

January 16, 2019

- 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.*

## **Draft Minutes**

### **Present:**

**State Board of Education (SBE):** Krista Huling, Chair; William Mathis, Vice Chair; Mark Perrin; Peter Peltz; Callahan Beck; John Carroll; Stacy Weinberger, Dan French.

**Agency of Education (AOE):** Donna Russo-Savage, Emily Simmons, Emily Byrne, Martha Deiss, Pat Fitzsimmons, Maureen Gaidys.

**Others:** John McCooey, The Mill School; Jen Barnett, The Mill School; Sarah Fisher, The Mill School; Tim Feeny, The Mill School; Don Tinney, Vermont-NEA; Allison Litten, VFLA/Marion Cross School; Ginny Memoe, VFLA/Williston Central School; Simone Skerritt, VFLA/Mt. Abraham Union High School; Meg Allison Powden, Two Rivers SU; Jeff Francis, VSA.

### **Item A: Preliminaries**

Chair Huling called the meeting to order at 9:08 a.m. asked members to introduce themselves and asked if there were any amendments to the agenda. There were none.

### **Item B: Welcome from Bobby Riley, Principal**

Chair Huling invited Bobby Riley, Principal, and Judy Klima, Arts/Instructional Coach, to introduce themselves.

Riley shared the history of the Integrated Arts Academy (IAA). He spoke about disparity between the two schools in the North End, discussions on redistricting, bussing, and having an arts magnet school. He also spoke about how this has attracted students from other parts of the city, that they identify socio-economic status by looking at parents' post-secondary attainment (at least 2 years of college) vs. FRL, that this school still serves the old North End but also serves others, that IAA has the highest class size in the Burlington School District, that they have had waitlists as high as 96 and are currently at 35, that there has been some improvement in standardized testing, that students are more engaged in the community and extracurricular activities once they get to high school, the school's focus on social-emotional learning, mental health and its impact on the achievement gap, and the social-emotional wellbeing of teachers.

Riley and Klima shared a video presentation that included a PSA and an informational segment on how instruction is delivered using arts at the Integrated Arts Academy.

Riley and Klima spoke about 50% of students identifying as students of color and just under 40% are from non-English speaking backgrounds (compared to 20-25% non-English speaking district wide), that office discipline referrals are down, level of engagement, and skills embedded (curiosity, risk-taking, confidence, etc.). Klima spoke about what is different, the strong relationships with outside organizations: Burlington City Arts, Flynn Center, Lake Champlain Chamber Music Festival, and VT Arts Council and that these organizations sponsor many of the school's programs and that there is a perfect mission match with partners and regular meetings with partners. There were questions on capacity (300), community partnerships, how schools contribute to the vitality of the community, bringing people in to the school after hours, opening all school meetings and performances to the community, dental clinic and health care center, commitment of leadership and their dedication to staff time for professional development (PD), how PD is delivered, staff retreats, taking care of self to best take care of others, standardized testing and how IAA's students are performing, that the achievement gap has closed and they are comparable with the rest of the district, standardized testing not measuring social-emotional development, ELL and their development of proficiency.

Chair Huling thanked Riley and Klima for their time, presentation and for hosting the Board.

#### **Item C: Education Quality Standards Review Work Session**

Chair Huling introduced Education Quality Standards (EQS) and said the AOE would be providing more data for the next Board meeting. She spoke about taking advantage of the institutional knowledge (Perrin and Weinberger) that exists. She spoke about the EQS process, adopting new standards for each subject area and that this work has not been reviewed. She directed the Board to page 7 (Graduation Requirements) and noted that financial literacy is not addressed here. Huling opened the discussion up for questions and comments on areas that need to be addressed. There were questions and discussion on statutory authority that evolved from the School Quality Standards, curriculum content and use of the word "annually" and not a greater frequency, annual reports, local vs. statewide curriculum, a transformation retreat in 2007, Carnegie units, Act 77, that PBL's first graduating class will be next year, national, multi-state standards vs. homegrown standards, understanding measurement, caution with a major overhaul before the first PBL class has graduated, need for a system of measurement to assess policy, number of EQS waivers given and why, subjectivity of assessment, sensitivity to setting mandates for school districts, impacts on budget issues, making changes without the relevant data, and the need to have a category for life skills and post high school success. Chair Huling said that next month the AOE would provide more information on how this data is measured and asked if there were other requests for information. Secretary French said at the next meeting the AOE would update on the Education Quality Review process and an update on the SLDS initiative.

