

# 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: 802 032 018#**

**Date: March 11, 2021**

### Present:

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

**Others:** Mill Moore, Vermont Independent Schools Association (VISA); Jeff Francis, Vermont Superintendents Association

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

### Adopt Minutes from Prior Meeting

The meeting began at 8:06 a.m. Olsen said he was concerned with a discrepancy with the meeting time which was warned and the time that appeared on the posted agenda. He asked Simmons if it violated public meeting law. Simmons gave her opinion that the meeting was still properly warned, although there was conflicting information in error on the agenda. Olsen said that there would be no action taken at the meeting. Adoption of the minutes from the February 11<sup>th</sup> meeting would occur at the March 15<sup>th</sup> meeting.

### Public Comment

None

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

Olsen reviewed discussion that occurred at the last State Board meeting and said that Chair Carroll had some suggestions for the group's work. Simmons said that she testified before the Senate Education Committee and provided a high-level overview of the concepts of the work of the committee. She explained to the Senate Education Committee the conflict in statute and rule about the State Board reviewing financial matters and that the committee worked to clarify requiring the Secretary of Education to conduct the review in its draft and the State Board adjudicate if necessary. She mentioned the discussion pertaining to standards and how the committee was considering adding New England Association of Schools and Colleges (NEASC) accreditation for schools with residential and boarding programs. Simmons suggested the committee testify to the Senate Education Committee to explain its work and the Senate

Education Committee might be willing to make that change in statute pertaining to financial matters. Olsen suggested drafting a statement for adoption by the full State Board at the March meeting. If adopted, it would go to the committees of jurisdiction for their consideration. Committee members agreed.

Simmons said that the term “approved school” was bifurcated in Act 173. There is an approved school that receives public funds and an approved school that does not receive public funds. She said that because it exists in statute it cannot be fixed by the committee. Olsen suggested including that it should be cleaned up in the draft statement and additionally suggesting new terms for differentiating the status of both schools. Discussion occurred regarding changing the definition in rule, committee cannot over-rule statute and updating the moniker for approved schools that receive public funding.

Samuelson said that part of the discussion at the previous State Board meeting pertained to the proposed language in 2223.8.2 where the committee struck language regarding reports and complaints concerning matters to the Secretary. The Chair thought the language should remain so the burden would not fall to the State Board to identify anything that would trigger an investigation. Olsen said that the Chair was concerned that the only way the AOE could act was if someone made a complaint. If the AOE becomes aware of a concerning issue even without a formal complaint the AOE could initiate some review. Discussion followed regarding the language in 2223.8.2 including the words “either” and “or”, keeping the language broad and current draft language was sufficient. Simmons read the draft language. She recommended avoiding codifying that there should be a formal complaint that then triggers an obligation or duty. Discussion followed regarding AOE being aware of all issues, reverberations in the field, initial investigations, and Secretary of Education’s duties. The committee agreed to leave the language with no further edits.

Samuelson said that the State Board Chair thought that language was missing in the committee’s draft pertaining to if an investigation cannot be resolved in an informal way. Simmons read the draft language. Discussion followed if the informal process does not work, draft rule covers all bases, stakeholders receiving proposed changes in writing and wordsmithing may add value and clarity. Simmons read the new draft language. Discussion followed regarding new draft language. The committee agreed on the language.

Samuelson said there was mention at the last State Board meeting regarding the committee’s work on enrolling day students, foreign exchange students and boarding students in host family’s homes. Gleason said if a tuition school was paying host families then it was a boarding situation. Olsen added that the committee needed to delineate between an exchange program and boarding program. Discussion followed regarding rule 2227, external agencies overseeing exchange students, schools actively recruiting students from other countries and if a school oversees the residential aspect of student life – it was a boarding program. Simmons read the draft rule 2227. Samuelson said there was a missing word in 2223.8.2. The word “agency” would be added.

Olsen said that the committee's work for Phase 1 was complete. Samuelson said that the terminology for approved schools that accept public funds was outstanding. Moore asked if the independent schools' community could be consulted on what they would like to be called. Olsen asked Moore to bring ideas to the next committee meeting. Moore asked if no change were an option. Olsen said yes but it was confusing. Moore said he did not find it confusing but would address it with the independent schools' community. Discussion followed that it would be helpful to consumers to have a term to differentiate that a school accepts public funds, school's reputation and tuition was a big consideration to families. Simmons read the definitions of approved independent schools in the current draft rules. Further discussion followed regarding the terminology, demotion versus promotion, lengthy term and the legislature supplying the term.

Olsen asked Simmons to supply the draft language including the new language discussed to committee members and stakeholders.

Olsen changed the discussion to the approval standards. He said failures of governance are the root cause of many issues. He felt governance was a good starting point for the committee's work. Olsen suggested reviewing the governance standards NEASC has in place. He did not want to develop standards that conflict with NEASC since some schools may seek NEASC accreditation following the AOE's approval process. Discussion followed regarding a "NEASC" level of requirement for a start-up school and asking NEASC to speak directly to the committee. Olsen reviewed the NEASC governance standards. Discussion followed regarding if it was reasonable to request the level of detail to a start-up, recognized schools, that it was impossible for a school to open as an approved school, gradual process for opening a new school, NEASC setting state standards, trusted NEASC standards and NEASC standards are good general practice for any organization. Olsen asked Simmons for advice on how to incorporate the standards into their draft rules. Simmons suggested rewording the language, so it sounds like the State Board's. Some standards would be inserted in the list of required documents as new application materials and the rest would be inserted in the findings rule. Olsen asked Simmons to draft.

Olsen shifted the topic and asked if any internal procedures and controls should be in place that keep students safe such as staff training or mandatory reporter trainings. Simmons suggested adding a requirement to mandatory fingerprint supported background checks. Olsen said that it was not enough to agree to comply but that a school could demonstrate compliance evidenced by internal policies and procedures that are in place. Discussion followed regarding keeping the requirements broad, mechanisms to show success and ensure compliance, robust and comprehensive handbook, fingerprint background checks should be called out, policies indexed by the Vermont School Boards Association, Hazing Harassment and Bullying Policy and mandatory reporter law.

Olsen reviewed next steps which include: 1) Simmons to supply draft rule of Phase 1 proposed changes; 2) Simmons to supply draft rule of Phase 2 proposed changes to include governance

standards; and, 3) Moore to check with the independent schools community regarding naming convention for approved schools that accept public funds and approved schools that do not.

## **Adjourn**

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

The meeting was adjourned at 9:59 a.m.

Minutes prepared by Suzanne Sprague, Agency of Education.