
State Board of Education

Virtual via Microsoft Teams
Call in Number: 1-802-828-7667
Conference ID: 552 153 192#
St. Johnsbury Academy - Black Box Theater
1000 Main Street
St. Johnsbury, VT 05819

Draft Meeting Minutes

Date: November 20, 2024

Present:

State Board Members (SBE): Jennifer Samuelson, Chair; Tammy Kolbe, Vice Chair; Mohamed Diop; Tom Lovett (left at 6:42 p.m.); Jenna O'Farrell; Lyle Jepson; Kim Gleason; Grey Fearon (virtual – left at 6:12 p.m.); Caleb Greenwood (left at 5:06 p.m.); Richard Werner (virtual – left at 6:06 p.m.); and Interim Secretary Zoie Saunders (virtual, joined at 2:21 p.m.)
Agency of Education (AOE): Emily Simmons, Jaime Kraybill, Suzanne Sprague, Pat Pallas-Gray, Rose Neddo, Sean Cousino, Lori Dolezal, Jill Briggs Campbell, Maureen Gaidys
Others: Logan Chalmers, Media Factory; Ken Fredette, Jay Nichols, Mary Kay Jurovcik, Mike Ward, Sue Ceglowski, Laura Pelosi, Matt Samuelson, Sharon Howell, Matt Forest, 802-275-8666, Katie Ballard, Alison Novak, Lindsey Wells, Ethan Latour

Item A: Call to Order, Roll Call, Amendments to the Agenda

Chair Samuelson called the meeting to order at 12:46 p.m. and asked for a roll call. Members present: Gleason, O'Farrell, Diop, Werner, Kolbe, Fearon, Jepson, Lovett, Greenwood, Samuelson. There was one amendment to the agenda – Item H will include updates from both the Roles and Responsibilities Committee and the Student Performance Standards Committee.

Item B: Public to be Heard

Chair Samuelson invited members of the public to speak, asked that comment be limited to two minutes and invited comments to be provided in writing.

Ken Fredette, Wallingford, Vermont Friends of Public Education, addressed the Board and expressed concern over the testimony provided to the Independent School Approval Review Committee on November 19, 2024. Read the full comment: [Public Comment: K. Fredette](#).

Item C: Possible Executive Session to consider confidential attorney-client communications made for the purpose of providing professional legal services to the Board

Chair Samuelson asked for a motion pursuant to 1 V.S.A. §313(a)(1) that the Board finds that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the State Board of Education would clearly place the Board at a substantial disadvantage. Lovett moved; Vice Chair Kolbe seconded the motion. There was no discussion. Chair Samuelson called the vote. The motion carried.

Chair Samuelson asked for a motion that the Board enter executive session to receive confidential attorney-client communications made for the purpose of providing professional legal services to the Board pursuant to 1 V.S.A. §313(a)(1)(F). Vice Chair Kolbe moved; O'Farrell seconded the motion. There was discussion on the nature of the legal advice. Chair Samuelson called the vote, The motion carried.

The Board entered executive session at 12:54 p.m.

The Board rejoined the regular meeting at 2:08 p.m.

Item D: Approve State Board of Education [Draft Meeting Minutes from October 16, 2024](#)

Jepson moved to approve the October 16, 2024 meeting minutes; Vice Chair Kolbe seconded. There was no discussion. Chair Samuelson called the vote. The motion carried.

Item E: Board Announcements

Gleason attended the Vermont Superintendents Association (VSA)/Vermont School Board's Association's (VSBA) Conference and attended Diop's breakout session on accessibility and access to public meetings, as well as a session on public engagement, and heard from speakers on mission/vision and on the capacity to disagree well in challenging conversations. Diop spoke about his presentation that addressed the importance of communicating with students and families and meeting their needs via a team of multi-lingual liaisons.

Gleason also attend the Rowland Foundation conference and said it was an inspiring opportunity to hear from educators. She attended a session on the Education Quality Standards (EQS) and heard how the updates are interpreted and how the field is using the IRIS standards as a foundation for guidance.

Diop spoke about the importance of accessibility and inclusivity and that it is not just about the spoken language for accessibility; there are hearing and visual disabilities that need to be accommodated, too.

