

September 20, 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.*

Draft Minutes

Present:

State Board of Education (SBE): Krista Huling, Chair; William Mathis, Vice Chair; Connor Solimano; Mark Perrin; Peter Peltz; John Carroll; Stacy Weinberger (left @ 1:07 p.m.); John O'Keefe (joined at 9:59 a.m.); Rebecca Holcombe

Agency of Education (AOE): Donna Russo-Savage; Amy Fowler; Pat Fitzsimmons; Martha Deiss; Brad James; Haley Dover; Rebecca Gile; Suzanne Sprague

Others: Jay Nichols, VPA; Tiffany Pache, VTDigger; Daniel MacArthur, Marlboro; Jerry and Nancy Dyke, Windham; Steve Dale, Consultant, WRVUSU; Rama Schneider, Williamstown/ONSU; Steve John, Consultant; James Ross, Alburgh/GISU; Rich Werner, Dover; Douglas Korb, Marlboro; Andy Julow, CIUUSD; Donald Van Nostrand, Superintendent, Grand Isle SU; Stephan Morse, Newfane; Robert Woodworth, WSESU; Emily Long, Newfane; Bill Anton, Superintendent, Windham Central SU; Lauren Hankawik, Wilmington; Lauren Poster, Marlboro; Celena Romo, Marlboro; David Holzapfel, Marlboro; Wayne Kermenski, Marlboro; Susan Hosley, Pawlet; John Malcolm, Pawlet; Bruce Labs, Superintendent, White River Valley SU; Jackie Wilson, Superintendent; Bennington-Rutland SU; Lyle Holiday, Superintendent, WSESU; D.R., Southwest Vermont (sign-in name illegible); Alice Laughlin, WSESU; James Rucker, WSESU; Ken Norman, W. Pawlet; Anita Norman, W. Pawlet; Rita Robson, W. Pawlet; Judy Lake, Pawlet; Paul Gillies, Rupert/Pawlet; Michael Krass, Rupert; Representative Mike Hebert; Melanie Cole, Rupert; Amy Wall, Dummerston; Cori Rail, W. Pawlet; James Culkeen, Superintendent, Southwest Vermont SU; Donald Campbell, Bennington; Emily Marshia, Chelsea

Item A: Call to Order and Welcome Message

Chair Huling convened the meeting at 8:02 a.m. Dr. Brian Ricca, Superintendent, Montpelier School District and Principal, Mike McRaith, welcomed the State Board of Education to Montpelier High School.

Item B: Roll Call and Introductions

Chair Huling asked the State Board of Education members to introduce themselves.

Item C: Public to be Heard

None

Item D: Consent Agenda

Vice Chair Mathis made a motion to remove Item D2 from the consent agenda for further discussion. Peltz seconded the motion. Vote passed unanimously.

Carroll made a motion to adopt the consent agenda as amended. Perrin seconded the motion. Vote passed unanimously.

Discussion followed on consent agenda item D2.

Carroll made a motion to defer further discussion until a time established by the chair. The motion was not seconded.

Further discussion followed.

Vice Chair Mathis made a motion to adopt Item D2 as guidance and have further discussion on standards. The motion was not seconded.

Perrin made a motion to adopt item D2 as written. Carroll seconded. The vote passed. Mathis voted No. Weinberger, Peltz, Solimano, Perrin and Carroll voted yes.

Item E: Board Announcements

Weinberger announced that the Burlington School District teacher strike is over and Burlington students are back in school. She suggested that next year, the State Board members make a point to go the first day of school in their area.

Item F: Chair's Report

Chair Huling mentioned that the day's agenda is full. The board will address the board standards and have a Legislative Committee update at the next meeting.

Item G: Committee Reports

Chair Huling said that she, Vice Chair Mathis and Carroll have discussed the strategic plan and are working to present a working draft to the board.

Item H: Student Reports

Solimano said that the SBAC scoring is out and the dip in scores is not what the State had hoped to see. He added that the lower scores do not mean the State is heading in the wrong direction with education in Vermont. Solimano encouraged the group to look around at their school or Montpelier High School and see the culture being cultivated, work in flexible pathways and proficiency based learning or students trying to be involved citizens. He added these are all important.

