

**June 21, 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.*

**Approved Minutes**

**Present**

**State Board of Education (SBE):** Stephan Morse, Chair; Sean-Marie Oller, Vice Chair; Peter Peltz; William Mathis; Mark Perrin; Stacy Weinberger; Krista Huling; Bonnie Johnson-Aten; Dylan McAllister, Student Member; Rainbow Chen, Student member non-voting.

**Agency of Education (AOE):** Rebecca Holcombe, Morgan Eckland, Greg Glennon, Haley Dover, Suzanne Sprague

**Others:** Nicole Mace, Vermont School Boards Association; Jeff Francis, Vermont Superintendents Association; Levin, VT Early Childhood; Matt Levin, Vermont Early Childhood Alliance; Tiffany Pache, Vermont Digger; Dexter Mahaffey, Vermont Commons School; Ken Page, Vermont Principal's Association; Jamie Feeban, Lyndon Institute; Mill Moore, VT Independent Schools Association; Matt McMahan, MMR

**Item A: Call to Order, Pledge of Allegiance, Roll Call**

Chair Morse called the meeting to order at 8:37a.m.

The members of the SBE introduced themselves.

**Item B: Public to be heard**

There were no members of the public to be heard.

**Item C: Consent Agenda**

Chair Morse asked for any changes to the consent agenda. Johnson-Aten wanted her name added as attending the May 2017 meeting as it was omitted. Oller added that one of the dates incorrectly read July but should read June.

**Motion:** Morse moved to approve the consent agenda with the corrections as noted. Oller seconded.

**Vote:** The motion passed unanimously.

Specifically, the items approved were:

1. **Minutes – May 17, 2016, SBE Meeting – with minor changes**
2. **Brownell Mountain School – Renewal of General Education Approval**
3. **Southshire – Renewal of General Education Approval**
4. **Arlington School – Renewal of General and Special Education Approval**
5. **Kindle Farm – Renewal of General and Special Education Approval**
6. **Manchester Village School – Renewal of General and Special Education Approval**
7. **Maplehill School – Renewal of General and Special Education Approval**
8. **Rock Point School – Initial Special Education Approval**
9. **Vermont Commons School – Amendment to General Education Approval**
10. **Job’s Mountain School – Acknowledge Closure**
11. **St. Mary’s School – Acknowledge Closure**
12. **Valley Vista – Renewal of Tutorial Approval**
13. **Centerpoint – Renewal of General and Special Education**

## **Updates**

### **Item D: Board Members Announcements and Student Representatives Emails**

Mathis said the Southwest Regional meeting was very enjoyable. He will present the remainder of his update during the ESSA portion of the meeting.

### **Item E: Chair’s Report**

Chair Morse reported that the Governor has appointed the new student member non-voting to the State Board of Education. The student is Connor Solimano. He is from Rutland High School. His resume includes being a student representative on his School Board. He is an elected member of the student body. Chair Morse continued that he has strong experience. Connor is hard-working, extremely poised and uses good judgment.

Chair Morse thanks Dylan for his years of service to the State Board of Education. Dylan’s strong presence demonstrated the importance of having students on the board.

### **Item F: Secretary’s Report**

Secretary Holcombe began with an update on the Blue Mountain Union School District’s discussion with Orange East on a possible district merger. Blue Mountain provided a progress report in response to the SBE request and the SBE decision to ask Blue Mountain to explore reassignment to a larger unit. Secretary Holcombe added that the AOE will report back in November on continued progress.

Secretary Holcombe shared with the board the state level Integrated Field Review report, based on the pilot field reviews that were conducted over the last school year. She explained the field reviews were designed to gather information on the efforts of SUs and SDs to address the

Education Quality Standards. The report is based on visits by educators across supervisory unions and districts. The IFRs provide focused feedback in five categories: academic achievement, personalized learning, safe school climate, high quality staffing and financial efficiencies.

Secretary Holcombe said the eight Supervisory Unions or Districts that participated volunteered to participate in the pilot phase. She talked through the sample report, identifying the format and examples of the kinds of findings for each of the categories. She added there is a set of commendations and recommendations for each category. One goal is shared problem solving. Secretary Holcombe said there were common themes across all sites that have implications for work at the state level. As an example, all were beginning PBL but all required additional support from the state.

With respect to ESSA and the relationship between field reviews and ESSA, Secretary Holcombe said any state plan for federal accountability had to adhere to federal law. Even though the reviews were powerful and provided a tremendous amount of information about the quality of education in different SUs and SDs, the risk of including them in federal accountability is that would make the process more high stakes and less focused on improvement. In addition, Secretary Holcombe explained that Federal dollars were a substantial portion of the budget in our highest poverty districts. Secretary Holcombe said one goal of federal accountability is equity, and one opportunity the state has now is to use federal accountability to drive improvement dollars to systems with the highest needs.

