

State Board of Education

Draft Meeting Minutes

Meeting Place: Burr and Burton Academy

Address: 57 Seminary Avenue, Library, Manchester, VT 05254

Date: October 16, 2019

Present:

State Board Members: John Carroll, Chair; Jenna O'Farrell, Vice Chair; Peter Peltz, William Mathis, John O'Keefe, Kimberly Gleason, Dan French, Kyle Courtois, Sabina Brochu and Oliver Olsen (joined at 10:11 a.m.).

Agency of Education (AOE): Maureen Gaidys

Others: Jay Nichols, VPA; Jeff Francis, VSA; Marilyn Mahusky, Meagan Roy, Act 173 Advisory Group Chair; Sue Ceglowski, VSBA; Lola Duffort, VTDigger; Randi Lowe, BRSU Assistant Superintendent; Jeff Fannon, VT-NEA.

Call to Order/Roll Call/Introductions/Amendments to Agenda

Chair Carroll called the meeting to order at 8:37 a.m. He thanked Mark Tashjian, headmaster and Burr and Burton for hosting the Board and asked members to introduce themselves. He announced that there was one amendment to the agenda - due to a request from Vermont Higher Education Council (VHEC), item J will be removed from the agenda.

Welcome from Mark Tashjian, Headmaster, Burr and Burton Academy

Chair Carroll invited Mark Tashjian, headmaster to address the Board. Tashjian welcomed the Board and thanked them for visiting and gave a brief overview of "The Future of Education at Burr and Burton Academy (BBA)." Tashjian spoke about the inception and history of BBA, its commitment to serving the community and all students and shared a list of sending towns. He continued to speak about the acceptance rate, special education, BBA's mission, academic programming, core values, teacher and student responsibilities, vigorous educational experiences, diversity, enrollment growth, composition of enrollment, and BBA as a draw for the community.

Consent Agenda/Board Announcements/Student Report/Chair's Report

Consent Agenda: Chair Carroll asked for a motion to approve the consent agenda. Peltz moved. Chair Carroll stated that the consent agenda included three sets of draft minutes: the September meeting and day one and two of the retreat. Gleason seconded the motion. Chair Carroll called the vote. The vote passed unanimously.

Board Announcements: Mathis spoke about a prior discussion on the Report Card and shared that a new Gallup poll reports that only 23% of people (mostly parents) looked at the Report Card and that about 50% of the general population in the states using the Report Card were unaware of it.

Student Report: Courtois spoke about some issues at Bellows Free Academy (St. Albans) with transcripts, stemming from some staff/administration changes and the implementation of proficiency-based learning. He said there have been a lot of meetings and the administration had said the local board, State Board and AOE were unsupportive. Senator Parent (Education Committee) spoke up and said the administration could have addressed the committee at any point and after this, the administration owned their struggles and challenges and Courtois is optimistic that things are turning around. Brochu spoke about her school communicating grades through *JumpRope*, an online platform that entails an email to parents with log-in information to access students' grades. She noted that it took her parents almost two weeks to realize that they had access to the Report Card. She also spoke about the reliance on internet access and the impact this might have on families who don't have access to the internet. She also spoke about weekly professional development that helps to build coherence among teachers.

Chair's Report: Chair Carroll spoke about the Board serving as a hearing panel for an appeal from an educator, Macias (Burlington School District). He said that O'Keefe will be representing the Board as part of a two-person hearing panel and the hearing will be scheduled for December or January. He continued that he wanted to ensure that anyone with an interest in special education and the new rules under Act 173, understands how they can be heard in the process. He reminded that the Act 173 Advisory Group would be addressing the Board at the meeting. Chair Carroll spoke of the Special Education Advisory Council and a recent reference (August meeting) from a member of the public that the council was dysfunctional. Following this, he tried to reach out to the identified contact person but had no success. He did reach out successfully to Jacqui Kelleher, AOE State Director of Special Education. She is the liaison of this group and he discussed with her the Act 173 rulemaking process and the timeline for feedback. Chair Carroll spoke about the Board no longer belonging to NASBE and that this freed up about \$25K for other uses. Chair Carroll spoke about the Board's interest in Integrated Field Reviews (IFRs) and the email provided by Sprague and offered that there is also a lot of good information on the AOE website. Chair Carroll thanked the Board for their work on proposed responses to the questions from Sunset Advisory Commission. Peltz and Mathis commended Carroll for his thorough work on the response to the Sunset Advisory Commission. Mathis asked about IFRs and Secretary French offered, if there was Board interest, to have a presentation on this at a future meeting when this topic is warned. Chair Carroll said the Governor's office has indicated that a new Board member would be appointed by the November meeting.

