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State Board of Education

Draft Meeting Minutes

Meeting Place: Virtual Teams Meeting/Video/Teleconference

Call in #: 1-802-552-8456, Conference ID: 687 543 597#

Date: June 16, 2021

Present:

State Board Members (SBE): John Carroll, Chair; Jennifer Samuelson, Vice-Chair; Kim Gleason; Sabina Brochu; Kathy Lavoie, Oliver Olsen; Angelita Peña; Tom Lovett; Lyle Jepson; and Dan French.

Agency of Education (AOE): Emily Simmons, Cassandra Ryan, Maureen Gaidys, Bob Stafford, Suzanne Sprague.

Others: Jody Normandeau, Dummerston.

Item A: Call to Order/Roll Call/Amendments to the Agenda

Chair Carroll called the meeting to order at 9:30 a.m. and asked for a roll call. He asked if there were any amendments to the agenda. Olsen asked that Item M be modified to include committee structure. Chair Carroll advised that Item E would be moved to occur after Item J. Gleason requested to move Item I to earlier in the meeting.

Item B: Consent Agenda

Samuelson moved to approve the consent agenda which consisted of the meeting minutes from May 19, 2021. Lovett seconded the motion. Discussion followed. Lovett said that at Item O, he was incorrectly listed as voting yea and nay on the same motion. He voted yea and would like the minutes to reflect his vote. The motion passed with the amendment. Lavoie abstained since she was not present.

Item C: Board Announcements/Student Report

Board announcements: None

Student report: Peña said that school had ended. There was concern for next year and where students will be academically. Teachers in her school are concerned how they will juggle balancing the return of students to in-person learning with the varying levels of subject knowledge. There was concern with how teachers will be supported and how students who were not independent learners would be supported.

Brochu said she had concerns like Peña. The outlook at Champlain Valley Union High School was more optimistic. The student body is resilient, and the teachers will guide the way. The

teachers would do what is necessary to get the students to where they need to be and to ultimately be good citizens at the end of the students' tenure in high school.

Item D: Public to Be Heard

Jody Normandeau, Dummerston, offered messages of appreciation to Brochu and Chair Carroll. She thanked Brochu for her time on the State Board and said she enjoyed watching her grow as a student representative. She thanked Chair Carroll as well and said she was sorry to see him leave. She said he was a fantastic Board member and Chair.

Item I: Resolution for Sabina Brochu

Gleason recognized Brochu with the following [Resolution](#). Gleason made a motion to adopt the resolution. Samuelson seconded the motion. Samuelson thanked Brochu for her service. Brochu thanked the State Board and acknowledged that being a member of the State Board of Education has highlighted her passion for public service. The motion passed unanimously.

Item F: Secretary's Report

Secretary French said that the Governor's State of Emergency expired at midnight on June 15, 2021. Schools have returned to their normal regulatory construct. The 2020-2021 school year has ended for most students and will end for the remaining students in the next few days. The general recommendation from the Vermont Department of Health to guide the next several months including summer programming is for unvaccinated individuals to wear masks indoors. The AOE work on recovery planning is transitioning to structuring recovery work. The focus areas are academics, social emotional well-being and reengagement. A focus of the Summer Matters campaign is around reengagement which is a precondition to beginning to address academic issues and the overall social emotional learning pieces. The recovery planning was superseded by federal planning as a requirement of the Elementary and Secondary Emergency Education Relief Fund (ESSER). Districts are in the process of matching the priorities with funding strategies.

Discussion followed regarding an option for parents and students for receiving additional schooling, student promotion and retention, differences between elementary and high school students' skills, benchmark assessment tools to test grade and skill level, lessons learned from the pandemic related to education, teacher morale and labor work-force issues, equity and quality issues, Act 173 implementation and the recovery, small schools challenges and variability between weak and strong school districts.

Chair Carroll called for a break at 10:27 a.m. The meeting resumed at 10:45 a.m.