Oller asked if this format is what would go when we talked about the reviews being a public document. Oller wondered if this is what would be on the school's website.

Secretary Holcombe said this pilot phase was really a learning process for them and the school systems. The review process was greatly improved in response to ongoing feedback from participants. Secretary Holcombe added that the final reviews were much more comprehensive and robust because of the input and that each system got an individualized report, in this format, based on the visit that provided system specific information.

Huling asked when is the AOE scheduled do this again. Secretary Holcombe replied in the Fall 2016. Perrin asked if it is detailed enough to help school boards direct budget dollars. Secretary Holcombe responded with yes. Johnson-Aten wondered how many reviews are completed in a year. Secretary Holcombe said every system will be reviewed every three years and for schools that need support or are doing really interesting work, perhaps more often. Johnson-Aten wondered how much time these reviews take. (A very long day on site, several days of preparation and time afterward for writing the report.) Secretary Holcombe said it is a big investment and we do not have capacity for more frequent reviews. That said they are one of the most productive and powerful activities in which we are engaged, based on feedback.

Mathis added this is required by law. Secretary Holcombe said that the problem is the AOE is not funded to do it and if this is considered accountability then resources needs to be provided.

Secretary Holcombe noted that treating it as technical assistance under ESSA, which might allow some dual purposing of federal dollars.

**Item: G – Committee Reports**

None.

**Item: H – Action on Retreat Items**

**1. Act 166**

**MOTION:** Motion by Morse: The State Board of Education will continue to monitor implementation of Act 166/Universal PreK with respect to capacity, demographics of participating students, successes and challenges of implementation, program and teacher quality and equity of access to quality programs. The State Board will also review the PK rules in March of 2017.

Oller seconded.

**VOTE:** The motion passed unanimously.

**2. Act 46 Update**

**MOTION:** Motion by Oller: Consistent with the State Board of Education’s discussions and recommendations at its June 20, 2016 Retreat:

1. To develop and adopt policy guidelines regarding the State Board’s expectations for proposals presented by:
  - a. 706b study committees under Phases 2 and 3 of the incentivized voluntary merger programs; and
  - b. By a district or group of districts that desire to be considered a so-called “Alternative Structure” in the State Board’s final statewide governance plan required by Act No. 46 of 2015, Secs. 8-10.
2. Simultaneously, to develop and adopt rules regarding the criteria and processes by which the State Board will consider proposals presented to it by a district or group of districts to be an “Alternative Structure” in connection with the State Board’s development of the final State wide governance plan.
3. To request the Secretary of Education to prepare and present a draft of the policy guidelines and a draft of the rules to the State Board for its consideration at its regularly scheduled meeting in August, 2016.

Huling seconded.

**VOTE:** The motion passed unanimously.

**3. Small Schools Grants**

**Motion** by Huling: To develop and adopt rules regarding the “metrics” by which the State Board of Education will make determinations whether to award small school grants pursuant to 16 V.S.A. § 4015 on and after July 1, 2019 as required by Act No. 46 of 2015, Sec. 21; and to request the Secretary of Education to prepare and present a draft of the rules to the State Board for its consideration at its regularly scheduled meeting in October, 2016 and, in particular the nature of the criteria and considerations by which the State Board will be able to determine that a district has demonstrated eligibility for a Small School Grant pursuant to the criteria in subsection (a) of § 4015 that will be effective on July 1, 2019.

Oller seconded.

**VOTE:** The motion passed unanimously.

#### **4. Policy Statement**

**MOTION:** Motion by Perrin:

1. Under current Vermont law, the State cannot compel the merger of school districts with different operating and tuition structures.
  - Only the voters can decide whether to change their district’s structure in order to make merger possible.
2. All choices come with consequences.
  - A decision not to make any changes, structural or otherwise, will not insulate a school district or group of school districts from the consequences of declining enrollments and increasing tax rates.

Oller seconded.

**VOTE:** The motion passed unanimously.

#### **Item: I – Post Secondary Rules**

1. Burlington College Student Records Update

Greg Glennon, Agency of Education, addressed the board regarding the progress related to Burlington College records retention. Glennon said that under state law, the State Board has to designate a permanent repository. Glennon continued when the State Board names the repository hopefully it is with a willing partner. He continued that the college will continue to operate under its NEASC accreditation for some very limited purposes through the end of the calendar year that will include handling student transcript requests. Glennon said there is still time to find an effective custodian that has the capacity and ability to take this on since the school is over 40 years old and many students will need to, for various reasons, access transcripts for years to come. The AOE has not been able to identify a permanent repository. Glennon added that the AOE is working on this and is having ongoing conversations with a few local institutions. Glennon continued that the AOE will have an update for the board in the next month or two with, hopefully, a firm location named.