Chair Samuelson thanked St. Johnsbury Academy (SJA) for hosting the SBE, providing a tour and lunch for the SBE, and allowing the Board to honor O'Farrell for her six years of service on the Board. O'Farrell thanked SJA and said it is a special place and thanked SBE members. Chair Samuelson recognized Caitlin MacLeod-Bluver, of Winooski High School, the 2025 Vermont Teacher of the Year, who presented to the SBE in August. Chair Samuelson shared that she was invited to a recent training for mediators at the AOE and that she and her daughter presented together about how they sought recognition of and support for her daughter's learning disability and this was a very empowering opportunity for both Samuelson and her daughter.

Vice Chair Kolbe and Chair Samuelson testified to the State Aid for School Construction Working Group and talked about the Board's authority over school governance and how this might overlap with decisions on school construction and the need to align priorities.

Vice Chair Kolbe and Chair Samuelson also submitted a revised budget and met with the Governor's Office to review it. They used data from the Roles and Responsibilities Committee in drafting this budget. A priority for the budget request is general legal support and increased funding that will allow the Board to update its rules, many of which have not been updated in 20 or more years.

Chair Samuelson noted that all but two SBE members have completed the ethics training, and she will follow up with them individually. The goal is to have these completed by the December meeting.

Vice Chair Kolbe participated in a panel presentation at Harwood Union Unified School District to speak about school finance and system reform, but not as a SBE representative.

Item F: Student Report

Fearon said he is between sports season and the first quarter has ended. There has been debate about the budget. Students and teachers have been involved with changes being made to the school schedule for the coming year to address math gaps and that has consumed a lot of energy the last two weeks. There have been changes every year, and some people are disheartened at the change in schedule. The National Honor Society induction was last week. The annual senior walk-a-thon (18 miles) for the Wounded Warrior Project dramatically exceeded its fundraising goal and raised \$6,500. This is an important tradition – it raises money, encourages outdoor exercise and builds community. Musical season has started and auditions for “9 to 5” were yesterday.

Greenwood spoke about his school's theater production underway. National Honor Society induction is November 21, 2024, and he will be inducted. Winter sports start December 2. There are committees to hire a new principal and superintendent, and he is on the superintendent hiring committee. He is also going on a field trip with the Youth Climate Leaders Academy and is excited about that experience.

Item G: St. Johnsbury Presentation

Sharon Howell, headmaster, offered a [presentation on St. Johnsbury Academy](#). She shared the history of SJA and reviewed its demographics, mission, student diversity, faculty and staff, Advanced Placement offerings, signature programs, international travel and cultural exchange, applied science and STEM intensive, Technical Career intensive, arts intensive, sports offerings (26), clubs (40), and Fuller Hall assemblies. Sarah Garey, Director of Health Services, spoke about Tinker House (health services, nurse, and counseling services offered on site), and noted that there have been 3,500 visits this year (1,400 were counseling visits). Bianca Hanson, Assistant Headmaster for Academic and Student Life Academics, Administration and Student Life, spoke about the interdepartmental student support team that supports all student areas of success (academic progress monitoring, advisory programs, mental health and wellness, and attendance), supports with food/clothing/housing security, reframing of accountability, and participation in extracurricular activities. Mat Forest, Director of Student Services, spoke about reading/writing/math labs, life skills program, faculty training, testing for all students who need it at no cost to students, support for academic

challenges, and the Multi-Tiered Systems of Support (MTSS) model and how its use is constantly evolving to meet student needs. Howell spoke about how Forest developed The Learning Center post-Covid as a system to address increased needs and to work collaboratively with the public education teachers. Howell spoke about community partnerships and how those are woven into the curriculum, SJA is involved in a lot of community service and is establishing a public-private partnership that is good for the community.

There was discussion on the positive/inviting feeling of the campus, welcoming students and staff, and relationships with the community.

Item H: Committee Update

Roles and Responsibilities Committee

This committee met and reviewed and summarized 16 V.S.A. §164 ([Summary of SBE Responsibilities per 16 V.S.A. §164](#)) and created a budget ([State Board Budget \(FY25\)](#)) that includes a line-item adjustment for FY25 ([Updated State Board Budget Requests \(FY25 and FY26\)](#)). The SBE is also requesting increased funds for FY26 and going forward to address rules that need to be updated; additional information on how this work could be chunked out and its potential estimated cost can be found in the [Memo on Estimate of Legal Costs for Updating State Board of Education Rules](#). Chair Samuelson and Vice Chair Kolbe met with the Governor's Office to review this budget proposal.