Secretary's Report

Secretary French shared that two-thirds of the AOE has moved to the National Life campus and the remainder will move on November 11. The move went well and offered to give the Board a tour of the new space. He shared that yesterday the 2020 Vermont Teacher of the Year (TOY)

was announced, Elisabeth Kahn, French and Spanish teacher at Main Street Middle School (Montpelier). There was a surprise school assembly that the students really enjoyed and a good showing of prior TOYs. Secretary French spoke about Proficiency Based Learning (PBL) being different from Proficiency Based Grading (PBG) and acknowledged that there was an uneven deployment of the initiative and so it is not surprising that there are some challenges. He stressed that the Board owns a piece of this, due to their regulations. He spoke about recent presentations from the AOE on Quality Standards, the Report Card, and the AOE Data Division's Strategic Plan. Secretary French suggested two voices that the Board might want to entertain in the future to discuss PBL – the Tarrant Foundation and the Vermont Curriculum Leaders Association (VTCLA). He said these groups would be interested in speaking to the Board and he reiterated that the Board needs to visit this at some point as their regulations describe the work. There were questions and discussion on uniformity, needing more context before hearing from Tarrant or VTCLA, Board's role and what it brings to the rulemaking process, that the importance of the rules should not be diminished, responsibility of the Board vs. the AOE, if PBL is achieving what was intended, rigidity of the educational system, convening hearings in various locations to hear thoughts and concerns on PBL, informing the General Assembly, and the pervasive unevenness of the rollout of this initiative.

Opportunity for Public to be Heard

Chair Carroll asked if there were any members of the public to be heard. Jay Nichols, VPA, resident of Berkshire, addressed the Board. He advised the Board that “tradition is pure pressure from dead people.” He said uneven implementation and human and financial resources are a concern. He spoke about entry points, personalized learning plans, and that Carnegie units and grades have never been a good indicator of how well students are learning. He said the best indicator is how motivated the student is to do well. There was discussion on skills necessary, how we measure learning capacity and soft skills, transferable skills, quantifying all that is important, Act 77 requirements, that AOE is required to offer support and guidance, Title 16 section 941, and hearing from parents and guidance counselors.

Chair Carroll recessed for break at 9:47 a.m. and reconvened the meeting at 10:02 a.m.

Act 173 Advisory Group Presentation with Proposed Language for Rules

Chair Carroll invited representatives from the Act 173 Advisory Group (AG) to address the Board. Meagan Roy, Chair; Marilyn Mahusky, Vice Chair, and AG members Nicole Mace and Jay Nichols introduced themselves. Roy explained that the representatives were presenting the consensus opinion of the AG and that each representative on the AG represents their professional organizations and they would indicate if they were speaking in a different role.

Roy introduced a presentation, [“Act 173 Update: Recommendations for SBE Draft Rules”](#) and gave a quick overview on the Act 173 Advisory Groups' charge. She explained the change in the funding model and the programmatic changes and outlined the duties of the AG: to advise the Board on rules, to advise the AOE on implementation and to advise the General Assembly on any statutory changes needed to ensure the intent of the Act. Roy gave an overview of the AG's work to date and talked in detail about the timeline for the AG to give input on rules from

October 2018 to present. She said the idea of a delay started in April, when the AG received the first substantial draft of the rules from AOE. She spoke about substantive concern around initial interpretations of the AOE, the process for input, and the need for additional information. Five Vermont education organizations (VT-National Education Association, Vermont School Boards Association, Vermont Principals' Association, Vermont Council of Special Education Administrators, and the Vermont Superintendents Association) sought external advice and commissioned by the Federal Education Group (FEG) for a report. The report from the FEG identified that the state's definition of an approach to special education is narrower than IDEA (federal special education law) and narrow enough that it conflicts with federal law. The FEG analysis reinforced many of the questions that the AG had around the draft rules. Mace said that there was a small team that met with the FEG in advance of this report being shared with the AG to give them an opportunity to ask questions.

