

March 21, 2018

- 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.*

## **Approved Minutes**

### **Present:**

**State Board of Education (SBE):** Krista Huling, Chair; William Mathis, Vice Chair; Connor Solimano; Mark Perrin; Peter Peltz; John Carroll; Stacy Weinberger; Callahan Beck; John O'Keefe (arrived 8:42 a.m.), Rebecca Holcombe

**Agency of Education (AOE):** Donna Russo-Savage; Molly Bachman; Emily Byrne; Haley Jones; Jess DeCarolis; Veronica Newton; Suzanne Sprague

**Others:** Juliette Longchamp, Vermont NEA; Jeff Francis, VSA; Nicole Mace, VSBA; Howard Weiss-Tisman, VPR; Emma Murphy, Rutland; Olivia Surdam, Bennington; Stephanie Surdam; Zak Kline, East Montpelier; Eleanor Reilly, Waitsfield; Shannon Mahoney, Fairfax; Sarah Hagge, Rutland; Amy Koenigbaur, U-32; Kayla Ball, Randolph; Ellen Berring, Harwood Union High School; Lisa Floyd, Randolph Union High School; Kathy Coran, Vermont School for Girls; Ralph Bennett, Vermont School for Girls; Laurie Coburn, VPI South, Vermont School for Girls; Lenny DeRosa, VPI South

### **Item A: Call to Order**

Chair Huling convened the meeting at 8:37 a.m.

### **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**

Carroll made a request to adopt the consent agenda. Mathis seconded. Chair Huling asked for discussion. Beck asked that a word be changed in Item N from disagrees to agrees which best represents her discussion. Chair Huling asked for a motion to adopt the consent agenda as amended. Peltz made the motion. Mathis seconded.

The vote passed to adopt the consent agenda with amended language. Carroll abstained.

### **Item E: Board Announcements**

Peltz said he brought a box of books related to education to share/give away. The books are published by the Teachers College Press at Columbia University. Carroll acknowledged Callahan's presentation at February's meeting.

Chair Huling asked Carroll to explain to the Board the reason why he was absent from the February 2018 meeting. Carroll said he was on a trip to Kenya where he is a chair of the board of a K-8 school founded 10 years ago by his church. He said there are 200 students enrolled, most of which are orphaned or abandoned children. Carroll said that Kenya is a test-driven society and he is proud that the school consistently ranks at the top 1 or 2 amongst the schools in the region, even though the students are disadvantaged.

Vice Chair Mathis said he was in Oregon the past month to give a presentation on assessments. He reported that Deputy Secretary Fowler gave her presentation remotely, due to weather, which impacted her travel.

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

Chair Huling said she delivered the State Board's adopted statements from the February 2018 meeting to House Education. She added that according to House Education, the most important bills are the special education bill, the civics test, ethnic studies and PreK. The Legislative Subcommittee has been working on a request from House Education for State Board's feedback on a civics test and ethnic studies course. Chair Huling said that she testified on special education and House Education requested a response on whether the State Board would like to set the census rate for 2025. The task would need to be completed by 2021. Chair Huling said there are questions regarding the constitutionality of the State Board setting the rate and it is being researched by their lawyers. Chair Huling said that she received notice that House Education requested an answer by 1:00 p.m.

Chair Huling said that Senate Education requested preliminary testimony from the State Board on special education. Vice Chair Mathis and Peltz will testify on March 22.

#### **Item G: Committee Reports**

None

#### **Item H: Student Reports**

Solimano explained that he was not at last month's meeting because he attended the Senate Youth Program in Washington, D.C. There were two student representatives from every state, two from Washington, D.C. and two from U.S. Department of Defense bases around the world. Harrison Bushnell, a senior from U-32, was the other Vermont Student Representative. The youths met with important policy leaders, which included the President, senators and Supreme Court justices among others.

Solimano enjoyed meeting other students that were so politically and civically engaged. He said their discussions gave him hope for the political future of our country. Solimano said that because the program draws from the all over the country there was a lot of diversity among the students, which included their viewpoints. He said it was an amazing week overall and a life-changing experience.

