



Thursday, November 15, 2018

Barre Elks Lodge  
10 Jefferson Street  
Barre, VT 05641

### November 15, 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.*

## Draft Minutes

### **Present:**

**State Board of Education (SBE):** Krista Huling, Chair; William Mathis, Vice Chair; Mark Perrin; Peter Peltz; John O'Keefe (joined at 9:07 a.m.); Callahan Beck; John Carroll; Oliver Olsen; Stacy Weinberger, Dan French.

**Agency of Education (AOE):** Donna Russo-Savage, Ted Fisher, Brad James, Maureen Gaidys.

**Others:** David Major, Westminster; Tiffany Donza, Stowe; Lynn Morgan, Athens; Harold Noyes, Athens; June Lupiani, Grafton; Joshua Darius Murray, The World!; Kerry Amidon, Vernon; Flor Diaz Smith, East Montpelier/Washington Central; Jackie Tolman, BSU; William Bazyk, BVSU; Lisa Perrault, BSU; Joanne LeBlanc, OSSU; Rhoda McMartin, OSSU; John Smith, OSSU; Heather Wright, OCSU; Bev Davis, OCSU; Orise Ainsworth, Hardwick; Seflera Boutin, Barre Town; Gelles Boutin, Barre Town; Tray Wrend, LSSU; Victoria Von Hessert, Lakeview Union; Rob LaClair, Barre Town; Elizabeth Burrows, West Windsor; Paul Malone, Barre Town; Marcia Biondolillo, Barre Town; Erica Loomis, Stowe; Gina Akley, Barre Town; Jim Brochhausen, Stowe; Mark McCarthy, Barre Town; Kristin McCarthy, Barre Town; James Culkeen, SVSU; Victoria Pompei, Barre Town School Board; Sean Whalen, Weathersfield; Jackie Cassel, Barre Town; Tommy Walz, Barre City; Amy Fowler, Barre City; Francis McFaun, Barre Town; Julia Pritchard, WNESU; David Baker, WSESU; Michael Deering, Barre City; Emilie Knisley, OESU; H. Brooke Paige, Washington, VT; Amy Leroux, OCSU; Anita Ristau, Barre City; Judy Murray, BMU; Kristen Martin, Barre; Mark Tucker, Washington NESU; Rick Holloway, WNESU, Rockingham; Cheryl Charles, WNSEU, Westminster; David Clark, BFUHS/WNESU; Nicol Whalen, Arlington; Todd Wilkins, Arlington; Jeff Tilley, Arlington; Alan Ouellette, Stowe; David Delcore, Times Argus; Judith Jackson, Irasburg; Jeff Francis, VSA; John Pandolfo, Barre SU; Jeff Epstein, Eagle Times; Susan Seigel, Stowe; Lola Duffort, VT Digger; David Bickford, EMUU; Dave Sharpe, Legislature/Bristol; Jackie Wilson, BRSU.

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

Chair Huling called the meeting to order at 8:37 a.m. and asked members to introduce themselves. Huling, Courtois, Weinberger, Beck, Peltz, French, Mathis, Perrin, Olsen, Carroll introduced themselves. Chair Huling stated that the first order of business was to amend the agenda. She shared that she was contacted by Stowe, Morristown and Elmore with a request to address the Board since they only learned two weeks ago that they would be merged. She felt

this was a reasonable request as long as the same invitation was extended to all boards affected in the same way, so she contacted and extended the same invitation to Elmore-Morristown, Hardwick SD, Lakeview, Athens, Grafton and Westminster SDs. She requested that time be added (10 minutes presentation and 10 minutes of questions and response) to hear Elmore, Morristown and Stowe at 1:15 p.m., Hardwick at 1:35 p.m. and Athens-Grafton at 1:55 p.m. Chair Huling shared that she received an email from superintendent LeBlanc saying that the Hardwick SD board would not be using their time; there might be other representatives, but not board representation. Additionally, there were some procedural votes that were warned: 1) Blue Mountain had a negative vote, but not a positive vote 2) the Board's Hazen and Hartland provisional actions had some peculiarities with motions due to difficulty hearing so those will return to the table and Hazen will be moved to later so that the Board can hear from Hazen prior to any action. Perrin moved to amend the agenda, Olsen seconded. Chair Huling called the vote. The vote passed unanimously.

**Item C: Public to be Heard**

Chair Huling clarified that Orleans Central SU and Barre were given agenda time to discuss their proposed mergers. There were 14 members of the public to be heard. Chair Huling explained that each member would have 4 minutes to be heard. She explained the process would be to call the next person on the list so that they could be ready and enable this process to move along smoothly. Weinberger volunteered to keep time.

The following members of the public addressed the Board on the Board's Act 46 decisions:

Paul J. Malone, Chair SHS/CVCC, Barre  
Marcia Biondolillo, Barre  
Dottye R. Ricks, Barre Town  
Alan Ouellette, Stowe  
Dave Sharpe, Bristol  
Orise Ainsworth, Hardwick  
Nicol Whalen, Arlington  
James Culkeen, SVSU  
Elizabeth Burrows, Windsor/West Windsor (Mt. Ascutney School District)  
Mark McCarthy, Barre Town  
Kristin McCarthy, Barre Town  
Erica Loomis, Stowe  
Victoria Von Hessert, Lakeview Union  
Sean Whalen, Weathersfield

Chair Huling thanked the members of the public and called a recess at 9:31 a.m. with the intention to reconvene at 9:45 a.m.

Chair Huling called the meeting back to order at 9:51 a.m.