Solimano said the testing makes students more cognizant and more aware that there is still work to do, especially helping peers. He added that students are creating a culture that everyone in school can succeed in school no matter their background.

Item J: Act 49 Small Schools Grants – List for Geographical Isolation

Donna Russo-Savage discussed small school grants based upon geographic isolation. Russo-Savage said that by September 30th, 2017 the Legislature required the State Board of Education to publish a list of districts it determines to be geographically isolated in connection with small school grants. She continued that on July 1, 2018, the State Board of Education must adopt and publish metrics by which it will actually determine whether districts are geographically isolated for those purposes. Russo-Savage said that this new method of determining eligibility for small school grants will begin on July 1, 2019, based on the metrics published in 2018. She added that beginning in 2019, districts must apply annually and prove eligibility based on the metrics the board provides.

Because the Legislature required the State Board to issue a list before it has required the Board to develop the metrics necessary to create that list, Russo-Savage stated that it is not unreasonable to conclude that the purpose of the SBE's September 30, 2017 list is to give an indication of the metrics the SBE might publish on July 1, 2018 and the districts that are likely to be considered to be geographically isolated when the SBE begins evaluating applications under those metrics in 2019.

Discussion followed.

Brad James supplied the current list of districts that received a small school grant in FY2018.

Discussion followed.

For purposes of creating the list before the metrics have been developed, Carroll made a motion to use the preliminary metric of greater than 15 minutes between the small school and the nearest school with the same grades. Perrin seconded the motion. Further discussion followed. Douglas Korb, Marlboro School Board Chair addressed the board and asked the board to consider all factors before making a decision.

Chair Huling said that this is an unusual situation because the State Board has to come up with a list before creating a metric to determine the list. She continued that the board is trying to be more conservative with this first list and that the board will have more rigorous discussions in the months to come about the actual metrics that it will adopt to determine geographic isolation.

Secretary Holcombe reiterated that this is a first pass and is not final. She added that the list will change. Russo-Savage confirmed the list will not be used for budgeting or any other purposes. Secretary Holcombe said that given current fiscal pressures at the state level, no one should assume certainty. Mathis called the question. The vote passed. Peltz voted no. Weinberger, Mathis, Solimano, Perrin and Carroll voted yes.

Chair Huling called a recess at 9:47 a.m. Chair Huling reconvened the meeting at 9:59 a.m. O'Keefe joined the meeting. Chair Huling acknowledged the presence in the audience of Stephan Morse, former State Board of Education Chair, and recognized his leadership.

Item K1:

Donna Russo-Savage explained that the proposal to be considered by the State Board of Education is a 3x1 under Act 49 (2017) where a merger was already approved by the State Board of Education. She continued that as a result of this vote, Alburgh will receive assurance that the State Board will not merge it with another district under the Statewide Plan. Russo-Savage said that the voters created the Champlain Islands UUSD without the benefit of any tax rate reductions or other transitional assistance. She added that if the 3x1 proposal is approved, Act 49 allows the Champlain Islands UUSD retroactively to receive the tax rate reduction and transitional assistance.

Presenters of the Champlain Islands and Alburgh's 3x1 proposal were Andy Jewell, Champlain Island Unified Union Board Chair; Mike Savage, Chair, Alburgh Board; Jim Ross, Principal, Alburgh Community School; Don Van Nostrand, Superintendent, Grand Isle SU.

Carroll made the motion to approve the proposal as written. Mathis seconded. Vote passed. Peltz, Weinberger, Mathis, Solimano, Perrin and Carroll voted yes. O'Keefe voted present.

Item K2:

Donna Russo-Savage stated that the proposal to be considered by the State Board of Education is a 2x2x1 under Act 49 (2017) where 2 mergers were already approved by the State Board of Education and the voters. The two districts will become operational in July 2019. Marlboro is the single town district.

