

**State Board of Education**  
**Education Quality Standards Rule Update Committee**

**Draft Meeting Minutes**

Present: Kim Gleason, Tammy Kolbe, Grey Fearon, Mohamed Diop

Others: Sarah Buxton, Attorney

Agency of Education (AOE): Maureen Gaidys

***Call to Order, Roll Call, and Amendments to the Agenda***

Gleason called the meeting to order at 4:38 p.m. and took roll call. There were no amendments to the agenda. Diop asked if the meeting should be recorded. Gleason said that Chair Samuelson indicated that the issue of recording meetings will be discussed at the full SBE meeting on February 21, 2024. She said that there has been a varying past with recordings of these meetings. She also indicated that at the beginning of the EQS Committee work, they recognized that given the nature of the changes, it was important for people to feel safe in sharing their experiences, and recording meetings could have negatively impacted that. Kolbe indicated that the goal is to have a consistent process/procedure for the State Board of Education meetings and committee meetings, which the full board will decide.

***Approval of the [January 30, 2024 Meeting Minutes](#)***

Discussion of this item, [January 30, 2024 Meeting Minutes](#), was postponed to the next meeting to give members more time to time to read and review the minutes.

***Public to be Heard***

There were no members of the public to be heard.

***Working Session: Consideration/processing of public comments for EQS***

Kolbe said she had four items that she thought the Committee should discuss:

- Language of discrimination.
- When we use SU vs. SD vs. school.
- When we include specific reference to independent schools or not and being consistent.
- Whether or not we keep specific definitions in rule when they already exist in statute.

Buxton gave some background information on the relevant statement of purpose and the section that addresses discrimination. She shared the areas of concern. She explained that the

discrimination definition includes protective classes of people that do not yet exist in federal or state law. She said it is the purview of a legislative body (Congress or State Legislature) to create protected classes of people. She shared the language that was created to replace the existing language. Gleason added that realignment of these rules with the rule series 2200 was what necessitated this change. There was discussion on statement of purpose, proposed language, approved language, adopted language for rule series 2200, need for two sets of language, nondiscrimination language is consistent, if linguistic diversity includes accents, using the characteristics listed (equitable, anti-racist, culturally responsive, anti-discriminatory and inclusive), EQS's relation to student performance, employment law/Public Accommodations Act, need to lead with "we prohibit", it is not enough to prohibit – no student should experience these (racism, inequities, discrimination, etc.), the need to ground this in the student experience, and the goal that no student experiences this, protected class or not.

The Committee discussed and proposed NEW language for the definition of "discrimination" below:

*"Discrimination" is intended to describe any exclusion, restriction, or preference based on any protected class consistent with state and federal law that has the purpose or effect of denying or impairing the recognition, enjoyment, or exercise of an individual's fundamental rights. Discrimination is practiced by individuals and groups, and it is expressed systemically through the structures, laws, practices, and policies of public and private institutions, employers, and organizations.*

The Committee discussed and proposed NEW language for a portion of the Statement of Purpose below:

*These rules prohibit discrimination against any student pursuing an education or participating in the general life or activities of a school because of or based on any actual or perceived protected class consistent with state and federal law. No student shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity as the result of, or based upon, the student's race, gender, color, creed, national origin, marital status, sexual orientation, gender identity, or disability, or any other reason set forth in state or federal non-discrimination requirements.*

*In addition to the non-discriminatory protections in Subsection 2113, discrimination against any student pursuing an education or participating in the general life or activities of a school as a result of or based upon, ethnicity, caste, language and linguistic diversity, socio-economic status, religion, housing status, and non-citizenship or immigration status, does not align with the Board's goal for all students to experience an equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment.*

Kolbe said the SU/SD conversation needs to be a thoughtful discussion as there are some conflicts in statute. Buxton has done some work on this. There was discussion on avoiding a situation where a school disagrees with the SU's policy, making sure to not create a situation where it appears schools have autonomy when they do not, locus of accountability and responsibility needs to be addressed, potential source of fracturing, consistency at the highest possible governance level, and responsibility to inform legislation.

Kolbe asked Buxton to be prepared at the next meeting with a table/list of where SU/SD/school is used and references to independent schools or not. There was discussion on what documents should be updated and posted for the next meeting.

Kolbe said the next meeting will focus on references to SUs/SDs/schools and approved independent schools. The following meeting will focus on definitions with the next meeting addressing other lingering corrections/edits and a final clean-up of the document.

Gleason encouraged Committee members to complete the outstanding Doodle polls to help determine the next few meeting dates. There was discussion regarding keeping meetings focused on specific topics, receipt and review of [Vermont Educational Equity Collective's \(VEEC\) public comment](#), considering every public comment, spreadsheet themes and technical items.

### ***Adjourn***

Kolbe moved to adjourn; Diop seconded. There was no discussion. The vote was unanimous. The meeting adjourned at 5:48 p.m.

Meeting minutes prepared by: Maureen Gaidys