#### **Item D: Discussion on plans not covered in previous meetings**

##### Orleans Central

Chair Huling introduced item D and asked the district representatives to introduce themselves. Bev Davis, superintendent for Orleans Central and Amy Laroux, Chair of the SU Board and the Irasburg School Board, did so. Chair Huling directed the Board to page 100 in the Secretary's Proposed Plan and read the Secretary's recommendation. Chair Huling asked if there was a prepared presentation. Davis shared that the board members stand behind the plan submitted to merge the seven towns and have a PreK-12 district. She clarified that the vote failed in six towns and that the one town that did pass the vote operated no school and has school choice for K-8 and belongs to a union high school. There were questions and discussion on resolving the dilemma of conflicting information, dynamics/reactions to the two votes, an equity audit and how they are working to mitigate the disparity, difficulty in staffing schools under the current structure, parents' thoughts on the merger, social problems that impact education and how to best serve these students, SU budget (assigned and not voted on) and transparency, imposed merger changing behavior, difficulty filling school board seats, data at the high school level that might give equity information, concern about high school receiving wide array of different capabilities based upon school of origin, opportunities provided to students in small schools, thoughts on creating a regional middle school program, how much money there is in small school grants and the percentage of these grants, and that budgeting without these grants means cutting staff at each school.

##### Barre SU

Chair Huling invited representatives from Barre to address the Board. Representatives present: John Pandolfo, superintendent, Barre SU; Giulano Cecchinelli, Barre City SB; Michael Deering, Barre City SB; Paul Malone, chair, union high school board; Alice Farrell, chair, Barre Town SB, Victoria Pompeii and Chris Hull, Barre Town SB.

Chair Huling explained that they had 10 minutes to speak, leaving 10 minutes for questions. Deering had only one request, that the Board incorporate their articles of agreement to ease the tension with those who are opposed to this merger. Representatives spoke of the need for a reasonable and rational discussion that looks at all that has happened over the last three years, no votes to merge, the amount of time spent and that no one would want to be part of this because of the time commitment, a lot that has been moved to the SU level, coordination of policy and streamlined activities, the final analysis is a PreK – 8 scenario and what is the best educational format for the students, how the law applies, using their articles of agreement, difficulty filling school board seats. There were further discussions and questions on transparency and budgeting; the largest budget (\$14 million) is in the SU and not voted on, distribution on votes between Barre City and Barre Town, feelings about the City and why they want to merge, tax incentives being beneficial, students' experience and hope for this merger, the number serving on SU board and the frequency of meetings and what would be different, duplication of effort, making more sense for parents to have one Board, confusion over three boards being easier for parents to navigate, loss of local control, three separate boards dealing with educational matters creates a conundrum, clarification on how differences in skill sets are addressed at the high school level, hiring of staff (ELL), background and foundational knowledge that is lacking, opportunity to change default articles of agreement, that default

articles are truly “default,” significant support from individual communities, defining a “new local,” identifying as an individual school and part of the current SU, that there is emotion/fear and the Board needs to be aware as they move forward, and that everyone wants what is best for children. Chair Huling acknowledged the Barre representatives for coming and modelling civility.

Chair Huling called a 2-minute break at 10:39 a.m. Chair Huling reconvened at 10:47 a.m.

**Item E: Revisit and Ratify Previous Decisions**

Chair Huling explained that due to sound issues at the last meeting there were some details missed around motions and meeting minutes and that legal counsel had reviewed the minutes and had prepared appropriate motions.

Hartland and Weathersfield SDs

Chair Huling explained that the Board voted to approve that it was not practicable to require a merger at this time, but there was no motion made or seconded. Chair Huling asked for a motion. There was discussion on reconsidering the vote and moving to concur. The Board asked for advice from legal counsel. Tom Little said the Board could move to reconsider the vote that was taken to simply agree with the Secretary’s recommendation, could move to rescind it or move to clarify it by stating the full form of the motion. Huling suggested voting to clarify. O’Keefe moved that notwithstanding any previous votes taken by the Board, that for the reasons articulated in the Secretary of Education’s June 1, 2018 proposal for the Hartland SD and Weathersfield SD, that the Board provisionally (i) find that the proposal satisfies and meets the requirements of Act 46, as amended, our rules and other applicable law, and (ii) approve the Secretary’s proposal for these school districts, subject to final approval by the Board after further review and deliberation prior to November 30, 2018.

Peltz seconded. Chair Huling called a vote. The vote passed unanimously.

Blue Mountain

Chair Huling explained that at the prior meeting, the Board had voted down the Secretary’s proposed merger. She explained that the Secretary recommended merger of the Blue Mountain SU with the Bradford SD, the Newbury SD, and the Oxbow UHSD, into a single UUSD. Perrin had then moved to depart from the Secretary’s recommendation and there was no second. The Board then recessed and upon resuming Olsen moved to agree with the Secretary. Perrin seconded. And the motion was defeated by unanimous vote. Huling explained that the concern is that at the last meeting there was never a positive vote, only that they were voting down the Secretary’s recommendation and that the intent is to be explicitly clear. She asked for a motion that affirms this in the positive. Peltz moved that the Board provisionally (i) not approve the Secretary of Education’s June 1, 2018 proposed statewide governance plan merger proposal for the Blue Mountain school district and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our rules, and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018.

The reasons for the Board’s action to provisionally not approve this merger are as follows: The proposed merger is not practicable because at this time there are significant obstacles to

achieving the goals of Act 46, as amended, for the Blue Mountain SD, obstacles as described in the Secretary's report, as described by those in the Blue Mountain SD, and as articulated by the Board in its October 17, 2018 discussions. Beck seconded. Chair Huling asked if there was any discussion and commented that it was ambitious to have Blue Mountain, which had been its own SU and was made a district within a different SU just this past June to continue that process and merge with other districts when they were just moving from an SU to a district. Chair Huling called the vote and it passed unanimously.

