

## State Board of Education

### Draft Meeting Minutes

**Meeting Place: McFarland House, Penthouse Suite**

**Address: 5 Perry Street, Barre, VT 05641**

**Date: February 19, 2020**

#### **Present:**

**State Board of Education (SBE) Members:** John Carroll, Chair; Jenna O'Farrell, Vice Chair; Peter Peltz, William Mathis, John O'Keefe, Kimberly Gleason, Kathy Lavoie, Kyle Courtois, Sabina Brochu, Oliver Olsen (via phone) and Heather Bouchey (Secretary French's designee).

**Agency of Education (AOE):** Emily Simmons, Judy Cutler, Maureen Gaidys

**Others:** Meagan Roy, Mill Moore, Marilyn Mahusky, Nicole Mace

#### **Call to Order/Roll Call/Introductions/Amendments to Agenda**

Chair Carroll called the meeting to order at 9:13 a.m. and asked members to introduce themselves. He introduced Colin Connor, the new RETN videographer. He asked if there were any amendments to the agenda. Olsen asked to add an item; a discussion on the status on the merger of two supervisory unions (SUs), Battenkill Valley SU and Southwest Vermont SU (SWVSU).

#### **Consent Agenda/Board Announcements/Student Report**

Chair Carroll asked for a motion for the consent agenda. Mathis moved approval except for pulling out Mater Christi for later discussion. Peltz seconded. There was no discussion. Chair Carroll called the vote. The vote passed. Mater Christi will be discussed later. The following consent agenda items were approved: Minutes from January 21, 2020 Meeting; Renewal of Kindergarten Approval: Mary Johnson Children's Center and Saxon Hill School, Inc.; Renewal of General Independent School Approval for NEASC Schools: Burke Mountain Academy and Killington Mountain School; Renewal of Tutorial Program Approval: 204 Depot Street Program and General Independent School Amendment: Mount Mansfield Ski Club & Academy.

Board Announcements: Peltz gave a shout out for Connor Vandagriff, former RETN videographer and his work on the Proficiency Based Learning (PBL) press video that he compiled in a masterful way that captured the PBL testimony in a meaningful way. Mathis said the President's budget has been put forth and it calls for massive cuts in Title I and this poses a real threat.

Student Report: Brochu spoke about some teachers wanting to talk with her about PBL after the exercise in Rutland and how many didn't realize that she was on the SBE until after that event.

## Chair's Report

Chair Carroll spoke about school construction aid and many schools are needing to expand, renovate, reconfigure. The House Committees on Education and Institutions heard testimony on this topic yesterday and he and Secretary French have also been asked to testify. The relevant rules are [rules series 6000](#) – construction guidance document and financial capacity analysis form. The request is to update these documents. He thought these could be updated without going through rulemaking. Peltz shared that he had spoken with Representative Emmons and it is a complicated topic. There was discussion on when construction aid was frozen, a Vermont Superintendents (VSA) study group, and that the rule states that aid is not available to correct deferred maintenance.

## Public to be Heard

Chair Carroll asked if there were any members of the public to be heard. There were none.

## Final Review of Proposals for Act 173 Rules 1300, 2360

Chair Carroll invited AOE staff and Meagan Roy, Chair of the Act 173 Advisory Group (AG) to the table and asked if any of them had an opening comment. Emily Simmons, AOE General Counsel, introduced herself and Judy Cutler, AOE Legal Staff. Simmons said the AOE is very encouraged by their conversation with the AG and although there was not consensus, there was agreement on every issue except one. Roy said she didn't have anything more to add to that.

Chair Carroll explained that there are two separate rules, 1300 and 2360 and they would continue along separate tracks, with the purpose of implementing Act 173.

