

August 18, 2015

*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; Rainbow Chen; Peter Peltz (via telephone); William Mathis; Mark Perrin; Bonnie Johnson-Aten; Stacy Weinberger

Agency of Education (AOE):

Rebecca Plude; Debi Price; Kate Rogers; Tracy Watterson; Bill Talbott; Vaughn Altemus; Greg Glennon; Perry Thompson

Others:

Jeff Francis, Vermont Superintendents Association; Ken Page, Vermont Principals Association; Mill Moore, Vermont Independent Schools Association; Rama Schneider, Williamstown; Bryan Mills, Ellis Mills Public Affairs; Susan Segal, Stowe; Jo-Anne Unruh, Vermont Council of Special Education Administrators; Ethan Letour, MMR; Tracy Wrend, Lamoille South SU Superintendent; Ben Allen, Agency of Human Services, Head Start; David Baker, Windsor SE SU Superintendent; Chris Leopold, Essex Westford Regional Education District Study Committee Counsel; Janet Steward, 2002 VT Teacher of the Year (TOY); Jay Hoffman, 2013 VT TOY; Katie Sullivan, 2007 VT TOY; Jennifer Harper, 2006 VT TOY; Karen Heath, 2005 VT TOY

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

Chair Stephan Morse called the meeting to order at 9:40 AM. He reminded those in attendance to sign the attendance sheet and led the group in the Pledge of Allegiance. The members of the SBE introduced themselves.

Morse welcomed Deputy Secretary Talbott, who was attending the meeting in place of Secretary Holcombe, who was out of state. He also noted that Peltz was attending via telephone.

Item B: Public to be Heard (Items not on the day's agenda)

None.

Item C: Consent Agenda

Motion: Oller moved to approve the Consent Agenda as presented, with one correction: Item C4a, Bennington School, should reference *ages* 8-21 and not *grades* 8-21. The motion was seconded by Johnson-Aten.

Vote: The motion passed unanimously (6-0).

Specifically, the items approved were:

1. Minutes
 - a. June 25, 2015, SBE Meeting
 - b. July 24, 2015, SBE Meeting
2. Independent School Renewals
 - a. East Burke School, East Burke
 - b. Mount St. Joseph Academy, Rutland
 - c. Mount Snow Academy, West Dover
 - d. St. Michael's School, Brattleboro
3. Independent School Initial Approval
 - a. SD Associates Foundations Program, Windsor
 - b. 204 Depot Street (Tutorial), Bennington
4. Independent School Approval Amendment
 - a. Bennington School, Bennington
 - b. Job's Mountain Academy, West Glover
 - c. The Schoolhouse, South Burlington
 - d. Compass School, Westminster Station

Updates

Item D: Board Members Announcements and Student Representatives' Emails

Oller reported that she, Mathis and Johnson-Aten had attended the VPA's annual conference. She said it had shared a lot of really good information with Vermont's school leaders.

Mathis said he had taken part in a recent meeting of the Government Affairs Committee of the National Association of State Boards of Education. He said that Congress continues to move forward on the ESEA reauthorization, noting that Vermont stands to do well with the current version of the reauthorization.

Chen reported that she had attended the New England Youth Leadership Institute and found it to be very informative and rewarding.

Item E: Chair's Report

Morse reported that the legality of the executive session the SBE had had last month had been called into question. The Assistant Attorney General had responded with his opinion that the reason for entering into executive session was legitimate, but an amendment to the open meeting law in 2014 required that the full SBE first come to a determination that having such a discussion in the public meeting would be detrimental. The opinion further stated that there

was no remedy for the error. The SBE will be more careful and more explicit in the future should the need to enter executive session arises.

Item F: Secretary's Report

Talbott presented the report on Holcombe's behalf. The Educational Quality Review process was underway. Several webinars had been held and the plans are to review 20 SUs/SDs throughout the upcoming school year.

There are currently two Act 46 merger studies underway. One was up for discussion later in the meeting and the Rutland South SU had recently voted to create a study committee.

