

# State Board of Education

## Draft Meeting Minutes

**Meeting Place: Virtual Teams Meeting/Video/Teleconference**

**Call in #: 1-802-552-8456, Conference ID: 603 042 40#**

**Date: August 19, 2020**

### Present:

**State Board Members:** John Carroll, Chair; Jenna O'Farrell, Vice Chair; Dan French, Oliver Olsen, Peter Peltz, William Mathis, Kim Gleason, Sabina Brochu, Kathy Lavoie, Angelita Pena, Jennifer Beck Samuelson

**Agency of Education (AOE):** Emily Simmons, Jacqueline Kelleher, Donna Russo-Savage, Maureen Gaidys, Suzanne Sprague

### Item A: Call to Order/Roll Call/Introductions/Amendments to Agenda

Chair Carroll called the meeting to order at 9:05 a.m. He welcomed the new State Board members Jennifer Beck Samuelson and Angelita Pena. He asked for introductions. There were no amendments to the agenda.

### Item B: Consent Agenda/Board Announcements/Student Report

#### Consent Agenda:

Mathis moved to approve the consent agenda; Gleason seconded. There was no discussion. The motion passed in favor. The consent agenda item that passed was the following: Minutes –June 17, 2020 State Board of Education (SBE) meeting.

#### Board Announcements:

None

#### Student Report:

Brochu said she held the first students network meeting. She received feedback regarding online learning which occurred in the spring. The students network consists of students from Essex High School, Champlain Valley Union High School, Arlington Memorial High School, Spaulding High School, Enosburg High School, Middlebury High School, Mount Mansfield Union High School, Winooski High School and Woodstock Union High School. Brochu will reach out to Jay Nichols, Executive Director of the Vermont Principals' Association about connecting with principals to help get students from other schools involved. She spoke about her concern with the reopening plan at her high school, Champlain Valley Union High School. She added that all student learning will suffer with the reopening plan but that she has no better solution. Brochu said for the overachieving student, there is little support for them.

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

Chair Carroll said that in November of 2018, the Board directed the Battenkill Valley Supervisory Union to merge with Southwest Vermont Supervisory Union. He added that the merger has been slow to take place. He contacted the two districts and heard back that they are working together. The leadership has requested to come before the Board to ask for a delay until July 2022. He expects that this will occur at the September meeting. Chair Carroll will request that the Board send him any concerns and questions it may have so that they can be provided in advance so both districts are prepared. He added it will be important to hear the reasons for their request.

Chair Carroll reviewed legislation that has bearing on the Board, some of which has been stalled by the pandemic. The first, S.343 was signed into law as Act 112 and postponed the implementation of some special education reforms and postpones the startup date for rulemaking on the Rule Series 2200. The second is S.166 which is the proposal to reform the State Board of Education. He said it was passed by the Senate Committee in the spring. The House Committee was unable to take it up. The House Education Committee Chair, Kate Webb, said that she will introduce it as a House Committee bill in 2021. The third is H.209 which considers reviving state construction aid to schools. He said the bill contains several obligations and duties of the Board which includes setting the guidelines for new construction of schools. The bill requires the Board to update the formula necessary to determine aid to schools. It cleared House Ways and Means in June but has not moved any further. Chair Carroll was doubtful that the bill will move any further this year and added that the pandemic has highlighted the need for school improvements such as ventilation.

Discussion followed regarding the Heating, Ventilation and Air Conditioning (HVAC) bill, Coronavirus Relief Funds (CRF) and Efficiency Vermont, Board authority in H.209 and S.166.

