

April 12, 2023

To: Vermont State Board of Education
From: Kim Gleason & Tammy Kolbe, Co-Chairs, EQS Committee
RE: Proposed Updates to Rule 2000, Education Quality Standards (EQS)

The purpose of this memorandum is to provide a high-level overview of the proposed updates to State Board of Education Rule Series 2000 (Education Quality Standards, EQS) for your consideration and approval at the special meeting of the State Board on Education on Thursday, April 13, 2023.

Background

At the April 2022 State Board of Education (SBE) meeting, the Ethnic and Social Equity Standards Advisory Working Group (Act 1 Working Group) submitted proposed revisions to Rule Series 2000 - Educational Quality Standards Manual. The Act 1 Working Group was charged with reviewing standards for student performance adopted by the SBE under 16 VSA Section 164(9) and other state statutes, SBE rules, and school district and supervisory union policies.

Act 1 charged with Working Group with recommending additional standards designed to:

1. Increase cultural competency of students in grades PK-12;
2. Increase attention to the history, contribution, and perspectives of ethnic and social groups;
3. Promote critical thinking regarding the history, contributions, and perspectives of ethnic and social groups;
4. Commit schools to eradicating racial bias in their curricula;
5. Provide, across their curricula, content and methods that enable students to safely explore questions of identity, race equality, and racism; and
6. Ensure that the basic curriculum and extracurricular programs are welcoming to all students and account for parental concerns about religion or culture (Act 1 of 2019, Section 1(g) – Duties of the Working Group).

The Working Group was comprised of 20 members, representing diverse perspectives and communities and the Group included a representative from Vermont's Agency of Education (AOE). The Working Group's recommendations were informed by research and policy, lived experiences of Vermont students and families, and more than a year of deliberations.

The recommended changes to the EQS were unanimously approved by the Working Group, except for the representative from the Vermont Independent Schools Association (VISA). In testimony to the SBE's EQS Committee, VISA shared that it supports the Working Group's recommendations for expanded standards, and only objected to the Working Group's recommendation that the EQS be universally, and equally, applied to Vermont's independent schools.

Work Undertaken by the SBE EQS Committee

The SBE's EQS Committee (Comprised of co-chairs Gleason and Kolbe, and members Brown, Lovett, and Lucci) was charged with updating the EQS to comply with Vermont Act 1 of 2019 and other recommendations by the AOE and others for the purpose of policy coherence and alignment.

The Committee's considerations for potential revisions to the EQS were framed and constrained by existing statute, particularly Act 1 of 2019, 16 VSA 165, and 16 VSA 164(9). The Committee carefully reviewed existing statutory requirements, the Act 1 Working Group's recommendations, recommendations proposed by the AOE for technical questions, and recommendations from the field to ensure that revisions to the EQS would be implementable.

The EQS Committee work began with review of those sections that had the most substantial recommended changes. *Section 2114 Definitions* reflected recommendation for revisions to existing terms and the addition of definitions for several new terms. Recognizing that a common understanding of the terms within the document is foundational to the ability to carry out the directives of the EQS, the Committee took testimony throughout the summer from many stakeholders, including those representing the Jewish Communities of Vermont. This stakeholder testimony informed the Committee revisions to the Section 2114 Definitions.

The other sections with more substantial recommended revisions included *Section 2120.1 Instructional Strategies* and *Section 2120.5 Curriculum Content*. The next several meetings invited testimony from practitioners in the field. The Committee asked the presenters to reflect on the recommended revisions and consider the following questions:

1. Are the rules clear as written?
2. Do they strike an appropriate balance between offering enough detail to be understood, and enough flexibility to ensure application in a local context?
3. Are these rules able to be operationalized in our schools?

The Committee invited practitioners from the field to testify and provide input on these questions. Universally, the Committee heard that the proposed changes are clear, strike an appropriate balance, and can be operationalized in our schools. Without exception, the representative from the field that came before us welcomed these revisions to align with the values of their school districts and the needs of their students.

The AOE offered technical suggestions and provided responses to clarifying questions throughout the process. The AOE also offered recommendations for alignment with the proposed Draft District Quality Standards/Quality Assurance Review (DQS/QAR). The

Act 1 Working Group was consulted and provided feedback on EQS Committee questions and considerations for edits throughout the process.