Item G: Rules Series 2240 – Process for approval of post-secondary institutions

Cassandra Ryan, Director of Regulatory Compliance and Risk Management, reminded the State Board of their Rule 2243.3 which states that in order to operate a post-secondary school in Vermont, the school must go through the initial approval process with the AOE and that approval may not be longer than 5 years; and, upon renewal, that post-secondary school must have obtained an accreditation by a US recognized accreditor. It is unlikely that the accreditors

would be able to offer accreditation in 5 years or less. She said that the New England Commission of Higher Education (NECHE) fast-track accrediting model takes 6 years. Many accreditors will not look at an application unless the school has been in operation for 1-2 years. The Vermont Higher Education Council (VHEC) has previously expressed their concern with the issue in Rule 2243.3. Additionally, VHEC indicated that they feel they cannot recommend less than a 5-year renewal period. The rule makes it impossible for a post-secondary school to seek renewal in Vermont. Ryan shared proposed draft language to the rule which strikes the wording “in order to be considered eligible for renewal by the State Board” and adds “within the first 10 years of operation”.

Discussion followed regarding the draft language allowing renewal of less than 5 years, including additional language to better reflect statute, caution referencing statute, AOE suggest minor amendment early during the formal public comment period, no process when a post-secondary institution loses its accreditation, post-secondary schools in the queue, non-refundable fee for initial application, criteria for eligibility of accrediting agencies, reciprocity, Rule series 7000, Independent School Rules Update Committee reviewing post-secondary accrediting process, communications with VHEC and AOE contracting with them since the AOE is required statutorily to seek its advice on post-secondary approvals.

Item H: End of Legislative Session Wrap Up

Secretary French provided an [end of legislative session wrap up](#) with a summary of major education policy initiatives.

H.106: Community Schools and School Nutrition - An act relating to equitable access to a high-quality education through community schools. The idea is a model where social services and education initiatives are provided in the school. The bill also addresses student meals and includes farm-to-school programs and using local products. The bill creates a Task Force on Universal School Lunch, to make recommendations on how to establish a statewide Universal School Lunch program. Discussion followed pertaining to funding, sustainability and available grants.

H.289: An act relating to professions and occupations regulated by the Office of Professional Regulation. It transfers the current licensing hearing panel appeal process from the SBE to the Office of Professional Regulation (OPR) in the Secretary of State’s Office. It requires the AOE and OPR to jointly assess the costs and benefits of transferring responsibility for educator discipline more generally to OPR.

H.426: An act relating to addressing the needs and conditions of public-school facilities in the State. It states the AOE is to update the school construction facilities standards, and the SBE to update the Capital Outlay Financing Formula by January 15, 2023. It also requires the AOE to hire an independent contractor to conduct a school facilities inventory and assessment, report an analysis of school construction funding challenges and financing systems in other states, and establish training and certification guidelines for school facilities managers. SU/SDs are required to develop and maintain a five-year capital operations and improvement plan, updated annually. The AOE is required to contract with an independent third party to assist SU/SDs using American Rescue Plan (ARP) ESSER funds to improve the health and safety of

school facilities because of COVID-19. Discussion followed regarding Capital Outlay Financing Formula.

S.13: An act relating to the Pupil Weighting Factors Report. The bill establishes a legislative task force made up of members of the senate committees on Education and Finance, and the house committees on Education and Ways and Means to recommend an “action plan and proposed legislation to ensure that all public schools have equitable access to educational opportunities.” It also requires the AOE to create a weighting factors simulator. Discussion followed related to the Act 173 timeline.

S.16: An act relating to the creation of the Task Force on Equitable and Inclusive School Environments. The bill creates a Task Force on Equitable and Inclusive School Environments to make recommendations to end suspensions and expulsions for all but the most serious student behaviors, review existing behavioral supports and services and recommend additional ones, define which serious behaviors should still be subject to suspension/expulsion, and review professional development programs to recommend improvement on professional development and best practices. The bill also bans suspension and expulsion of students in public schools under eight years of age, except in cases where a student poses an imminent threat of harm or danger to others in the school.

S.114: An act relating to improving prekindergarten through grade 12 literacy within the State. The bill requires the AOE to provide professional development for educators on literacy instructions, assist supervisory unions in implementing evidence-based system-wide literacy approaches, and requires the AOE to direct ARP ESSER funding to addressing literacy. The AOE is also required to retain contractor(s) to provide technical assistance on implementation of Act 173 of 2018 with regard to literacy, evidence-based practices for teaching literacy PreK-grade 3, recommend how to provide professional development to educators, and other policies, procedures and methods to improve literacy. It also establishes an Advisory Council on Literacy, to advise the AOE, the SBE, and the General Assembly on how to improve literacy.