## **Item D: Mill School Rate Appeal**

Chair Carroll said the Mill School is an independent school that appealed the allowable rate for tuition set by the AOE. The AOE and the Mill School could not come to an agreement on their own. The Mill School appealed to the Board. The Board agreed to take on the topic and retained attorney, George Belcher, as the hearing officer of the appeal. The two parties reached an agreement before the hearing took place. Belcher said that the parties have filed a settlement. Belcher said that the Secretary was represented by Rachel Smith, AOE Staff Attorney and Emily Simmons, AOE General Counsel. Attorney Mark Oettenger represented the Mill School. Belcher said he filed, with the Board, a recommendation for approval along with the stipulation. The stipulation is an agreement dismissing the case with prejudice, meaning that cannot be relitigated. Belcher said when parties reach an agreement it is usually reasonable and should be approved. If the Board approves it would become binding and the appeal will be dismissed. Chair Carroll questioned the language in Exhibit A which read that the AOE has authority to approve capacity limits in independent schools. He understands that in statute that authority belongs to the Board. Simmons said that changes to legal status are reported to the AOE which has the discretion to make the change or take the changes to the Board for approval. Simmons advised that the Independent School Team has a longstanding practice in which it approves

changes in capacity of schools of the size of the Mill School by 1-2 students. Mathis asked for the statute for reference. Olsen asked if the last sentence in the draft of the Board approval should read dismissed “with prejudice”. Belcher said the words can be added. Simmons said that the citation is cited in rule 2228.6. She read the rule. Chair Carroll said that if the Board is not happy with the rule, it can be changed without legislative intervention.

Olsen made a motion to authorize the Chair to sign the Board approval of settlement agreement document to include the words “with prejudice” to the last sentence. Gleason seconded. Discussion followed regarding the definition of with prejudice. Sprague called a roll call vote. The motion passed unanimously with Brochu, Gleason, Lavoie, Olsen, Mathis, Samuelson, Peltz, O’Farrell, and Carroll voting in favor.

## **Item E: Fall Reopening of Schools**

Chair Carroll said that the State Board has benefited from hearing from K-12 leaders in the past and would like to hear their perspective on the school reopening in September.

Jay Nichols, Executive Director of the Vermont Principals’ Association, presented to the Board. He said that everyone is doing the best they can to deal with the current situation. Principals are worried about a number of issues including: staffing to successfully reopen school; staff members contracting the virus; and, effectively supporting the mental and social emotional needs of the most vulnerable especially in a remote learning setting. Ambiguity of these issues is causing fear and feelings of lack of control especially in Vermont with such a low rate of virus transmissions. Variance with the different reopening plans among districts and within districts is a huge concern. Safety mitigation strategies and necessities have affected students’ schedules. Principals are finding themselves in situations where they must make decisions that are the least desirable as opposed to optimal. Nichols thinks chaos will occur at the start of school and it will be destructive to public education and that many people will lose trust in the system. Many people will be upset with reopening process mainly because neighboring districts are doing something different especially when considering childcare. Nichols added that it would be helpful if people would listen to the leading medical authorities. Many people are basing their knowledge of the virus and current situation on other state’s experiences which are far different from Vermont’s.

Traci Sawyers, Executive Director of the Vermont Council of Special Education Administrators (VCSEA), presented to the Board. She said the provision of special education is very difficult during a pandemic. The members have been working nonstop and there is a lot of anticipation for what is coming in the fall given the variety of reopening plans with remote and hybrid learning taking place and what that means for a Free Appropriate Public Education (FAPE) and also for least restrictive environment (LRE). The Individuals with Disabilities Education Act (IDEA) was not designed for a pandemic. The procedural elements have been challenging and it has taken a lot of new thinking about special education services in the current context and there are many unknowns. VCSEA believes that schools have two heavy lifts related to special education: 1) how to provide FAPE in the pandemic and 2) concern about what kids lost during this time and how to address it. It relates to costs and staffing and other resource concerns. There are concerns about masks, social emotional well-being of all kids, teachers and staff, and

short-term and long-term impacts, homelessness, loss of jobs during the current economy, the school nurse's key role in the reopening and some schools not having a dedicated school nurse. Individual Education Plan (IEP) meetings are taking place and considering the phases so that the plans will not have to be revised if the school goes entirely remote. FAPE requires the educational program to be reasonably calculated to allow a child to make progress in the light of the child's circumstance. The entire period since March is part of every child's circumstance and it should be part of every IEP discussion and in making decisions on how to provide FAPE. There needs to be an understanding that special education is offered in the general education setting. Kids with IEPs have processes in place to address their needs and there is concern about pulling kids out of the general education setting to give them additional services. We need to pay attention to what was learned in the spring and summer. Many kids lost out, but some kids did very well with remote education. Schools have learned new skills and ways to support students and families. Schools will be in a better place to meet the needs of the students in the future.