Russo-Savage said that the Board's approval today will give early assurances that the Marlboro District will not be merged with other governance structures. She added that it also gives tentative approval that the three districts will be part of the same supervisory union. Russo-Savage said that even if the Board approved this proposal, the Board has not given up its authority to make supervisory union boundary changes at any time in the future.

Secretary Holcombe said that the practical effect of acting affirmatively is the same as not acting in the case of this proposal. Secretary Holcombe also said she is increasingly concerned about the fiscal situation in the State and that demographic and fiscal factors that lead to Act 46 are still present, including in Marlboro, which has declining enrollments and comparatively high tax rates and spending. She added that she continues to be concerned about whether districts are taking the charge seriously to provide high-quality education to Vermont's student population in a future that is fiscally tight. Secretary Holcombe said that the State must be fully aware of the challenges being faced going forward and whether or not a school can remain viable. She added that she will support any decision that is made by the State Board at the meeting. Chair Huling said that this is the first time that the Secretary's recommendation is to take no action to approve the proposal.

Presenters of the West River UUSD, River Valleys UUSD, and Marlboro 2x2x1 proposal were Douglas Korb, Marlboro School Board Chair; Dan McArthur, Marlboro School Board; Rich Werner, Dover School Board Chair; Stephan Dale, Consultant.

Douglas Korb urged the board to go against the Secretary's recommendation. He said that time is of the essence as the deadline to put the decision before the voters is November 30, 2017.

Huling said that one of the goals of Act 46 is to create a vision for PreK through grade 12 and the plan shows that most of these children go to Brattleboro where Marlboro does not have a seat at the table. She asked if Marlboro was really creating a vision for PreK through grade 12 or if it was fabricated. Korb said that the goal is to help middle school students two years prior to them going to high school and to additionally have conversations about shared resources.

Discussion followed. Wayne Kerminski, Principal of Marlboro School, addressed the board regarding the Marlboro budget and said that PreK may be moved to the school and combined with the kindergarten class and that with retirements in the next year or so, salaries will be less. Secretary Holcombe pointed out that PreK is a state mandated tuition model, and Marlboro does not decide where preschoolers go. She said the parents decide. Additional comments were made by Lauren Poster, Marlboro School Board; Emily Long, State Representative.

O'Keefe made a motion to accept the Secretary's recommendation as written and take no action. Weinberger seconded. O'Keefe voted yes. Peltz, Weinberger, Mathis, Solimano, Perrin and Carroll voted no. The motion did not pass.

Carroll made a motion to approve the request submitted under Act 49, Section 4 by Marlboro School District, the West River Valley MUUSD, and the River Valleys UUSD for a 2x2x1 structure that authorizes the Marlboro School District to remain a single town school district and, recognizing that the State Board retains authority to adjust supervisory boundaries, authorizes all districts to continue their membership in the Windham Central SU. Perrin seconded. The vote passed unanimously.

Item L: Orange North/Washington South SU Boundaries

Donna Russo-Savage said this vote is to adjust the supervisory boundaries of the Orange North/Washington South Supervisory Unions into a single, new SU that includes the two new UUSDs. She stated the new SU will be called the Central Vermont Supervisory Union. It will be fully operational on July 1, 2018. She added that the State Board anticipated this request because the two new UUSDs formed as part of the "Side-by-Side" program. Roxbury, the only other district in either current SU, will merge with Montpelier into a new UUSD that will be operational on the same day as the other two UUSDs.

Peltz made a motion to accept the proposal as written. O'Keefe seconded. The vote passed unanimously.

Item M: Secretary's Report

Secretary Holcombe discussed the fiscal and demographic challenges the State is facing, noting that from 2015 to 2016, Vermont's population decreased by 1,494, or 0.24%. This is the second largest population decline in the country, topped only by West Virginia. Meanwhile, Vermont's poverty rate increased by 1.7%, the largest increase and only statistically significant increase in the nation. At the same time, the nationwide population increased by 0.7% and the poverty rate declined by 0.7%.

In addition, Secretary Holcombe stated that as explained at the previous meeting, there was currently a 50 million dollar gap in the Education Fund, due primarily to the use of one-time

monies and slightly lower than expected revenues. This context is the backdrop to Act 46 discussions.

