

August 23, 2016

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; Peter Peltz; William Mathis; Mark Perrin; Bonnie Johnson-Aten; Krista Huling; Rainbow Chen, Student Member; Connor Solimano, Student member non-voting.

Agency of Education (AOE): Rebecca Holcombe, Clare O'Shaughnessy, Donna Russo-Savage, Haley Dover, Amy Fowler, Heather Bouchey, Bill Talbott, Cassandra Ryan, Jay Ramsey, Suzanne Sprague, Stephanie Brackin, Pat Fitzsimmons, Tracy Watterson, Lori Dolezal.

Others: Kevin Dirth, Franklin Central Supervisory Union Superintendent; Rachele LeVau, Fairfax; Bailey Halliday, Fairfax; Kathy LaVoie, FGI Workforce Investment; Judith DeNova, Chittenden Central Supervisory Union Superintendent; Carolyn Dickinson, Center for Technology, Essex; Leeann Wright, Northwest Technical Center; Lisa Durocher, Northwest Technical Center; Bob Travers, Center for Technology, Essex; Colin Flanders, Essex Reporter; Matt McMahan, MMR; Ken Page, Vermont Principals' Association; Erik Goodling, Strafford School Board Chair; Sandra Baird, Burlington Citizen, Christopher Leopold, Wells and Leopold; Mill Moore, VT Independent Schools Association; Jeffrey Francis, VSA; Nancy Cornell, Starksboro; Martha Tucker, Stone Path; Ben Palkowski, Primmer/Lyndon Institute; Tiffany Pache, VTDigger; Clare Buckley, KSE Partners; Tracy Racicot, Burlington Technical Center; Josh O'Gordon, Act 46 Implementation Project; Tom Davis, VT HITEC; Julie Davis, VT HITEC; Rama Schneider, Williamstown; Ned Kirsch, Franklin West Supervisory Union Superintendent.

Group photo for the web site was taken by Haley Dover, Agency of Education.

Item A: Call to Order

Chairman Morse called the meeting to order at 9:39 a.m. He introduced Cora Huling, daughter of Board Member Krista Huling. Chairman Morse congratulated Krista and her family.

Item B: Oath of Office

Student member, Rainbow Chen, was sworn in as the Student Voting Member of the State Board of Education.

Item C: Public to be Heard

Sandy Baird, citizen of Burlington, VT, and former teacher of Burlington College addressed the board. She stated her concern for the lack of available information for students and faculty. She asked the board for the location of the records.

Chairman Morse said the State Board of Education is aware of the situation and aware of the responsibility of the SBE and AOE. Chairman Morse invited Baird to stay until they reached agenda item L which is when there would be an update on Burlington College from the Agency of Education.

Nancy Cornell, citizen of Starksboro, VT, and Editor of Vermont Learning addressed the board. She said she is a member of the Addison Northeast Act 46 Study committee. She spoke of her struggles in understanding Act 46 and has some comments, questions and concerns regarding agenda Item J that relate to proposals for alternative structures.

Chairman Morse asked Cornell to stay until agenda Item J was be presented and discussed.

Item D: Consent Agenda

Motion: Vice Chair Oller moved to approve the consent agenda without Item 2. The motion was seconded by Perrin.

Vote: The vote passed unanimously.

Oller made a motion to accept the Item 2. Perrin seconded. Chairman Morse asked for a discussion. Oller was concerned that the financial qualification section had not been fully researched. She continued that this is an initial approval but stated that it looked like the school had been in operation since 2012 and she wondered how they were paid from 2012 - 2016. Oller would like to be consistent when accepting initial approvals.

Secretary Holcombe suggested asking AOE employee, Cassandra Ryan, to speak to the review process specifically.

Martha Tucker, Stone Path Academy, Educational Director, introduced herself to the board and offered to share any additional information. Oller repeated her question regarding the financial viability of the school and stated that the question is really for the person that reviewed the application.

Chairman Morse tabled the discussion and moved on with the agenda. The SBE will come back to this motion when there is more information.