Solimano said that the two students from Florida were from Parkland in the school district where the recent school shooting took place. He said they did not attend the school but they had a lot to say. Solimano transitioned to the National Student Walkout Movement and the increased student voice around the country related to gun violence and the epidemic of school shootings. He said it was both tragic and heartwarming to hear the representatives from Florida because they spoke from experience and their community was still coping with the tragedy.

Solimano mentioned that his high school was closed due to weather on the National Student Walkout Day. He said the event was rescheduled and they observed a 17-minute memorial service to honor the lives of the victims. Solimano said students observed the walkout in various ways across Vermont. He emphasized the national impact and attention the students have garnered. Solimano asked for the Board to remember that the students experienced this first hand and the students' opinions cannot be ignored.

Solimano received a letter forwarded by Chair Huling from a South Burlington High School student, W. Cole Patno, regarding House Bill 793. He explained that the bill would mandate that all high school seniors pass a civics test in order to graduate high school. Solimano said the letter expressed the student's disapproval of the bill. The student explained how the requirement goes against Act 77 and personalized learning. Solimano said the letter is a great example of a student standing up to make his voice heard. He added that a group of students are standing behind Patno as well and have voiced their opinions about the bill.

Beck explained the National Student Walkout Movement at St. Johnsbury Academy. She said her school experienced a two-hour delay with the start of school. The movement was student led. The headmaster, who was in support of the movement, had safety concerns and said the students could not just walk out. The headmaster said that the students could not hold signs in protest of guns because he would have to allow everyone that protested to do so.

Beck said that all students had to check into advisory and then could either stay in advisory or attend a memorial. There were approximately 50 students that decided to stand in front of one of the biggest buildings on campus and did so for 17 minutes. Beck said it was good because not all of the kids in her school were for it and those students attended the memorial. She continued everyone was involved in some way and it was safe. Beck added that it was hard for the headmaster to not allow them to just walk out and the students understood his reasons. Beck said that the topic is not going away and she hears about it every day. Students are generally scared in school. She added this was a great first start and was done in a peaceful way.

Secretary Holcombe said that local attendance policies and school safety protocols are established by school boards consistent with best practices of school safety. Secretary Holcombe said that she is very concerned that students don't feel safe in school, and we must address that, but the reality is students are safer in schools than they are in their cars or homes. Most gun violence happens outside school.

O'Keefe asked if any students were disciplined for walking out in Vermont. Secretary Holcombe said the Agency does not keep track, but in most places, administration worked with students to respond and she has not heard of incidents. It is possible that in places, if you cut a

class, it was an unexcused absence. Solimano added that many colleges said that if a student received disciplinary actions because of something like the National Student Walkout, it will not be held against the students in the college admissions process.

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

Secretary Holcombe said that the federal Center for Disease Control will not renew the grant for school-based sexual education. This grant has fully funded the sole position at the Agency of Education (AOE) dedicated to sexual health. The grant is used to help schools comply with V.S.A. 16 § 131. The remaining federal funds will be used to extend the position as long as possible. After the funds are gone, the AOE will shift responsibility to the Physical and Health Education position and the costs will be picked up locally through the Education Fund.

Secretary Holcombe said she is half way through her discussions with local entities that submitted reports on alternative governance structures. The discussions are going well. Secretary Holcombe has committed to making no decisions or recommendations until all meetings are completed, so every group can be assured they have been heard with an open mind.

Secretary Holcombe shared a document on school budget votes. The school budgets came in about 29 million dollars lower than projected in December. She said there was really strong support for budgets. Overall budget growth was at 1 ½ percent and the Governor asked for no more than 2 ½ percent. Secretary Holcombe appreciates the due diligence of the school districts for essentially level-funding. She identified external pressures on school budgets that drive costs-- one being student support services which includes mental health clinicians and social workers. Districts are spending 18 million more dollars on this service than in previous years. Schools are investing more state-wide to ensure students feel safe and supported and getting services in schools. The AOE is working with the Department of Mental Health to address how to support students and their families.