Roy spoke about the AG seeing a [draft of the Disability Law Project's \(DLP\) revisions to proposed rule 1300](#) in September and the plan was to vote on recommendations at the October meeting. However, the AG learned that the AOE has an updated revision of their draft and the AG felt they needed to see that revision before making further revisions. Mace said that some of the AG members had seen a side-by-side document, but that wasn't shared with the full AG. Mahusky said that because the AG didn't get to see this revision, they felt it was premature to vote on recommendations because they wanted to see the AOE's responses and merge the differences. Consensus was difficult due to timing issues, not because there are significant areas of disagreement. Chair Carroll clarified that there was consensus among the AG on the recommendations that were being offered today based upon information received thus far from the AOE. Mace reported that when the DLP revision was shared with the FEG, there were some red flags and some provisions that they thought needed to be reconciled. This was due to language carried forward from the AOE's draft that said a single set of rules will apply to multiple funding streams. Chair Carroll asked for clarification on the current AOE draft. Secretary French said that the FEG's input was valuable and that the AOE is working on another revision to the rules, taking this input into consideration. Secretary French said the timeline established by the Board required the AG to respond this month, while the AOE is in the process of re-evaluating key assumptions. He expects the next revision to be done in time to present to the AG at their November meeting.

Chair Carroll spoke about the Board's timeline and that it needs adequate time to hear comments from the AG and via public hearings and the need to have a final draft of rules by December or the public process desired by the Board could be compromised. Secretary French spoke about the AG making recommendations to the legislature to modify some timelines. Roy spoke about concerns the AG has with the cost documentation guidance and some very basic definitions and concern that the interpretation is not shifting. She spoke about the AG struggling with seeing drafts for the first time at a meeting and feeling the need to give feedback live. Chair Roy shared the AG's four recommendations: 1) adopt the federal definition of special education services, 2) as part of rulemaking, seek external legal opinion regarding maintenance of effort (MOE) that will align with the federal definition and provide flexibility as intended, 3) eliminate the proposed "test" for allowable expenditures, adopt flexibility permitted in federal rules and ensure placement by an IEP team in an approved special

education independent school is maintained as an allowable cost and 4) Board seek outside consultation in the development of rules that will align with federal requirements, appropriately separate constructs (allowable costs under IDEA, MOE-eligible costs and permissive use of state and local funds) and provide the flexibility supported by the Office of Special Education Programs (OSEP).

There was discussion on the services provided, the DMG and UVM studies, maintenance of effort, extraordinary costs, sequence of events, and informing the General Assembly with timeline concerns. Mace spoke about the five education partners sharing the draft rules and cost documentation guidance with FEG for outside analysis and recommendations. She said there was a request for a presentation from FEG on their analysis to representatives of the SBE, AG and AOE in hopes that there could be consensus to move forward. Chair Carroll asked how receipt of the latest FEG report squared with the AG's recommendation. Roy said that the recommendation preceded receipt of the report. There was discussion on consensus needed between AOE and AG by December, absent consensus the SBE will move forward with outside support, AOE's plan to present cost documentation and then revisit rules, intent of Act 173, time frame for sharing the FEG's second report with representatives from the AOE, State Board of Education (SBE) and AG in late October, and the timeline for AOE's latest revision. Mace offered to provide the FEG report to Board members and Secretary French. There was discussion on the definition of special education being foundational, the complexity of Vermont's diverse delivery system, targeting schools to meet specific problems vs. crafting restrictive rules for all, and MOE calculations. The Board thanked the AG representatives for their presentation and their hard work on this complicated topic.