Chair Carroll referenced E1300.1 and E1300.2 and ran through the side by side comments in E1300.2. There was agreement on 30 days, not 15. Mathis had a question on Maintenance of Effort (MOE); Chair Carroll said that would be addressed later. Chair Carroll reviewed the items in agreement between the AOE and AG. He then revisited page 8 (documenting MOE) where there was not consensus. Simmons referenced language on page 7 and said the disagreement is whether that language is necessary or not. Roy spoke about it being important to the AG that moving forward, all costs associated with tuition to therapeutic independent schools is considered allowable. She said the AOE responded that because the June memos have been retracted and the rule that the memo was clarifying does not exist in the current rule, that this language is not necessary. Roy said the AG debated this for a while and wanted to be comfortable with it but could not quite get there. The AG considered three options: 1) concur with the AOE, 2) leave the language there knowing that it might be removed later (and seek professional opinion) and 3) modify the language. The consensus was to leave it, but the context in making that decision is important. Simmons said there are two legal issues: the language in "c" is covered by "a" so that is surplus language and the language that AOE is proposing is after examination of the federal regulations and after consultation with the Federal Education Group (FEG) and it aligns tightly with federal regulations. She also shared that the AG conversation was very robust, and that one member had said that if "c" was covered by "a" she would be at ease and Simmons said she had stated on the record that this was the case. She continued that if the language is left in, the AOE will be happy to hear from FEG and if the

language is taken out and the AG comes forth with an outside legal opinion, that will be considered as well. She added that a reference in the next to last line of highlighted section and changing “all costs associated” should be replaced with “tuition” would be advised.

There was discussion on the sequencing of the document under section 1307, who the language applies to, why this rule is important in this setting and not others, how Individual Education Plans (IEPs) are written, eligible tuition, AG wanting tuition costs counted toward MOE, and work that is beyond the scope of the AG.

Chair Carroll asked for questions about this issue only. There were questions on the language being so unique that “c” is necessary, impact on practice, changing the allowability of a cost to be extraordinary, IEP formation and administration, spending determinations, collecting expenditures and bureaucratic work, and current documentation burdens to be softened. Chair Carroll steered the SBE towards deciding where to go over this one point of non-consensus between the AG and AOE. He recapped the APA rulemaking process and stressed the provision for public comment. He restated two of the AG’s three options – to leave the language or take it out. There was discussion. Chair Carroll asked if there was consensus language. Gleason moved that the language as stated in 1307(c) on page 7 read, “in such a case “tuition” striking “all costs” associated with that placement shall be considered “eligible” striking “allowable” and may count towards MOE” and that change be made for purposes of these rules. Courtois seconded. Chair Carroll called the vote. The vote passed.

Gleason asked about the weighting study. Roy spoke about not doing due diligence to the weighting study because of the time spent on these rules. Gleason asked about the action related to new weights and its impact. Chair Carroll spoke about not speculating until the legislature takes action.

Gleason moved that the SBE adopt the agreed language, as amended, of rule 1300, as the SBE’s proposed rules series 1300 for APA rulemaking. O’Farrell seconded. There was no further discussion. Chair Carroll called the vote; it passed unanimously. Chair Carroll thanked the AG and AOE for the work they have done together over the last year.

Chair Carroll referred to document 2360.2 and 2360.3. He asked Roy if the AG had remaining issues. Roy said the AG thinks it is important for the SBE to know that they have not really engaged in the rules series 2360 since the original conversation and that there are members that believe there are other sections of the rules to be reopened. She said the AG is comfortable with the technical changes, but for today’s purposes, there are no recommendations. Chair Carroll spoke about various stakeholders (Vermont Legal Aid, Vermont Independent Schools Association, etc.) who have concerns and that there are some questions that remain unresolved. Chair Carroll asked if there were further questions on 2360.1 and 2360.2. There was question on 2364.4 and if the rule was changed or moved. The Chair invited Mahusky to address the SBE on this part of the rule. Cutler explained that this rule is more around placements than funding, so it was felt it was better placed under least restrictive environment, instead of under funding. Chair Carroll asked if we were doing something that was not necessary as part of Act 173. Bouchey offered that this could be addressed under technical corrections to the bill. Mahusky said the rule as written, technical correction of moving it or not, conflicts with Title 16 and federal law and gives the AOE the power to usurp the role of the IEP team. She offered to

address it now or in public comment. Chair Carroll said he would welcome it during public comment. There was further discussion. Gleason suggested that the AOE and AG address this at the next AG meeting and maybe present this together during the public comment period. Cutler spoke about this being an orphan rule that didn't clearly fit in the rules series 1300 body and was carried over.