There was discussion on what the SBE needs to be engaged in going forward, other statutory responsibilities, practice- versus policy- related rules, taking advantage of the National Association of State Boards of Education (NASBE) and its resources, considering other resources, multi-year process of updating rules, and seeking funding to develop a strategic vision.

Chair Samuelson asked for a motion based on the Roles and Responsibilities Committee's review of the Vermont State Board of Education's responsibilities as articulated in statute, that the Board engage in a multi-year process to review and update if needed, the rules. Kolbe moved; Diop seconded. There was no discussion. Chair Samuelson called the vote. The motion passed unanimously.

Student Performance Standards (SPS) Committee

Gleason said the SPS Committee met and created workplans for each set of standards. Kolbe reminded the group that the plan was to have a standardized process ([Proposed Process for Approving Standards](#)) and different standards will have different requirements. The Committee drafted two workplans: [Health and Physical Education Standards Workplan Draft](#) and [Ethnic Studies Standards Workplan Draft](#). Kolbe explained that the Health and Physical Education standards are national standards, whereas the IRIS standards are not. There are differences in how to address both sets of standards. The IRIS standards need curricular development expertise and that does not exist on the SBE.

Gleason recapped the timeline for the Health and Physical Education standards: proposed regular meeting time on the first and third Mondays of the month from 3:45-5:30 p.m.; proposal of standards to SBE no later than January 2025 SBE meeting; stakeholder input will be sought, and questions will differ for stakeholder groups. Gleason explained that the IRIS standards will need a higher level of expertise, and they will need to hear from the Act 1 Working Group in addition to other stakeholders. The plan is to work on technical review resources as soon as practicable, testimony from Act 1 Working Group and/or analysis from AOE in December, additional testimony from other members of the field, including students, during the winter, and presentation of recommendations at the April SBE meeting so that EQS can be implemented with fidelity effective July 1, 2025.

There was discussion on implications of the workplan will require a consultant, standardizing the process, difference between updating national standards and standards with no national counterpart, finding efficiencies in hearing from stakeholders, thinking about a consultant considering budget concerns/limitations, concern with a process that is duplicative and not coordinated, AOE has expertise to offer, need to work collaboratively, hearing from the AOE on IRIS standards and re-calibrating the plan, if necessary.

Item J – Special Education Advisory Panel (SEAP) Update

Katie Ballard, SEAP Chair, thanked the SBE for having her speak. She reported that the SEAP has struggled with membership in the past and is excited to see that change. They have 6 new required members since June and those are moving through the process in addition to 3 others who are in the pipeline and will put the SEAP back in compliance with state and federal law.

The SEAP spent a lot of time in the last year talking about transitions (from early intervention to early education and from post-secondary into adulthood). The SEAP learned a lot and hopes to provide some recommendations and information to the SBE and AOE around transition planning. The SEAP has focused on its strategic plan and is hoping to continue this work despite turnover at the AOE. It is also focusing on independent schools, as it has received public comment specifically related to students on Individualized Education Programs (IEPs) that are publicly funded and placed out of district and/or in an alternative program. They hope to have recommendations on how to ensure that students/families have options in the continuum of alternative placements. Meagan Roy, Chair of the Commission on the Future of Public Education, will join the next SEAP meeting to provide feedback on that process. The SEAP would like to see more proactive inclusion of the special education voice. Ballard thanked Interim Secretary Saunders for her commitment to special education.

There was discussion on what specific issues are being conveyed around alternative placements, whether challenges are with independent schools generally or therapeutic schools specifically, having only one option and not a choice from the local education agency (LEA), needing a conversation that involves a continuum of alternative placements and options to choose from, SEAP is making recommendations to the SBE and the AOE around how to improve this, formal process for submitting complaints, staffing at alternative schools as a factor, accountability, schools able to serve students with special needs, lack of options, focus is students whose IEP team has decided they need to be educated out of district or at

an alternative placement, value in hearing input from parents on the current state of delivery of special education in Vermont, and SEAP's due diligence.

Chair Samuelson recessed for a break at 4:10 p.m.

Chair Samuelson called the meeting back to order at 4:18 p.m.