#### **Item D: Public to be Heard**

Chair Huling asked any members of the public who wished to address the Board to come forward. The following people spoke:

Ken Hood, former Associate Dean at UVM's College of Education and Social Services and chair for a non-profit board. He expressed concern about the course of education in Vermont and talked about the Community Forum during the Douglas Administration and said there is a lot of good common sense to be gained from the people. He urged the Board to consider broadly engaging the community, small and large.

Fred Bay, introduced himself as a mentee of Ken Hood, and leader of the small endowment organization, The Bay and Paul Foundation. He spoke about transformative work and that he imagined that the State Board is always on a listening tour, and that the outcome of involving the community is in some cases, consensus and the importance of youth voice.

John McCooley, speaking on behalf of the Mill School, addressed the Board and spoke about Mill School, a therapeutic middle school in Essex that is ready to accept students. He explained that his staff was present to answer questions as they had hoped to be on the agenda but were not. He further explained that they have been staffed since August, are serving students, have many students anxiously waiting to be enrolled, and offered to serve students free of charge from now until approval is granted. Huling explained that since this item was not on the agenda, this topic would not be discussed or voted on today.

Chair Huling called a 15-minute break at 10:30 a.m. Chair Huling reconvened the meeting at 10:49 a.m.

#### **Item E: Report to the Legislature/Governor and Legislative Session Preparation**

##### Report to the Legislature

Chair Huling thanked Carroll for his work on the draft report. Carroll asked to have it noted that this report was written in the context of: what the Board wanted to see, the hostility directed at the Board, the Governor's skepticism to the existence of the Board and thinking that it has too much power, and the Legislature's curiosity. He continued that the report reflected that the Board did what was asked, and that the language was that of the Legislature. Chair Huling agreed that the work was complex and contentious and asked for any comments from Board members. There was discussion on the language being similar to last year, being mindful of initiative fatigue, adoption of new standards, organizing and taking a more active role, and language about the various stages of effects of Act 46. Chair Huling explained that she had discussed this with the chairs of the House and Senate Education committees, that the report would be hand delivered to the Governor, that the paper copy would go first to the Senate Pro Tem, Speaker of the House, committee chairs and ranking members. Chair Huling shared that Russo-Savage presented on Act 46 to the Legislature yesterday. There was discussion on data (or lack of) that shows Act 46 saves money, how we assess the results, measuring disparities between districts.

Perrin moved to adopt the report; Mathis seconded. Chair Huling called the vote. The vote passed unanimously.

### Legislative Session Preparation

Chair Huling asked if the Board wanted to continue with a legislative subcommittee or work as a full board, since there are 5 members interested in serving on the committee and that would be a quorum of the Board. Carroll offered to come off the legislative subcommittee if that helped. Chair Huling offered to have conference call meetings every two weeks due to the quick turnaround that is needed and asked if this should be the full Board or a subcommittee. Carroll suggested keeping it as a small committee and said this had worked well in the past and that assembling a quorum of the Board for an emergency meeting could be difficult. There was discussion on the need to be responsive on short notice, asking the committee chairs for more notice, knowing pressing issues within the next two weeks, identifying positions on issues, two House bills and one Senate bill at present, ethnic studies bill, advising the Legislature on what the Board does and doesn't do, and the opportunity to leverage some staff for the Board. Chair Huling asked if the Board wanted legislative updates and how to receive them. Carroll asked if the Board should be taking any position on anything related to Act 46. It was suggested that Act 46-related requests be directed through counsel, that the Board is the only body that saw Act 46 through the entire process and the importance of communicating what was learned through the process, and not relaying information that can be gained from the primary source.