Chair Carroll asked for a motion. Mathis moved that the SBE adopt the agreed language in rules series 2360 as the SBE's proposed amendments to rules series 2360 to APA rulemaking. Olsen seconded. There was no further discussion. The Chair called the vote and it passed unanimously.

Chair Carroll recessed for break at 10:42 a.m. Mathis and Chair Carroll thanked the AG and AOE for their collaborative work on this. Chair Carroll called the meeting back to order at 10:52 a.m.

### **Review of proposed documents necessary to initiate Administrative Procedures Act (APA) rulemaking for Rule 1300 and of proposed documents necessary to initiate APA rulemaking for Rule 2360**

Chair Carroll introduced this item and emphasized the importance of stakeholder input at the beginning and shared his theory of the "power of the first draft." He invited Simmons and Cutler to speak about the APA rulemaking process. Simmons referenced the document labeled F-2 and explained the rulemaking process. There was discussion and questions on effective dates, economic impact analysis, and public comments. Simmons referenced F-3 and F-4 and spoke about the plan for public comments and said this is the one discussion that is necessary for filing the rulemaking documentation. Chair Carroll concurred and said that the Wednesday following the April 15 SBE meeting, (April 22) it was proposed to hold a public meeting in Brattleboro starting at 4:00 p.m. Simmons offered that the SBE could change the date of the regular SBE meeting to April 22. There was discussion on the duration and start times of public comment, having locations across the state, spring break, that April 22 the first opportunity to accept public comment, and deciding the location offline. Chair Carroll restated that the plan is to have three public comment sessions in mid-to-late April, early May and in late May. Simmons said the location needs to be decided today (2/19) if the plan is to file tomorrow (2/20). Chair Carroll said locations will be decided over lunch, when we can find a school that is not on break during the week of April 20, 2020.

Chair Carroll asked if absent a resolution on the dates, if the SBE was ready to adopt a motion. Lavoie moved that the SBE approve the agreed documents necessary to initiate rulemaking, with the decision to be made by the Chair on the specific dates of public hearings and that the Board promptly take all steps necessary to initiate formal APA rulemaking with regard to the SBE's proposed rules series 1300. Olsen seconded. There was no further discussion. Chair Carroll called the vote; the vote passed unanimously.

Lavoie moved that the SBE approve the agreed documents necessary to initiate rulemaking, with the exception that the Chair will sign the documents that will indicate the proper dates of the public hearings and that the Board promptly take all steps necessary to initiate formal APA

rulemaking with regard to the SBE's proposed amendments to rules series 2360. Olsen seconded. There was no further discussion. Chair Carroll called the vote; the vote passed.

Chair Carroll asked for any information on spring breaks. There was discussion on changing locations and/or changing dates. Gaidys read a list of schools that are on vacation the week of April 13, and thus should be available the week of April 21. There was interest in Southwest Vermont SU (SWVSU) and Windham Northeast. Chair Carroll said the SBE would not meet on April 15 but would instead meet on April 22 in south or southeastern Vermont. The Chair suggested meeting in Randolph either on April 30 or May 5. Brochu requested a later date. Chair Carroll agreed to meeting mid-state on May 6, which would not be a regular SBE meeting, starting at about 4:00 p.m. The May 20 meeting would be a regular SBE meeting in St. Albans. The April 15 meeting is moved to April 22. Simmons said she would start with Bellows Falls for the April meeting.

