



VERMONT STATE BOARD OF EDUCATION  
Barre City Place  
219 North Main Street  
3rd Floor, Room 304  
Barre, Vermont 05641

January 17, 2017

- 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.*

## Minutes

### Present:

**State Board of Education (SBE):** Stephan Morse, Chair; Sean-Marie Oller, Vice Chair; Connor Solimano; Mark Perrin; Peter Peltz; Stacy Weinberger; Rainbow Chen; Bonnie Johnson-Aten; Bill Mathis; Krista Huling.

**Agency of Education (AOE):** Donna Russo-Savage, Haley Dover, Molly Bachman, Maureen Gaidys.

**Others:** Jonathan Wolf, Primmer/Lyndon Institute; Andy Shaw, Proctor/RCSU; Stacey Fiske, Rutland Town/RCSU; Tiffany Pache, VTDigger; Brittany Galman, RCSU; Joan Paustian, RSWSU; Steve Sanborn, Act 46 Consultant; Gregory Cannons, RCSU; Julie Longchamp, VT-NEA; Chris Leopold, Wright/Jones; Ron Ryan, ARSU; Glen Cousino, ARSU; Cheryl Scarzello, ARSU; Andrew Shaw, Mill Moore, VISA; Christine Kamm, RCSU; Nancy and Jerry Dyke, Windham; Debra Taylor, Superintendent, RCSU; Adam Rosenberg, RCSU; Jeff Francis, VSA; Martha Allen, VT-NEA; JoAnne Unruh, VCSEA; Howard Weiss-Tisman, VPR; Nicole Mace, VSBA.

### Item A: Call to Order

Chairman Morse called the meeting to order at 9:15 a.m. and the Board members introduced themselves.

### Item B: Public to be Heard

There were no members of the public to be heard.

### Item C: Consent Agenda

Minor edits were offered to the December minutes to Item L – they should read Caledonia North. Cynthia, from Concord should have her last name spelled Stuart. Tony DeMasi is member of the Act 46 Study Committee.

**MOTION:** Johnson-Aten moved to accept the minutes with revisions. Mathis seconded this motion. **VOTE:** The vote on item C passed unanimously.

Chair Morse noted that there was an error in the agenda – the original agenda had the report from the Search Committee on it and when Item P was added, that was omitted, but this is now on the revised agenda as Item Q for this afternoon. This item might need to be moved to accommodate Vice-Chair Oller’s schedule.

#### **Item D: Board Announcements**

Chen recently had the opportunity to visit a classroom of education majors and speak to the group on education policy and the future of education. She was also invited to do a similar presentation at a UVM Public Relations class.

Weinberger was in China for 2 weeks in December and visited schools in Beijing when they closed school for 3 days due to pollution. She also visited a school in rural China.

#### **Item E: Chair’s Report**

Chair Morse shared that he and Mathis spoke to Senate Education last week. Senate Ed wanted to hear more about Act 46, and there was a request to have someone be the lead. Morse appointed Perrin to serve as the SBE’s representative for all matters related to Act 46.

#### **Item G: Committee Reports**

Chairman Morse recapped that at the last Board meeting, the annual report was adopted, subject to changes discussed at the previous meeting and review of data by the Agency. Mathis distributed the revised report. Mathis added that it speaks for itself, since an earlier version was already adopted.

**MOTION:** Mathis moved to re-adopt this report with revised content. Huling seconded. Chairman Morse asked if there was further discussion. Mathis explained changes. Chairman Morse offered to take up a vote or delay this until later in the agenda if members wanted to take more time to read this over. **VOTE:** The vote was delayed at Peltz’s request.

Mathis reported on the State Board testimony to the Senate Education committee on the topic of independent schools. SBE members who presented included: Mathis, Perrin, Oller, Peltz and Chairman Morse, via telephone. Those who presented provided information on this meeting, and commented that this was a strong Senate Education committee and that the discussion was balanced, without the emotions that have usually followed this topic.

Chairman Morse noted that there was a bill filed by two Bennington senators (Sears and Champion) to remove the Board’s role on rulemaking and its role in the selection of the Secretary of Education Secretary.