Item E: Board Members Announcements and Student Representatives Emails

Mathis mentioned that he attended the VPA Meeting. Mathis added he also attended a NASBE seminar regarding ESSA and the reauthorization that will be discussed a bit later in the meeting.

Chen said she will be attending the upcoming Next Generation High School Educator's Summit in Washington, D.C. as a representative on a student panel that will include a group of students from around the country. Chen noted that she was in Arkansas last month. She gave an inspirational speech and now Arkansas is considering adding student representation to their State Board of Education.

Johnson-Aten mentioned that one of her teachers, Laura Botte, received the Presidential Award for Excellence in Math and Science. She will be going to Washington, D.C. in September.

Item F: Chair's Report

Chairman Morse said there would not be a Chair's report due to the length of the agenda.

Item G: Secretary's Report

Secretary Holcombe announced that RETN won the SBE videographer bid. She welcomed them to the meeting and looks forward to working with them.

Item: H – Committee Reports

Mathis reported back regarding last month's op-ed and field memo. They were both generally well-received across the nation and locally. Mathis noted that there is misconception that the State Board will reject the federal dollars. He reiterated that this is not the intention of the Vermont State Board of Education.

Mathis shared a draft letter to be issued from the Chairman to go to the field indicating that the VT SBE intends to apply for and submit a plan for ESSA reauthorization to get the 50+ million dollars. Chairman Morse asked that board members to review the draft letter so it could be addressed later in the meeting.

Item I: CTE Decision

Secretary Holcombe advised that this issue came before the board at the May 2016 meeting. The Agency of Education invited comments from Burlington Technical Center (BTC), Center for Technology, Essex (CTE) and Northwest Technical Center (NWTC). Superintendent Kirsch made the initial request. The board asked the AOE to provide data to this specific request aligned against the rules as written.

Deputy Secretary Bouchey advised that her team analyzed the request as it was specifically written. The AOE went through the four questions as specified in Rule 2374 and answered them in the report that was submitted. Bouchey pointed out that there are a variety of different ways to count students such as through program enrollments, head counts and full-time equivalency which is directly related to fiscal questions. Full-time equivalencies are measured in 6 semester running averages. In addition, she pointed out that there are no easy answers. There are complex governing structures and complex data to be considered. Bouchey added that the CTE is a full-time program while BTC and NWTC are part-time programs.

Four questions were addressed:

1. Will the changes significantly affect technical center program enrollments?
2. The change will not significantly increase the distance between technical center and the high school?
3. Will the change provide more opportunities to students?
4. The fiscal impact of the change will not be so great that the technical centers affected by the change cannot accommodate it and that other schools in a service region will have to assume a significantly larger portion of the costs of operating the technical center?

Bouchev said regarding question number 1 that the evidence indicated the proposed change would have a significant impact in enrollment, including a negative impact for CTE and BTC, and a substantial increase for NWTC.

Bouchev said regarding question number 2 that the evidence indicated the proposed change would decrease the distance travelled between technical center and the high school for Fairfax students in particular and for most students in FWSU generally.

Bouchev said regarding question number 3 that the evidence did not definitely indicate that the change will provide more opportunities to students.

Bouchev said regarding question number 4 that the evidence indicated the proposed change would have a substantial negative impact on BTC and CTE. It would substantially increase available revenue and students for NWTC.

Bouchev said that in conclusion and based on the evidence and data provided, the AOE concludes the proposed reassignment would adversely affect the student counts and revenues at BTC and CTE, while increasing revenues and student counts at NWTC. Practically speaking, the impact of the proposal has substantive meaning primarily for students from Fairfax, the only operating district. Bouchev continued that however, enrollment patterns for students who tuition to BFA-Fairfax, from towns other than Fletcher and Georgia, are also relevant. She added that the evidence suggested opportunities are currently stronger at BTC and CTE, and there was no clear evidence or plan yet of how opportunities might change at NWTC if the request is approved.

Bouchev stated for these reasons, the AOE recommends that the SBE not change the career technical education regions at this time.

Chairman Morse asked for comment.

Ned Kirsch, Superintendent of Franklin West Supervisory Union, spoke in favor of the change.