S.115: An act relating to making miscellaneous changes in education laws. The bill includes many initiatives but the one that affects the SBE is that it makes several changes related to the SBE and the roles and relationship of the AOE and the SBE. The bill requires the AOE and the SBE to jointly study how the roles of AOE and SBE should be restructured. A joint report on how this will proceed is required to the General Assembly in December 2021.

Chair Carroll called for lunch at 12:06 p.m. The meeting resumed at 12:45 p.m.

Item J: Recent 2200 Investigation: Discussion of Regulatory Framework

Secretary French provided introductory remarks regarding the documents provided in the State Board packet. He recapped the situation and timeline and provided rationale on his decision. He stated that in June 2020 the AOE learned from the Department of Children and Families (DCF) that Kurn Hattin was no longer going to be licensed as a residential treatment program. In September 2020, news agencies reported allegations of historical sexual abuse cases that occurred at the school over several decades. Secretary French stated that the AOE does not investigate child abuse or crimes. Child abuse investigations are done by DCF or law

enforcement. The findings of the DCF report were concerning to the AOE pertaining to background checks and mandated reporting. Secretary French appointed a review team to review the operations of Kurn Hattin as per State Board Rule and to consider if any action regarding their independent school approval status was warranted. The concern was over the current administration's oversight including lack of oversight of staff and students and the lack of staff training. The review was limited to the current executive director's tenure from 2015-2021. The review team consisted of: Twila Perry, Lyndon Institute Head of Schools; Bill Bates, AOE CFO; Deb Ormsbee, AOE Independent Schools Coordinator; Clare O'Shaughnessy, AOE Staff Attorney; and, Bob Stafford, AOE Lead Investigator.

Bob Stafford, AOE Lead Investigator, introduced himself and provided his work experience and education history. He has 40 years of law enforcement experience that includes: 10 years with the Vermont State Police in various capacities; he was a Police Chief in Vermont and New Hampshire; he was a Commandant of the New Hampshire Police Academy; he graduated from UVM and both Vermont and New Hampshire Police Academies; and, the FBI Academy. He has vast experience with investigations and has provided his investigative services to other agencies.

Secretary French said he was not recommending any action to Kurn Hattin pertaining to their independent school approval status after considering the findings of the review. He highlighted that he had a great deal of confidence in the review team, of Stafford and their work. Kurn Hattin was very responsive to the review and began to implement procedures and improvements to their administrative processes because of the review. They addressed the quantity and quality of staff trainings such as mandatory reporting. They revised and developed new policies. They revised their records management system. Secretary French stated based on his experience and professional judgement, he believed the scope and thoroughness of the review was appropriate to the concerns and regulations. The response of the school was satisfactory relative to the findings. The AOE will be conducting two follow-up reviews to ensure the school is following through with the changes. Secretary French pointed to the "Limitations" section of the report which points out some issues that the State Board may consider regarding the regulatory construct as it reviews the independent school rules.

Lengthy discussion followed regarding onsite visits during the review process, a proposed change in Rule 2200 will be independent schools with a residential component must be accredited, site visits, interviews with students and staff, limited to scope of authority, DCF and law enforcement's responsibility with abuse investigations, concerns that mandatory reporters are not reporting, dual agency oversight and boundaries, information sharing between AOE and DCF, New England Association of Schools and Colleges (NEASC) standing, residential program and failure on part of adults, authority of the AOE, limited enforcement component, recommendation on how rules can be improved, recommending revocation or removal of independent school approval status, determination falls to the Secretary of Education and conditions placed on the school.

Stafford said there is a memorandum of understanding (MOU), which is an agreement, that DCF share every single intake it receives pertaining to a school with him. He said that the educational program does not stop at the end of the school day at Kurn Hattin. The students

take their Chromebooks to their dorm or residence; they are mentored or tutored; and, they receive counselling through the end of the day. It was determined that Kurn Hattin needed to update, improve and revise their processes to include their current policies and procedures. Chair Carroll wondered if there should be a concern that monitoring of the residential treatment program will be less frequent and that there will be a reliance on adult, administrator or student reporting. Stafford said that he has seen first-hand the improvements Kurn Hattin has made and the accountability measures it now has in place. NEASC approval will be another set of eyes on the program. Discussion followed regarding future state oversight, if the SBE denied approval of renewal based on Secretary's recommendation, recognized schools and oversight, gaps in rulemaking process, requiring assurances and self-reporting of deficiencies.