Mill Moore, Executive Director of Vermont Independent Schools Association, presented to the Board. He said there was confusion, surprise and uncertainty when schools were closed to in-person instruction in the spring. He said the atmosphere amongst the independent school heads is that they are near ready to go with reopening even though it will not be the same as it was pre-pandemic. They have made the necessary arrangements, have their plans and people feel capable of moving forward. An improvement over the disarray of previous months. The independent school world is much less consistent than the public-school system. There are schools that only provide special education, winter sports academies, religious schools and general education schools some of which have residential programs and some that are providing special education within their larger program. They are all having to adapt. It's been quite a task especially for the residential program schools. In addition to meeting health and safety requirements for day schools, there are additional health and safety requirements for residential students when they return to Vermont. The public has great fear, concern and uncertainty. We can do better reassuring people. Moore said he was part of the group that worked on the Health and Safety Guidance. He felt reassured by the competence and access to the latest scientific evidence from the professionals at UVM and the Vermont Department of Health and was reassured by their competence and their access to the latest scientific evidence. He would love that level of reassurance to be made to the general public.

Neil O'Dell, President of the Vermont School Boards Association (VSBA), presented to the Board. He said it has been a challenging time for school boards. Board meetings now last four or five hours due to the public comment. The challenges are around budgeting, financial oversight, labor and negotiations concerns and board governance and oversight. He conducted an informal survey to 33 board chairs and sixty percent said they were minimally involved in determining their districts reopening plans. Most all respondents have delegated partial or full authority to the superintendent to determine the reopening plan for their school district. In contrast, some boards have been more directly involved and some boards have overturned the recommendation put forward by the superintendent. The different approaches highlight the governance challenges that have resulted from the pandemic. Boards are deliberative bodies that require time to work through the decision making process and statute further adds to the

constraints. As open meeting law and policy adoption help to insure that transparency and public participation in the process this puts at jeopardy the timing and execution, and a global pandemic does not care about that. As stewards to the schools, boards need to be responsive to community needs and concerns but when those needs, and concerns require rapid response the shortcomings of the structure become apparent. There are concerns regarding inconsistent schedules, pushback from communities on learning plans, uncertainty about the virus, staffing for the different modes of instruction and changes in the state guidance that makes it challenging to keep up. Despite all the challenges, most school board chairs feel their work has gone well and that they are mostly prepared to reopen in the fall. He said there were concerns over the number of students opting for homeschool or private school learning, the ability of schools to meet the number of instructional days, the issues that arise as the result of every school district doing something different, worries over education funding and the need for clear guidance from the state on how and when step III will be determined.

David Younce, Chair of the Vermont Superintendents Association, presented to the Board. He referred to the Vermont flag and its banner “Freedom and Unity” and said that it is what schools are navigating through. He said the educators are working hard to pull things together, deliver more impactful instruction than in the spring and to do so in a way that is safe and suitable to meet the needs of kids and staff across the state. While districts crave common guidance, the state’s Strong and Healthy Start guidance gives a common set of ground rules so that the parameters are known in how a school must operate. It gets tricky because every town and district has its own dynamic. He said that across the state that superintendents, principals, educators and support staff are doing their best to navigate their local dynamic and the statewide parameters that they need to operate under to keep everyone safe. It is complex work. He asked the Board to continue to support the work that is going on; to continue to keep the perspective that every entity and every district, supervisory union, independent and private school are trying to make the best decisions they can based on their local circumstances. And to understand that there may not be a one-size fits all and that variability is the reality. It’s very easy to make the pandemic and the reopening of schools into a political issue and to make the wearing of facial shields and masks a political issue. We need to protect our schools’ students and staff from the politics. We need to focus on the people to take care of them. He asked the Board to support the future redesign of what school will look like in the future; he believes schools will look very different in 30 years. The pandemic has highlighted issues like childcare, funding, equity and racial dynamics and exacerbated them. There needs to be thought given to the new normal which may include hybrid learning tailored for each individual student. It will look different than what is being experienced now.