Following up on the SBE's equity agenda, Secretary Holcombe said that the leadership team at the Agency of Education is engaging in conversation looking at their work through an equity lens. She shared a draft tool developed by AOE staff that will be piloted in three divisions, then revised. She invited discussion with the board and thanked them for their input and suggestions.

Item N: Teacher of the Year Interview

Rebecca Gile, Agency of Education, stated that the Teacher of the Year began in 1952. She continued that the Vermont Teacher of the Year will become Vermont's candidate for National Teacher of the Year. Gile said that a final decision will be made in two weeks.

Candidate 1: Linda Cloutier-Namdar, English Teacher, Essex High School

Candidate 2: Karen Greene, English Teacher, Middlebury High School

Candidate 3: Sarah Doncaster, Music Teacher, Lake Region Union High School

The board recessed for lunch at 12:10 p.m. The meeting reconvened at 12:50 p.m.

Item O: Town of Vernon – Approve Withdrawal

Donna Russo-Savage said that the voters of Vernon voted in favor to withdraw from the Brattleboro Union High School District. Under long-standing statute, the other member districts of the union school district would ordinarily be required to vote to approve the withdrawal. Under an exemption enacted specifically for Vernon in Act 49 (2017), however, the approval of the other districts is not required. Russo-Savage said that Vernon and the union high school district have agreed on the manner to resolve all their business affairs. She said that the final step is for the State Board to approve the withdrawal. The State Board is also required to determine whether the union high school district should continue without Vernon's membership or if the district should dissolve.

The Chair of the Vernon School Board, Representative Mike Hebert, addressed the Board. He said they have done some modelling and there would be no substantive changes to the way business is done in the union high school.

Peltz asked if this proposal is precedent setting. Russo-Savage said that it is precedent removing, because it will remove a much earlier special exemption that allowed Vernon both to be a member of a union high school district and also to use its elementary school budget to pay tuition for high school students who wished to enroll in other schools. Russo-Savage said that if the State Board approves withdrawal, then Vernon will be a PreK-12 district that operates an elementary school and pays tuition for all students in Grades 7-12.

Peltz made the motion to accept the proposal as written. Carroll seconded. The vote passed unanimously.

State Board member, Stacy Weinberger, left the meeting at 1:07 p.m.

Item P: UUSD Proposals

Public to be heard: Paul Gillies, attorney representing 250 interested persons from the town of Rupert, addressed the board. He said the proposal raises concerns of constitutional issues of equity involving quality of education and financial equity. Gillies added that an old law linked towns in New York State to Rupert and Pawlet and has resulted in inequity in the amount of State aid that is available for grades 7-12. He said the difference is significant between Rupert and Pawlet, and additionally, significantly less than the State-wide average. Gillies expressed that the proposal should be returned to the district to address the question of equity.

O'Keefe said that he will recuse himself from Item P4. He added that he has a working relationship with some members that are presenting.

Windham Southeast UUSD

Donna Russo-Savage said this is a fairly straight-forward proposal and consists of the four remaining members of the Brattleboro Union High School District.

Presenters of the Windham SE UUSD proposal were Frank Rucker, Windham Southeast SU Business Manager; Lyle Holiday, Windham Southeast SU Superintendent; Alice Laughlin, Act 46 Study Committee Chair; Amy Wall, Act 46 Study Committee Clerk.

Superintendent Holiday said that the study originally included Vernon but did not work for the town. She said the process has demonstrated inequity within the WSESU and also showed a definite rise in poverty.

Peltz said that this is the most articulated plan. Carroll commended the group on performing self-governance and acknowledged the hard work. Secretary Holcombe said that the area is a complex section of the State and she appreciates their persistence.

Carroll made a motion to adopt the proposal as recommended by the Agency of Education. Perrin seconded the motion. The vote passed unanimously.

