

September 20, 2016

Strategic Goals: (1) Ensure that Vermont's public education system operates within the framework of high expectations for every learner and ensure that there is equity in opportunity for all.

(2) Ensure that the public education system is stable, efficient, and responsive to changes and ever-changing population needs, economic and 21st century issues.

MINUTES

Present

State Board of Education (SBE): Stephan Morse, Chair; Sean-Marie Oller, Vice Chair; Peter Peltz; Mark Perrin; Krista Huling, Stacy Weinberger, Rainbow Chen Connor Solimano.

Agency of Education (AOE): Rebecca Holcombe, Clare O'Shaughnessy, Brad James, Haley Dover, Amy Fowler, Patrick Halladay, Chris Case, Maureen Gaidys.

Others: Jennifer Zorn; Julie Longchamp; VT-NEA; Carol Smith, VT-TOY; Mill Moore, VT Independent Schools Association; Jeffrey Francis, VSA; Andrew Julow, GISU; Retta Dunlap, Woodbury; Laura Montague and Sophia, St. Johnsbury; Donna Reed, St. Johnsbury; Tamara Martin, Wheelock; Amy Hawkins, Danville; Tiffany Pache, VTDigger; Ken Page, VPA; Jon Wolff, Primmer/Lyndon Institute; Laura Pelosi, MMR; Retta Dunlap, Representative for the Homeschooling Community

Prior to the start of the meeting, Headmaster Tom Lovett led the group on a tour of St. Johnsbury Academy.

Item A: Call to Order

Chairman Morse called the meeting to order at 9:49 a.m.

Tom Lovett welcomed the group and spoke briefly about St. Johnsbury Academy.

Chairman Morse asked Board members to introduce themselves. Bonnie Johnson-Aten and Bill Mathis were not present.

Item B: Public to be Heard

Retta Dunlap introduced herself as a homeschool advocate and shared that she has homeschooled all four of her children. Dunlap noted that the AOE changed a form this summer, and that had led to some confusion that coincided with the enrollment process and caused some concern as the year started regarding documentation of homestudy assessment. Dunlap stated she had spoken with Secretary Holcombe and Attorney O'Shaughnessy and they are working through the conflict. Dunlap stated that she and the homeschool families in attendance were

present at the meeting to demonstrate they are very invested in their children's education, they are active and they really want to work with the Agency. She stated that there is a process in place for families to demonstrate learning has occurred, and that both the State's interest in verifying student progress and parents' right to home-educate children can be protected. She asked the Agency to work closely with home schooling families and communicate closely to that end.

Secretary Holcombe thanked Dunlap and the contingent of homeschoolers and their families for coming. Peltz asked a clarifying question regarding the assessment. Dunlap explained that most teachers that do homestudy assessments spend a lot of time with the families and the students. In the case that led to the current confusion, Dunlap stated this teacher did spend time with the families, but what she provided to the state was missing significant detail and the teacher refused to provide this detail. Dunlap stated she advised families to work with the AOE on other ways to meet the requirement. Secretary Holcombe explained that AOE had worked with many families, and most had already provided documentation and moved forward with their plans. She stated the AOE is committed to resolving this as quickly as possible so as to not disrupt the education of home school students. Dunlap thanked the Secretary.

There were no other members of the public to be heard.

Item C: Consent Agenda

There was one correction. At the end of the day at the last Board meeting, we discussed the filing of the 2200 series rules and Oller moved to vote to authorize the State Board Chair to hire counsel, and any other necessary staff for the rulemaking process, seconded by Perrin. With this correction the minutes and consent agenda are in order for being accepted.

Motion: Oller moved to accept the consent agenda which consisted of the corrected minutes for the August 23, 2016 State Board of Education meeting. Peltz seconded the motion.

Vote: Chairman Morse called a vote. The vote passed unanimously.

Item D: Board Members Announcements and Student Representatives Emails

Huling shared the results of the first summit of the Atlantic Rim Collaboratory (ARC), which includes Iceland, Ireland, Scotland, Finland, Aruba, the province of Ontario, Vermont and California. This was a summit of education systems that have committed to improving education systems through a focus on equity and child wellbeing. The summit was an opportunity to share strategies across systems to improve outcomes and support greater equity.