Don Tinney, President of the Vermont National Education Association (VT-NEA), presented to the Board. He said he represents 13,000 educators across the state. The members want to be back with their students in the classrooms, but they are also concerned and fearful with the health and safety issues related to the pandemic. The pandemic has illustrated the importance and necessity of public schools in providing fundamental social services to children and youth in Vermont including nutritious meals, mental health counseling, medical support and the significant social connections and support they receive from educators and peers. He said that there has never been a time when labor management collaboration has been more important.

They take the responsibility of the social emotional learning piece very seriously. Vermont educators worked extremely hard in the spring to make the transition from in-person to full distance learning in a matter of days. It was an extremely stressful time. The teachers became students of technology and online learning alongside their students. The teachers learned an enormous amount that they will put into practice this fall. Tinney added that it was difficult for the special needs students to have their needs met and it was frustrating for the educators who are hardworking and committed. But the limitations of the virus got in the way. VT-NEA members have been working with their administrators and colleagues to develop reopening plans in their local school districts. The planning has gone more smoothly in districts where administration included the members than it has in districts where educators had minimal input. School nurses have taken on an enormous amount of responsibility in leading these groups and will continue to be the school heroes. We must now see the schools as an extension of the healthcare system and school nurses play a vital role in maintaining the health and safety of the community. Schools have a multitude of plans and are not consistent across the state. In some cases, the inconsistencies in plans throughout the state have created problems where teachers work in a different district than the district where their children attend school and these districts have different reopening plans. Childcare has gotten worse since the pandemic. Tinney said that the lack of high-quality available childcare is one of the most significant women's issues our society faces today and is an immediate concern for the VT-NEA. Another concern is the inconsistency of the granting of accommodations for the teachers with underlying conditions and compromised immune systems. Some educators at the urging of their doctors were denied their request to teach remotely in one district, but in another district the request was granted to a different teacher. It is a workplace issue. Other issues include the lack of substitute teachers, school bus driver shortages, and inadequate ventilation. There is need to develop the capacity for testing for the virus in school to at least 1x per week. Tinney feels that would assuage much of the fear. He added that there needs to be a way for students to meet their teachers prior to the start of school.

Discussion followed regarding quality of curriculum in cyber world, teacher pedagogical skills, staff capacity, funding and financial support, student learning recovery on K-12 track, equity, sharing best practices state-wide, increase in student population in certain areas, and consistency and clarity in guidance.

Chair Carroll thanked the presenters and said he hoped that the group could return and provide an update in December.

Chair Carroll called for a recess at 11:09 a.m. The meeting resumed at 11:16 a.m.

## **PUBLIC TO BE HEARD**

Representative Heidi Scheuermann, Stowe, addressed the Board. She thanked the Board for all the work on school issues during this time. She knows there is a lot of anxiety around reopening schools safely. She appreciated the work of the AOE and the Board.

She said that the Board would be hearing from one of her constituents, John Pelletier, regarding education data issues that is concerning. She explained that she began communicating to Secretary French about the issue in May 2020. She said that her school assessment grade

performance data was no longer able to be accessed by parents or members of the community. The data was previously available, and anyone could see how well or how poorly the Stowe School District was performing. Something changed that has denied access to the data. She requested that it be changed back. She asked the Board to consider the issue and how to correct it either internally by the AOE or with a Board ruling. She does not believe any legislation is required to resolve the issue, but if there is, she will champion it if necessary.