**Item F: Review Provisional Decisions and SU Boundaries**

Chair Huling introduced this item and explained that the Secretary had given an ambitious list of SU assignments and what had stuck out to the Board was the Battenkill Valley SU. Chair Huling read the Secretary's new recommendation (the green sheet handed out to Board members) that the State Board of Education: adjust the boundaries of the current Southwest Vermont Supervisory Union (SVSU) to include the Arlington School District and the Sandgate School District pursuant to 16 V.S.A. § 261(a); establish July 1, 2020 as the day on which the enlarged SVSU will be fully operational; authorize the board of the Arlington School District to appoint three of its members to the SVSU board on or after November 15, 2018 pursuant to 16 V.S.A. § 166 to assist with the transition to full operations of the enlarged SVSU; and authorize the board of the Sandgate School District to appoint one of its members to the SVSU board on or after November 15, 2018 pursuant to 16 V.S.A. § 166 to assist with the transition to full operations of the enlarged SVSU.

Chair Huling asked if the Secretary wanted to speak to this now or later. Secretary French spoke about a conversation with superintendent Culkeen and noted that the default configuration of the law for SU boards is three votes if you are operating a school and one vote if you are a non-operating district and that is where the recommendation came from. He continued that Culkeen said there is an alternative approach available and he asked Culkeen to clarify the representation model on the SU Board.

Chair Huling asked superintendents Culkeen, Wilson and Bazyk to address the Board. The superintendents introduced themselves: Jim Culkeen, superintendent, Southwest Vermont SU, Jackie Wilson, superintendent Bennington-Rutland SU, and Bill Bazyk, superintendent, Battenkill Valley SU. Culkeen spoke about his current SU and that each member town has two voting members and one alternate member, so there are three members from each town, but only two are active at any one time. There was discussion on operating schools and that the option of an alternate is not available under the law, and that this requires a request from the SU Board to the State Board. French said he stands behind his recommendation for a three and one for Arlington and Sandgate and to leave it up to the SU board to make a formal request to the SBE for an alternative model.

Mathis moved to adopt the Secretary's recommendation as presented and read the Secretary's recommendation. Peltz seconded. Chair Huling asked for any discussion. Carroll asked if the superintendents supported the proposal. Culkeen stated that he didn't have enough time to study and understand it. Wilson offered that her SU would not be directly impacted, but that she sees difficulty with capacity and does not operate a public high school and that would be a whole new challenge. Bazyk reiterated what Culkeen has said - that it could work, but that

more time is needed and that it is hard to formulate an opinion within only a few weeks. Chair Huling asked if there have been any conversations since this was addressed in the Secretary's June 1 Proposed Plan. The superintendents responded that there has not been much discussion on this lately, and that it is really a new consideration for the SVSU. Olsen said he supports the proposal and that it has a delay in the implementation date and that he is concerned with further delays and turnover in staff. There was further discussion on getting approval for an alternate structure of governance/articles, impact of legal services, gearing up for four elementary districts in the SVSU to merge into one taking a lot of time, question on the possibility of moving the date out another year, importance of moving this along.

Olsen then offered an amendment: to amend the motion on the table to specifically modify #2, the date of which the enlarged SVSU will become operational from 2020 to 2021. Mathis seconded. Chair Huling called a vote on the amendment. The motion passed unanimously. There was discussion on why these two keep being joined together, patterns of enrollment, the request from Sandgate to be assigned to another district, and that Sandgate-Arlington are sister towns. Chair Huling called a vote. The vote passed. Carroll voted nay.

#### **Item G: Default Articles of Agreement**

Chair Huling invited Donna Russo-Savage to address the Board and walk the Board through the updated version of the Draft Articles of Agreement. Russo-Savage explained that the green highlights are primarily for the AOE when preparing these for districts. Russo-Savage addressed the changes. The first change was on page 2 under i and was a clarification. There was another change made at the bottom of page 2, under Article 4A to address a comment that multiple towns might be involved. The first substantive issue was on the bottom of page 3 and addressed the transfer of property being for \$1 or not. She shared that she had spoken with the Board's counsel, and he had agreed that it was advisable to include this, and that a fuller phrase would be to include "and other good and valuable consideration." There were questions/discussion on assuming indebtedness, alternate arrangements for indebtedness in articles of agreement. Russo-Savage directed the Board to the next change on page 5, that addressed the Board's concerns regarding employment contracts. She explained that this is backdating this to prior to issue, but giving them the heads up that it is coming. There was discussion on having employment contracts issued in March.

The next issue is on page 5, Article 8A and page 6, B (v) reminding people that it is important to identify locations. There was discussion on examples of where there are an equal number of forming districts in two SUs and that the default articles don't apply to the Bakersfield/Berkshire existing district. The next issue was on page 7 at the bottom and was in response to concerns around the chair and/or clerk not wanting to serve in this role on the transitional board. The default will be the chair and the clerk as of July 1, but it will be left up to the entire board to appoint different representatives. Russo-Savage said she would come back to the changes on page 9. The next issue was on page 10 and was not requested but added so that it would be clear that this is something that is decided by the voters at the organizational meeting. The next issue was on page 11, under D. The number 14 is highlighted because that had not been a certainty. Page 12 has added language that makes it clear that the new union district has the full responsibility for everything that the forming districts and their boards cease

to be responsible for – and recognizes that there are things the new board cannot do, and these must be performed by the forming districts.

There was discussion on pushing out the dates and adjusting the dates so that they were not in conflict with anything passed by the General Assembly, that this might make it more confusing, providing these points to the General Counsel, and existence/dissolution of boards. In the amendment section on page 14, under Article 13, the Board had asked that a couple of provisions be included that would allow a majority of voters of the entire union district to make amendments. Russo-Savage noted changes under subsection ii. On page 15, Russo-Savage noted that language of “entire union district” is added. Russo-Savage shared conversations with folks about need for a process that supports and/or provides guidance on this and how the amendment committee is created. She spoke specifically about the italicized language on page 15 and that what is embedded in Act 49, but that it might not be as clear as what is needed. She asked if the Board wanted to spend more time on this process at this meeting or if they wanted the AOE to issue a guidance document. Chair Huling suggested putting as much clarity as possible in this document. Olsen preferred a guidance document. Russo-Savage offered to prepare a guidance document to have the Board review. Secretary French concurred that the responsibility for the guidance falls to the AOE, as well as communicating with the field. He supported keeping the articles as tight as possible.