Another cost driver is staffing. Secretary Holcombe said the AOE reviewed data on teachers and found that 39% of Vermont teachers received their BA in 1985 or earlier compared to 24.5% for the rest of the country. She said this must be considered when talking about the cost of educators. Secretary Holcombe said that as teachers age out into retirement, they may be replaced by younger teachers, who are lower on the salary schedule. There will be natural cost containment through the evolution of the teaching force. Changes need to be made carefully because they may have substantial implications for the pension fund. Secretary Pearce is making sure that the pension fund is fully funded.

#### **Item J: Legislative Update**

Haley Jones shared a [Legislative Update](#) with the State Board. There was discussion around H.897, the Special Education Funding bill. This bill proposes to support the delivery of special education services and changes the funding delivery model for special education from a reimbursement model to a census-based model by FY 2021. Discussion followed regarding opposition to the bill, 17-member task force, rule-making, the State Board setting the census rate, an appropriate role for the Board, advice from the AOE, the Legislative Subcommittee's opinion, precedence, expertise of the Board and timing with school budgets.

Jeff Francis, Executive Director of the Vermont Superintendents Association, addressed the Board and indicated that his organization and the field will be affected by what transpires in regards to the special education funding formula and the involvement of the Board in the decision to set the census rate. He asked the State Board to not make this decision lightly and deliberate if it wants to contribute to the determinant.

Chair Huling asked Molly Bachman, General Counsel AOE, to draft a comment on behalf of the SBE that the Secretary will make a recommendation after consulting with the SBE in suggesting a rate, but the rate will be set by the legislature. The previous recommendation to set the rate is not the will of the board. Further robust discussion followed regarding who should set the census rate and timing. Chair Huling asked Emily Byrne, AOE CFO, to advise the Legislature. Secretary Holcombe noted that the proposed statement claims the State Board has no staff but their staff is the Agency of Education, as evident in the number of Agency staff in the room to support the meeting, and suggested that claim be removed. Chair Huling asked that the reference to staffing be struck from the State Board's statement.

Jones briefly jumped to H.911 Education Finance. This bill proposes changes to Vermont's personal income tax and the education financing system. The proposed funding system mirrors Act 60 with a base amount and any spending over that base amount is subject to an additional tax.

Jones briefly updated the Board on H.793 and H.794. Chair Huling referred to the Draft 3/11 Memorandum document. She said the Legislative Subcommittee drafted the document to share with both House and Senate Education Committees, and that it states the State Board does not support the bills as proposed.

Carroll moved to adopt the memorandum as drafted. Perrin seconded. Discussion followed regarding civics tests, Legislature setting education curriculum and graduation requirements.

Vote passed unanimously. Chair Huling said the memo will be sent to members of the House and Senate Education Committees as well as sponsors of the bill.

Jones said the document she provided included updates on S.257 the Miscellaneous Education Bill and S.229 Approved Independent Schools. Discussion followed regarding S.261 (trauma and toxic stress), workforce development and career pathways, and readiness.

#### **Item K: Legislative Subcommittee**

This item was discussed during the Legislative Update.

The meeting recessed at 11:02 a.m. The meeting reconvened at 11:20 a.m.

Chair Huling discussed the new expense forms that the State Board will be using going forward.

#### **Item L: Draft Rubric on Geographic Isolation**

Chair Huling asked for an update from Mathis and O'Keefe. O'Keefe explained the different classification of Vermont roads. He developed a point system based on classification of roads used from a town's geographic center and travel time to the nearest school. Chair Huling said that the new thinking is a departure from what was agreed on by the Board which was school to school. The exact language of the law states school to school.

Discussion followed regarding lengthy drive times, inhospitable roads, bus routes, origin of small school grants, and the policies behind providing statewide funding for geographic isolation and for equity, academic excellence, and operational efficiency.

Chair Huling asked the State Board for a consensus of drive time. The State Board agreed that 30 minutes from school to school will be the metric and the State Board will focus on the alternative metrics for efficiency and excellence.

Chair Huling asked Carroll to take a first pass at the metric for operational efficiency. Secretary Holcombe reminded the State Board that because some of the small schools are very small, it is legally impossible to provide performance indicators due to privacy issues. Solimano asked if the State Board really wants to be basing the metric on test scores considering that the State Board generally does not agree with high stakes testing. Secretary Holcombe said that attention needs to be paid to test scores because it identifies the districts that are struggling.