Chen shared that she recently attended the Next Generation High School Educator's Summit in Washington, D.C. as a representative on a student panel. She got to meet teachers, administrators and US Department of Education staff.

Weinberger recently served as Secretary Holcombe's designee at the Chittenden South School District's organizational meeting and this was very exciting. It was good to see this group come together to celebrate their new status. Superintendent Pinckney had Weinberger highlight the 15 years' worth of work with three different study committees that worked on these issues of opportunities for students, for local control, local voice. It was evident how proud they were and how much work – hundreds of hours - of people's time that got them to this point.

Item E: Chair's Report

There was no report from the Chair.

Item F: Secretary's Report

Secretary Holcombe thanked Huling for her summary of the ARC. One suggestion that came out of this conference was to do a student summit with respect to opportunities to learn and what is getting in the way of improving these opportunities - to create a more structured opportunity for students to have a voice in conversations that we are having at the state level.

Update on Development Learning Measure (DLM) assessment. We are struggling with the gradual transfer of costs from states to test makers. There was an increase in the cost of assessment as the University of Kentucky, who hosts it, took a 50% cut on the assessment, but in addition there was an issue with how the remaining cost would be allocated among member states. There was decision to shift from the current model to a combination model of a flat fee and per-student fee which would result in extraordinary increase in costs to the states. We had a concern with how the vote was conducted. The ongoing theme is the unique challenges of small states when we are in a policy context that increasingly favors large systems. You will hear more reference to "small state minimums" – which have not been increased in 20 years and at the same time the cost of business has increased. The federal government funds assessments, but as proportionally more of our federal appropriation goes to testing, we have less to spend on improvement of instruction.

Another constraining factor is that the General Fund has been cut over 45% in inflation-adjusted dollars since 2007, which means we also are dependent on federal dollars to meet our state assessment obligations, and have few state resources available to support instruction when federal dollars are diverted to assessment.

Secretary Holcombe provided an update on the SBE budget and stated that the August 31 YTD expenditures show a similar spending track to last year. Last year, the SBE had \$30,000 left at the end of year, and the Board could similarly expect to have \$30,000 available to dedicate to emerging priorities in the current year. Chairman Morse added that he and Deputy Secretary Talbott are trying to address the staffing issue for the rulemaking process and that this will be presented for approval at the October meeting. Any available resources could be applied to support staff for rulemaking.

Vice Chair Oller asked Secretary Holcombe to reflect on any news on the opening of school throughout the state. Secretary Holcombe said she is incredibly proud to work in Vermont.

What was evident while participating in the ARC summit is that there is a very high level of public engagement but also a high level of commitment of our educators; this is an extraordinary asset in our state. When people/systems commit to equity and child wellbeing, the academics seem to follow. Many people and systems are working very hard right now to do what is best for Vermont's children, even if that requires making some changes to their systems.

Huling offered that in other countries they are very focused on whether the children are happy – and they teach compassion.

Perrin asked if they talked about financial literacy/financial wellbeing. Huling replied that they talked a lot about meeting their basic needs. Oller noted that there is crossover between AOE and AHS and we need to continue to work together.

Act 166 is in the first full year of implementation. While some areas struggled to get started, we are hearing very positive reports from some parts of the state, and hope this will bring much needed support to many of our three- and four-year olds. We will be working with the Child Development Division to ensure we have a minimally burdensome and efficient way to complete background checks that are not duplicative, especially in the context of new federal childcare requirements. The rollout in some places has been delayed by challenges getting all employees in private providers fingerprinted. Secretary Holcombe has distributed a second transition relief memo, providing districts with a little more flexibility to ensure that children in areas with delay can still access PK.

Item: G – Committee Reports

There were no committee reports.

Chairman Morse suggested that we skip ahead on the agenda to item L and perhaps item M, following a short break. The Board recessed for break at 10:35 a.m.

Chairman Morse called the Board back to order at 10:41 a.m.