Huling asked if the selected repository sets its own price for transcript requests or is the cost passed on to Burlington College alumni. Glennon replied that it is yet to be determined. Glennon continued if a reputable college is named the repository then the assumption is the Burlington College student will be billed the same fee as if they went to the school. Glennon added that they have not gotten to the point where the AOE knows any of these details.

Peltz asked if there are any concerns in safeguarding these documents. Glennon replied that AOE received assurances from the Burlington College President and they are satisfied that the necessary measures are in place while this phase out is happening to protect the records and are adequately maintained and in a format ready for pass off when the partner is identified.

Johnson-Aten added that she is curious that this is in statute. Glennon replied yes it is in statute that the State Board has to name a repository. Morse asked if it is a state law or a rule. Glennon answered that it is both. Glennon continued that there is a law that says the State Board does this and rules elaborate on the specifications. Johnson-Aten asked if the college has no responsibility. Glennon said they have an interest in being helpful during the transition. Perrin asked if there is an endowment to pass forward. Glennon replied that the hope is that someone will step up as there is not much money given.

#### **Executive Session**

**MOTION:** Motion by Oller based on the advice of counsel. I move the Board to make a specific finding that premature general public knowledge of the board's discussions, while discussing a matter that involves confidential matters including matters related to an ongoing confidential investigation by another department of state government, will clearly place the Board and other parties at a substantial disadvantage. While engaged in such discussions, the Board is reasonably entitled to maintain confidentiality of its deliberations, under statute. In consideration of these factors, I make a motion to go into executive session to consider confidential attorney-client communications made for the purpose of providing professional legal services to the State Board of Education.

Perrin seconded.

**VOTE:** The motion passed unanimously.

Morse adjourned the meeting for Executive Session at 9:30 A.M.

Morse reconvened the public meeting at 10:07 A.M.

#### **Item: J – Independent Schools Rules Update**

Glennon said that the update today on the rules is a process update. Glennon noted the policy charge to the AOE in November includes among other things identifying a strategy through the rules to integrate the requirement of special education services to all students through the rules as an approval criteria requirement. Glennon explained that the review of state and federal law related to that policy goal is still under review and that they need to fully understand federal and state legal requirements and rules related to that complex aspect of the policy guidelines from the November meeting. Stakeholder conversations are happening. Glennon added that the AOE will be at a point in the next month or two to report back to the board with a set draft of

proposed rules for the boards' consideration and then begin the rule filing process with the SOS office.

Oller asked if the AOE could speak more about the stakeholders. Secretary Holcombe said she met with Council of Independent Schools, some people contacted Mill Moore and she has feedback from others that directly contacted her to address their concerns. Secretary Holcombe added these conversations are ongoing. This section also includes rules for tutorial programs and other programs, some issues there around what we would like to do around those educational programs as well. The rules are pretty old so there has been some substantial evolution with federal and state standards respect to special education.

Chair Morse asked for any public comment. Dexter Mahaffey from Vermont Commons School asked if the stakeholder conversations were organized in any way. Mahaffey continued he has been trying to get some information but hasn't been able to get any. In addition, Mahaffey said he has seen nothing sent to independent school heads. Glennon responded that at the April meeting of the Council of Independent Schools there was a singular focus to collect comments from council and to instill those comments to written documents to agency which we now have. Glennon added that letter was a part of the stakeholder meeting that Secretary Holcombe had with chair and co-chair of council and some other stakeholders in late April early May. Secretary Holcombe said that body is the body designated in statute with responsibility for advocating these issues. This was a courtesy beyond the regular public input outlined in statute, which will begin once draft rules are introduced. Mahaffey asked about communication. Secretary Holcombe suggested he communicate with Mark Tashjian who is the President of the Council. Glennon will follow up with Mahaffey to supply him with information on meeting dates and locations of the monthly meetings of the Council of Independent schools.

Chair Morse asked what affect will the new rules have on the current approval ratings. Glennon replied that part of any new set of rules or new legislation that comes into effect when in this context schools that have been approved under prior criteria, but that criteria hasn't expired when new rules take effect, have a transition provision. Chair Morse said earlier today we approved or renewed several applications for five years. Chair Morse asked that if there are new rules later this year or next year how are these schools affected. Secretary Holcombe said this is decided in the rules and a transition period could and should be specified.

Nicole Mace from the Vermont School Boards Association added a comment on stakeholder input from their association. Mace said the VSBA is very interested in having publicly funded institutions being held to the same standards that public schools. Mace added that she has not been engaged in this discussion to date, hasn't seen any proposed drafts or been part of any discussions about types of changes under consideration. She added that the Vermont School Boards Association have an interest in understanding what changes are being proposed so that it's clear that independent schools are held to similar standards that public school districts are held to. Mathis asked if there is a formal VSBA position. Mace replied that they have a resolution the exact wording has not been shared, but the position has been shared. She will share it with the AOE.