**Item M: School Safety/Climate Update**

This item was skipped due to time.

The meeting broke for lunch at 12:22 p.m.

Secretary Holcombe introduced Ted Fisher, the new Digital Communications and Web Manager for the AOE.

Chair Huling referred to a new draft statement to the Legislature as discussed earlier in the meeting, which is the State Board's response to H.897 regarding setting the census rate for FY2025.

Carroll moved to adopt the memorandum as drafted. Perrin seconded. Discussion followed. Huling asked if the statement was reflective of the earlier discussion. Mathis would like to review the AOE's position and compare the two.

Chair Huling called for a vote. The vote passed. Mathis voted no. Chair Huling asked that the memo be sent to the Legislature.

**Item N: Student Voice-Student Panel: How Have PLPs Influenced Learning**

The student panel consisted of Emma Murphy, Rutland High School; Eleanor Reilly, Harwood Union High School; Olivia Surdam, Mount Anthony High School; Kayla Ball, Randolph Union High School; Zak Kline, U-32; Shannon Mahoney, BFA-Fairfax.



Chair Huling invited the students to talk about their PLPs and Capstone projects and how they have influenced their individual learning.

Each student shared his or her experiences. Discussion followed prompted by questions. Some questions were:

How has this helped you focus on what you want to do in the future?

How has this experience allowed you to find your voice?

What obstacles should we know about?

How do you sell your passion?

How do you help your peers?

How accessible are the programs?

Is it different taking classes by a teacher versus leading it yourself?

**Item O: Caledonia Cooperative UUSD – name change**

Russo-Savage said that this is a request to change the formal name of the new district, which will be filed with the Secretary of State. The Caledonia Cooperative Unified Union School District Board is seeking approval of the new name, Caledonia Cooperative School District.

Perrin made a motion to accept the Secretary’s recommendation. Peltz seconded. There was no discussion.

The vote passed unanimously.

**Item P: Act 46 Section 9 – Factual Q&A**

Russo-Savage said these are the proposals of the districts that did not voluntarily merge under Act 46. The districts are required self-evaluate and to have conversations with their neighbors and develop a proposal to then discuss with the Secretary of Education. The Secretary has reviewed about 26 proposals with about 15 more to go. The process should be completed by mid-late April. The Secretary then has one month to prepare and submit a first draft proposal. The discussions are taking place by region, from north to south and no decision will be made until all the proposals are reviewed and discussed. The proposals themselves are posted on the AOE’s web site.

Russo-Savage suggested meeting in June to review the Secretary’s draft and having the July, August and September meetings in either one of the north, central or southern regions of Vermont so citizens can come and comment if necessary. She said that the Board should begin reviewing the proposals with the north region.

Chair Huling reminded the State Board that no decisions are being made until after the Secretary’s draft is received. Secretary Holcombe suggested that each State Board Member read all the proposals. Russo-Savage said that Act 46 requires the State Board to vote out the final plan by November 30, 2018.

Nicole Mace, Executive Director of the Vermont School Board Association, addressed the State Board. She said that any districts that are ordered to consolidate must be operational by July 1, 2019. It is possible that the consolidations will include multiple supervisory unions. Mace urged

the State Board to not wait until November 30 to vote on the final plan. The school boards appreciate any additional time to respond to the order by preparing budgets, etc.

Discussion followed around timelines, systems crossing supervisory unions and additional meetings.

Chair Huling asked Bachman for a quick update on a current litigation. There was a lawsuit by a resident in the town of Washington brought against the State of Vermont, State Board of Education, Secretary of Education, Secretary of State and the Washington Town School Board which was filed in Orange Superior Court. The complaint alleged that Act 46 violated Vermont's Education clause, the right to educational opportunities and coerced voters into voting for mergers. The State filed a motion on behalf of the defendants to dismiss and argued that the plaintiff lacked standing and that the suit failed to state a claim for which the court could grant relief. The court found that the plaintiff had standing but did not have claim. The court said that the Education Clause creates a Constitutional right to a public education but dismissed the complaint because education is a function of the state and does not create a right of local control of education. The court says the State is not constitutionally required to involve municipalities in school governance restructuring even to the degree Act 46 allows. Thus, all three claims were dismissed. This decision is appealable to the Vermont Supreme Court and the plaintiff has 30 days to act on the appeal.

