

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: 411 414 290#

Date: March 15, 2021

Present:

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

Others: Mill Moore, Vermont Independent Schools Association (VISA); 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 9:05 a.m. He asked for introductions. Samuelson made a motion to add to the agenda the approval of the minutes from the February 11th meeting and the March 15th meeting. Gleason seconded. Gleason asked if the committee could act if it was not a warned agenda item. Olsen said yes, it must be the first order of business taken by the committee. The motion passed unanimously. Samuelson made a motion to approve the minutes from the February 11th meeting and the March 15th meeting. Gleason seconded. The motion passed unanimously.

Public Comment

None

Working session on proposed changes to Rule Series 2200

Olsen said that Simmons shared a draft that included Phase 1 edits to the draft language from the previous meeting. The committee reviewed minor suggested edits which provided better flow and clarity to Rule 2227 that included adding the word "further" and striking "to be approved". The committee agreed with the edited language. Olsen asked Simmons to include the draft in the State Board of Education's meeting materials for the March 17th meeting.

Olsen asked Moore if he and the independent schools' community had any suggested naming conventions for the different types of approved independent schools. Moore said he required additional time to complete the work. Discussion followed regarding calling the approved

independent schools that receive public funds accredited and that “accredited” was a NEASC term and could get confusing in the rules. Olsen asked Moore to continue with this work.

Olsen said he would like to make a formal request to the Legislature to modify the statutory language concerning questions related financial capacity moving the rebiew from the State Board of Education to the Agency of Education. He said Senate Education may be willing to remedy the incongruity. The committee members agreed. Olsen said he would prepare a document for the March 17th State Board of Education meeting for consideration of the full State Board. He hoped it could be added to a Miscellaneous Education Bill from either the House Education Committee or the Senate Education Committee.

Olsen said the Association of Independent Schools in New England (AISNE) would like to be an accredited accrediting agency in Vermont like NEASC. AISNE focused on K-8 schools. If they were a State Board approved accrediting agency, then as with NEASC, an independent school would be an approved independent school based on AISNE accreditation. Olsen said cost appeared to be more manageable for the smaller independent schools. Olsen asked Moore for background on AISNE. Moore said AISNE, in the past, operated in southern New England mainly Massachusetts and Rhode Island. Another association, Independent Schools Association of Northern New England (ISANNE) focused on northern New England mainly New Hampshire and Maine. The two associations have merged and operate under the name AISNE. Moore added the he was not aware of their standards. Olsen asked Moore to review. Discussion followed regarding that some independent schools are accredited by both NEASC and AISNE, Rule 7320 was very outdated, the rulemaking process and adding an accrediting body to the State Board rules was not a straightforward process. Olsen asked Simmons to research past practice of the State Board and how accrediting agencies were added to rule 7320 and to weigh in on the merits of AISNE. Simmons suggested inviting the AOE independent schools to a committee meeting. She said weighing in on the merits of AISNE and the AOE’s view of the group may take some time. Olsen suggested inviting an AISNE representative to present to the committee. Samuelson said the focus should be on how the AISNE accreditation process aligns with State Board rules.

Olsen moved the subject to the Phase 2 work on the general approval standards. He thanked Simmons for drafting an initial draft. Olsen asked for discussion on the standards. He said that the standards infer that the board governed a non-profit school. He wondered how the standards would apply to for-profit schools. He said the schools that follow the for-profit model are exclusively therapeutic schools. He said there was inherent tension in a for-profit organization, adhering to an education mission and at the same time being financially accountable to shareholders. Discussion followed regarding public funds going to a for-profit independent school, students placed in school by the LEA versus parents sending students to an independent school, AOE sets rates therapeutic school may bill LEA, statute does not speak to non-profit or for-profit, serves small number of students and the difference between for-profit entity and non-profit entity.

Olsen asked Simmons if it was legally permissible to have different approval standards for a non-profit or for-profit school. Simmons said yes. She added that adding an umbrella sentence into the rule that called out the reality would be acceptable. Olsen asked the committee if it would like separate standards for a for-profit and non-profit entity. He said the greater responsibility of the State Board was to ensure there are standards in place so the school stays true to its educational mission and that there are controls in place that ensures the inherent financial motives don't become the school's main focus. Discussion followed regarding how a school would demonstrate meeting the goal of a standard if not applicable, and accountability to the organizations stated goals and legal requirements. Olsen said that the committee must be purposeful with the rule development and recognize that there are different structures and considerations. Further discussion occurred about demonstrating accountability.

Olsen asked Simmons to research any distinctions the AOE has experienced between for-profit and non-profit schools. Moore said that accountability was good and to be aware of the different structures and to develop a construct to embrace both.

Olsen said that no future meetings have been scheduled at this time. He would like to give Simmons time to confer with her colleagues. Olsen would reach out to the AISNE representative and invite them to present to the committee at an upcoming meeting. Another meeting will be scheduled and dedicated to a discussion on governance and approval standards.

Adjourn

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

The meeting was adjourned at 10:27 a.m.

Minutes prepared by Suzanne Sprague, Agency of Education.