Item L: Post-Secondary Rules

The Board addressed agenda item L – Postsecondary Rules update. Morse explained that these rules have been approved, but the Agency found an error so Attorney O'Shaughnessy will explain that correction and we will then re-approve these rules and they will not be on the October LCAR agenda. O'Shaughnessy explained that at the last meeting there was a question about a post-secondary school seeking to operate in Vermont having an 18-month "waiver window" to seek Board approval vs. a post-secondary school that primarily operates outside the state of Vermont and that window is not extended. There is no such thing as an 18-month window prior to operating. The statute requires that for a post-secondary school to operate in Vermont, it needs Board approval prior to admitting its first student. Since rules reflect the old statute, we need to revise to ensure the new rules mirror the statute. O'Shaughnessy asked the Board to carefully revise the rules to conform to new statute, hold another public hearing, open another public comment period, and then propose to move the rules to LCAR.

Motion: Vice Chair Oller moved that the Board authorize the Agency to conduct another public hearing, an additional public comment period on the proposed revised amendment to the State Board Rule 2240, certification of post-secondary schools, prior to the filing of LCAR. Peltz seconded the motion.

Discussion: Peltz asked if/how this would impact the Burlington College situation.

O'Shaughnessy replied that it highlighted the need for a statutory change as Burlington College was exempt from the statute as they were in existence at the time the statute was created. It would reset the clock for what exists now for the new process.

Vote: Chairman Morse called a vote. The motion passed unanimously.

Item M: SBE Counsel

Chairman Morse stated that unless there was objection, he would move on to agenda item M and give an update on hiring independent counsel for the SBE. With AOE's assistance, three attorneys were identified and two returned bids yesterday. From here, there is a scoring sheet that needs to be completed before an offer can be made. Chairman Morse plans to do this in the next day or so, and once a contract is signed, he will then notify the SBE of who will be representing the SBE during the rulemaking process for 2200 and then there will be a news release so that the community knows who has been hired. This is a major step for the SBE to hire independent counsel, or any staff at all. Morse stated that under the circumstances, with the Administration taking a different point of view than the Board, the Board has agreed to move forward under its own authority.

Chairman Morse called recessed at 10:45 a.m. until Agency staff and/or the Teachers of the Year arrived. Chairman Morse called the meeting back to order at 11:33 a.m.

Teacher of the Year 2017:

Chairman Morse announced that they would resume with agenda item H – Teacher of the Year. This is a program run by the CCSSO and Board members received a scoring sheet in their packets. He instructed that the Board's role is not to make the final selection but to be part of the process. This is one of the highlights for the SBE – we always learn something really important from the field about what really matters to teachers and we know our system is strong because of educators like the ones we are going to hear from today. It is a privilege to welcome them today and they were thanked for all they do.

Chairman Morse introduced the Teacher of the Year finalists, who each gave a 5 minute presentation:

- Cory Smith, 4th grade teacher, Proctor Elementary
- Kate McCannon, Geometry and AP Statistics, U-32 Middle and High School
- Rachael Potts, Internship Coordinator/Transition Specialist, Harwood Union Middle and High School

Peltz and Morse acknowledged how great it was to hear each of the three candidates speak, how it brings meaning to the work. Secretary Holcombe noted that these three educators embody three of the most important initiatives in the state: 1) Flexible pathways and personalization of learning to strengthen the connection between school and career and college readiness, as well as student engagement; 2) PBIS and a strong commitment to social and emotional learning, and 3) a commitment to supporting rigor and deep learning in STEM, including shifting the mindset in math instruction from “solving equations” to using math as a tool to pose and solve important problems. Secretary Holcombe acknowledged that these three candidates represent some of our most significant reform agendas right now.

Chairman Morse called lunch recess at 11:56 a.m. and asked the group to reconvene no later than 12:45 p.m. Chairman Morse called the Meeting back to order at 12:45 p.m.

Item K: Small Schools Status Report

Chairman Morse shared that Russo-Savage was scheduled to report on item K, but had an emergency and was unable to attend, so item K will be postponed. Brad James is present and will report on item J. Morse noted that the agenda is slightly amended under item J in that Franklin Central Unified School District is requesting a name change.