Oller commented on testimony by Nicole Mace, and mentioned that the seven pages of her testimony can be found on the Legislature’s website under Senate Education committee for Tuesday, January 10<sup>th</sup>, 2017. Oller also encouraged that people read the Legislative Counsel’s testimony and what Senate Ed is receiving as testimony on this topic. Oller expressed concern that not all testimony has been balanced and stated that Mathis has been singled out very unfairly.

Mathis, Morse, Oller and Perrin commented on Jim DesMarais' testimony. They said the Board has not only the authority to establish rules, but the responsibility.

Chairman Morse announced that the Friday meeting (January 20) is not a full Board meeting, but a working session for the Rule Series 2200 committee members. It is open to the public.

**Item J:**

**Rutland Central SU/Rutland SW SU**

Russo-Savage distributed the an updated map of merger activity and introduced the merger proposal.

Chairman Morse asked the representatives from Rutland Central and Rutland Southwest introduced themselves: Andy Shaw, Chair of Act 46 committee, Steve Sanborn, Act 46 Consultant, Chris Leopold, Attorney, Joan Paustian, superintendent or RSWSU, Debra Taylor, superintendent, RCSU. Shaw asked the members of the Act 46 committee who had traveled to this meeting to introduce themselves: Mary Ashcroft, Rutland Town Selectboard member and Act 46 study committee, Stacey Fiske, Rutland Town school board member, RCSU school district board member and alternate for Act 46 committee.

Shaw presented a Power Point titled, "Comprehensive Proposal and Articles of Agreement for Mergers and Self-Studies to State Board of Education on 1-17-17."

There were some questions and discussion on what was being voted on – as the green sheet only included the merger proposal and not the two alternate structures of Ira and Rutland Town. During transitional phase, Ira (non-operating) and Rutland Town (K-8) would be under separate SUs.

**MOTION:** Mathis moved that we accept the motion as stated on the green sheet for item J1 – the Quarry Valley Unified Union School District. This was seconded by Johnson-Aten. There was no further discussion. **VOTE:** The vote for J1 passed with unanimous approval.

**MOTION:** Oller moved to accept the report for Wells Springs unified Union School District, as amended; Weinberger seconded. There was no further discussion. **VOTE:** The vote for J2 passed unanimously.

Chairman Morse called a recess called at 10:15 a.m.

Chairman Morse called the meeting back to order at 10:37 a.m. and the Board continued with Item J.

**Addison Rutland SU**

Chairman Morse called on Russo-Savage to give an overview.

Chairman asked the Act 46 participants to introduce themselves: Cheryl Scarcello, Director of Finance at ARSU; Glen Cousino, Orwell, Chair of Act 46 Study Committee, Ron Ryan, superintendent ARSU, Chris Cole, Technology Director ARSU; Steve Sanborn, Act 46 Consultant; Chris Leopold, Attorney.

Superintendent Ryan shared the group's presentation titled, "Slate Valley Unified Union Proposal – Act 46."

One change in this proposal from last time is that all were necessary last time; this time they are all advisable. Another change is that board membership was based on proportionality last time, and this year it is based on equal representation, and is still an 18-member board. A hybrid model was considered – and this is what resulted.

**MOTION:** Mathis moved to accept the report of ARSU; Oller seconded. There was no further discussion. **VOTE:** This vote to accept the report of ARSU passed unanimously.

Chairman Morse suggested hearing the Secretary's report next, then the Secretary Search committee's report, which will require a motion for executive session since it involves personnel.

#### **Item F: Secretary's Report**

Secretary Holcombe apologized for being late - she had a Cabinet meeting. She will work with Chairman Morse to plan for this in the future.

Secretary Holcombe spoke on the following topics:

- The Governor's goals of affordability, growing the economy and supporting our vulnerable populations.
- AOE's testimony to the legislature on EQS, IFRs, ESSA, CTE, career pathways and the funding formula, S. 1, and the budget adjustment.
- Update on fingerprinting.
- The Secretary apologized for any confusion caused with this month's agenda. She shared that the AOE received a high number of FOIAs, and staff are spread thin and doing the best that they can. She requested board members make requests through Chairman Morse, which will give him the opportunity to triage and the AOE to better manage the Board's priorities.
- The ESSA plan is now up on the web for public comment. It will go through another round of revisions after comment and before submission. Secretary Holcombe will ensure that SBE members are provided with the links for input into the ESSA plan.