John Pelletier, citizen, said he sent a presentation and referred to it by page number. He said that supervisory unions are legally required to provide school assessment data to the public annually. Smarter Balanced Assessment Consortium (SBAC) data grade wide and by gender has always been available in prior years to the schools in the Lamoille South Supervisory Union (LSSU). The data is no longer available. The Board's data suppression policy has not changed since 2008. The Board's Rule Series 2500 on schools and LEA Annual Accountability Reporting has not changed since 2004. The Accountability Operations Manual required by that rule was approved by the Board in 2011. He explained "n" size that protects student's personally identifiable information and complementary suppression. He referred to LSSU SBAC data from 2017 and compared it to 2018. He said in 2018 the historically marginalized data was published and not the data for the entire grade. Under federal law, the AOE has a legal duty to annually report compliance. The AOE data suppression logic is not available to the public nor approved by the Board. The AOE applied new data suppression logic on its recently released Statewide Longitudinal Data System (SLDS) funded with federal grant dollars. The changes were never approved by the Board or subjected to the required public scrutiny.

### **Item F: Parental Complaint Regarding SBAC Data**

Secretary French said from his perspective several things have changed and one change was that Act 46 shifted the accountability structure in Vermont from the school district to the supervisory union or LEA which is a fundamental shift and is a significant cause of many of the issues. He said that the Every Student Succeeds Act (ESSA) replaced the No Child Left Behind Act (NCLB). He added that the ESSA State Plan was never approved by the Board, Legislature or the Governor. It was approved by the US Department of Education (US ED). He added that the SLDS is not the cause of suppression. The SLDS is what was used to obtain demographic data from school districts. The suppression was occurring in the algorithm of the report card. Secretary French said that the report card was in its second iteration. The AOE is concerned with the suppression that is occurring as well and is working on the issue. In the data that has been obtained in the month of July, the system was working as designed. The AOE is still under contract with the vendor and still could perform some modifications to it and are trying to address the complementary suppression issues without having to redesign the whole system. Chair Carroll asked if there are suppression issues and to advise what they are. Secretary French said complementary suppression issues, particularly as they pertain to the shift in accountability from schools to LEAs with LEAs being the focus if there are small "n" sizes. That could have a cascading effect across reporting for the entire supervisory union. The AOE observed these phenomena. Secretary French said the system was working as intended but until visualized the full magnitude of suppression was not understood.

Discussion followed regarding the public-facing data, room for improvement, complaint worthy of review and response, complexity in the report card, business logic meeting the need of requirement, ESSA plan lists indicators, and design of specific rules. Robust discussion continued regarding the system working as designed, Board data suppression policy, review of ESSA plan by US ED, state responsibility versus federal responsibility, legal issues, how to use data that is too small, Board rules unimplementable as they refer to NCLB, supervisory unions/LEAs' ability to report out at the school level, need to update the Board's policies to coincide with the ESSA plan, what can be done to release the data, providing more aggregated data with less suppression, new regulations and state plan being out of sync and what needs to change with the system to receive the desired outcome.

### **Item G: Vermont State Performance Plan/Annual Performance Report**

Jacqueline Kelleher, Vermont State Director of Special Education, presented to the Board. She provided a brief background on the Office of Special Education Programs (OSEP) and its recent determination. As required by IDEA, each state must have a six-year state performance plan (SPP/APR). The federal government reviews the plan each year and based on the information reported provides the determination. It serves as a progress report for US ED and as a report for the state's stakeholders. The AOE is required to publish the SPP/APR. The report is due every February and represents the previous year's performance. The performance is based on 17 indicators that reflect the rights in the IDEA. Vermont sets its own target that it aspires to meet each year. There are a couple of compliance indicators that are graded at zero % or 100% set by the federal government.