**Item Q: Vermont School for Girls**

Kathy Coran, Special Education Director, Vermont School for Girls; Ralph Bennett, Executive Director, Vermont School for Girls; Lenny DeRosa, Academic Director, Vermont School for Girls, addressed the Board.

Chair Huling gave a brief introduction. She indicated that the Vermont School for Girls (VSG) was originally on the January 2018 consent agenda and pulled. Chair Huling said that there were some concerns that the State Board wanted to address. She said another school that falls under the same governance gave an indication that the school may be operating at a deficit and it was not identifiable in the documents that were received.

Coran said that they responded to an independent reviewer's report that they thought was harsher than expected. Secretary Holcombe said that their response is included in the Secretary's recommendation. DeRosa said that the site visits took place. Their response was provided in 30 days, as required. DeRosa said that they were not aware of any issues. Coran added that there were no questions supplied in advance of this meeting.

Bennett supplied background on the school as well as the management team. He described improvements made to the campus. Carroll questioned details of the applications. He was curious who is accountable for the Vermont School for Girls and who ultimately governs the school. He had concerns regarding leadership and character of leadership.

Coran asked what would remedy what the State Board was offended by on the application. DeRosa said that he and Coran completed the application and they both welcome the feedback.



Chair Huling said that including supplemental materials with the application around governance and leadership would have been helpful. Discussion followed regarding VSG's strategic plan, updating curriculum, IEPs, building construction, financial capacity, progress and needs of students, documentation and loans for improvement.

Further lengthy discussion followed regarding a deficit and financial viability. Mathis suggested not taking action to allow VSG time to supply additional information to the State Board. He asked Carroll to advise VSG on the specific documentation needed. DeRosa had concerns that VSG were not notified in advance of any concerns by the AOE. Chair Huling said that the State Board was concerned. She urged them to review the 2200 Rules Series.

Carroll said he would like to understand the financials for the VSG to include a trend line from FY 2015 – FY 2017 and any debt. Additionally, Carroll would like assurances from the Board of Directors that they have faith in the current leadership. Mathis said that the State Board must be clear in its expectations. Chair Huling asked for an outline of company leadership and the different levels of leadership within the organization and details on where leadership stops and accountability begins.

Secretary Holcombe said that VSG's current approval continues until the Board acts. She asked that the information be submitted to Pat Pallas-Gray at the AOE who will disseminate the information received accordingly.

Discussion followed with a debrief of the VSG conversation and then moved on to special education bills in the House and Education Committees.

Solimano and Beck left the meeting at 3:55 p.m. to testify on student voice in Montpelier at the State House.

#### **Item R: Vote on Legislative Statements Discussed in Item K**

Chair Huling said that this is already completed.

#### **Item S: NASBE Membership and Dues**

Mathis said that 25% discount was negotiated off the full price. The price is a little over \$18,000. The fee includes the cost of two members to attend a civic engagement conference in Washington, D.C.

O'Keefe made a motion to not approve the NASBE membership and dues. Perrin seconded. Carroll said he would like to know if the budgeted amount could be repurposed for the Board. He did not want to vote until he was informed. Perrin said that answer would have no bearing on how he votes.

O'Keefe withdrew the motion. NASBE vote is postponed.

#### **Item T: Calendar Review**

Chair Huling asked if the Board would like additional meetings for the purpose of the State Plan. Discussion followed on extra meeting dates. Chair Huling asked for a Doodle poll for an additional meeting in June and October. The November meeting will be on the 14<sup>th</sup>.

Chair Huling asked if there was any other business.

Weinberger made a motion to adjourn. Peltz seconded.

The vote passed unanimously.

The meeting adjourned at 4:20 p.m.

Minutes recorded and prepared by Suzanne Sprague

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