Item I: Briefing – State Assessment Results

Deputy Secretary Fowler shared the following Power Point presentation with the results of the Smarter Balanced assessment with a focus on what it says about equality and equity of opportunity. That presentation can be found as [Agenda Item I](#).

Morse asked a clarifying question about how meaningful the proficiency numbers are (e.g. 32% percent of students eligible for FRL scored as proficient) without the 149 schools that are “too small for data.” Deputy Secretary Fowler said that this number is incredibly important because the 32% is aggregated and includes every student in the state, and not just students in the school large enough to report.

Perrin asked about recording data. Vice Chair Oller asked if the AOE was able to help schools make action plans to rectify these issues of equity. Perrin asked if school board members have access to it. Oller asked if it can be observed which schools are larger as a school unit than can be seen from the dots. Oller commented that it absolutely has to do with the teachers in the school. In every case where students were underserved nationally, they were also underserved in Vermont.

Peltz asked what is done when the schools are too small to use the data. Huling asked the difference by gender. Peltz asked about the schools that are outperforming others in regard to FRL – and if we can identify patterns and see what they are doing.

[Item J-3 - Name Change request for Franklin Central USD](#)

Chairman Morse relayed that the Agency has recommended that the State Board approve a name change for the Franklin Central Unified School District.

Motion: Vice Chair Oller moved that the State Board of Education approve the request of the Franklin Central Unified School District to change its name officially to the Maple Run Unified School District and that the State Board of Education certify this name change to the Secretary of State. This motion was seconded by Peltz.

Discussion: None.

Vote: Chairman Morse called a vote. The vote passed unanimously.

Chairman Morse called a five minute recess at 1:24 p.m. Chairman Morse reconvened the group at 1:30 p.m.

In reference to the two merger proposals on the Board's agenda for the day, from GISU and ANESU, Chairman Morse stated that both applications were of exceptionally high quality and both study committees seemed to have gone out of their way to involve their communities, which is an important piece of the success of work under Act 46. Morse reiterated that Russo-Savage was not able to participate today and that Brad James would be filling in for her. Morse suggested that Brad would report first, then we would hear from the study committee, then the minority report if applicable, then questions, and lastly if the study committee wanted to respond to the minority, that would be allowed.

Item J -1 Merger Proposals - Addison Northeast Supervisory Union

Brad James introduced himself and shared a map. ANESU is 5 towns operating 6 schools, each of the 5 towns operates an elementary school PK – 6, and all go to the same high school, grades 7-12. They are looking to have a single supervisory district by merging into a unified union school district. The proposal names all 5 towns as necessary to vote approval for this proposal. If this is a successful vote, they would be operational on July 1, 2018. The Secretary of Education recommended the SBE vote favorably on this proposal.

Chairman Morse welcomed the study committee from Addison Northeast Supervisory Union. Patrick Breen, superintendent, and Jenna Stanley, chair of Act 46 study committee introduced themselves. Breen acknowledged the work of this committee - they have spent over 75 hours of warned meeting time and a lot of really great effort to get to this point. This is an opportunity to redefine what they do and how they do it.

Breen and Stanley shared the following presentation as [Agenda Item J1a](#).

Breen shared this unification is founded on the desire of what we want for all students. And it is an opportunity to redefine what we mean by "our" students. Breen stated that often, people mean the students that reside in "their" town – this is an opportunity to redefine "our" students to include students in all towns that partner. Breen stated that unification is an opportunity to support a lot of the great work that is already happening - policy governance, strategic planning and other unification supports, and shared a governance chart to explain the challenge of

current governance. Breen stated that without unification, the SU's resources are spread thinner than they need to be, and not spent on maximizing opportunities for students.

Stanley mentioned that there was a minority perspective on the committee who had really strong feelings about Act 46. She stated that a lot of the concerns raised by the minority were discussed at length and incorporated into the articles of agreement. Key points of the proposal include: Supervisory district under RED provisions; will continue to operate PreK – 12; 13 member Board, proportional representation; will be voting on everything by Australian ballot; and will have local advisory councils to support local decisions and support around schools.