### **Item F: Small Schools Grants Metrics and FY20 Grant Determinations**

Chair Huling invited Emily Simmons to address the Board. Emily Simmons, General Counsel for the AOE, introduced herself and explained the Secretary's recommendation to approve the use of an interim approach in determining which districts will receive a small school grant in FY 2020 based on data that is available instead of data requested due to practical realities and timing considerations. She specified that this is not an amendment of the metrics, but an interim measure for schools as they enter their budget season. Simmons cited section 4015 and spoke about the two paths, academic excellence and operational efficiency and geographic isolation, the SLDS delay and the recommendation to use SY 2016-2017 data.

Chair Huling asked Secretary French to speak to why the data was not available, as expected. Secretary French questioned why the Board would choose to use data/assumptions that were not available and then spoke about SLDS being an ambitious project and that a decision was made to use this new system and that it was more complex and added stress to the field and the Agency was not well prepared to assist in implementation. There was discussion on SLDS data, state report card, December deadline having some flexibility, the Board using metrics that are not ripe, two-month process of moving data to the report card, report card will go out some time this spring, reflection of the Board's metrics, correlation analysis, internal testing, underestimating the complexity of the system, that it is an annual determination, that a lot of weight went into creating these metrics and if this process be delayed since we don't have the necessary data, and forcing this change at this stage in the game.

Carroll moved that the Board vote to make FY 2020 small schools grants determinations in the category of academic excellence and operational efficiency dependent on the data presented to the Board at its June meeting. This action will not impact the Board's metrics for grant eligibility based on geographic isolation. Peltz seconded. Carroll spoke about the Legislature's objective of academic excellence and efficiency, the metrics that were created, that the most important

metrics are still there, that this is a very minor change from what is expected and urged that the Board accept the recommendation of the Agency. There was discussion on equity and disadvantaged populations, that we need an immediate fix for schools to be able to plan their budgets, ideally that there would be an application, that it is now too late for this, that this rewards schools who are doing well with disadvantaged populations, consequences of the Board voting no on this, and that schools boards need to know soon in order to plan.

Chair Huling called the vote. The vote passed 5:1; Mathis voted no.

#### **Item G: Proposed Changes to Rule Series 1200**

Chair Huling introduced the next item and asked Simmons about the process and what should be considered. Simmons explained that if the Board passed this motion, then it would go to ICAR, then public comment, back to ICAR for final approval and that it takes six to eight months and that the Board would need to work with the AOE to initiate the rulemaking process. Simmons referenced section 1230, Rules of Practice and expressed that the Agency would like to be consulted on any changes and have input. There was discussion on the Agency having rulemaking authority but needing to follow the Board's rules, that the Board has no business making rules for the Agency, that the Agency doesn't need to make rules about how the Board functions, that other priorities will emerge for this Board but not to forget this, capacity, and taking on only one major rulemaking process at a time. Chair Huling asked if the Board was comfortable putting Rules 1200 aside or having them work with Simmons and bring this back to the Board. Secretary French called a point of order and noted that the Board doesn't direct Agency staff and that the scope needs to be understood and there needs to be consultation. French said this is an important conversation to continue.

#### **Item H: Resolution for Stacy Weinberger**

Chair Huling acknowledged some special guests in the audience and spoke to honoring the six years of service of Weinberger by coming to Burlington or the January meeting. She talked about Weinberger's personal touch and recognized her mentoring role as a board member, policy maker and parent. Chair Huling read a resolution for Weinberger. Mathis moved to accept the resolution; Carroll seconded. Chair Huling called the vote. The vote passed unanimously.

Chair Huling called lunch recess at 12:08 p.m.

Chair Huling called the meeting back to order at 1:07 p.m.

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

Secretary French spoke about the work of the Act 173 Advisory Group and said their report was recently completed and would be distributed to the Board. He spoke about the transition from a reimbursement mode to a block grant model, the role of the Advisory Group, the assumption that practice will change, professional development and soliciting input from the field. Secretary French said that he would issue a draft template for the Board and the Advisory Group. There was discussion on the timeline, the complexity of writing rules to support the block grant set up in statute, modeling of maintenance of effort, and extraordinary costs for private schools.