Chairman Morse asked for the prior motion for Mathis' legislative agenda. The motion was to re-adopt today's version of the legislative report with revised content. It was initially seconded by Huling.

**Original MOTION:** Mathis moved to re-adopt the legislative report with revised content. Huling seconded. Chairman Morse called a vote. **VOTE:** The vote was unanimous to accept the annual legislative report.

#### **Item Q:**

**MOTION:** Johnson-Aten moved for executive session to discuss a personnel matter related to Item Q; Oller seconded. **VOTE:** The vote to enter executive session was unanimous.

At 11:22 a.m., the SBE entered executive session to discuss Item Q. Secretary Holcombe stated that she will be leaving the room and not be participating in the executive session. Chairman Morse added that the Board would likely take an early lunch and resume a little earlier than scheduled.

At 11:42 a.m., the SBE resumed its regular Board meeting.

**MOTION:** Perrin moved that the SBE accept the recommendation of the Search Subcommittee of the Board with respect to candidates for Secretary of Education and further moved that the Board should forward the names of those candidates to Governor Phil Scott as candidates for Secretary of Education. Oller seconded. Chairman Morse called a vote. **VOTE:** The vote was unanimous to accept the search committee report and recommend the candidates to the Governor.

Chairman Morse asked that the record reflect that the success of the Secretary Search committee was mainly due to the assistance of Allison Keating, AOE. The Secretary Search committee extended a sincere thank you to Keating.

Chairman Morse called lunch recess at 11:44 a.m. with the intent of reconvening at 12:30 p.m.

Chairman Morse called the meeting back to order at 12:36 p.m. and started with agenda item O.

**Item O:**

Robert Stirewalt introduced himself as the AOE Director of Policy, Regulations and Legislative affairs. Stirewalt shared his memo which summarized action on legislation passed in 2016 requiring AOE work – Act 148, Act 107, Act 153, Act 149, Act 132 and Act 46.

Secretary Holcombe offered to have Stirewalt send the SBE bills as they are introduced, without comment. Mathis requested a proposal/scope of work for the ARI/UVM contract – he would like a description of the work that is being done.

**Item L: Merger Proposal Update**

**Caledonia North SU/Essex Caledonia SU/Essex North SU**

Russo-Savage reminded the group that they approved a proposal from last month for Caledonia North and Essex Caledonia that was for a number of districts in those two SUs to form a PK – 8 operating, 9-12 operating district and this is the other part of that.

Chairman Morse asked the committee members to introduce themselves: Martha Heath, Act 46 Consultant; Miles Etter, chairman for the ten districts; Chris Masson, superintendent, ENSU; Jen Botzjoorns, superintendent, CNSU; Michael Clark, superintendent, ECSU; Tricia Higgins, Business Manager, CNSU.

The proposal was introduced with this orienting You Tube video: [link to the video.](#)

Superintendents and board members presented their presentation titled, "Presentation to the State Board of Education - NEK Choice School District – January 17, 2017."

Heath thanked Russo-Savage and said that she is a wonderful resource to Heath, the superintendents and the committee. From her perspective, the SOV is very lucky to have someone so responsive and clear in her responses.

There was discussion on Canaan, transportation, tuition rates and the history of choice and transportation.

**MOTION:** Peltz moved to approve the NEK School District merger proposal; Oller seconded. There was no further discussion. Chairman Morse called a vote. **VOTE:** The vote on item L passed unanimously.

**Item M: Phases of Alternative Structures**

Russo-Savage started by noting in the whole Act 46 process, alternative mergers are part of the continuum. All districts need to self-evaluate, meet with other districts, and make a proposal for moving forward. Since the last SBE meeting, the public comment period for Alternative Structures has ended. Russo-Savage is working to compile comments for review and consideration by the SBE.