Peltz asked Stanley to flesh out the local advisory councils and their role and if it was considered having an open meeting vs. Australian ballot.

Secretary Holcombe commented that there is some virtue to parsimony in the articles of agreement. She is working with another district that approved articles of agreement 20 years ago and now their articles are out of compliance with the law. It is a delicate balance and worth thinking about where to have specificity, and where to allow for evolution in the articles.

Herb Olson (Starksboro) introduced himself as a member of the ANESU Act 46 subcommittee. Together with Nancy Cornell (Starksboro) and Mike Fisher (Lincoln), they filed a minority report in opposition to the study committee which details why the proposed merger is not in the best interests of the students. This report can be found as [Agenda Item J1b](#).

Olson started with appreciation for Stanley and Breen and recognized that they have worked hard and that the three members of the 15 member board who wrote the minority report simply disagree on how to best serve their children. Per statute, alternative measures can be pursued, especially if they are in the best interests of the students. Olson stated he doesn't see how the current proposal supports the intent of the act.

Olson stated that centralization of the school district will not result in significant savings in tax rates and that quality is a concern. He mentioned concern about equity of opportunity among neighboring districts. Olson stated the Act 46 goal of equity is appealing, but said there is no evidence that centralization of districts will make a difference or make education more equitable. He stated that a current strength is a very strong school-community relationship and local attachment, and stated that while other towns seem to do fine without that, he feels this is being taken away by the proposed merger and recommended a pause to allow more thought on this issue.

Chairman Morse asked if there were any questions. There were none.

Chairman Morse asked if the study committee wished to respond to the minority report. Stanley stated that she was comfortable with the information shared, but offered to answer questions. There were none.

Motion: Vice Chair Oller made a motion that the State Board of Education vote to accept the Secretary of Education's recommendation to approve the report of the study committee and the formation of a new district. This motion was seconded by Huling.

Discussion: Huling commented on the graphic on page 44 and suggested the graphic illustrates that the superintendent cannot be an education leader with such lack of organization. Oller commented that she appreciates the idea that all of "those" students are all of "our" students.

Vote: Chairman Morse called a vote. The vote passed unanimously.

Item J -2 Merger Proposals-Grand Isle Supervisory Union

James shared that GISU consists of 5 towns that operate PreK – 6 in two towns and PreK – 8 in three towns. Grand Isle, Isle LaMotte, and North Hero are necessary for the merger and the other two towns, Alburgh and South Hero are advisable.

Chairman Morse clarified that what this means is that when the towns vote, the three towns (Grand Isle, Isle LaMotte, and North Hero) must approve it and the other two towns (Alburgh and South Hero) are welcome, but not required to approve it.

The proposal will operate grades PreK – 6, will stop offering grades 7 and 8 and will tuition grades 7-12. If the other 2 advisory towns vote no, they have a window for reconsideration of up until 11/30/2017 to change their vote and join the new entity. James gave several scenarios and the corresponding incentives for each, or lack thereof. The proposal would have proportional representation by the town on the board.

Chairman Morse raised the issue that Act 46 suggests that the merged district have a minimum of 900 students and in this scenario, where there is a choice involved, if all 5 towns are part of the district, student population would be just over 900 and if two towns do not merge, the population is less than 900 students. James said the AOE recognizes that this is a small district, but it is a step in the right direction. The Agency supports the direction of the proposal, and suggests the SBE come back and revisit that at some point.

Peltz asked to how the incentives would work to that approach. Perrin inquired about small schools grants. Peltz had a follow-up question. Chairman Morse directed that James finish his testimony and that questions be held.

James continued that if these towns decide to merge, there will be no school closures the first 4 years. After this, it would be a board decision to close schools and would require a town vote. AOE's recommendation is that we approve the report and proposal as written and allow the vote to be taken. All five towns have not approved this – they will be back.

Peltz asked if from a macro perspective we are possibly creating outliers. Secretary Holcombe said that with this proposal, there are no more orphans than they are at present, and a merger of the three required districts in particular might bring a little stability to the schools in those

districts as a group. Morse asked if the advice of AOE is taken, if that would that leave the 5-town SU in place. James responded yes – that it would be a SU with three districts.