### **Review of Timeline proposals for rulemaking for Act 173 Rules 2200**

Chair Carroll introduced this item and shared that Act 173 has prescriptive language on how special education is handled with independent schools and that the SBE needs to translate this into rules and arbitrate differences. He explained the process and the proposed timeline for rulemaking for rules series 2200.

Chair Carroll asked for input on effective dates. Roy and Simmons addressed the SBE. Both concurred that July 1, 2022, the effective date of the statute being changed. Chair Carroll said they could initiate rulemaking on November 1 and this rule would go into effect, unless stated otherwise, in late 2021. Roy, in her Vermont Council of Special Education Administrators (VCSEA) role, spoke about the census rate going into effect in 2021 and that there will be a year where some questions related to special education funding for independent schools will remain unresolved, yet the funding formula will have changed and this is causing some alarm from districts that interact with independent schools. Chair Carroll asked if this disconnect for 12 months will place any strain/ambiguity on the AOE. Deputy Secretary Bouchey said that hadn't been discussed but that there were some remedies. There was discussion on current dates for the block grant, requesting a delay in implementation of the block grant from the General Assembly (GA), that the AOE is moving forward with the intention of the date staying the same, one year of ambiguity, contemplating the implementation of rules series 2200 to coincide with the block grant, AG wanting to prioritize time to work on this and tight timelines make this a challenge, that unless statute changes rulemaking needs to be initiated on November 1, and asking for an extension to start later.

Moore introduced himself, VISA Executive Director and AG member, and said rules series 2200 is more than special education; it is also SBE oversight of all approved independent schools and rate setting for special education in independent schools. He has heard nothing from the AOE on what direction they are taking, and he thinks an extension is important as there are several issues to be addressed. He said more time is needed because this is complicated and the AOE has not even spoken on the matter yet. He added that for rate setting, statute is not prescriptive at all.

Chair Carroll gave two options: 1) push back rulemaking to July 2021 (this would require seeking legislative redress) or 2) pick up the pace and go to the GA and ask for an effective date of July 2021 to coordinate with the funding. He commented that the latter approach seems to eliminate the one year disconnect. There was discussion on the collaboration of the AG and AOE, the impact on independent schools, and financial gap as a critical issue.

Chair Carroll asked Simmons when a first draft could be available; she said April. There was discussion on the reliance factor of July 2022 for independent schools, the effect of earlier implementation, financial impact for the one year, and that independent schools cannot be the recipient of a census grant.

Chair Carroll presented three options : 1) move to accelerate the implementation date to 2021, 2) leave the implementation date of 2022 and suffer this one year disconnect and consider accelerating the pre-rule process to be ready by November 1 or 3) postpone initiation of rules. There was discussion on out-of-state placements, pressure in the independent schools, moving the date organizationally doesn't help schools or students, difficulties getting the legislature on board, legislative intent, variances across the state, hearing from Randi Kulis, SBAC scores, AOE capacity not being an obstacle here, and legislature's awareness of the gap.

Chair Carroll summarized that the SBE is not prepared to advocate that the implementation of the rollout date should be changed and asked if the November 1 start date for rulemaking needs to change. There was discussion on it seeming sensible to push rulemaking back to early 2021, ensuring that public comment is accessible, impact on school budgeting, and benefits to districts having the rules with time to process and plan.

Chair Carroll suggested that there is consensus to stay with implementation date of July 2022 and live with the disconnect and that SBE will initiate rulemaking November 1 but that AOE, AG, and VISA might collectively go to the legislature and ask for this date to be pushed back to March 2021. Bouchey offered to gather some data on the disconnect but needs to check with Secretary French first. Chair Carroll encouraged movement on this and not to wait.

There was consensus to seek legislative approval to initiate rulemaking as of March 1 and invite them to take testimony from stakeholders.