There was continued discussion on the complexity of Act 173, designing these rules to be the new normal and worrying less about outliers, and the inherent tension between there being a single best way vs. appreciating diversity.

Mace introduced the Board to Sue Ceglowski as her successor in the role of executive director of the Vermont School Boards Association (VSBA), who will take over starting on November 8.

Chair Carroll suggested taking up any of the next three items on the agenda. Gleason suggested discussing the schedule and locations of meetings first. The Board concurred.

Schedule and Locations of Meetings 2019-2020

Chair Carroll asked if there was a day of the week that would work better than Wednesday. There was discussion; the group agreed to stay with Wednesday meetings. He asked that the schedule of meetings be completed through the end of 2020 and posted. There was discussion on considering geographic locations, need to visit southwest Vermont, becoming a proactive Board, that daytime meetings are not convenient for many working people, having a later start time, and keeping the annual retreat in September.

Chair Carroll spoke about the Act 173 timeline for rulemaking and reinforced that it is the Board's timeline and not the AOE's timeline and is very scripted and has a detailed sequence of events, that typically takes 8 months. He shared a handout that he created titled, "[State Board of Education Timeline for Act 173 Rulemaking](#)". He noted that April 2020 was when the formal

rulemaking process would be initiated and that this would continue through December 2020. He cautioned that there should be nothing questionable in the rules and that the Board must have confidence in the rules upon initiation. He continued that if there was not significant progress and consensus emerging from AOE and the AG, then the Board should consider having outside consultants write the draft rules. There was discussion on the Board's self-imposed April due date, and that other work is in progress and reports forthcoming (weighting study), time needed to get outside consultation. Chair Carroll expressed frustration with the AOE having the FEG report since mid-summer and having not yet responded to it. Secretary French explained his work product and work plan, the cost documentation work, the self-imposed timeline of the Board that was created before the FEG report, AG's reaction to the cost documentation, and the AOE's work plan. There was further discussion on concern in operating with an embargoed draft, the Board's self-imposed timeline, the inefficiency of operating in pockets, the importance of getting this right and that should pre-empt any deadline, momentum of Act 173, and the impact of the weighting study.

Chair Carroll recessed for lunch at 12:13 p.m. and reconvened at 12:53 p.m.

Envisioning the Future of Education at Burr and Burton Academy (BBA)

Chair Carroll invited Tashjian to address the Board. Tashjian introduced Jen Hyatt, Academic Dean and Meg Kenny, Associate Head of School and said that BBA was in an interesting position to take their best educational thinking and have that reflected in the architecture of the new building. Hyatt and Kenny gave some background and then spoke about some of the improvements planned for BBA. Kenny welcomed the Board and thanked them for visiting BBA. She spoke about the mission and core values informing everything they do and that it drives students to find their passion and make an impact. Hyatt spoke about understanding program improvement using backward design. She spoke about BBA offering over 170 courses, the diversity and breadth of courses, diversity of demographics, that there is much personalization/differentiation across many different tiers and tracks. She spoke about a Student Success Program (students in poverty), Target program (at risk of dropping out), Dean Farm program, mountain campus program, and a wide range of internships and off campus studies. Hyatt and Kenny spoke about professional development, brain-based learning and working with Bill Rich and brain-based principles of learning, feedback accelerating future learning, building student engagement by having a sense of purpose, relationships, integrated learning experiences, public demonstration of learning, and using BBA's spines (communication, problem-solving, integrative thinking and citizenship).

Tashjian spoke about how technology doesn't drive education and that relationships need to be front and center to create motivation. He talked about how the genesis of the architecture of the new building started several years ago and will reflect the thinking of BBA that will expand the capability to teach, that Founders Hall will break ground in April 2020 and construction will run for 14 months, that this is funded in part by a \$21 million donation from Barry and Wendy Rowland and that this will add a building and a courtyard and create "neighborhoods" for learning. It will be also be environmentally and economically sustainable.