The EQS Committee consulted with an independent outside counsel and the document presented to the SBE for consideration underwent an initial legal review for consistency with existing statute. A second review will be requested after the SBE's deliberations and before the Rule is submitted to ICAR.

The Committee held a public listening session on November 30, 2022, and heard from more than 30 participants. All were in support of the recommended changes to the EQS.

Additionally, the Committee heard from and considered recommendations from the Vermont School Boards Association, Vermont Superintendents Association, Vermont Principals Association, Vermont-National Education Association, Vermont Curriculum Leaders Association, Vermont Special Education Advisory Panel, Vermont Student Anti Racism Network, and the Vermont Independent Schools Association (VISA). All organizations expressed support for the values of *equitable, anti-racist, culturally responsive, anti-discriminatory and inclusive educational opportunities for Vermont students*, as articulated in the proposed revisions to the EQS. VISA supported the substance of the rule, but did not support extending the EQS to universally, and equally, applying to independent schools.

On April 10, 2023, the EQS Committee ratified the draft rule presented to the SBE for consideration, by a unanimous vote. With that vote comes the Committee's recommendation that the full SBE approve the proposed revisions to the EQS rule.

Issue for SBE Considerations

A key issue considered by the Committee was *to whom* the rule should apply – specifically, should the EQS apply universally, and equally, to independent schools that receive public tuition dollars. (See attached/related memo that provides an overview of the issue.)

In its work, the EQS Committee received testimony from VISA, two accrediting agencies (NEASC and AISNE), several independent schools, (including Thetford Academy which is an independent school that chooses to comply with EQS, Superintendents, and St. Johnsbury Academy). All supported Act 1's principles and goals and agreed that social and ethnic standards, consistent with what was proposed by the Working Group, should be applied to independent schools who receive public tuition. However, the point of disagreement was whether the EQS was the appropriate regulatory mechanism for achieving this goal, or if another approach (or approaches) were more appropriate in the context of existing statute.

The Committee agreed that the issue of whether to apply the EQS to independent schools or to develop an alternative regulatory framework that would extend Act 1's

principles and goals to approved independent schools is an issue that should be resolved by the full SBE.

Recognition & Gratitude

The EQS Committee recognizes the thoughtful work by the Act 1 Working Group and the substantial contributions by a diverse group of Vermonters who care deeply about ensuring that all Vermont students are afforded an equitable education. It is with gratitude for these contributions and foundational work of all those who have been engaged with this effort, we submit the Draft EQS Rules revision for the consideration by the SBE.

Attachment A:

Overview of EQS Committee Work

April 20, 2022 - The State Board of Ed received the proposed changes to the EQS rules from the Act 1 Working Group.

May 13, 2022 - The EQS Rule Update Committee met for the first time to discuss charge and work plan;

- Charge:
 - Pursuant to [Title 16 of the Vermont Statutes, Chapter 3](#), the State Board of Education is responsible for the establishment, advancement, and evaluation of public education policy. The powers and duties of the Board include making [regulations](#) governing: attendance and records of attendance of all pupils, standards for student performance, adult basic education programs, approval of independent schools, disbursement of funds, and equal access for all Vermont students to a quality education. The governing regulations are outlined in the [State Board of Education Rules](#).
 - The State Board of Education Education Quality Standards (EQS) Committee is charged with updating Vermont's [Education Quality Standards](#) (Rule Series 2000), for compliance with Vermont [Act 1](#), and other recommendations from AOE or others for the purpose of policy coherence and alignment. The EQS is the body of state education rules that set standards for educational quality and equal educational opportunity in Vermont.
 - This committee will review these rules in the context of the relevant legal framework, recommendations from Act 1, and others, and the committee will identify changes in language to existing rules, as well as changes to statute that are necessary to implement the revised rules. The Committee's work will include careful review of existing statutory requirements, recommendations of the Act 1 working group and the AOE, and substantive stakeholder input.
 - The Committee will submit proposed Draft EQS Rules updates to the full State Board of Education for review and approval (December-January).
 - Upon approval by the full State Board, the EQS will enter the ICAR/LCAR formal adoption process, which will include additional formal public comment period and will be concluded within eight months, at which time the rules will be adopted.

