

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: 311 970 252#

Date: May 10, 2021

Present:

State Board Committee Members (SBE): Oliver Olsen, Chair; Kim Gleason, Jennifer Samuelson
Others: Mill Moore, Vermont Independent Schools Association (VISA); Sue Ceglowski,
Vermont School Boards Association

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

Additions to the Agenda

Chair Olsen called the meeting to order at 10:34 a.m. He took a roll call and offered the member of the public the opportunity to identify themselves. They did not. There were no additions to the agenda.

Approval of minutes from April 7, 2021 meeting

Samuelson made a motion to adopt the meeting minutes from the April 7th meeting. Gleason seconded. There was no discussion. The motion passed.

Public comment

None

Update on integration of Phase 1 changes into Act 173 rulemaking

Chair Olsen asked Simmons for an update and overview on the integration of Phase 1 changes into the Act 173 rulemaking process and working draft. Simmons said the document supplied was a full strike through of the entire Rule 2200. She added that in addition to independent school approvals, Rule Series 2200 also included tutorial programs, distance learning, post-secondary programs, and approved kindergarten programs. Simmons said when the full State Board moves forward on the Administrative Procedures Act (APA) process, it may be asked to look at the other topics contained in the rule. She explained the difference between the document the subcommittee worked from and the document supplied that incorporated the changes. Discussion followed regarding the typo that the State Board Chair identified,

grammatical edits being sent to Simmons, cross-reference check and document proofing process, consistency in numeration, updating Commissioner to Secretary and tutorial center rules.

Chair Olsen suggested that the subcommittee consider a motion to recommend that the full State Board consider provisional approval of the integrated draft. Samuelson made the motion. Gleason seconded the motion. Samuelson asked where to send the grammatical edits. Simmons said the motion should include grammatical corrections to be sent to her by Samuelson. The motion passed.

Review and agree on framework and high level workplan for Phase 2 revisions to Rules Series 2220 and 7000

Chair Olsen asked the subcommittee how it wanted to proceed with its Phase 2 changes. He added that once a framework was decided upon it would help guide the work. He shared his proposed high level direction which included: 1) revoking Rule Series 7000 and replacing it with SBE standards for approving third-party accrediting agencies; 2) AOE and SBE would rely on third-party accrediting agencies with exception of initial approvals to be handled by the AOE; 3) establish overlay regulations that would establish Vermont specific standards not addressed by third-party accrediting agencies; and, 4) AOE would be responsible for verifying the approval status with the third-party agencies and obtaining supplemental information when needed and would then present its recommendation to the SBE.

Discussion followed regarding Vermont specific standards handled by the AOE, formal recognition of third-party accrediting agencies, recognizing previously offered path at no cost, benefit of accrediting agencies, governance standards for third-party accrediting agencies, health and safety issues and compliance with background checks for the AOE, curriculum and minimum courses of study, special education rules, mandatory accreditation, therapeutic schools are not accredited by the New England Association of Schools and Colleges (NEASC) or Association of Independent Schools in New England (AISNE), accreditation of religious schools, US Supreme Court ruling, annual certification that funds are not being used for religious instruction, Vermont Compelled Support Clause, Phase 2 rulemaking, concern with the use of public funds at independent schools with discriminatory enrollment or hiring practices and Title IX and Public Accommodations Act.

Chair Olsen said these changes would happen over time. He shared his proposed high-level work plan: 1) Replacement Rule Series 7000; 2) Urgent, minor, and low impact "Phase 1 like" amendments to Rule Series 2200; and, 3) Substantial updates to Rule Series 2200. Discussion followed regarding low impact changes, latitude with current rulemaking process and adding new amendments, timeline, required changes in statute and the ability of independent schools to keep track of rule changes. Moore said he would need consensus from his stakeholders before providing a response.

Chair Olsen summarized that the target would include: 1) proposed draft of Phase 2 changes by the end of the year; 2) proposed changes to statute made to legislature at the beginning of the

next session; 3) cool down period during the legislative session; 4) assess any statutory changes after the legislature adjourns in May 2022; 5) update draft if necessary; and, 6) prefile with the Interagency Committee on Administrative Rules (ICAR) in early summer 2022. Discussion followed regarding the rulemaking process and modifying the wording in the high-level work plan # 2 to read “amendments to Rule Series 2200”.

Standards for recognition of third-party accreditation entities

Chair Olsen said he looked at other states’ web sites to understand how the process of third-party accreditation was handled. He shared a link to Connecticut standards. He suggested that subcommittee members research what other states are doing as well. Discussion followed regarding the benefit of being an accredited private school in other states, truancy and attendance, flow of public funds, and using other states’ standards and processes as a starting point for Vermont.

Discussion of possible overlay regulations (for schools that are accredited by third-party entities)

Chair Olsen suggested ideas to consider as potential overlay regulations: 1) AOE procedures; 2) Vermont specific educational standards; 3) Use certifications; 4) Compliance with Vermont Title IX discrimination statutes; 5) Health and safety; and 6) Mandatory reporter compliance. Olsen added that this was not a fixed list and more ideas could be added. He will produce a presentation to update the full State Board.

Adjourn

Chair Olsen reviewed the frequency of subcommittee meetings and what was needed to accomplish the work plan. He offered that 2, two-hour meetings per month would be necessary and said he would work on a tentative schedule. Olsen suggested the next meeting be canceled and rescheduled for later in the month. Discussion followed regarding incorporating the draft language from the recent audit into the current working draft, rulemaking process and timeline.

Chair Olsen recapped: 1) next meeting was canceled; 2) two meetings per month and less frequently in the summer; and, 3) update the full State Board on the subcommittee plan at its next meeting. Chair Olsen offered the members from the public a chance to be heard. There were none.

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

The meeting was adjourned at 12:27 p.m.

Minutes prepared by Suzanne Sprague, Agency of Education.