Kelleher said Vermont scored an overall 54.86% which correlates to Needs Intervention (NI). She identified four areas that led to loss in points: Post-Secondary Transition; Timely Complaint Decisions; Absence of complete data from LEAs; and, Reading – 4th grade students with disabilities at or above basic on the National Assessment of Educational Progress (NAEP) and explained the reasons for each low score. Kelleher explained that well before they received the determination, they were already positioned to make SPP/APR an integral part of the work that was done across all areas of supervision. Some of the remediations that were already in place include having a data steward responsible for each indicator's data, working with technical assistance providers at the national level, having a general supervision system that is now a rigorous and robust system where LEAs receive a determination from the AOE, addressing the written state complaint process by building a better more robust dispute resolution system, working bi-weekly with the data team to identify needs in the district and creating an interdepartmental OSEP determination work group.

Discussion followed regarding site visits and cycle, desk audit reviews, technical assistance and training, compliance driven presentation, system of general supervision, continuous improvement and evidence-based practices.

### **Item I: Rules Series 2200**

Chair Carroll gave a brief explanation of Act 173 and Rules Series 2200. He said that the General Assembly moved the deadline for implementation to June 30, 2022. The Board will need to begin the Administrative Procedures Act (APA) process for the rules series no later than June 30, 2021.

Secretary French said that the AOE has produced a draft set of the Rules Series 2200. There have been conversations with the Act 173 Advisory Group (AG) on obtaining feedback on the initial draft. It was decided that the AOE would engage with the independent schools' stakeholders first to get their input and then produce a revised draft to the AG for its consideration. There has been one meeting with the independent schools' stakeholders and there will be a second meeting. He was hopeful that he would be able to share a draft of the Rules Series 2200 with the independent school's stakeholder revisions at the AG's September or October meeting.

Roy said the AG recommended the stakeholder group include special education directors who most frequently work with independent schools as well as independent school representatives that work in independent schools that focus primarily special education. It will depend on what is shared at the second meeting with the independent school stakeholders which will determine how quickly a revised draft can be produced.

Chair Carroll asked when a timeline would be produced that gives evidence that work is complete and ready to turn over to the Board. Secretary French said that once the feedback was received from the independent schools. It may be a simple turnaround that can be articulated at the AG's October 2020 meeting. The timeline will be delivered to the Board at their November meeting. Secretary French can provide an update at the October Board meeting. Gleason said that there is value in charting changes and comparisons once the draft is brought to the Board.

Chair Carroll called for a break for lunch at 12:47 p.m. The meeting reconvened at 1:19 p.m.

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

Secretary French spoke about reopening schools. He said that the state is still under the emergency order. The guidance released focuses on the health guidance and is the cornerstone of the reopening plans. The second iteration of the health guidance was released and includes information on contact tracing. The health guidance also focuses on hybrid learning which will have long ramifications on the education system overall. Districts can choose, under its authority, among three dispositions which are in-person, remote learning and hybrid instruction which is a combination of the two. Secretary French said that 75% of the districts are operating under some form of hybrid instruction and most will have 2 days of in-person instruction and three days of remote learning. The health guidance mentions the transition to the next step which should occur after the first two weeks of school. Vermont has one of the highest suppression rates in the country and it hopes to continue to maintain that suppression and contain the virus. He said the financial ramification of the virus will be long lasting.

Discussion followed regarding contact tracing and a screening application, nursing shortages and waiving teacher certificates, extension of afterschool programming and community childcare hubs, monitoring progress of hybrid plans, logistic considerations of staffing

availability, confidence that schools can reopen safely, waivers for licensure, student learning loss and assessing its impact, and the science and safely opening schools.

### **Item K: General Education School Amendment – Mount Mansfield Ski Club and Academy**

Deb Ormsbee, AOE Independent School Team, said that the Mount Mansfield Ski Club and Academy was visited last year, and the program was thoroughly reviewed. It is an academic school and a ski academy with a residential component and a day program. Ormsbee said it is an excellent program and she recommends that the Board consider the expansion to include 6<sup>th</sup> grade. Gleason made the motion to approve the recommendation as written. Lavoie seconded the motion. Sprague called a roll call vote. The motion passed unanimously with Brochu, Gleason, Lavoie, Olsen, Mathis, Samuelson, Peltz, O'Farrell, and Carroll voting in favor.

