

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: 800 964 969#

Date: April 7, 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; Sue Ceglowski, Vermont School Boards Association; Clare Leheny, Association of Independent Schools in New England (AISNE); Sara Wilson, Association of Independent Schools in New England (AISNE)

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

Approval of minutes from March 15, 2021 meeting

Chair Olsen called the meeting to order at 8:05 a.m. He asked visitors and members of the public to identify themselves. Samuelson made a motion to approve the meeting minutes from the March 15th meeting. Gleason seconded the motion. Chair Olsen asked that the dates of the prior meeting minutes be updated. The minutes should reflect the draft meeting minutes from February 12th and March 11th. Chair Olsen called the question to adopt the March 15th meeting minutes that included a friendly amendment to include the corrections noted. The motion passed unanimously.

Public Comment

None

Presentation from Association of Independent Schools of New England (AISNE) and Q&A regarding accreditation service

Chair Olsen invited Clare Leheny, Executive Director, and Sara Wilson, Director of Curriculum, from AISNE to present to the committee. The [AISNE Accreditation Program](#) presentation was shared. The presentation included background information about AISNE; AISNE's mission statement; AISNE's school accreditation and principles; benefits of AISNE accreditation; accreditation process; people's role in accreditation; eligibility criteria and accreditation standards; and, affordability of AISNE accreditation.

Discussion followed regarding schools certifying that they have an ongoing process for monitoring its compliance with all federal, state and local legal and regulatory requirements, school's self-study, including a supplemental page in the final report specific to Vermont, AISNE's business model and its low fee structure being sustainable, differences between AISNE and New England Association of Schools and Colleges (NEASC), non-discrimination statement and aligning to AISNE's standards, number of Pre-K – 8 schools accredited by NEASC in Vermont and AISNE's membership and accreditation. Chair Olsen thanked both Leheny and Wilson for taking the time to present to the subcommittee. He added there was a lot of interest in relying on external accreditation because the process was seen as more robust. The main barrier was the cost to the smaller K-8 schools. AISNE's accreditation process and cost will be compelling to those schools and of great interest to the State Board. Consideration will be an ongoing conversation and process and won't happen quickly. Chair Olsen said he would like to keep this in the forefront as the committee looks at Rule 7320 which lists Vermont's recognized accreditation agencies.

Discussion of updates to Rule 7320 (continuation of 3/15/2021 discussion)

Chair Olsen reminded the committee of the discussion from its prior meeting pertaining to updates to Rule 7320. He asked Simmons to provide an overview of the unanswered questions from the prior meeting. Simmons reviewed the statute that includes the authority to allow approval of an independent school through a private, regional or state accrediting agency recognized by the State Board. She said the regional accrediting agencies listed in Rule 7320 are connected to recognition by the US Department of Education. NEASC was the only regional accrediting agency for Vermont. She said that Rule 2200 and Rule 7320 are inconsistent with one another with the difference being that private accrediting agencies are excluded. AISNE is a private accrediting agency.

Simmons said that Rule 2200 creates a process that the statute does not require rulemaking for the State Board to recognize an accrediting agency. Simmons suggested striking the language that references a separate rule where the recognized agencies are listed. Olsen shared that Connecticut relies exclusively on external accrediting entities for approval of independent schools. He said they have standards on how to become an accrediting agency. He said the committee should think about what standards it would like to see applied to accrediting agencies where consideration would be given to approving them. Discussion followed regarding other states' definition of independent schools, Act 173 adding two definitions of approved independent schools, no authority over Vermont recognized independent schools, rulemaking to repeal Rule 7000, State Board resolution to recognize independent school accrediting agencies, adding standards for accrediting agencies into Rule 2200, State Board adopting a standing policy regarding approval of accrediting agencies, and Montessori and Waldorf school accrediting agencies.

Discussion of approval standards in adjoining states RE: 16 V.S.A. § 828

Chair Olsen said that if a student attends a school out of state that statute 16 V.S.A. § 828 trumps the State Board Rules and 16 V.S.A. § 828 governs. There are approved schools in other states that would be considered a recognized school by Vermont standards. He suggested making a request to the legislature to clarify the terminology sometime in the future. Discussion followed regarding creating a rule that adds details to 16 V.S.A. § 828, corrective language, using caution with language around out-of-state schools, holding schools in Vermont to a higher standard than those in other states and unintended consequence of current language. Chair Olsen said there would be more discussion on this topic at future meetings of the committee.

Discussion of rule changes to address audit recommendations

Chair Olsen said there was a performance audit of the AOE, and its approval of independent schools' process conducted by the Vermont State Auditor's Office. The auditor's final report included some findings that are worth the attention of the committee as part of the rulemaking process. The findings were directed to the AOE to update procedures but may be better codified in State Board rules. Chair Olsen reviewed some of the recommendations: 1) Modify the application for approval to include an assertion that the school is checking the Child Protection Abuse, Neglect or Exploitation of a Vulnerable Adult Registry; 2) Review whether a NEASC accredited independent school or renewal of approval status has a curriculum meeting 16 V.S.A. § 906; 3) Inform the State Board if an independent school requesting approval or requesting renewal of approval status has weaknesses related to one or more criterion for approval contained in Rule and/or has outstanding recommendations from NEASC; and, 4) Establish procedures to ensure that it submits recommendations to the State Board regarding the renewal of an independent school's approval no later than five years after the beginning date of the last approval period.

Simmons said the AOE will add an assertion that the school is checking the Vulnerable Adult and Child Abuse Registry Check as part of the application whether it was added to the Rule or not. She said that NEASC has proposed a solution to meeting Vermont's curriculum standards. Simmons said that adding a flexible or uniform statement to the rule would be helpful. She said that AOE receives reports from NEASC that include school weaknesses or if a school has outstanding recommendations with them. The reports are sent to the AOE on a voluntary basis and only if the approved independent schools give the approval to NEASC to share the reports with the AOE. AOE staff feel that the schools will be less likely to voluntarily share the information because it will be directly reported to the State Board. Simmons said that the AOE was reading the rule incorrectly pertaining to renewal of an independent school and now understands that it cannot go beyond the five years.

Continuation of working session on updates to Rule Series 2220 (time permitting)

Not discussed

Adjourn

Chair Olsen suggested that the committee members review other state's approval processes. He said that repealing Rule 7000 in its entirety and establishing criteria to recognize accrediting agencies would be next steps for the committee.

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

The meeting was adjourned at 10:00 a.m.

Minutes prepared by Suzanne Sprague, Agency of Education.