Item E: Chair's Report

Chair Carroll shared his reflections and said farewell to colleagues in his final [Chair's Report](#) to the SBE.

Item K: Leadership Succession: Election

Chair Carroll said that he was retiring at the end of June 2021. He opened the floor for nominations for Chair of the State Board of Education. Jepson delegated the floor to Samuelson. Samuelson moved to elect Olsen as the new chair of the SBE. She said Olsen was the senior member on the State Board. Samuelson said Olsen brought a wealth of background experience and expertise having served in the legislature. Chair Carroll asked if there were any other names to be placed in nomination for chair. Hearing none, Chair Carroll called the question which was to elect Olsen as the new chair to serve out the remainder of the current chair's term. Gleason thanked Olsen for his willingness to serve. The vote passed. Olsen thanked Carroll for his service and leadership to the SBE.

Item L: Resolution for John Carroll

Chair Olsen recognized Carroll with this [Resolution](#). Olsen made a motion to adopt the resolution. Gleason seconded the motion. The motion passed unanimously. Carroll thanked the State Board and Olsen for the kind words. He added it has been a positive experience.

Item M: SBE Agenda, Workplan and Committee Structure

Chair Olsen began with a few housekeeping items. He said that he will step down as Chair of the Independent School Rules Update Committee to focus on being Chair of the State Board. He suggested that Samuelson take over the committee as Chair and that Lovett be added as a committee member. Jepson made the motion. Lavoie seconded the motion. There was no discussion. The motion passed unanimously.

Chair Olsen said that he would entertain a motion to broaden the scope of the Independent School Rules Update Committee to include review of the accreditation process of post-secondary institutions. Samuelson made the motion. Lovett seconded the motion. There was no discussion. The motion passed unanimously.

Chair Olsen asked for input on how State Board members wanted to move forward with its regular meetings, either in-person or virtually, and its retreat. Discussion followed regarding having both in-person and virtual simultaneously, using Owl technology, virtual meetings have improved meeting attendance, alternate meetings with in-person and hybrid, quarterly in-person meetings, virtual meetings during the winter months, challenges with virtual meetings, Open Meeting Law, staffed location required, in-person retreat, and virtual meetings provide a greater public service. Chair Olsen suggested the July and August meetings be virtual and to plan for the retreat to be in-person in September or October. An agenda item at the retreat will be to formalize a schedule for State Board meetings. Chair Olsen asked the State Board members if they had conflicts for the July and August meetings. Following discussion, it was determined that there will be a quorum for the July 21, 2021 and August 18, 2021 meetings.

Chair Olsen said that S.15 (Act 66) requires the SBE and AOE to work together on the division of roles and responsibilities. He would like to form a committee of a few State Board members and include the Secretary to work collaboratively on the task. The committee can periodically report back to the full State Board on the committee's progress. A report to the General Assembly is due on December 15, 2021. Chair Olsen would like to formally establish the committee and for the State Board to allow him to appoint members to it. He asked State Board members to reach out to him via email with their interest level in serving on the committee. He will then appoint members so that the committee can be operational. Chair Olsen entertained a motion for the State Board to constitute a committee charged with developing recommendations for the full State Board to consider in response to the requirements of Act 66 as it pertains to roles and responsibilities of the SBE and AOE. Jepson made the motion. Lavoie seconded the motion. There was no discussion. The motion passed.

Chair Olsen entertained a motion for the Chair to appoint members to the newly constituted committee. Samuelson made the motion. Lovett seconded the motion. There was no discussion. The motion passed.

Chair Olsen began a discussion the State Board's power to convene and to lead on important conversations around education policy in the state. Some topics that have been mentioned are diversity, equity and inclusion. He asked the State Board members to think about ways to lead the discussion. He would like to continue the conversation on how to move forward at an upcoming meeting. Discussion followed regarding range of the conversation, lending a unique voice to the conversation, diversity, equity and inclusion (DEI) training, CTE for rural students and the importance of early education.

Adjourn

Carroll moved to adjourn; Brochu seconded. The motion passed and the meeting adjourned at 2:36 p.m.

Minutes prepared by Suzanne Sprague