Russo-Savage revisited page 8 (last line of paragraph D) and page 9 under b; she wanted the Board to be clear that a transitional board has no discretion to warn a vote on amendments if any are prepared by the amendment committee, they are required to do this, and it is not optional in any way. There was discussion on the duties of the transitional board and how it is determined. Olsen offered a minor edit on page 9 article 10 section A, first paragraph: he suggested replacing “approved” with “bound” or something else. Mathis asked for the citation on that case and Olsen asked for a footnote with citation to be included in the document. Chair Huling thanked Russo-Savage for her work.

Chair Huling noted that the meeting was ahead of schedule and suggested moving to the consent agenda, which was only the approval of the October 29 minutes. She recognized that the last meeting made minute-taking very difficult.

#### **Item M: Consent Agenda**

O’Keefe moved to suspend the rules and take up the consent agenda; Carroll seconded. Chair Huling called a vote and the vote passed unanimously. O’Keefe moved to accept the consent agenda; Carroll seconded. Chair Huling called the vote and the vote passed unanimously. Huling again expressed appreciation for Sprague and Gaidys.

Olsen moved to suspend the rules to address item N, Calendar Review, out of order. Weinberger seconded. Chair Huling called a vote and the vote passed unanimously.

#### **Item N: Calendar Review**

Chair Huling shared that the next Board meeting is November 28 and St. Albans will be the host. She spoke about how difficult it has been to find places to host these meetings, especially in November when many schools are using auditoriums for fall musicals. Chair Huling

announced that two board members' terms will soon end, and upcoming meetings would be held in locations that they represent. She confirmed that the December meeting is at Mary Hogan School in Middlebury and the January meeting would be in Burlington and that starting in January the meetings would be back to the third Wednesday of the month.

Carroll referenced Act 46, section 8(b). He spoke about it addressing that it is the best means of meeting the goals and that it ensures transparency. He asked if the language used in making motions is specific enough to address these obligations. Chair Huling stated that she thought this was a legal question.

Chair Huling asked about any interest in suspending the rules to take up item L. Weinberger moved to suspend the rules discussion to take up item L, out of order. Mathis seconded. Chair Huling called a vote. The vote passed unanimously.

#### **Item L: Act 46 Reflection and Next Steps**

Chair Huling introduced this as an opportunity to discuss what is next for the Board, for the Agency and for the legislative agenda and how these might fit into the State Plan and other issues as the Board looks forward.

Weinberger spoke about feeling proud about having such a wide variety of votes, the integrity in the process, respectful disagreements, and that by statute the Board represents different areas of the state and the importance of drawing more on the geographic knowledge of each member.

Peltz looked to the past and spoke about remembering before Act 153 and concern of cost containment without impacting the delivery of education. He spoke about the need 10 years later to address cost containment while preserving the quality of education, that this has been a challenging exercise, that he feels as a member of this Board that they did a good job and he commended fellow members.

Carroll concurred with the great collaboration of this Board. He continued that this citizen Board brings a lot of different perspectives, and that even when compared to his days in the Senate, this challenge has been one of the most difficult decisions he has faced. He expressed that where we are headed has potential to cause collateral damage to the will of the people. He said that no one could visualize that there would be so much voice expressed. He continued to talk about the mystical quality of importance of the will of the people, that the votes he remembers the most are the ones that he regrets, that it feels like he might regret not taking into account what the people in these communities have said, that it is easy to feel judgmental, but that it's the Board's duty to hear what they say, and that there is no doubt that this Board is committed to equity for all students in the state. He added that he is feeling increasingly troubled by inflicting mergers upon communities, even though there is no doubt that there is authority to do so, but that doesn't mean it has to happen. He offered that this might be obvious as the afternoon progresses, and he votes nay.

Chair Huling spoke about appreciating the Board because they are pushing and pulling, reading the public comments and how this helps shape decisions and the need to parse out the

emotions and what is required of the Board and what is best for the kids. She commended the Board for keeping the focus on students, opportunities, and equity.

Mathis concurred with most of what Carroll said. He further suggested having evaluations one and three years out by an independent party because everyone else can have biases. He spoke about consolidation failing in the national literature, and that we still don't have any real idea on money saved and educational quality improved. He talked about the need to look at dollars and organizational quality. He said there is a huge range of quality of schools in this state; some systems work well, others not so much. This needs to be examined and parsed in conjunction with Education Quality Standards (EQS), which there hasn't been much time spent on. One critical purpose of public education is to strengthen democracy and that cannot be ignored – we need to involve people in a far greater way in their schools. It is imperative to involve the people.

Olsen expressed sympathy for Carroll's and Mathis' point, and said it is a challenge that he too has wrestled with but keeps coming back to the point that we have a representative democracy. He spoke about the example of the electorate saying no to the merger, but the local boards being very involved with the details, and even with this, the electorate has not chosen to replace them. He spoke further about the real issue being the commitment to equity and the perspective of parents whom we have not heard a lot from and the need to provide equitable opportunities. He shared a story of a single mom who moved out of a community that did not offer the same level of opportunity as the community that she moved into – that she is working three jobs and going to school part-time – and that she wanted something better than what she had and made the move. When asked if she had engaged with the school board, she said she didn't feel like she had a voice. He continued that sometimes the democratic process doesn't always give them the voice.

Weinberger spoke about the weight of the voice and looked to Barre as an example. She asked how the Board could say that the 2,600 no votes are more valuable than the 3,100 who voted yes. She also spoke about using the lens of what the Board could do differently that local boards cannot do.