### **Mater Christi School – Renewal of General Independent School for NEASC Schools**

Mathis spoke about the Chittenden case on religious tuition that said you cannot give public money to religious schools, but it is not that simple or consistent and this raises legal issues. Simmons said Mater Christi is considered a primary, parochial secondary school, associated with the Catholic diocese. Our rule is governed by the Chittenden case that states that absent appropriate safeguards to ensure that public tuition funds only non-religious instruction then a school district may not pay tuition to a primarily religious school. This puts the obligation on the school district. She said this is a tricky issue that we can't speak to categorically. She continued that none of this is relevant to a school seeking approval, so those issues were not examined because the two are divorced from each other. Mathis proposed that the AOE ascertain the status of religious schools and tuition and report back to the SBE. There was discussion on what was being voted on, not approving funding, and what is within the SBE's purview.

Chair Carroll asked for a motion. Lavoie moved to accept the Secretary's recommendation; Mathis seconded. There was discussion on public funds being sent to religious schools, statewide liability, state following the direction of the Chittenden case (which leaves it to the districts, not the state), and that there is nothing in statute to address this. Chair Carroll called the vote. The vote passed unanimously.

### **Merger status on Battenkill Valley SU (BVSU) and Southwest Vermont SU (SWVSU)**

Olsen spoke about 2018, when the SBE took action to re-assign the Arlington and Sandgate school districts to the SWVSU and dissolve the BVSU. He is nervous and his sense from reviewing meeting minutes and recordings is that there has not been a whole lot of action, that Arlington might be seeking some sort of extension. He wanted to highlight that this is a process that has been underway since 2010 and there have been multiple extensions and it continues to get lost in the shuffle with turnover at the AOE and SBE and these school districts might not be moving as aggressively toward that date as hoped. He expressed concern if the process is not underway and suggested inquiring of the status of that merger and taking some action. Simmons said they have not heard anything beyond what Olsen shared. Bouchey asked if the SBE has ever gone back to check on progress. There was discussion on there being a pattern in the timeline, inviting the two superintendents to give an update to the SBE, AOE's rule in ensuring compliance with statutes, decade of history with this entity, requirement that implementation of Act 46 be regularly reported, SU reorganization vs. Act 46, 2018 order had a directive that the two school districts appoint members to the SWVSU for transition, compliance issues and possible extension of timeline. Chair Carroll asked Olsen and Simmons to flesh this out and address the possible non-compliance issue at the next meeting and possibly invite the two superintendents to address the SBE on this issue. Mathis expressed concerned with who should do this, AOE or SBE.

Chair Carroll recessed for lunch at 12:44 p.m. and asked the group to reconvene at 1:30 p.m. Chair Carroll reconvened the meeting at 1:27 p.m.

### **Receive Report of the Review Subcommittee on the Appeal of Mario Macias; Docket No. LI 17-253**

Chair Carroll recapped that an appeal of a teacher's licensing hearing comes to the SBE and that the SBE appointed a review subcommittee that reviewed the appeal and completed its work, with the guidance and assistance of George Belcher. Chair Carroll invited Belcher to address the SBE and to brief the SBE. Belcher spoke and said he was hired by the SBE to advise on this licensing appeal. This is an unusual event to come before the SBE. The person involved is Mario Macias, guidance counselor at Burlington School District (BSD). There was a hearing on unprofessional conduct before a three-member panel who heard three days of testimony and decided of 7 claims of unprofessional conduct, 3 were justified by clear and convincing evidence and it was decided that his license should be revoked. Macias appealed the decision to the SBE. Instead of the whole SBE hearing the appeal, the review subcommittee reviewed the documents, heard scheduled arguments, and wrote a decision. The decision was distributed to the SBE and at the next meeting the SBE can decide the appeal. He emphasized that this appeal was not being taken up today, they were only receiving the report and background documents.

