEASC accredited. Moore said that NEASC accreditation was an expensive process and would be a cost burden to smaller schools. He added the NEASC accreditation runs on a 10-year cycle. The cost is approximately \$5,000-\$6,000 for the first 5 years and an approximate \$1,000 per year for the remaining 5 years. Discussion followed regarding up-front cost, start-up schools having small

budgets, expense being a deterrent to opening a new school, required standards in order to receive public funds, out-of-state boarding students and enrollment numbers, AOE evaluating residential programs, legally requiring NEASC approval and a timeline for transitioning to NEASC approval.

Simmons clarified that Act 173 allowed a school to be approved and not meet the eligibility requirements to receive public funds. Olsen asked the members if they wanted to add language to the rule to make NEASC accreditation a standard for a residential component for approved independent schools that were not otherwise licensed by DCF and to add language to allow a transition period for schools that were not already NEASC accredited. Gleason agreed and noted the expense was manageable. Samuelson said she agreed and wanted to hear from Moore regarding the direction the committee was taking. Moore asked for time to determine the number of Vermont students attending the two ski academies that were not NEASC accredited. He said it might be advantageous for those schools not to accept Vermont students. Discussion followed regarding not preventing Vermont students from attending, limiting student choices, NEASC accreditation as a modest expenditure, challenges of administering a residential school, AOE capacity and the schools' marketability.

Olsen summarized that an independent school with a day program had two paths to become an approved independent school: 1) NEASC accreditation; and 2) AOE determines that the school meets the standards determined in the State Board rules. Any independent school with a boarding component, must achieve NEASC accreditation to become an approved independent school. A school would be recognized if NEASC accreditation was not sought. Moore said it was troubling that a boarding school could lose its state's approval if it was not boarding any Vermont publicly tuitioned students and added that he opposed the proposal. Moore took aim at a school losing its state approval of its education program if Vermont students were not boarding there. Discussion followed on schools retaining state approval of day program and not the boarding component and that the process could get complicated. Olsen asked Moore to invite representatives from the ski schools to the next meeting. Moore asked for a written copy of the proposal.

Olsen changed the topic of discussion to if a school was approved based on its NEASC accreditation and the school received a complaint, how would it be handled. Simmons said it did not require new language. She reviewed the current language. She said the AOE would ensure compliance of independent schools against the State Board rules or NEASC would ensure compliance of its standards. She added that for a NEASC accredited school, the school should be required to inform the AOE any time there was a change in its accreditation. This would alert the AOE to research any action taken by NEASC against the school. Discussion followed regarding updating the reciprocity rule 2224 with new language and violation in State Board rules. Moore agreed that schools should notify the AOE of any changes in its NEASC accreditation. He added that schools could have their accreditation conditioned, be placed on probation or have their accreditation revoked by NEASC.

Olsen moved the topic of discussion to State Board of Education approval standards. Simmons referred to rules 2226 and 2227 and said the two should be harmonious. Moore confirmed he was fine with the standards listed therein. Discussion followed on stating standards in one place, application detail goes beyond findings in rule 2227, meeting the minimum requirement, application meeting the standards and site visits suspended due to pandemic. Gleason asked to what extent the approval standards align with the Education Quality Standards (EQS). Simmons said that no independent school has been evaluated under EQS. Discussion followed regarding standards for public schools being the same for independent schools, attending independent schools was a choice, including key qualities from EQS into approval standards and independent schools have different missions and focus areas.

Olsen asked Simmons to identify any gaps between EQS and the independent school approval standards. Simmons referenced the minimum course of study in 16 V.S.A. Section 906 vs. EQS which was more specific and identified the use of curriculum as well as to demonstrate the need to meet proficiencies. She suggested bringing in staff from the AOE to address the topic. Olsen said the value of the independent schools was their uniqueness and how they meet the unique needs of the different students. They have different approaches and philosophies. EQS was very prescriptive and may come in conflict with independent school flexibility. Discussion followed regarding independent schools using the same standards as public schools, recognition that independent schools are different, minimum course of study statute not updated since 1990 and government control over what was taught to students.

Olsen asked beyond course of study and academic standards if anything else was in need of attention. Gleason asked if the work was for phase 2. Olsen concurred. Samuelson offered to do a side-by-side of 2226 and 2227. Discussion followed. Simmons reminded the committee that the standards will drive the report that was received by the AOE on which the State Board bases its decision.

Olsen suggested including standards based on independent school board governance. Simmons said that language was included in 2226.4 and that there was not corresponding language in 2227. Moore said that this topic was not something that he had discussed with his organization. Discussion followed regarding addressing the topic in the next phase, non-profit and for-profit schools, and checking NEASC standards. Olsen asked Moore to check into the standards that NEASC required for board governance and to share with the committee.

Olsen asked Simmons to draft language from the meeting and share with the committee. Olsen asked Moore to invite members from independent schools to the next meeting on February 10<sup>th</sup> to discuss NEASC accreditation with respect to a residential component and reminded Moore to note that the committee will not have met on the new draft language. A final review of the language will take place at the February 12<sup>th</sup> meeting along with adoption from the committee to bring the language to the full State Board. Moore said he was very concerned that the independent schools will have to make concessions due to time constraints as deadlines approach. Olsen wants to provide a chance for the independent schools to be heard.

## **Adjourn**

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

The meeting was adjourned at 11:45 a.m.

Minutes prepared by Suzanne Sprague, Agency of Education.