Chelsea/Tunbridge UUSD

Donna Russo-Savage said that right now Chelsea operates a K-12 district and Tunbridge operates a K-8 with 9-12 tuitioning district. She continued that the plan is for Chelsea to close its high school and both Chelsea and Tunbridge to tuition its 9-12 students and have unified middle school where all students attend. Russo-Savage said that the two towns passed the initial vote and the Tunbridge reconsider vote failed. She added that rather than have another reconsideration vote, it was decided to end the study committee and create a new committee and a new proposal. Russo-Savage said that the unified middle school would not begin in the first year of operation. She added that a school building could be closed only by a majority vote by the board of the new unified district and approval by voters in the town where the school is located.

Presenters of the Chelsea/Tunbridge proposal were Bruce Labs, Superintendent of the White River Valley SU; Kathy Galluzzo, Tunbridge Board Chair; Emily Marshia, Chelsea Board Chair; Stephan Dale, Consultant.

Carroll said the only change is that Chelsea loses its high school and nothing changes in Tunbridge. He said that each town retains its right in perpetuity to veto the closing of the school. Carroll said he does not see compromises but rather retreats from what was visualized by statute. He added that the option is to have the State Board decide for the two communities as part of the final state plan. Carroll said that the board is being asked to vote on a proposal that is a disappointment.

Chair Huling asked why there wasn't another vote since the reconsideration vote only lost by 4. She added that the prior proposal was very exciting and this one is very watered down. Labs said that the board has every right to be pessimistic. He said it was important to get the two towns working together. Galluzzo said they were not confident that they could sway the 4 votes. Secretary Holcombe said that the dilemma is that the Board has to think state-wide. She added enrollment is down in both towns, and as framed, the current proposal has no commitment to cost containment or expanded opportunities for children, particularly in Tunbridge. Secretary Holcombe asked how the presenters would suggest the State Board, explain to voters across the state why they should approve giving Chelsea and Tunbridge tax incentives for a plan that doesn't offer increased opportunities or affordability. Marshia said that the board will push the merged middle school in the first year. Dale said that the governance structure is coming together and the board is voting on approving a school district and not a school plan.

Perrin moved to accept the motion as written. Mathis seconded. Vote passed. Peltz, Mathis, Solimano and Perrin voted yes. Carrol and O'Keefe voted no.

Rupert/Pawlet UUSD

Donna Russo-Savage said the merger proposal itself is straight forward, but that the current situation and the issues it raises make it unusual. This is a proposal by the Mettawee Union Elementary District that includes both Rupert and Pawlet, plus the two town school districts that are organized to provide for the education of students in grades 7-12. Because neither town school district operates a school for grades 7-12, the default would be for the districts to pay tuition in a statutorily-prescribed amount to the various schools in which their students enroll.

Russo-Savage said that there is a special provision in statute that needs to be understood in order to understand the proposal, and which is discussed in the green sheet. She explained that 16 V.S.A. § 827 provides another option for districts that pay tuition for some or all high school grades (7-12). Instead of paying tuition to the schools in which resident students enroll, a tuitioning district can alternatively designate one, two, or three public or approved independent schools located in Vermont – if the voters of the district authorize designation and if the receiving school accepts designation.

Once designated, the public or independent school is considered to be the public high school for all students of the sending district. The sending district must pay the designated school the full amount of tuition it charges. In return, the designated school agrees to accept all of the district's children who wish to enroll (open enrollment). The statute further provides that if the board of

the non-operating district agrees to pay tuition for a student to attend another, non-designated school, then the non-operating district can only pay the lesser of three amounts.

Subdivision 827(e)(1) provides an exception to the statutory provision that limits designation to Vermont Schools: “the school districts of Pawlet, Rupert, and Wells may designate a public high school located in New York as the public high school of the district pursuant to the provisions of this section.”

Russo-Savage explained that the tuition charged by the two designated New York schools is far lower than the amounts that tuitioning districts pay to public and independent schools in Vermont. The boards of the Pawlet and Rupert School Districts have liberally granted students’ requests to have tuition paid to other schools. Pursuant to the provisions of § 827, however, the districts cannot pay tuition in an amount that exceeds the tuition charged by the New York schools.