June 23, 2022 - April 10, 2023 - EQS Committee met 28 times to hear testimony, discuss and deliberate possible revision to EQS Rules. Minutes and those invited to testify can be found noted below. The EQS Committee also received a great deal of public comment at Committee meetings and the November 30, 2022, public listening session, at which 30 people spoke of their support and appreciation for the changes proposed from the Act 1 Working Group to EQS.

June 23, 2022 - EQS Committee meeting, [minutes](#)

- Invited testimony and overview of Act 1 Working Group recommendations for update to the EQS
 - Amanda Garces and Mark Hage, Co-chairs of Act 1 Working Group

June 30, 2022 - EQS Committee meeting, [minutes](#)

- Invited testimony regarding Act 1 Working Group proposed changes to EQS:
 - Deborah Stoleroff, Program Director Twinfield Union School
 - Perry Bellow-Handelman (Jewish community member and teacher of World History, Sociology and Ethnic Studies at Montpelier High School)
 - Yoram Samets (Jewish Communities of Vermont)
 - Leigh Ann O'Neill (Staff Attorney, Foundation Against Intolerance & Racism)

July 28, 2022 - EQS Committee meeting, [minutes](#)

- Public comments from Jewish Communities of Vermont and members of Act 1 Working Group
- Committee consideration of definitions

August 11, 2022 - EQS Committee meeting, [minutes](#)

- Committee consideration of feedback from the Jewish Communities of Vermont regarding inclusion of “persecution and genocide” in definition of “ethnic studies” and “ethnic groups”
- Public comment from Alyssa Chen, Education Justice Coalition

August 25, 2022 - EQS Committee meeting, [minutes](#)

- Update from Amanda Garces, Act 1 Working Group regarding edits to “ethnic group” and “ethnic studies”
- Feedback from Mike Martin, of the Act 1 Working Group, regarding definition of “critical thinking”
- Committee discussion of feedback on edits to these definitions

September 1, 2022 - EQS Committee meeting, [minutes](#)

- Committee consideration of “ethnic group”, “ethnic studies” and “social identity” group
 - Public comments from Jewish Communities of Vermont
- Invited testimony on definition of Critical Thinking
 - Michael Martin, VPA, representing Act 1 Working Group

September 15, 2022 - EQS Committee meeting, [minutes](#)

- Invited testimony on on Instructional Practices/Strategies
 - Jeff Fannon, VT NEA
 - Andrew Jones, for Mike Martin, VT Curriculum Coordinators Association

October 6, 2022 - EQS Committee meeting

- Committee consideration of feedback from VT NEA and VT Curriculum Leaders Association on Instructional Practices/Strategies

October 20, 2022 - EQS Committee meeting, [minutes](#)

- Invited testimony on proposed EQS
 - Heather Bushey, Deputy Director, AOE offered technical corrections

October 28, 2022 - EQS Committee meeting, [minutes](#)

- Invited testimony on proposed EQS

- Michael Clark, Superintendent, Grand Isle Supervisory Union
 - Chelsea Myers, Associate Executive Director, Vermont Superintendents Association
- November 3, 2022 - EQS Committee meeting, [minutes](#)
- Committee consideration of AOE recommendations
- November 15, 2022 - EQS Committee meeting, [minutes](#)
- Invited testimony on Statement of Purpose (application to independent schools)
 - Testimony from Mill Moore, Vermont Independent School Association (VISA)
 - Testimony from Mark Hage, Act 1 Working Group Co-chair
- November 30, 2022 - Public Listening Session, [minutes](#)
- opportunity to hear feedback on the proposed EQS rules (heard from more than thirty people in support of the Act 1 Working Group recommendations to update).
 - Committee Working draft from 11/30/22: <https://education.vermont.gov/sites/aoe/files/documents/sbe-eqs-rules-update-with-committee-annotations-and-aoe-recommendations-11-30-2022-protected.docx>
- December 8 - EQS Committee meeting, [minutes](#)
- Review of statement of purpose (application to Independent Schools);
 - Testimony from NAESC and AISNE accrediting agencies
 - Testimony from Sharon Howell, Head of St. Johnsbury Academy, and
 - Testimony from Carrie Brennan, Head of Thetford Academy (independent school that complies with EQS)
- December 15 - EQS Committee meeting, [minutes](#)
- Testimony from Katie Ballard, Chair Special Education Advisory Panel (SEAP)
 - Testimony from Rene Sanchez, Superintendent, Champlain Valley School District (CVSD)
 - Testimony from Dana Lesperance, Community High School of Vermont
 - Testimony from Amanda Garces and Chelsea Myers of the Act 1 Working Group regarding feedback on the AOE technical suggestions
- December 21, 2022 - State Board of Education meeting, [minutes](#)
- EQS Committee Update: to include presentation of the most current working draft of the EQS Committee and discussion with Board
- January 19, 2023 - EQS Committee meeting, [minutes](#)
- Student feedback on the proposed EQS changes, highlighting the need for integrated curriculum and materials for students to feel seen in their educational experiences.
 - Testimony from Tony Strata-Cortez, DEI Coordinator Thetford Academy (independent school that complies with EQS)
 - Testimony from Sora Bolles, student at Thetford Academy, and member of Vermont Students Anti-racism Network (VSARN)
 - Testimony from Katie Ballard, SEAP offering specific suggestions for edits to the proposed EQS
- January 26, 2023 - EQS Committee meeting, [minutes](#)
- Consideration of the statement of purpose and the extent to which EQS should apply to independent schools