Rachelle LeVau, school board member of BFA – Fairfax, spoke in favor of the change.

Bob Travers, Principal of the Center for Technology, Essex, spoke against the change.

Tracy Racicot, Burlington Technical Center, spoke against the change.

Leeann Wright, Northwest Technical Center, spoke in favor of the change.

Judith DeNova, Superintendent of Chittenden Central Supervisory Union, spoke against the change.

Cathy LaVoie, FGI Workforce Investment, spoke in favor of the change.

Bailey Halliday, student member of BFA – Fairfax School Board, spoke in favor of the change.

Chairman Morse asked for a motion. Mathis moved to deny the request for change in CTE Region. Chen seconded. Chairman Morse asked for discussion by the board. Mathis indicated that the statute had not been satisfied. Perrin added the decision is challenging as it doesn't affect 29 students but affects all students.

Chairman Morse asked for a roll call vote.

Roll Call Vote: Yea - Mathis, Peltz, Perrin, Huling, Chen; Nay – Oller; Abstain – Johnson-Aten; Absent – Weinberger.

Vote: The motion passed.

Item J: Draft Proposed Rules on Alternative Education Structures

Russo-Savage said that although Act 46 provided some guidance about proposals for alternative structures, there wasn't the same level of specificity as for districts proposing mergers. Russo-Savage said that the State Board's July 29 guidance is organized conceptually. She continued that the draft proposed rules are an attempt to organize the issue chronologically so districts pursuing a proposal for an alternative structure will know what the process is and what the SBE will be looking at when considering them in the context of the statewide plan.

Russo-Savage said that the draft proposed rules are based primarily on Act 46 statutory language and on the Agency's best interpretation of what the SBE requested after its June 2016 retreat. Russo-Savage added that the draft rules are grounded in what is in Act 46 and elsewhere in law, and in the SBE's analysis of how to implement the law as currently written. Proposals for alternative structures will be presented to the SBE after school boards or study committees have researched all other options and concluded that an alternative structure is the best or only option.

Russo-Savage added that it is only fair for the rules to expect analysis to be based on data if it is data to which school boards or study committees already have access or which the Agency can make available to them.

Russo-Savage said the economic impact would be nonexistent or minimal based on the incentive grants available as outlined in Act 153 and Rule 706b.

Chairman Morse asked for discussion. Mathis said that much of this is interpretation and wishes that the length was half of what it is. He continued that if the study committees have done the preliminary work to rule out the preferred structure that the data should already have been obtained and used. Russo-Savage said the goal was to have the rules be a natural extension of the research that has already been done by study committees and school boards. Peltz asked how long the rulemaking process might take and if the November 30, 2017 date was not feasible. Russo-Savage said November 30, 2017 is the deadline established by the legislature and that the rulemaking cannot change the law.

Chairman Morse asked for comment.

Rama Schneider, Williamstown and Northfield Study Committee Chair, commented on the subject.

Nancy Cornwall, citizen of Starksboro, VT, commented on the subject.

Chairman Morse asked if there was a motion on initiating the rule-making process by sending the proposed rules to ICAR for its initial review. Peltz made the motion. Huling seconded.

Vote: Motion passed unanimously.

Item K: Draft Guidance on Mergers

Chairman Morse asked for a motion. Peltz made a motion to approve the draft guidance. Oller seconded the motion.

Vote: Motion passed unanimously.

Consent Agenda Item 2

Oller asked Cassandra Ryan, AOE, for more information about the financial guidelines that were looked at for Stone Path Academy. Ryan said the school was reviewed by an independent contractor, Peter Gilmore. She continued that this is a new entity which has been providing services but not as a school. Ryan added there will be another review in 2 years. Oller said the process of review does not appear to be consistent from one initial to another.

Motion to approve was made by Oller earlier in the meeting. Peltz abstained. Oller abstained.

Vote: The motion passed.

Chairman Morse called for a lunch recess at 12:30 p.m. and noted the meeting would reconvene at 1:00 p.m. He said that the first order of business will be the draft letter as proposed by Mathis earlier in the meeting.