Because the New York tuitions are so low, even if the board agrees to pay tuition to a non-designated school, a Pawlet or Rupert student enrolled in that non-designated school must pay the balance of the tuition – regardless of whether the non-designated school is public or independent. As a result, a student can attend another school only if his or her parent can afford to pay the additional cost of the tuition or if the school offers financial aid to the student.

Russo-Savage further noted that if a unified union were created, because the districts previously mentioned in statute would expire, the new district would not have the ability to designate a school in NY unless this authority were again given to it by the legislature. The proposal before the board is contingent on the legislature granting authority to the new unified district created by Pawlet and Rupert to designate a school in NY.

Presenters of the Rupert/Pawlet proposal were Jackie Wilson, Superintendent Bennington-Rutland SU; Susan Hosley, Study Committee Chair; John Malcolm, Study Committee member.

Chair Huling asked for clarification on the attendance. Wilson said that 51% of students go to a designated school. Chair Huling asked for clarification about what happens if the students do not go to designated schools. The response was that the district would pay tuition of ~\$5,000 towards the school the student wishes to attend.

Intense discussion followed. Wilson said there is an even split in the two towns between maintaining designation or getting rid of it. Chair Huling wondered why the board did not get an answer from the legislature before presenting to the State Board considering that the legislature plays a huge part in all this work and also considering that 49% of students are going to a non-designated school but only receiving \$5,000 – 6,000 from the district. She said it is a big equity issue in that only students who can afford to pay the difference can go to other schools. Robust discussion followed regarding equity and affordability. Chair Huling voiced her concern that if 49% of students are exercising choice to go to a school other than the ones designated then there is something wrong with the current NY options. She speculated that the number could increase if other students could afford to go elsewhere.

Peltz made a motion to accept the proposal as written. Mathis seconded the motion. Discussion followed. Perrin said that the study committee report may be biased. Carroll said the proposal is a referendum on designation versus tuitioning rather than a referendum on organizational structure or anything related to the goals of Act 46. Chair Huling said that this report is ending the conversation on designation before the conversation has even started. Solimano asked the presenters to elaborate on why there is such a high proportion of students choosing not to go to the designated school. He continued that based on the document presented by the “public to be heard” that included curriculum comparisons, there are big disparities between the schools in Vermont and New York. He continued that he is curious why half of the students are willing to pay out of pocket to go to a school elsewhere. Hosley thought that one reason is to remain in Vermont. She said sports may be another reason and there are others.

The vote did not pass. Mathis voted yes. Peltz, Solimano, Perrin and Carroll voted no. John O’Keefe recused himself. Chair Huling said that what makes this uncomfortable is the designation and the equity issue it creates. She said the board will need to see the equity issue being addressed if it is asked to review an amended version of the proposal

Southwest Vermont UUSD/MUUSD

Donna Russo-Savage said that this is a straight forward proposal. She said all members involved are members of the union high school. Russo-Savage said that one of the school districts (North Bennington) pays tuition for its elementary students. She continued that the State Board will not have the ability to make it join the pack because it would then have to be an operating district. Russo-Savage said that North Bennington will remain the same whether it is a MUD or not.

Presenters of the Southwest Vermont proposal were Jim Culkeen, Superintendent Southwest Vermont SU; Dona Campbell, Chair; Dan French, Consultant.

Peltz asked what is happening with North Bennington. Campbell said that they will not take a vote. He continued that they will be a reduced sized supervisory union. Campbell continued that the big SU and North Bennington will be governed by the same supervisory union.

Carroll made a motion to accept the proposal as written. Perrin seconded. The vote passed unanimously.

Chair Huling called a recess at 3:25 p.m. The meeting reconvened at 3:35 p.m.

Item Q: Smarter Balanced Data Presentation

Secretary Holcombe presented the spring 2016 Smarter Balanced results for Vermont students in grades 3-8 and grade 11.

Item R: Education Quality Reviews

Deputy Secretary Fowler presented on moving State accountability forward. She invited the board to participate in a group straw-pole exercise to assist in the State grading of education quality reviews.

The meeting adjourned at 4:51 p.m.

Minutes recorded and prepared by Suzanne Sprague