He explained that when a parent board appoints a subcommittee, the parent group needs to have access to all the information of the subcommittee. He spoke about information forthcoming and warned that it might be voluminous; he said this was done to reference and answer questions, not with the expectation that it is all read. That information should be distributed to SBE members tomorrow (2/20). Belcher suggested that unless there are questions only the hearing panel's decision, the briefs with Macias' argument, the AOE's responsive brief, and the report of the subcommittee needs to be read. Chair Carroll interjected that the question the SBE will answer at the March meeting will be whether the SBE shall accept the report of the subcommittee and affirm or reject the decision. Belcher continued that the information that will be received will contain much personal and confidential student information and it is critical that this confidentiality is maintained. Information will be distributed electronically, via 4 separate emails, and it should not be printed or discussed. The email will give you the option of not accepting the documents if members don't want to be burdened with the confidentiality. At the next SBE meeting, there will be an opportunity for discussion. The parties might be present for this meeting and they have the right to state their case. There might be a need for a deliberative session. Once questions are answered, the SBE can go back on the record to address the appeal. Chair Carroll reiterated the importance of maintaining confidentiality and stated that the documents received today are public. He explained why these documents were not included in the SBE packet that was mailed to members. It was important that these were received by the appellant and the state prior to being distributed to the SBE. There was discussion on the issue to be voted on, deliberative vs. executive session, 16 V.S.A. §1702 and §1710, SBE's role to judge the process that the hearing panel used, why all the confidential information is needed by SBE members, consideration should not started until the parties have had the opportunity to file their briefs.

O'Keefe excused himself at 2:00 p.m.

### **Literacy Reform and Act 173**

Chair Carroll invited Deputy Secretary Bouchey to address the SBE. She referenced a Power Point presentation from Secretary French, titled, [Literacy Reform and Act 173](#) and one that he had delivered to the GA. She spoke about Act 173 being enacted prior to Secretary French being appointed Secretary of Education. She talked about the four Act 173 levers in regulation, the theory of action, improving literacy outcomes in the context of Act 173, District Management Group (DMG) report, Grade 3 Smarter Balanced Assessment Consortium (SBAC) English Language Arts (ELA) scores for 2016-2018, National Assessment of Educational Progress (NAEP) Grade 4 reading scores, "high-quality" instruction materials, Lexile and Quantile measures, and policy elements.

There was discussion on respecting local control, AOE's historic work directly with SU/SDs has maybe not been effective, authority to ask about accountability, Education Quality Standards (EQS), No Child Left Behind (NCLB), using the four levers to affect change, wider angles of implementation, wholesale vs. retail model/analogy, shared best practices, current literacy bill, lack of focus on coherent teaching, real time data using Lexiles and Quantiles, benchmark assessments, timeline for reporting using Lexile scores, accountability of local boards for literacy outcomes, support on the levers, connection between four levers and academic



outcomes, local systems needing support, AOE providing test protocols for each lever, success stories, AOE taking ownership, declaration of success to hold AOE accountable, levers building capacity in the systems, and researched and evidenced-based impetus for choosing these four levers.

Chair Carroll asked about SBAC results. Deputy Secretary Bouchey explained DC#04 is a comprehensive data collection that is due in July. Last year (2018), no one had this in place due to the Statewide Longitudinal Data System (SLDS) being new. This year, (2019), most districts got their data in, except for one, Burlington School District (BSD), the biggest district in the state. BSD didn't submit until December. Once received, this data needs to be reviewed and verified and then sent back for revisions, prior to a final data check. The whole system must run through the data so delinquent districts impact this process. AOE could not move forward on a state-level report without receipt of all data from this data collection, including the state's largest district.

There was discussion on official data that the schools are held accountable for, students taking the SBAC vs. alternative assessments, data determining comprehensive supports and funding, producing a report without BSD's data, re-issuing of district reports, letting perfect be the enemy of the good, that SBAC is not required to be reported, substantial progress has been made from 2018-2019, and AOE is hopeful that next year will be much more seamless.