Chair Huling spoke about Act 46 being the Board's sole purpose since June. She hopes that the next steps will be using the lessons learned to make needed changes. She spoke about a mother leaving a town that she has lived in for 15 years so that her child could get the services he/she needs. She continued that even though we are losing students, there are more issues with these fewer students.

O'Keefe spoke about the difficulty of making these huge decisions and that fear of making decisions shouldn't paralyze the Board from making decisions. He shared two ways of looking at how you behave in government: do what you think people want you to do or swim against the current because you think it's the right thing to do. He said that what guides his thought process is his own two kids and needing to ask if he would be happy with what was happening if he lived in that town. He added that this is a thoughtful board, and that they have considered each proposal on its own merit.

Chair Huling spoke about Vermonters wanting their rural schools and the idea of using retired school buildings and repurposing these (giving free rent in lieu of services), to keep them part of the community and to benefit the community centers. She spoke about funding streams, PreK, daycare, need for economic vibrancy and the need for a bigger conversation than just education.

Beck spoke about how she doesn't always talk, but she does listen a lot, and that it is hard to sometimes know what the students want, and that she appreciates that the Board always goes back to what is best for students. She acknowledged the Board for giving students as much thought as they have given. Chair Huling acknowledged Beck for taking on the challenge of being a student member at such a monumental time.

Chair Huling called a lunch recess at 12:31 p.m.

Chair Huling called the meeting back to order at 1:17 p.m.

**Item H: Hearing from towns that were not recommended to be merged in the Secretary's proposal, but are now under consideration for merger**

Chair Huling reminded the group that she had been contacted by Stowe with a request to speak to the Board and she agreed and extended the same invitation to the member districts of the Hazen UHSD, and to Athens-Grafton and Westminster.

Elmore-Morristown UUSD – Stowe SD

Chair Huling asked representatives from Stowe to introduce themselves to the Board. David Bickford, member of the Elmore-Morristown Unified Union School District (EMU) introduced himself and Jim Brochhausen, six-year member of the Stowe board. Bickford made a point that both school districts were here and authorized to speak on behalf of their respective boards. Chair Huling explained the process was for 10 minutes of presentation and 10 minutes for questions from the Board. Bickford asked the Board to reconsider and reverse the action taken on October 29 to reject the Secretary of Education's recommendation to approve the EMU-Stowe application for the status quo governance structure. Bickford thanked the Board for the opportunity to speak and acknowledged the Board for its heavy agenda and weighty decisions to be made. He confirmed Board receipt of the letter from board chairs, Cara Zimmerman and Stephanie Craig and offered to augment this letter.

Bickford said they would talk about questions on the rationale/reasons for rejecting the Secretary's proposal, asked the Board to share why this forced merger is the best means for achieving the goals of Act 46, offered to share some data that shows current successes in addressing Act 46, then will share why this forced merger will place them in the position of retreating from rather than enhancing the goals of Act 46, and finally the role that organization culture plays in mergers.

Brochhausen spoke about how EMU and Stowe meet and achieve the goals that have been set by Act 46, identical curriculum, graduation rates, AP course offerings and passing grades, SAT participation rates, EQS, expansion of Chinese as an offering, math and language coaches, proficiency based learning and grading across districts, academic camps, internships, teachers, curriculum camp, maximized operational efficiencies, that they are 24% more efficient than the

average SD in Vermont, transparency, contested elections for school board members, budgets supported and passed, the impracticability and improbability of these two high-functioning districts, tax implications, risk of collaboration being replaced with hostility, long-term debt, pending capital projects, stable or growing enrollments.

Bickford spoke about culture and the emotional impact of change and quoted Erik Hoffer who said, "Every major adjustment is a crisis in self-esteem." He continued to speak about the emotional impact of change, that dialogs are necessary to ensure a successful transition, and giving weight to the issue of culture. He reiterated that he would like to hear from the Board why it sees this merger as the best means to achieve Act 46 and he cautioned that a forced merger might imperil one or more Act 46 goals and argued for the resources necessary for their communities' core beliefs to become congruent to ensure success.

The Board had questions/discussion on increasing and projected enrollment, capital debt projects and how long they had been under discussion, SU budget (\$5 million) and the individual district budgets (\$27 million), and per pupil costs. Carroll spoke for himself and said that he had voted to reject the Secretary's proposal (and support the merger) because the assessment and recommendation cited "...trusting that EMU and Stowe's concern for the wellbeing of their children will compel them..." He continued to state that his own analysis showed some persistent and different outcomes for students at EMU and Stowe and was noteworthy; he asked what was being done about it. There was further discussion on closing the achievement gap, keeping both schools as they are but offering more resources, what might have derailed conversations, using Middlebury College interns to expand Chinese to both districts, historic perspective of having such significant capital improvement needs, safety, and rejected bond issues.

#### Members of the Hazen UHSD

Chair Huling confirmed that there was a representative present but that he/she didn't want to address the Board.

#### Athens-Grafton-Westminster

Chair Huling asked the district representatives to introduce themselves: Jack Bryar, Grafton school board and high school board; Cheryl Charles, Westminster school board and SU board; Dave Major, Westminster school board and SU board; Rick Holloway, Rockingham school board; Harold Noyes, Athens school board and SU board; Lynn Morgan, Athens and SU school board; June Lupiani, Grafton school board. The representatives made note of having representatives from four towns and asked the Board to reconsider its decision. There was discussion on Superintendent Pratt's experience with his past merger and the current proposed merger, cooperation, work in progress to increase efficiencies, exceptional work of the boards on the AGS, the seriousness of the AGS, jointly implemented Continuous Improvement (CI) plan throughout the SU, creating uniform policies, sharing programs, collaboration on bulk purchasing and a Farm-to-Table program, Rockingham's vote in favor of a merger and the tightness of these communities. Lastly, if a merger were to take place representatives said it would be difficult because it would be a 30-minute drive by car, the debt issues would be pretty severe (tax rate of \$1.60 (Westminster) vs. \$1.20 (Athens and Grafton); this could have huge

impacts on either taxes or programming. There is already collaboration and a lot of buy-in, and it feels like votes are respected and voices are heard.