Item K: Rule Series 2200 Approvals Committee - Accrediting Agency Recognition

Lovett provided some overview and explained that the Rule Series 2200 Approvals Committee recommends approvals for independent schools and post-secondary programs to the SBE for their approval. Part of the process can involve a third-party accrediting organization. In the past, there were 11 organizations recognized in former Rule 7320, and they have been grandfathered until December 1, 2024. Only 8 of the 11 have asked to be considered and only three of them currently accredit schools in Vermont. Lovett explained that two of the three organizations were not made aware of the extent of what was expected in their applications, so they came before the Committee a second time last night. There are 11 criteria that these organizations must meet that are detailed in section 2227 – Recognized Accrediting Agencies ([Rule Series 2200 Final Rule](#)).

Middle State Association of Schools and Colleges (MSA) – Lovett reviewed MSA's application against each of the 11 criteria listed in Rule 2227. Lovett moved that, given that MSA have met the criteria and have a process by which to evaluate non-discrimination in their schools, the Independent School Approval Review Committee recommends that the SBE recognize MSA as an accrediting organization. Jepson seconded the motion. There was discussion on how this organization demonstrated substantial understanding of standards, practice with state-specific addendum, practical application, and comfort with the VT-rider in process. Chair Samuelson called the vote. The motion passed with unanimous approval.

Western Association of Schools and Colleges (WASC) – Lovett provided background and reviewed the areas covered in the application packet and how the criteria were addressed. Lovett moved that given that WASC has met the 11 criteria, the Independent School Approval Review Committee recommends that the SBE recognize WASC as an accrediting organization. O'Farrell seconded the motion. There was discussion on the Vermont addendum, asking WASC for additional information on items 10 and 11, December 1 deadline and grandfathering provision, tabling this decision versus not voting to approve, and approving contingent upon submission of additional information. Chair Samuelson called the vote. The motion failed to pass (3:6:0). Yeas: O'Farrell, Werner, Lovett. Nays: Gleason, Diop, Kolbe, Fearon, Jepson, Samuelson.

Department of Education, Northern New England Conference of Seventh Day Adventist – Adventist Accrediting Organization (AAA) - Lovett provided background on the areas covered in the application packet and how the criteria were addressed. He added that more specific language was requested from AAA on how they align with Vermont standards but was not received. Lovett moved to approve AAA as an accrediting organization in Vermont upon

receipt of additional information that was requested. Jepson seconded. There was discussion on needing more detail on the Vermont-specific standards, AAA's statements were general, , misunderstanding of alignment of standards, implications of not approving this organization given grandfathering provision expires on December 1st, organization can still accredit schools in Vermont even if it is not recognized by the SBE, accredited schools can still seek reapproval by the SBE, and analysis of criterion #10. Lovett restated his motion that the SBE accept the recommendation of the Independent School Approval Review Committee to recognize AAA as an accrediting organization. Chair Samuelson called the vote. The motion failed 0:9:0.

Chair Samuelson surveyed how long SBE members could stay and if the agenda needed to be adjusted.

Item M: Update - Commission on the Future of Public Education in Vermont

Chair Samuelson said there is a draft report from the Commission that will be circulated to the SBE, and feedback will be brought back to the Commission.

Item L: Interim Secretary's Report

In lieu of a Secretary's report, Interim Secretary Saunders encouraged SBE members to read the new report - [Vermont's Education Funding System: Explained and Compared to Other States](#).

Item N: Discussion with AOE on technical assurance forms and a broader independent school discussion

Interim Secretary Saunders highlighted the three main issues addressed in the [AOE's Response to Questions Regarding Independent School Approval](#) – special education, protections against discrimination, and costs at approved independent schools. She introduced Lori Dolezal, Interim Director of Education Quality, who will be overseeing the independent school approval process. Dolezal spoke about her division's commitment to quality, accountability and coherence across all schools. She said the AOE is well-positioned to address the backlog in independent school approvals – they have a well-defined process for reviews, the independent school team brings expertise to the job, and they have invested staff capacity including internal leadership team to support the process. The plan is to start the normal cycle of reviews for 63 schools that had renewal dates since the pandemic. Approvals will be handled according to the category of schools. The 13 Category 1 schools have already received an onsite visit, and some reports are already drafted; these schools will be submitted to the Rule Series 2200 Approvals Committee beginning in April/May 2025. The Category 3 schools are accredited, and they will receive a desk review and be reviewed by the Rule Series 2200 Approvals Committee beginning in April/May 2025. The 27 Category 2 schools will receive an onsite visit, and they will be reviewed by the Rule Series 2200 Approvals Committee beginning in June 2025.