Emily Byrne, CFO, introduced herself. Byrne spoke to the timeline and the challenge of backing into the rules and budgets. The AOE's plan is to present proposed rules to the Board on March 1, which would have them filed with the Secretary of State by October 15. She distributed a handout that included a timeline. There was discussion on using funding for non-special education students, timeline applying to special education and funding of special education, independent school rules following census-based funding rules, rules going into effect for 2020, rules specifying funding mechanism and/or delivery of services, transition period, supports to school districts, census formula replaces the historical state share, that 40% will continue to be picked up locally, incremental progression from 2021-2025 to the census number, financial incentives affecting changes in staffing, driver of this being the two studies (DMG and UVM), documentation methodology and challenges, effective use of district resources, creating incentives for providing services at the least possible costs, the starting place in education is to be effective in teaching all students, not counting on market incentives to drive what is best for students, and MTSS. Chair Huling asked if there was anything the Board should do to prepare for the March meeting. Secretary French responded that the Agency needs to get some input from the Advisory Group, refine this and then start the process with the Board. It was suggested having the Census-Based Funding Advisory Group present to the Board and provide context; Secretary French concurred with this suggestion to reach out to Meagan Roy, Chair of the Advisory Group.

#### **Item J: Consent Agenda/Board Announcements**

##### Consent Agenda

Carroll referenced page 6 of Item J-1 where it speaks to a listing of State Board responsibilities in law. He believed that a copy was requested. Chair Huling said she had not received a copy; Carroll encouraged her to follow up on that item. Chair Huling referenced a spreadsheet and a copy of the law and asked how members would preferred to receive this. There was no preference.

Carroll moved to accept the consent agenda; Weinberger seconded. There was no discussion. Chair Huling called the vote. The vote passed unanimously.

##### Board Announcements

Carroll shared that he would not be present at the February meeting because he would be in East Africa.

##### Student Report

Beck reported on the government shutdown and said that she was surprised at how many fellow students didn't know that there was a shutdown. She spoke about the details of this historical shutdown and its affect. She noted that it is important that teachers update students on this and other national events, because even though students get most of their information from social media, 45% of students find teachers and other adults a trusted resource. There was discussion on the government shutdown affecting food for families, longer term consequences for others, that state agencies were asked to identify potential impacts of the shutdown, Title funds, and how such controversial topics can be safely discussed in schools.

### **Item K: American Council on the Teaching of Foreign Language (ACTFL), World-Readiness Standards for Learning Languages**

Chair Huling asked for presenters of this topic to introduce themselves and address the Board. Martha Deiss, AOE Global Citizenship Specialist, and Allison Litten, past president of the VT Foreign Language Association and French teacher at Marion Cross School, introduced themselves. Deiss shared that she asked some foreign language teachers to be present. Deiss shared a hardcopy of her Power Point presentation and she recapped that at the June meeting, permission was given to research new standards. Deiss spoke about there being a lot of support from the field, Pre-K through post-secondary standards, support of American sign language, ancient language and ELL learners as well as traditional learners, that the standards follow EQS (2125), the rationale for adoption, 91% of survey respondents are already using ACTFL, her analysis of the no responses, process for adopting these standards and communicating that to the field, professional learning, and link to the VFLA standards.

There were discussion/questions on how many elementary schools offer foreign languages, inequity of foreign language offerings, voting on this today, and ELL standards. Carroll moved that the State Board adopt the ACTFL World Readiness Standards for learning languages; Beck seconded. Perrin moved to table the motion. Peltz seconded the motion. Chair Huling called a hand vote to table the motion. The vote passed, 4:2. Perrin, Peltz, Weinberger and Mathis voted in favor of the motion. Beck and Carroll and voted nay. The motion was tabled. Mathis had a question about what would be gained by accepting these standards. Litten responded with how this allows for consistency and that they are developing new curricula at this moment, that these are world-readiness standards and that what we really want is for our students to become global citizens. Chair Huling clarified that the typical practice is to hear the recommendation, process it, and vote on it at the next meeting. There was more discussion on how these standards affect AP Language course completion. Carroll gave a shout out to Marion Cross School and its articulate faculty members.