O'Keefe clarified that Act 46 doesn't require that schools close and spoke about there not being a lot of debt service left and that debt service makes up part of the difference in tax rates. There were additional questions and discussion on forcing a merger and disrupting a system, being merged and towns people not knowing where the Westminster school district is located. Chris Pratt joined the meeting at 2:08 p.m. Weinberger asked about the pursuit of an Athens-Grafton union elementary school district referenced in the Secretary's June 1 proposal. Pratt explained that it was a work in progress but didn't give specifics to Weinberger's question. Chair Huling reiterated the question of where they are in the process. Representatives responded that the shotgun approach of this has brought everything to a dramatic halt as there is so much anger in both communities. They continued that there is a process that is being worked towards and it is has been disrupted and that there needs to be respect for this process. Olsen asked for clarification on when the merger committee last met. Representatives replied that there has not been much active discussion since they found out they were a candidate for a forced merger. When pressed, they said it has been a few months since they met, but they are meeting again tonight. It is hard to get people to be part of something that is a forced process.

**Item I: Revisit and ratify previous decisions**

Chair Huling moved on to the Hardwick SD/Lakeview UESD. She explained that after reviewing the minutes from the last meeting (see page 11) it shows that Olsen made a motion, Carroll seconded it and then the Board recessed and when the meeting resumed a new motion was made without first dealing with the first motion. Chair Huling said that in order to clear this up, the Board needs to withdraw the first motion and revote the second motion. Olsen withdrew the motion that was introduced and still on the table. Carroll seconded the motion to withdraw the motion. Chair Huling called a vote. The vote passed unanimously.

Olsen reintroduced the motion from the draft 10/29 meeting minutes (end of page 11): that the Board provisionally (i) not approve the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal to not merge the Hardwick, Lakeview and Woodbury School Districts and (ii) find that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board's action to provisionally disagree with the Secretary and instead to approve this merger are as follows:

The merger is in fact practicable because the obstacles or concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended; and for reasons articulated by the Board in its discussions. Weinberger seconded. Little consulted with Chair Huling. Olsen then moved to withdraw his motion. Olsen offered a new motion: that the Board provisionally (i) not approve the Secretary of Education's June 1, 2018 proposed Statewide Education Governance Plan's proposal to not merge the Lakeview Union Elementary School District, the Greensboro School District, the Hardwick School District, the Stannard School District (but not including Grades 7-12), and the Woodbury School District, and (ii) find that the proposal does not satisfy or meet

the requirements of Act 46, as amended, our Rules and other applicable law, subject to a final decision by the Board after further review and deliberation prior to November 30, 2018. The reasons for the Board's action to provisionally disagree with the Secretary and instead to approve the merger of these districts are as follows:

The merger is in fact practicable because the obstacles or concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended; and for reasons articulated by the Board in its discussions.

Mathis seconded. Chair Huling asked if there was discussion. Peltz asked to be recused from the vote. Carroll said that consistent with sentiments offered earlier that he would be voting in opposition to this motion. Chair Huling called the vote. The vote passed. Carroll voted nay.

Chair Huling said that concluded the work on previous decisions and that the Board now needed to take up those that there are no decisions on, starting with the Orleans Central SU.

**Item H: Review State Plan in general, including possible discussion of any districts subject to the Final State Plan**

Orleans Central SU

Chair Huling explained that Orleans Central might need a special motion since the town that voted in favor has a different operating structure that cannot be added in. Chair Huling said that if the Board chooses to merge this area, they could vote to change their structure, but that isn't something that the Board can do. Chair Huling asked for thoughts and any recommendation from the Secretary. Secretary French had nothing additional to what was in the report. He thought the issue of respecting the voters and their ability to consider the 706 process was an important one, but now it was time for the Board to make a decision.

O'Keefe noted that he found it interesting that the entire board supports their proposal, that the voters rejected it and that no one ran against any of the board members. There was discussion on supporting the school board since they were standing by their proposal, Westmore remaining in the SU but needing to change their operating structure if they merged, and creating the smallest number of districts in the SU. Little consulted with Chair Huling, who asked for a motion. Olsen said in light of the Secretary of Education's decision, in the June 1, 2018 proposed statewide plan, to not make a merger recommendation for the seven town school districts in the Orleans Central SU (Albany, Barton, Brownington, Glover, Irasburg, Orleans ID, Westmore) and their union high school district, one way or the other, out of respect for the local voting process which was still pending when the Proposed Plan was issued, I move that the Board provisionally find that the Albany, Barton, Brownington, Glover, Irasburg, Orleans ID and Westmore districts shall merge to form a union elementary school district for the following reasons:

The Board agrees with the analysis in the districts' 2016 and 2018 study committee proposals for the voluntary merger in which the districts state that merger would achieve the goals of Act 46 as amended; the merger is in fact practicable because the obstacles or concerns described by the

affected communities are not significant impediments to a merger; and for reasons articulated by the Board in its discussions and by the Secretary's analysis of other similarly structured districts in the Proposed Statewide Plan. Weinberger seconded. There was discussion on this being a hard case with conflicting views, that the school boards making these recommendations are asking us for a merger, different systems having different results, confidence in a merger improving systems, that they are looking for help from the Board, that students start out together in PreK and then separate and reunite for high school.