There was discussion on staggered periods of approval, modulating the pace and volume, questions around new applications, process leading up to this backlog is not all Covid-related, accountability, AOE team is committed to addressing the backlog, acknowledgement

of the challenge and frustration, section 2229.3 assurances and how the AOE determines that this is being met, [Independent School Oversight Update](#), difference between sections 2229.2 and 2229.3, purpose of the module, module does not qualify someone to provide services, sections of the form that do not meet the requirements of the rule, importance of ensuring capacity for special education services, need for common-sense modification to the rule, school wouldn't have a contract if there weren't a need for a contract, section needs to be changed to comply with statute by either removing the reference to a contractor or take out the second part referencing the module, module provides additional assurance that the school will be in compliance when needed, module is used because there is no requirement for licensure to provide services when there is no student that requires services, process sets schools up for failure, schools could be required to have a general underlying contract for when they need to provide special services, and the rule has flexibility for cooperation.

Chair Samuelson suggested having Simmons review all schools that submitted a technical assurance form to see which schools have someone employed on staff to provide special education services and which schools have a contract to provide special education services, and finally which schools need to either have someone employed or on contract to provide special education services – and then work with that small subset of schools so that they are set up. Going forward, the assurance could be modified to say schools need to either employ or contract with staff. There was discussion on using the module for 2229.3(a), module could bring value added to the assurance, SBE rule does not list specific special education services, rule does not require specific staffing or specific contracts, alignment with Act 173, requirements to receive public tuition, module is clear in not authorizing licensure to deliver special education services, assurance form needs to be changed to say either employing staff or contracting with staff, dearth of special educators in the state and independent schools can contract with the LEA or special educators in the district.

Category 2 schools that are New England Association of Schools and Colleges (NEASC)-accredited will receive a site visit because they offer special education and need a visit from the special education team. Pallas-Gray clarified that it was correct that accredited schools with special education programs will receive an onsite visit, and the accreditation visit will preclude the general education staff. Lovett said that the Rule Series 2200 Approvals Committee typically plans for 20 minutes per independent school approval and made note of the impact on the Committee's capacity and timing to address the backlog.

There was discussion on the census-based funding model and the chargeback, excess costs, Act 173 funding and extraordinary cost reimbursement, tuition paid for July 1, 2023-June 30, 2024 since the implementation of Act 173 and updates to Rule Series 2200, most recent data was provided and there is a data lag, concern about therapeutic independent schools and their accountability, AOE resources spent on independent schools, AOE's efforts to provide documents, transparency and the plan to address the backlog, the continued focus on forms is derailing the work to be done, and there have been a lot of rule updates in the last several years.

Chair Samuelson thanked the AOE for being part of this good discussion and for their openness and said the point is well taken to remove the language on the assurance form so

that it tracks with the language in the rule. There was discussion on what was needed from the AOE. Jepson suggested having both the Chair and Interim Secretary designate one person to discuss what is needed. Vice Chair Kolbe said the minutes can reflect that the application should have two check boxes, one that the independent school contracts with someone to provide special education services and another that they employ someone to provide special education services. Simmons said AOE will come back with those suggestions included in the application as discussed and see if schools know how to answer that question and/or if they need further guidance. Interim Secretary Saunders said AOE will make sure that there are monitoring practices in place to have assurances that services are delivered per the IEP. Kolbe reiterated that the Board is not going to approve any independent schools that do not have demonstrated capacity to serve students with disabilities. Chair Samuelson stated that the Board has oversight over independent schools in a way that they don't have oversight over public schools.

Item P: Future Meeting Planning

Chair Samuelson will draft the annual report to the General Assembly and will circulate that prior to the December meeting. Other possible agenda items: interstate compact; AOE presentation of Portrait of an Adult Learner; Array of Literacy programs (AOE); State of the State of Special Education; and updates on the Commission and SBE Committees. Vice Chair Kolbe suggested a place holder for Health and PE standards (Dec/Jane) and the budget.

Item Q: Public to be Heard

There were none.

Adjourn

Jepson moved to adjourn; Kolbe seconded. There was no discussion. The meeting adjourned at 7:13 p.m.

Minutes prepared by Maureen Gaidys.