### **Item L: Chair's Report**

Chair Huling spoke about Board communications and that this came up in executive session and wanted to discuss this in an open session, along with Board norms. Chair Huling pointedly asked Perrin and Weinberger to create some suggestions for orientation for new Board members and to present this as part of the Board Report at the next meeting. There was discussion on continuing to use electronic over paper, advance planning of agendas, that all documents are dated and sourced, calendar planning, value of having testimony of affected constituents whenever possible, that this is considered under the practice of hearing a recommendation and waiting until the following month to vote on it, that who we think is interested might not be and that some might be inadvertently left out, modifying these and recirculating them at the next meeting.

Carroll spoke about the communications practices to which the Board agreed and the discussion on not commenting on a case that is under litigation. Because there was discussion on this, but no vote, this is now being discussed in open session: not talking among themselves in any matters related to the State Plan and/or Act 49, the process leading up to that, anything that was heard is off limits until the complaint is resolved, and that media or General Assembly inquiries should be deferred to legal counsel with the exception of a court subpoena. Chair Huling asked

for discussion. Peltz said it had been discussed already. Carroll asked if the Chair wanted a motion. Chair Huling said it had not been warned for a vote. Mathis suggested amending the guidelines and warning this for next month's Consent Agenda. Mathis clarified that he was suggesting something more general and not specific to the State Plan and Act 46/49.

Association of Vermont Independent Colleges (AVIC) - Chair Huling shared this communication with the Board to put it on their radar and because she thought it would be of interest to them. Carroll asked if there was anything in the post-secondary rules that requires such institutions to advise the AOE and/or the State Board of significant changes in financial situations. Chair Huling surveyed the Board on writing a letter or inviting Green Mountain College to meet with the Board. Secretary French offered to examine the rules and proceed from there. Secretary French offered to have AOE staff review the regulations and follow-up if needed.

Vermont Higher Education Council (VHEC) - Chair Huling shared the letter from VHEC and asked how recent this rule was updated and if the Board needed or wanted more information on this. There were questions/discussion on the reference made to 2015, that this wasn't "recently" revised, that AOE could review the rule and start a dialogue, that NEASC no longer includes post-secondary institutions, and concern with NEASC.

Chair Huling spoke about EQS moving forward and inviting people in from the appropriate system(s) to talk about EQS, getting input from different localities and that for the next meeting they will discuss EQS engagement with the public. Carroll asked about a systematic process where the Board talks about strategic planning. Chair Huling said that next meeting also needs a significant calendar discussion so that they can prioritize the year ahead. There was further discussion on the role of rulemaking authority, deliberate legislation since Act 98, that the State Board is still a policy-making board, and rulemaking for the Agency vs. broader policy issues.

Chair Huling called a 10-minute break at 3:01 p.m.

Chair Huling reconvened at 3:14 p.m.

#### **Item M: Request for Waiver of SU Board Configuration**

Chair Huling invited Donna Russo-Savage to address the Board. Russo-Savage corrected the green sheet on page 2 to reflect that the configuration of the 22 board members should show that Andover had 1, Chester had 1, Chester-Andover had 3, and Plymouth had one but is no longer part of the SU.

#### Two Rivers SU

Chair Huling asked Meg Allison Powden, superintendent of Two Rivers to introduce herself. Powden spoke about concern over members not being able to attend meetings when making the switch from such a large board to a board of six and that at first this didn't seem like a needed request, but recently there was a situation where the SU approved the operating budget and the Green Mountain Finance committee met and asked the SU Board to reconvene and rescind that. There was a lot of concern with previous board members and them being much larger and Ludlow not being able to have full representation. She emphasized that it's very important for

these districts to have equal representation at all times. Nicole Mace, VSBA Executive Director, introduced herself and said that there are some growing pains that are still being worked out. Mace had no statement with respect to alternates but did think it was important to give due consideration to these requests and the changes that the boards are working through. Mace added that she is also working with Russo-Savage on some language to be submitted to the General Assembly. There was discussion on SU boards not being bound by proportionality, representation being a concern (from 25 to 6), the number of members on each board, that towns are represented not districts, expanding the number of representatives, tight timelines, adequate fluency of alternates to participate, uneasiness with the Board imagining things for which there is no evidence, that this seems like a reasonable request from the community, and proxy voting.