### **Debrief of SBE Inquiry re PBL, review proposed SBE Report to Legislative Committees**

Chair Carroll asked about next steps for the PBL draft report. This report was presented to the Senate Education committee; it has not yet been presented to the House Education committee. There was discussion on the verbatim capture of the testimony by VSA/VPA, distilled themes, empirical evidence, Education Commission of the States (ECS) testimony to the GA, PBL enhancing learning and improving equity, deployment strategies, focus, PBL grading vs. PBL learning, VT-NEA President Tinney's testimony, struggling districts needing more time and resources, turnover of administration and teachers, determining what we want from our educational system, career technical education centers (CTEs), replicating CTE successes, elective PBL in most states, Vermont is very input focused, many Local Education Agencies (LEAs) had a tough choice between Act 77 and PBL and we owe them some time, mandated hybrid scoring recommended by Baruth, best thing the report can do is pose questions, SBE being a trusted, consistent and reliable gatherer of information to present findings to the GA to do with what they will.

Gleason asked what was decided about the report. Chair Carroll said he and Gleason would talk about it. Chair Carroll asked if the SBE was comfortable sharing this report with the House Committee. Members were asked to re-read the report and provide Gleason with edits, copy to Carroll, in the next 5 days. There is agreement on the concept.

### **Update on Senate Committee on Education's draft bill re powers and duties of the SBE**

Chair Carroll said that the Senate Education committee has a draft bill on the duties and powers of the SBE. He distributed a handout titled, "Legislative Initiatives re SBE, 2012-2020" that gave context about earlier discussion on the direction of the SBE and the process that led to the draft

bill that currently exists. He spoke about the climate that has emerged over the last decade in the GA and that Act 98 basically put the SBE out of business. Then Act 92 clarified some of this. Act 46 was a big responsibility. Act 49 ordered the SBE to stop any further work on rules series 2200, then they gave the SBE rulemaking for Act 173. There has been a lot of mixed/conflicting messages. The Sunset Advisory Commission (SAC) took form in S.660, which says the SBE will cease to exist by January 2021. There is an opportunity to address reforms.

Chair Carroll said the AOE's perspective is different, the Secretary said a year ago that he would eliminate the SBE and the AOE was not supportive of the SBE in their testimony to the SAC. The different perspectives present most acutely around rulemaking. Chair Carroll referenced a list of "State Board Rules and Practices," which lists divisions of responsibility. He shared that Secretary French has a totally different proposal that is in the "AOE" column and that there is agreement among many assignments. It is clear that if some rules don't move, then some legislators will not be satisfied that enough changes have been made. Chair Carroll commented that there are three major players: the Legislature, the AOE, and the public. He continued that the SBE has the active support of the AG, teachers' union, Vermont School Boards Association (VSBA), VPA and VSA, who all believe the SBE plays a vital and important role in rulemaking. Chair Carroll spoke about visiting the State House in December and that the House Speaker said she liked the idea of an independent SBE, and among other things, having their own staff. There was discussion on the Transportation Board, the DOT to AOT transition, everybody thinks they understand education, and being available and accessible.

Chair Carroll surveyed the SBE on the direction of movement for this discussion. There was discussion on legislation, not being too strident, dynamics between two education committees, Secretary's approach was through the lens of policy coherence, Carroll's lens was the big "what" issues the independent SBE can handle, and school accountability systems. Chair Carroll asked if the SBE supported what is being pursued through legislation. The following indicated support: Lavoie, Mathis, Brochu, O'Farrell, Peltz, Gleason, Courtois. Deputy Secretary Bouchev had no comment.

Gleason made a point of order on voting on receiving the report (item H). Gleason moved that the SBE receive the report of the SBE Review subcommittee in the appeal of Mario Macias, and that this matter be considered by the SBE at their next meeting, on March 18, 2020. Mathis seconded. Chair Carroll called the vote and the vote passed unanimously.

Chair Carroll shared that Courtois was accepted to UVM to study English and secondary education.

## **Adjourn**

Chair Carroll adjourned the meeting at 4:33 p.m.

Minutes prepared by Maureen Gaidys.

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