SBAC scores from the assessments given last spring are due to be released on August 24. There will be some changes regarding how the data is reported and the Agency will continue to work to determine the best uses for the information gathered from the assessments.

Item G: Committee Reports

Education Quality Review Subcommittee – Mathis said it was important that the field trials of the EQR are moving forward. He reviewed a number of unknowns that still exist in the process, such as the intent to review each SU/SD once every three years, yet statute requires each school to be reviewed every other year. He noted that the Agency does not have capacity to visit every school every other year.

Governance Subcommittee – Perrin said the subcommittee had met the previous week and had heard a lot of feedback and comments from various stakeholders about how Act 46 is playing out in the different SDs. At the end of the subcommittee's meeting they had voted out a motion for the full SBE to consider:

Motion: Perrin moved that the SBE's interpretation of Section 4 of Act 46 of 2015 in conjunction with Section 822(c)(1)(A) would allow both operation of schools and tuitioning of students to other public high school(s) as long as the study committee establishes the policy in their articles of association for voter approval consistent with the criteria set forth at Section 822(c)(1)(A) of Title 16 of the Vermont statutes, subject to meeting all the goals of Act 46. It is the intention of the SBE that all students within the District are treated equally. Johnson-Aten seconded the motion.

Perrin said that since that meeting, several questions had arisen: the motion had no mention of independent schools, should it; could the tuitioning of students to other public schools mean any other public school in the state, or could it be limited to certain schools; and should the reference to "meeting all the goals of Act 46" include specific reference to Section 2 of Act 46?

Before turning to SBE discussion, the floor was opened to members of the public wishing to speak on the matter. Moore said he was very disturbed that the motion excluded independent schools from being options for school choice. He noted that §822 mentions independent schools, but the motion does not. He said that some of the initial merger discussions taking place around the state could fall apart if the option for sending students to independent schools is not included. He noted that approximately 100 of Vermont's 130 independent schools are

approved independent schools. He urged the SBE to include approved independent schools in the motion so they could be treated the same way as public schools and warned of ramifications of they were not.

Morse noted that §822(c)(1)(A) permits a local board in a district that operates a high school to identify a public school that its students can also attend. §822(c)(1)(B) states that the local board can choose to permit, on a student-by-student basis, a student to attend an approved independent school if certain conditions are met. The latter section of law would not be affected by the SBE's motion, thus preserving the status quo as far as the option to attend an approved independent school is concerned.

Glennon concurred, saying that when the language of the motion was drafted the subcommittee had been contemplating the notion that statute already gives authority to a local board of a district that operates a high school to choose another school for its students (plural) to attend, as well, whereas the next section of statute states that a local board can choose an approved independent school if it finds such a school to be in the best interest of the student (singular) who has petitioned for such permission to attend an approved independent school. Thus the plain language of the law requires a case-by-case analysis to approve the payment of public tuition dollars to an approved independent school in a district that also operates a school.

Morse added that there had been three members of the House Education Committee at the subcommittee meeting and they had agreed with this interpretation of the law.

Perrin said that all merger requests will be reviewed in accordance with the goals set in Section 2 of Act 46, and that it was important for the SBE to send a message regarding what local districts can do to be in compliance with Act 46.

Schneider noted he was not in attendance on behalf of any school board, but rather was there as a school board member from a school looking at merger possibilities down the road. He hopes the SBE focuses on governance concerns first and equity concerns second. He said local boards need guidance regarding how to best move forward. He said he is optimistic that when the end of the process is reached in 2019 or 2020 that the results will be beneficial to all Vermonters.

Discussion continued about the importance of setting criteria for the goals set in Act 46 and the necessity of doing it quickly since the timeline for SUs/SDs to submit proposals for accelerated mergers is rather short. Morse noted the tight timelines were one reason the subcommittee had focused on Section 4 at its last meeting and added the next time they met they planned to discuss the criteria for the goals set forth in Section 2.