### **Item L: General Education School Amendment – The Arlington School**

Ormsbee said the Arlington School was seeking to increase the capacity of the program. The education quality and the services provided are both excellent and meet the Board requirements for a therapeutic day school. There is great need for this program to expand its capacity. The staff was very qualified. Ormsbee highly recommended that the Board grant the amendment to increase capacity to 45 students. Lavoie made the motion to approve the recommendation as written. Olsen seconded. Discussion follow regarding the maximum capacity or instruction limitations. Sprague called a roll call vote. The motion passed unanimously with Brochu, Gleason, Lavoie, Olsen, Mathis, Samuelson, Peltz, O'Farrell, and Carroll voting in favor.

### **Item J: Briefing: Separation/Divorce from a newly merged school district**

Donna Russo-Savage, AOE Staff Attorney, said that she would speak to the potential dissolution of union school districts. She was aware that Readsboro and Halifax who make up the Southern Valley Unified School District (USD) are currently involved in the process. She said that 16 V.S.A. 724 sets out a process of voluntary dissolution by the members of a unified union school district which is responsible for PreK-12 education. The process is that the voters in one town vote in the affirmative to withdraw from the district and then each of the other towns that make up the district also vote independently whether to accept the withdrawal. If the district contains more than three towns then the district could continue even if one town withdraws. Because there are only 2 members in the Southern Valley USD, withdrawal by one member results in the dissolution of the union district.

Russo-Savage said that both votes have occurred in Halifax and Readsboro. Both towns independently approved the withdrawal of Halifax. The statute requires that notification is submitted to the AOE and in turn the Secretary will advise the Board. The statute has several steps that it requires of the Board, and it must add the topic to an agenda and take testimony. The first requirement is to approve the withdrawal of the initial town. The only consideration that the Board makes is to assure that the towns have adequate schools available to its students either by operating or by paying tuition. The Board is given no other discretion to accept or reject the vote. The second requirement is to declare that the district is dissolved, and it will take effect the following July 1. The Board can delay this if the parties need more time to work out financial arrangements. The third requirement is to determine if the union district is viable.

Since the Southern Valley USD is a two-member district, you must declare the USD is dissolved as of July 1, 2020. The fourth requirement is to declare both the town school districts to be reconstituted. The statute does not offer a time, but consideration should be given to work on reestablishing the town school districts. The fifth requirement is to send all declarations to the Secretary of State's office, town clerks and the clerk of union school district.

Discussion followed regarding operating or paying tuition, number of board members for town districts, evidence from towns to satisfy the Board's requirements and necessary steps to create a district, reconstituting the old town school district, superintendent services, sustainability, Board's jurisdiction, intent of Act 46, limited Board authority, statute does not give enough guidance, implications for school districts that were required by the Board to merge and the loss of small schools grants.

### **Item M: Future Meetings, Convenings, Topics**

Chair Carroll listed the remaining meetings in 2020. The dates are:

September 16, 2020

October 21, 2020

November 18, 2020

December 16, 2020

Chair Carroll reviewed likely topics to be discussed at the upcoming meetings. They are: Battenkill Valley SU and Southwest Vermont SU merger; Southern Valley USD; Simmons to brief the Board on issues related to Rules Series 1300 and 2360 and to understand scope and policy implications; School safety and school resource officers; Post-secondary institutions and role of AOE versus SBE; Rule Series 2200 rulemaking; and, SBE rules discussion about outdated rules and creating a workplan for 2021. He asked the Board if there were any additional topics it would like to see on future agendas. Potential topics discussed were implicit bias and anti-racism training, student networking, including student voice in curriculum conversations, assessments, education quality standards and remote learning conversation.

### **Item O: Other Business**

None

### **Adjourn**

The motion to adjourn was made by Olsen. It was seconded by Mathis. The meeting adjourned at 2:45 p.m.

Minutes prepared by Suzanne Sprague.