Chairman Morse reconvened the regular Board meeting at 1:05 p.m.

Mathis explained the letter. Mathis asked for a motion to approve the letter so that that he and Chairman Morse can refine it. Motion was made by Johnson-Aten. Peltz seconded the motion.

Vote: The motion passed to accept the draft letter as written.

Item L: Burlington College Update – Bill Talbott

Talbott said at the July 2016 meeting the State Board of Education made the AOE temporary custodians of the Burlington College records since attempts to assign them to other institutions were denied because of the condition of the records. Talbott continued that the Burlington College records are now at the Barre office in a secure location. He added that AOE staff is in the process of organizing them with the goal of assigning them when the task is completed.

Talbott said Burlington College used a vendor for some student records and school financials named Campus Café from Massachusetts. He continued that Campus Café stopped billing Burlington College in May 2016 and were not been paid since February 2016. Talbott said the Peoples United Bank owns the mortgage to Burlington College. He added that Campus Café is not billing any longer but in order to obtain the records that it holds, it will cost the AOE money to obtain the license agreement.

Talbott said the State Board of Education has the power to expend state funds. He added that there would be a statutory lien placed on the assets. The anticipated cost is \$18,062.20. Clare O'Shaughnessy, AOE Legal Counsel, said that perhaps there should be a revision to the law showing that schools need to have a contingency in place in the event of closure. She added that the Attorney General suggested that we not file the lien till the final costs are known.

Chairman Morse said it looks like the SBE could be approving a cost that may exceed \$18,000. O'Shaughnessy said yes. Chairman Morse said that he and Talbott will be looking at the SBE budget in September 2016 and perhaps make some revisions.

Chairman asked for a motion to expend state funds necessary to ensure the proper storage and availability of the Burlington College records. Peltz made the motion. Oller seconded the motion.

Chairman Morse asked for comments.

Sandra Baird, citizen of Burlington, VT, commented on this subject.

Morse said that the board is taking this topic very seriously.

Vote: Passed unanimously.

Item M: Federal Update – Amy Fowler

Deputy Secretary Fowler said that she recently attended a CCSSO Federal Liaison meeting. Fowler mentioned the key education priority issues.

1. ESSA Implementation
2. Fiscal Year 2018 Priorities
3. Carl D. Perkins Vocational and Technical Education Act (Perkins/CTE)
4. Higher Education Act
5. School Meals
6. Student Data Privacy (FERPA)
7. Early Education

Item N: Aligning Agency Structure and Website around EOS – Heather Bouchey, Pat Fitzsimmons, Tracy Watters, Lori Dolezal, Stephanie Brackin

Bouchey led the presentation that addressed the below topics.

1. Workgroups
 - Personalization and Flexible Pathways
 - Proficiency-Based Learning
 - Multi-Tiered Systems of Support
 - Education Quality
2. Website Redesign and Migration

Item O: SBE Rule 2200 Series Update – Clare O’Shaughnessy

Chairman Morse stated that at the July 29th meeting the board initiated the new rules for SBE Rule 2200 series. He continued that the documentation did not get submitted to ICAR in August. The next ICAR meeting is September 12th. Chairman Morse asked for a motion to move the rules forward. Mathis moved to modify the action of July 29th to authorize the State Board of Education to present the SBE Rule 2200 series and the SBE Rule 7300 series to ICAR. The motion was seconded by Huling.

Vote: The motion passed unanimously.

Oller made a motion to vote to authorize the State Board of Education Chair to hire counsel and any necessary staff for the rulemaking process. The motion was seconded by Perrin.

Vote: The motion passed unanimously.

Chairman Morse confirmed that the next meeting is September 20th at St. Johnsbury Academy. The meeting start time is 9:30 a.m.

Chairman Morse asked if there was any further discussion. There was none.

Motion: Johnson-Aten moved to adjourn the Board’s August meeting. Oller seconded this motion.

Vote: The motion to adjourn passed unanimously.

The meeting adjourned at 2:15 p.m.

Minutes recorded and prepared by Suzanne Sprague