- February 3, 2023 - EQS Committee meeting, [minutes](#)
- Committee review and edit of the full proposed EQS document
 - Several areas for Act 1 Working Group review and feedback
 - Discussed alignment with District Quality Standards/Quality Assurance Review (DQS/QAR)
- February 7, 2023 - EQS Committee meeting, [minutes](#)
- Continued Committee review of the full EQS to edit for clarity and consistency
 - Identified areas for review by the Act 1 Working Group
 - Identified areas for review by the AOE
 - Discussed alignment with DQS/QAR; to invite AOE testimony
 - Discussed specific questions for legal review and alignment with statute
- February 16, 2023 - EQS Committee meeting, [minutes](#)
- Testimony from Emily Simmons, General Counsel for the AOE
 - Feedback on technical corrections
 - Feedback on alignment with DQS/QAR
 - Committee discussion on suggested edits
- February 21, 2023 - EQS Committee meeting, [minutes](#)
- Act 1 Working Group feedback on EQS Committee Edits
 - Concern regarding removing of application to independent schools
 - Offered clarity for other edits and definitions
 - Restructuring of Section 2124 Reporting of Results for clarity and specificity regarding disaggregation of data.
 - 2125 Continuous Improvement Plan and 2126 Compliance edited to align with DQS/QAR
 - Consideration of outstanding questions regarding EQS sections and application to independent schools for legal consideration
- March 10, 2023 - EQS Committee meeting, [minutes](#)
- Executive Session to review confidential attorney client communications
- March 17, 2023 - EQS Committee meeting, [minutes](#)
- Committee consideration of feedback from Act 1 Working Group on earlier questions
 - Committee considered feedback from Jennifer Samuelson, Chair SBE
- March 28, 2023 - EQS Committee meeting, [minutes](#)
- Committee considered remaining outstanding items
 - Committee added a definition of “Neurodiversity” with input from the Act 1 Working Group
- March 30, 2023 - EQS Committee meeting, [minutes](#)
- Committee discussion regarding the replacement of Patrick Brown on the State Board of Ed and his role on the EQS Committee, as a non-voting member
 - Committee continued its consideration of the remaining outstanding “clean-up”
- April 5, 2023 - EQS Committee meeting
- Committee considered remaining edits for the EQS
- April 6, 2023 - EQS Committee meeting
- Committee considered remaining edits for the EQS
- April 10, 2023 - EQS Committee meeting

- Committee deliberated the final draft for consideration and approval to move to the full Board for their consideration
 - EQS Committee was not able to resolve the question of whether and to what extent the EQS should apply to approved independent schools

April 13, 2023 - review of the EQS Committee proposed Draft Updates to the EQS by the State Board of Ed; expected vote to move on to ICAR/LCAR process for a May filing:

- Formal public comment period will be open
- Completion of the administrative rules process required within eight months

Concurrently, DQS and Quality Assurance Process is moving through the AOE rule making process. Efforts have been made to ensure there is appropriate reference and alignment with EQS and DQS.