There was additional discussion regarding the potential benefits to letting SUs/SDs be creative in their proposals and whether setting conditions, or restrictions, on what the proposals could or should include would be counterproductive. Included in the discussion was the sentiment that guidance of some form needed to be provided, but should be broad enough so creative ideas could be formed under it.

Oller said that if the SBE were to approve the motion in its current form it could have the effect of taking away resources from a high school being operated by the district and eventually render it unsustainable. Perrin noted that accelerated mergers are a voluntary process and if a merger committee has chosen to pursue such an option then they are aware of the possible long term effects. Oller added that she feels her role as an SBE member is to support public education in Vermont and agreeing to an open choice model would erode public education. Morse said the purpose is to set broad public policy regarding the creation of a new school district. He believes that if the local electorates want to follow a particular course of action, and that action is within the law, then they should be allowed to do so.

Motion: Mathis moved to table the motion. Weinberger seconded.

Vote: The motion to table passed with 4 (Oller, Mathis, Weinberger, Johnson-Aten) voting in favor and 3 (Morse, Perrin, Peltz) opposed.

Item H: Governance Changes: Conventional Mergers; Alternative Structures

Talbott explained that in the preferred structure an SU merges into an SD with a single board. In crafting the law, the Legislature realized that there would be some remaining SUs and SDs that were not able to merge as contemplated by the accelerated or conventional merger Sections of Act 46. He said one option was to merge into an SU with 2 or more boards, which would be acceptable as an alternative structure as long as the overall number of districts in the SU has been reduced to the smallest number possible.

Item I: Teacher of the Year Nominees

(Morse noted that due to concerns that the SBE might lose its quorum after lunch, the Action Items would be taken up prior to hearing from the TOY Nominees. However, these Minutes will follow the order of the Agenda.)

Plude introduced herself and gave a brief background of the Vermont TOY program. She explained the five finalists were present and each was prepared to give a short presentation regarding their work and their hope to be chosen as the next Vermont TOY.

The following educators spoke to the SBE:

Jessie Paradis, Edmunds Elementary, Burlington
Steve Rand, Harwood Union MS/HS, Duxbury
Paul Lasher, Hinesburg Community School, Hinesburg
Susan Koch, Union Elementary, Montpelier
Anne Marie Mahar, Rutland HS, Rutland

Morse thanked them all for coming and said it was very nice to see some of the great educators that Vermont is lucky to have.

The meeting recessed from 12:25 – 1:10 for lunch

Action/Tabled Items

Item J: Update on Review of Rule 2240

Glennon explained that at the June meeting the Agency had suggested updating some of the language in this Rule. He said the language had since been modernized. The Agency was also looking at how to have a high level of quality assurance when a new entity comes to the Board for initial approval and how to ensure that the SBE has the information it wants and needs to make a decision. The Agency's suggestion is to maintain the existing process for approval of degree granting or credit bearing institutions, but when they come back for renewal they will need to demonstrate that they are accredited by an accrediting entity recognized by the U.S. Department of Education, a part of which would include an evaluation of the institution's finances. He also noted the pathways of exemption of universities from SBE oversight.

Motion: Oller moved that the State Board of Education authorize the Agency of Education to initiate administrative rulemaking pursuant to the Administrative Procedures Act for any necessary updating/revising of the Board's Post-Secondary Certification Rules. The motion was seconded by Perrin.

Vote: The motion passed unanimously (6-0).

Item K: Vermont Early Learning Standards

Rogers reviewed a summary of the proposed changes. She said the updated version was significantly different from the previous version, approved in 2003, in areas pertaining to children not yet in Kindergarten. The revised standards had been developed with stakeholders from both AOE and AHS as well as early educators in the field. Two national experts had also been consulted as the final revisions were taking place and there had been two public comment periods. She noted that these standards will line up with TS Gold, as had the previous version. There was discussion regarding how this new version will be rolled out to the field and how to assess children's progress.

Motion: Perrin moved that the State Board of Education vote to approve the newly revised Vermont Early Learning Standards (birth through grade 3). The motion was seconded by Weinberger.

Vote: The motion passed unanimously (6-0).