Olsen then offered a technical amendment, as he inadvertently included Westmore and that needs to be stricken. Olsen amended the motion to strike Westmore altogether from the motion; Peltz seconded. Chair Huling called the vote. The vote was unanimous to amend the motion. There was discussion on an original vote that failed, was then reworked and sent back again, rejected again and they voted them all back in office. Secretary French reiterated that these districts have demonstrated a lot of capacity to work together and that he is starting to wonder about the efficacy of small schools at the K-8 level. He added that the Board should be concerned with middle schools with only twenty students. Chair Huling called a vote. The vote passed. Carroll and Mathis voted nay.

#### Barre City/Barre Town

Chair Huling introduced this item and noted that what struck her about this morning's conversation was that the SU budget was \$14 million, and the district budgets are \$10 million; that the SU budget is not voted on and is hidden from voters, and the concern for transparency. She continued that this speaks to using the SU structure to get things done and balancing equity with transparency. There was further discussion on what the money is used for, that the overall population passed the merger, the 100+ year old high school, each SD's fiduciary responsibility to its citizens, what this means for students, and lack of a united PreK-12 vision. Chair Huling asked for a motion. A member of the public spoke out of order and said they hadn't addressed the re-vote. Chair Huling called this public member out of order and agreed that had not been discussed.

O'Keefe then said in light of the Secretary of Education's decision in the June 1, 2018 Proposed Statewide Plan, to not make a recommendation on a merger for the Barre City Barre Town, and Spaulding Union High School districts, one way or the other, out of respect for the local voting process which was still pending when the Proposed Plan was issued, I move that the Board provisionally find that the districts shall merge to form a unified union school district for the following reasons:

The Board agrees with the analysis in the districts' 2016 and 2018 study committee proposals for voluntary merger in which the districts state that merger would achieve the goals of Act 46 as amended; the merger is in fact practicable because the obstacles or concerns described by the affected communities are not significant impediments to a merger; and for reasons articulated by the Board in its discussion and by the Secretary's analysis of other similarly structured districts in the Proposed Statewide Plan. Perrin seconded.

Mathis clarified that the motion was shall merge, not shall not merge. Carroll addressed the out of order comment on the no vote and said the State Board had authorized this vote to be

delayed until November 6 as a courtesy. There was further discussion on: common curriculum required by Act 153, what makes us think merging and its complications around debt and tax rates will offer a significant improvement if those same purposes are required by law and can be achieved by boards acting in good faith, and that individual boards have the ability to torpedo the best intentions of the SU. Chair Huling called the vote. The vote passed. Carroll voted nay.

Chair Huling called a 15-minute break at 2:50 p.m. to reconvene at 3:05 p.m. Chair Huling called the meeting back to order at 3:09 p.m.

Chair Huling stated that the AOE had examined the issue of a reconsideration vote and consulted with the Secretary of State's office since we know that one is going to be warned. She shared the following information from the Agency: Based upon the Barre City school districts voters' approval of the 706 study proposed merger plan on November 6, 2018, if the Barre Town voters approve the proposed merger on the reconsideration, then the voter-approved articles of agreement will replace the default articles of agreement issued by the State Board with its final state plan and the new unified union school district would be eligible for tax rate reductions and other transitional assistance pursuant to Act 46, section 7.

**Item H: Continued**

Chair Huling spoke about receiving the State Plan binder back in June, the 43 decisions, a summer of testimony, Section 9 proposals, constant public comment and that now the Board is in a place where they have taken provisional votes in all areas. She asked if there were any decisions that would merit revisiting. Beck asked to revisit Stowe and EMU after hearing from them that they are doing well, and that at this time a merger is not appropriate. Olsen spoke about the student count not being far from 900, the debt discussion and that previous efforts to vote in bonds had failed, that merger activity could promote distraction from programming. Carroll said since he voted in the majority to merge the districts, he could make a motion for reconsideration. Carroll said that he would move to vote to reconsider the action of the preceding meeting with EMU and Stowe; Beck seconded the motion. Carroll noted that the grounds for reconsideration is that the Secretary's reasons for accepting the AGS was based on a hope, but with more careful analysis, there is compelling evidence that the AGS is highly responsive to the objectives of the Act. Mathis made a point of order that Carroll was speaking to the next motion. Carroll agreed. Olsen clarified that they were voting to reconsider and that if the reconsideration motion passed, the original motion would be back on the table. Chair Huling called the vote to reconsider. It was too close to be sure. Chair Huling called for vote by a show of hands. The vote was tied at 4:4. Voting in favor were: Carroll, Olsen, Perrin, Beck. Voting nay were: O'Keefe, Peltz, Mathis, Weinberger. Chair Huling broke the tie and voted nay. The motion failed.

Chair Huling asked if there were any other areas for reconsideration. Carroll spoke about considering practicable and possible and that the first test is if the AGS proposal promotes the purposes of the Act, and that the Secretary's analysis didn't establish that the proposal failed to promote the purposes of the Act. There was further discussion on interpretations of the law, applying the plain understanding of the goals of the law, that the preferred structure is the dominant lens by which we examine these proposals. O'Keefe spoke about an email from a

Cabot parent that had great impact on him (O'Keefe), that there were tough choices and a lot of complicating factors. Chair Huling spoke about calling this same parent and how heartbreaking that was for her. She spoke about multiple programs being cut and those that can leave, leave and those who cannot are left behind and if this problem can really be solved through Act 46.