Chairman Morse invited the members of the GISU Act 46 Study Committee to introduce themselves. Andrew Julow, chairman of the study committee and Barbara Burrington, superintendent of the GISU introduced themselves.

Julow started by thanking the Board for the kind words on their report and he deflected that praise to Mike Dewese, Act 46 consultant, who has had a very difficult personal year but has been a great service to the committee and who could not be here today because of those ongoing issues.

Julow and Burrington offered a short slide presentation that can be found as [Agenda Item J2a](#).

GISU has two access points to mainland Vermont and geography presents a big challenge. If Alburgh and South Hero choose to go elsewhere, an awkward situation will result and we will have to hop over a town to find a partner. Burrington stated that 4 communities will be voting on November 8; Alburgh will not. Chairman Morse questioned why Alburgh would not be voting and Burrington explained that it is a unique situation.

Huling asked for clarification on why Alburgh is not voting. Burrington offered that Alburgh has a subcommittee that is looking at alternative structures and they have met with representatives Sheldon, Swanton and others from Franklin County. They are concerned with truancy, some of the structures in place in Franklin County, that the middle school that they would send their students to a school that is lower performing than where they are and that they are happy with the status quo and nostalgic.

Chairman Morse offered that we need to be sensitive to the intent of Act 46 and whether we are creating some isolation. Burrington stated that the committee vote passed 15:0 because people already feel isolated and she would argue that by Isle LaMotte, North Hero and Grand Isle coming together, that we are succeeding with the first leg of the unification.

Weinberger asked for clarification on the sending schools behavior. Julow shared that one issue in the islands is these kids showing up in 9th grade and being the outcast. The study committee created multiple opportunities for public input and it was clear that families and students found it very regressive if they had to transition twice. Julow said that Alburgh is welcomed to join this union and there was an extension of a deadline and that there is a history of begrudgingly working together. Julow stated there is a definite independent strain in each of these communities; there is a history of not working together. Burrington said that the experience of the Act 46 committee was paradoxical because it was a wonderful and diverse committee, but the experience of that committee in communities was somewhat traumatizing at times because it uncovered a lot deeply held beliefs

Julow walked through the Study Committee's timeline, beginning in August 2015.

It was reiterated that Alburgh has declined to vote on 11/8/16 – they will vote on 11/30/17.

Chairman Morse asked if by approving this report, if that would drive a wedge deeper between these communities. For those four communities, there are substantial benefits –and there is momentum.

Secretary Holcombe acknowledged how much work has been done that is not visible. She acknowledged how much hard work has been done to strengthen of systems (collaboration of PreK) and that this group really looked at efforts to partner and do what is best for everyone involved.

Huling shared that she feels this is good for the students in the short term and she wants to support that effort, but it is hard to leave the outliers. Chairman Morse reiterated that by 2019 the Board has the responsibility to have the entire state merged into fewer districts, by merging districts with the same structure, where practicable.

Perrin thanked Julow and Burrington for walking the Board through the presentation, for their tremendous work, for healing the community and making the paradigm shift that lead to the proposal. He said that he feels that if we don't approve this plan it, would be a step back.

Motion: Peltz moved that the Board vote to approve the report of the Grand Isle study committee. Chairman Morse clarified for the record with language proposed by the Agency - that the State Board finds that the proposed formation of a new unified district by three, four or five member districts of the GISU is in the best interest of the state, students and school district pursuant to 16 V.S.A. 706(c) that the State Board votes to approve the attached report of the GISU study committee. Perrin seconded.

Discussion: None.

Vote: Chairman Morse called a vote. The vote passed unanimously. Chairman Morse wished the Study Committee members good luck.

Chairman Morse announced that the next meeting is October 18, 2016 at AOE in Barre.

Motion: Huling moved to adjourn the meeting, Weinberger seconded the motion.

Vote: Chairman Morse called a vote. The vote passed unanimously.

The meeting adjourned at 2:50 p.m.

Minutes recorded and prepared by Maureen Gaidys