Glennon said over the next two months the AOE will meet with the public, independent schools, school boards, superintendents and others in a systematic way. Secretary Holcombe added no one has seen the draft rules because they don't yet exist. Glennon said that the AOE is doing work on the front end before rules are filed and there will be a public input but they want to do work before the rules get filed. Chair Morse asked to see a draft in August. Secretary Holcombe said yes.

#### **ITEM: K ESSA**

Mathis began by handing out some visuals. He said that Amy Fowler, Deputy Secretary for the AOE has worked with all types of stakeholders to get measures on ESSA as they understand it. Mathis continued the one list shows the 19 indicators for ESSA reauthorization so the lowest 5% would be identified for getting assistance. Mathis added the rules are being vetted in Washington. Secretary Holcombe said that many of the indicators are test-based and required by the federal government as these provide reliable and accurate data. Secretary Holcombe continued that there are many measures that the schools and AOE like but cannot be used reliably. Secretary Holcombe added this is what we have to work with and the intent is to get the dollars where they are needed most.

Mathis said the independent field review will be helpful as it contains qualitative aspects. Huling asked whether there are tests we have to use or like to use. Secretary Holcombe explained that we have to use test-based measures among other measures. Peltz asked if the 19 indicators represent what we want to have for our school age kids. Secretary Holcombe said the list clusters possible ESSA indicators according to the EQS categories. Wherever possible, the AOE is looking for ways to align ESSA with EQS to the extent possible, just as AOE did with the Field Reviews. Huling said that the 19 indicators do not capture all we want for Vermont students. Secretary Holcombe explained this is true, and that this reflects the reality of what we are asked to do for ESSA, as well as the limits of our data. This is an important conversation to have. In the ESSA stakeholder meetings, diverse stakeholders have provided input on measures and how to put them together. The list of 19 is the result of winnowing in response to input.

Huling said that ESSA is more about accessing federal dollars. Mathis asked the board where the money should be focused. Secretary Holcombe said that although we have grave concerns about the logic in ESSA we can:

1. Figure out how to use it productively and move forward on other issues
2. Align ESSA with EQS using the Independent Field Reviews
3. Make a statement that even though the indicators may be rigorous and reliable, they do not show the full depth and breadth of what we are about
4. Make a statement that they do not agree with the logic model, but that we need to direct the resources to where they are most needed.

Mathis asked the board if it is the sense to move forward with a statement or resolution that we would send to the schools. Oller added that we should interject our goal with the statement and shouldn't be longer than 1 page. Chair Morse asked for a redraft and to bring it back to the next meeting. Chair Morse then asked Mathis to speak on the proposed letter to US Secretary of Education King. Mathis said this is a letter which is a philosophical statement of what we think and believe such as ESSA is too much in line with NCLB. Mathis asked for the board to read the letter and provide feedback at next meeting.

**ITEM: L Approval of 2016 Priorities**

Huling asked to add PBGR to the current list of priorities after EQS. Secretary Holcombe said that PBGR is decided in the local level and that the AOE can only set standards. Chen added that she doesn't feel the proficiencies are balanced by district.

**MOTION:** Huling made a motion to add PBGR to the list of priorities. McAllister seconded. After some discussion, Secretary Holcombe said the state approved standards and now we have assessments that measure your progress on those standards. Chair Morse asked for the vote.

In Favor: Chen; McAllister; Mathis; Weinberger; Oller; Huling; Perrin; Peltz

Against: Johnson-Aten

**VOTE:** The motion passed.

Morse asked to entertain a motion approve the 2016 Priorities.

**MOTION:** Peltz so moved.

Perrin seconded.

**VOTE:** The motion passed unanimously.

**ITEM: M Nomination for NASBE Board of Directors**

Oller said that this should have been voted on at the May 17<sup>th</sup>, 2016 meeting for the early June deadline. Morse asked if Mathis not on the Board of Directors at NASBE. Oller said yes. Oller continued that if the board wants Mathis on the board and NASBE will allow it Oller will do it.

**MOTION:** Huling made a motion to add Mathis as a nominee to the NASBE Board of Directors. Oller seconded.

**VOTE:** The motion passed unanimously.

**Other:**

No July 2016 meeting. Oller thanked the AOE for their hard work.

Jeff Francis of the Vermont Superintendents Association appreciated the focus on Act 46 and 166 during June 20<sup>th</sup>, 2016, meeting.

**MOTION:** McAllister motioned to adjourn. Huling seconded this motion.

**VOTE:** The motion passed unanimously.

Meeting adjourned at 11:23 A.M.

Minutes recorded and prepared by Suzanne Sprague

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