Carroll moved that the State Board accept the TRSU Board's request for a waiver permitting both the Green Mountain Unified School District and the Ludlow-Mount Holly Unified Union School District to appoint an alternate member to the SU Board. Perrin seconded the motion. There was discussion on the motion being affirmative, the number of members (Green Mountain - 11 and Mt. Holly - 8), the SU board has 3 each, and request for one alternate per district. Chair Huling called the vote to affirm the TRSU's request. The vote passed unanimously.

#### Cabot and Twinfield Districts/Caledonia Central SU

Russo-Savage addressed a letter from Mark Tucker and explained that the issue was Cabot and Twinfield having seats on the Caledonia Central SU Board through the transitional period. Peltz asked for clarification on what is being asked. Russo-Savage said the request was for the State Board to authorize the Cabot and Twinfield school districts to each appoint three members of their boards to sit on the Caledonia Central board for transitional purposes effective today through when they become fully operational. There was discussion on the effective date and the SU board being re-configured after elections.

Carroll moved that the State Board approve the appointment of representatives from Cabot and Twinfield to serve on the Caledonia Central Board for the transitional period. Weinberger seconded the motion. There was no discussion. Chair Huling called the vote. The vote passed unanimously.

Russo-Savage shared an issue that is being discussed, but for which there is no formal request yet. There are some new unified union school districts that have been formed that consist of several towns, but because of the default numbers that are appointed to the SU Board, these much larger districts have 3 members and the very small districts that have not merged also have 3 members. Russo-Savage has had conversations with an SU board member and they intend to have a vote to make a request of the State Board; she suggested that they ask for a specific membership and not rely on the Board to determine that.

Chair Huling invited Mace and Francis to the table and asked them to introduce themselves. Mace shared that Russo-Savage had done a comprehensive review of Chapter 11 and this has been important work. Some of those changes include that the SU board needs to request a

waiver and if the newly merged district doesn't have a majority on the board, the conversation ends there. Russo-Savage added that there is also a provision for union school districts that are created and if it is one of several member districts in an SU, that the State Board can take an independent look at it. Mace talked about other communities struggling with this and the disproportionate use of central office. There was discussion on describing and remedying this situation such that the State Board wouldn't have to hear every case and giving this to the Agency with the option to appeal to the State Board.

**Item N: Westmore School Board's Request to join Orleans Central Union Elementary SD**

Russo-Savage introduced this item; Bev Davis joined via phone. Russo-Savage explained that Westmore does not operate a school district and now wants to join the union elementary school district and the process for this is: the school board (Westmore) does a preliminary analysis, the State Board approves it, then it goes to their voters, then the other district has two years to have a vote to accept the district. The current situation is that Westmore has done their analysis and reports that it is paying tuition for 24 students for K-8, 20 students attend within the SU and 4 go elsewhere (2 attend other public schools and 2 attend independent schools). The question was raised about what would happen with those 4 students and if they would be grandfathered to continue with their current placement.

Carroll moved that the State Board approve the proposal from Westmore School Board to request further authorization to apply for admission as a PreK-8 member of the Orleans Central Union Elementary School District; Beck seconded. There was discussion on becoming a unified union district. Chair Huling called the vote. The vote passed unanimously.

**Item O: Calendar Planning**

Chair Huling introduced this item. Peltz asked for a legislative update from Fisher at the next meeting. Secretary French agreed to have an update provided at the next meeting. Chair Huling advised the group that Carroll would not be present at the February meeting, nor would O'Keefe, due to school vacation. She asked Board members to be sure to let her know if any further conflicts arose, so that she could ensure a quorum. She recapped agenda items: an updated Communication document (Carroll), EQS Update (report card, ESSA and SLDS) and how we are planning to measure quality (presentation /discussion), and the Secretary's paper, "Designing our Future." Peltz asked where the next meeting was; Chair Huling replied that it was at the Tax Department on State Street, to be close to the State House during legislative session. He asked for parking considerations; parking at the Department of Labor lot was recommended.

**Adjourn**

Weinberger moved to adjourn; Perrin seconded. Chair Huling called the vote. The vote passed unanimously. The meeting adjourned at 4:11 p.m.

Minutes recorded and prepared by Maureen Gaidys.

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