Item L: PreK Rules

Glennon gave an update of the current status of the rulemaking process. He said there had been a public comment period, which had not resulted in any substantive changes. The issue of using public money to fund a child attending a sectarian preschool was discussed. He noted there was nothing in the statute that required the Rules to contemplate that; thus the Rules were silent on the issue. Such determinations will be made on a case-by-case basis when processing applications from preschool providers.

Unruh noted that she and the Vermont Council of Special Education Administrators support the version of the Rules as were presented.

Motion: Oller moved that the State Board of Education vote to approve the Act 166 of 2014 administrative rules. The motion was seconded by Johnson-Aten.

Vote: The motion passed unanimously (6-0).

Item M: Essex-Westford Regional Education District Study

Glennon reported that if the SBE were to endorse this proposal (the first Act 46 merger before them for consideration) then the proposal would go to the voters for their approval. He said the Agency had looked at the proposal with an eye to the requirements of Act 46 and determined that it meets the criteria for recommending that the SBE approve the proposal for submission to the local electorate.

He noted that if the 2 Essex districts vote yes, but Westford votes no, then the Essex districts would have met the criteria for a RED under Act 153.

Leopold and DeNova then addressed the Board. DeNova said that she would deliver the remarks that the Chair of the Study Committee had planned to give. She talked about the make-up of the Committee, how the merger would improve educational opportunities for students, and the cost savings expected to be realized as a result of increased efficiencies. She noted that all 20 members of the Committee were unanimous in their support of the unified district. The Committee did a survey that was very helpful to informing the process and has helped with community outreach.

Morse congratulated them on all they did to get to this point.

Motion: Mathis moved that the State Board of Education find that the proposed formation of an Essex Westford Educational Community Unified Union School District (comprised of Essex Town SD, and the member districts of Chittenden Central Supervisory Union) is in the best interests of the State, the students, and the school districts proposed to be members of the union, and that the State Board therefore vote to approve the attached report of the Essex-Westford Regional Education District Study, as agreed upon on June 30, 2015, by the "RED" Study Committee. The motion was seconded by Oller.

Vote: The motion passed unanimously (7-0).

Item N: Lamoille South SU Waiver Request

Glennon explained this was a request for a conditional waiver as the associated parties work to put together a unified union board. Depending on how the communities' votes turn out Lamoille South would be back for approval at a later date.

Wrend described the Supervisory Union she oversees and explained that Elmore and Morristown are hoping to form a Unified Union (UU). She plan to have a report to the SBE for its consideration in September and a vote of the electorate in November. She reviewed the make-up of the current SU board and said if the UU was approved by the electorate the new board would have proportional representation. Glennon added that a favorable vote would also see the board reduced in size from 9 to 7 members.

Motion: Oller moved that the State Board of Education approve a contingent waiver, regarding the composition of the Lamoille South SU Board, contingent upon the formation of a Unified Union School District between Elmore and Morristown. The motion was seconded by Perrin.

Vote: The motion passed unanimously (6-0).

Item O: NASBE Dues

Oller noted that this item had been tabled at a previous meeting. She had since negotiated a 25% reduction in the rate of the annual dues. She said she believes NASBE has value to the SBE and noted that several members of the SBE take advantage of the opportunities offered by NASBE. She added that she hopes more will do so in the future.

Motion: Oller moved that the State Board of Education vote to renew its membership in the National Association of State Boards of Education for another year; the cost of which is \$15,091.50. The motion was seconded by Mathis.

There was discussion about whether such a large expenditure made sense in light of the additional duties and likelihood for additional meetings (and expense) associated with the SBE's duties under Act 46. Oller said that she did not think the professionalism of the SBE should be shortchanged as a result of statutes enacted by the Legislature without the funding necessary to carry them out.

Vote: The motion passed unanimously (6-0).

Adjourn

Motion: Weinberger moved to adjourn the meeting at 1:30 PM. The motion was seconded by Perrin.

Vote: The motion passed unanimously (6-0).

Minutes recorded and prepared by Perry H. Thompson