Olsen concurred with the feelings on Cabot and spoke about making a decision about a governance structure that will position Cabot and its students for success, and feeling like this was a good decision, even though it was a hard decision. He expressed concern about comments from the town and how this decision was interpreted. He emphasized the point that the Board's plan should not be viewed as an endorsement of the status quo in Cabot, that no one on the Board thinks the status quo is acceptable, desirable or that it meets the goals of Act 46 and that the tools available to the Board unfortunately don't help to advance their situation. Chair Huling asked that the minutes reflect that it is not an endorsement. Olsen continued that some information requested and received was misleading and deceiving. Chair Huling asked for the Secretary's opinion. Secretary French said the AOE has a responsibility and the Board might want to investigate EQS, but that he has directed his staff to revisit statutory authority to provide direct support to that district. Secretary French said key points taken away from these meeting are districts that are struggling to comply with current law and implementing things that are less than satisfactory and that this will be part of AOE's debrief process. French continued that the Board should hold him accountable to that as opposed to trying to solve it as a Board. Olsen offered that there are other schools similar to Cabot and the Agency should start with taking a hard look at the K-12 schools.

Chair Huling offered that she would like to revisit Barnard. She sees their PreK as very special and this worries her. Because they are going into an existing unified district and it wouldn't create an SD, they will not have the default articles of agreement that has protections of PreK; and that makes the program vulnerable. O'Keefe said he hopes that PreK grows into the rest of the district. Olsen cautioned that we need to be careful as there are a few districts that are similarly situated and suggested moving forward with the merger but sending a strong message to the district that is absorbing them. Mathis said PreK is going to need to be revisited anyway as it will be threatened for financial reasons. French said that Barnard and Windsor Central will still have an SU but a unified union school district will be created, and that there is nothing structurally in the law that would preclude them from operating a PreK program.

Carroll asked for clarification on the Board's final decision-making process. Huling explained that the provisional votes would be compiled into a final plan to be voted on with one vote by the Board. There were questions on having these types of conversations now and not when we have the final plan, if the language for the motion could be received prior to next meeting, what the report will include, and how ancillary issues (e.g., making statements on Cabot and Barnard) will be incorporated.

Weinberger echoed Huling's concerns for Barnard and that they are really hitting the goal of Act 46 by offering 35 hours of PreK vs. 10 hours of PreK. There was discussion on hearing the other side's position on this, minutes from their meetings, if it is within Board's authority to make strong statements about PreK, finding an encouraging way to do this, and different vehicles that are in the Board's purview.

Chair Huling called a two-minute recess at 3:52 p.m. Chair Huling reconvened at 4:05 p.m. and asked Tom Little, legal counsel, to review an outline of the final report and decisions.

#### **Item J: Rough Draft of Plan**

Little asked for the Chair's permission to invite Russo-Savage to join him. Little spoke about the rough draft and that some of it was pulled from the overall structure of the Secretary's report, some came from discussions with Agency counsel and that it is rough. He walked the Board through the report. He said that the Chair might be helping with the introduction piece and that Carroll had written something that might be useful to include. He encouraged including something about making connections between the Board's work and the prior work of the Secretary, and with the work of the General Assembly before the Secretary's, and possibly some connections back to the VT Supreme Court Brigham decision and Act 60. There was discussion on possible and practicable, districts needing to be contiguous, interpretation of the law, and not getting too far into the weeds on defining possible and practicable. Short and sweet was recommended and agreed upon.

Little said the summary of statewide governance also needs to be concise and include some narrative on the Board's own process. There was discussion on including the July memo, rulemaking, and some discussion of the preferred vs. alternative governance models. Little continued to explain the outline. There was discussion on district groupings, going in numerical order or some other logical progression, organizing it where the Board concurred with the Secretary or not, that we note those examples that had AGS proposals with multiple districts, but where only some endorsed it, if statute requires that its AGS proposal is better than a preferred structure, whether the burden is on the Section 9 proposals or not, that the SBE can continue with multiple districts if they deem it best, looking through the lens of the fewest number of districts practicable, the language of section C to be more clear and avoid the double negative, finding a way to talk about what is required and the standard set by the Board which only says as much as it needs to say, nominating three members to work on different sections of the final report, and whether any such drafting discussions by a subset of the Board would need to be warned or not. Little said his target is to get the Board something reasonable the weekend after this weekend. This means writing the report in the next week, which is a tall order since it is a holiday week.

Russo-Savage spoke about section IV(D), and that D would be only orders of what is required to be changed and subsections A, B, and C would have further details. Little spoke about how to view the entire product and asked the Board to reflect on that and keep the Chair informed and advise if a member wanted to go on record for a particular district.

Olsen cautioned that despite all best efforts to get this right, the Board should anticipate that something might go wrong. He suggested a severability clause, giving the Chair limited ability to make technical changes and a clause that defaults back to something, perhaps the Secretary's Plan. There was discussion on members needing to recuse themselves from voting on the final plan. Little offered a severability clause and said that could be included. Little stated that the plan has to be to the Secretary of State by COB on November 30, 2018, which gives 36 hours following the November 28 meeting. Little said he would think more about giving the Chair limited ability to make technical changes with the advice of legal counsel. Chair Huling noted

that the deadline is the week following the holiday and thanked everyone for their hard work during this busy time.

Little asked about the meeting on November 28. Chair Huling asked what needs to happen at this last meeting and shared that the Legislature is having a pre-session meeting this same day and has asked for an update on Act 46 at 2:30 p.m. that same afternoon. Chair Huling is going to evaluate this request after today's meeting for whether this is practicable or possible. Little said if a few drafts circulated and it was in good shape, that the final meeting could last 2-3 hours, but if there is a lot of drafting, it will take the whole day. Olsen asked to start that meeting at 9:00 a.m. or later since it is in St. Albans. Weinberger advocated for a shorter timeframe, perhaps a 9:00 a.m. – 12:00 p.m. meeting and to circulate drafts with specific timelines for feedback. Olsen suggested a phone meeting for November 30 in case something substantive goes awry and to cancel it if it is not needed. This would need to be warned now as waiting until November 28 would be too late.

**Adjourn**

Mathis moved to adjourn; Weinberger seconded. The vote to adjourn was unanimous. The meeting adjourned at 4:55 p.m.

Minutes recorded and prepared by Maureen Gaidys.

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