**Item N: Rules Series 2200**

Chairman Morse stated that the Rules Series 2200 have been promulgated and they went to ICAR and were asked to take a few additional steps by ICAR. Four Board members have subsequently met with representatives of the independent schools, but these members have not been formally appointed as a rules subcommittee. Chairman Morse officially appointed Mathis, Oller, Peltz and Morse to serve on the Rule Series 2200 committee. Representatives of the Board have met with independent schools, VSA and VSBA and heard preliminary feedback and received suggested language for changes. The next step is for the committee to meet on Friday, January 20 at 9:30 a.m. to review suggested changes and draft changes to the proposed rules prior to sharing with stakeholders in an attempt to reach agreement and prior to submitting the draft rules for public comment. At the February or March SBE meeting, proposed changes to Rules Series 2200 should come back to the SBE. This committee is trying to work with the various parties to come up with something that will work for everyone.

Oller said that time is of the essence. When the Board first adopted these draft rules in July, the Board was told that they would have the opportunity to weigh in and ask questions. In the meantime the media and rumors said there were mistakes and the SBE should have caught them. She continued that draft rules are subject to different interpretations. She wants it to be clear to the public that the Board's role is to accept the draft rules and the process is to work through them and make changes in response to public input. Chairman Morse added that the proposed rules will go back to ICAR, then onto public hearings, then on to LCAR.

Howard Weiss-Tisman of VPR asked if the stakeholder comments are public. There was a confirmation that this information was public, and the AOE made it available to the press.

### **Item P: Windham Central**

Russo-Savage said that last month two proposals in Windham Central were approved. Last week we learned there was a misunderstanding of the effect of a decision that the study committee made. They have asked to amend their articles and this was sent in a green sheet last week. They have rewritten their articles and want to start off with a 9-member, proportional board with an increase of two at-large members next March. Russo-Savage shared a cover letter from Bill Anton, superintendent, Windham Central supervisory union.

Peltz commented that he likes that we are doing this and believes it is a good sign.

**MOTION:** Perrin moved to accept the requested amendment; Weinberger seconded. There was no further discussion. **VOTE:** The vote on item P passed unanimously.

Russo-Savage shared that related to Windham Central, there was typographical error noted and they have asked to have it corrected. In article 10, there is a chart that states “distribution of initially 1 year, 2 year and 3 year terms” and it should have said “2 year, 3 year and 4 year” - so that will be inserted.

Chairman Morse said there was one more item to address that was not on the agenda, following a recess. At 12:55 p.m., Chairman Morse called a 10 minute recess.

Chairman Morse called the meeting back to order at 1:55 p.m.

Chairman Morse shared that a long letter has been received from Representative Olsen accusing Mathis of unethical issues and asking the Board to take legal action against Mathis. Morse worked with AOE’s General Counsel, Molly Bachman, to research this and reported under the code of ethics that each Board member has signed, they have no responsibility to monitor the ethics of the Board; that rests solely with the Governor’s Office.

On late Friday afternoon, (January 13, 2017) another letter from Olsen was received, and a revised version of this letter was received on January 14, 2017 suggesting that the Board had been holding hearings without public notice. Morse reviewed his records and there was a Legislative committee conference call on February 4, 2016. Olsen has made a request for all legal notices for legislative committee meetings between October 15, 2015 and December 31, 2016. There was only one such meeting.

Chairman Morse introduced Molly Bachman, AOE General Counsel. Bachman shared that the Olsen letter was forwarded to her noting a violation of the open meeting law (failure to give notice of the meeting). Bachman is working on a response. The response will be that the meeting was noticed. The 2/4/16 meeting was warned and you can see this on the Agency of Administration’s calendar. The confirmation for the posting was received on 1/27/16. Chairman Morse stated that it was not only noticed, but was noticed in a timely fashion.

Mathis commented that allegations affected him dramatically and that he is bothered by people who are using their positions, legislative or not, to target individuals or to interfere with the rules making process. In the rulemaking process Mathis stated that the Board works toward three things: quality for all students, quality for special education students and accounting for public money in a proper fashion.

**Adjourn**

**MOTION:** Peltz moved to adjourn the meeting; Oller seconded. There was no further discussion. **VOTE:** The vote was unanimous to adjourn.

The meeting adjourned at about 2:30 p.m.

Minutes recorded and prepared by Maureen Gaidys