Tour of Burr and Burton Academy – student led

Vermont Higher Education Council's (VHEC) Request

Chair Carroll announced at the start of the meeting that this item would be discussed at a future meeting when VHEC representation is able to attend.

Reinventing the Board and the Board's Future Role

Chair Carroll said they would revisit the missing piece on item L, (board committees), but first referenced a provocative, think piece that he sent last night to Board members, titled, ["The State Board of Education as Vermont's independent, visionary leader in pK-12 education."](#) He shared that this was written as a first attempt at how the Board might communicate with the General Assembly and emphasized that nothing would change for the Board without the consent and endorsement of the General Assembly. He shared that he spoke to both education committee chairs and there is good evidence that the General Assembly looks favorably to the Board and turns to them for important work (Act 46, Small school metrics, Act 173). He said the goal is to clarify the Board's thinking so that after the next meeting, the two chairs can be approached with a first pass at some legislative changes. He referenced a discussion at the Board retreat on the strategic plan and commented that the strategic plan that is posted is not a strategic plan, but a wish list. He spoke about how under the prior chair, the language was switched to reflect a strategic vision, which is also not a plan and that by statute and its own rules, the Board needs to clarify its mission and purpose.

Carroll asked for comments on the thought piece. Mathis didn't like the word "failed" (2nd paragraph) and offered a substitution for the word "senescence" (22nd paragraph) and thought that "independent strategic overview" (second to last line) should be founded on independent, research-based or unbiased information. There was discussion on the Board's expertise and authority, their role in Secretary appointment, their over-seer role, statutory language for the Board and AOE, appeal process, contradictory rules and statutes, other agencies/departments writing their own rules, that the Board has not received the appropriate support staff as promised in statute, Board agenda is largely preoccupied with AOE business, and the Board's role in making vs. implementing educational policy.

Chair Carroll redirected the discussion from what the Board should stop doing to what they should be doing as a Board and proposed that the Board could become shapers of educational policy at the tactical and strategic level. There was discussion on what Vermonters want for education, studying and surveying the state, disparities in opportunities and resources, responsibilities and accountability to the intent of law, and the Board doing what no one else has the political courage to do, such as closing some schools.

Chair Carroll summarized that there was consensus from the Board that they could disengage from some responsibilities and take on some new and more meaningful work that would be its own. There was discussion on agenda planning, time allotted (90 minutes) to BBA and if the same would be afforded to Colchester next month, issues that are important to education in Vermont, hearing from students at Board meetings, weariness of the word "initiative," and focusing on accountability. Chair Carroll said next steps would be to improve upon his one pager. Mathis suggested that Carroll distill the discussion into a second draft. Olsen asked for an update on the AOE's testimony today to the Sunset Advisory Commission (SAC). Secretary

French said he responded to the SAC's request with factual information and referred them to the Board for subjective questions as it was inappropriate for the Secretary to make such determinations. He added that Tashjian, in his role as Council of Independent Schools Chair, had also testified in respect to this council. Chair Carroll said the Board needs to decide what they will stop doing and what they would like to start doing and he will get this conversation started at the next meeting and work through some iterations to gain consensus. There was discussion on changing the format, timing, duration and location of meetings to accommodate different areas and be more inclusive.

Chair Carroll segued to a discussion on committees. He offered that there should be a committee to work with the Act 173 AG later this month. Secretary French suggested having representatives vs. a formal committee. Chair Carroll asked if O'Farrell, Gleason, and Olsen could represent the Board at the Act 173 AG meeting with FEG representatives. Carroll said he would sit in on it as well, as he wants to get to know the FEG as he might consider using them for outside support. Chair Carroll said that he would talk with people independently about serving on the legislative subcommittee and added that he knew Peltz had interest and experience on the subcommittee.

Chair Carroll suggested that the Board start to think about their core values/guiding principles for education in Vermont and using this lens when considering new education bills. There was discussion on the AOE's purpose statement, its requirement to implement the law, and providing leadership, oversight and support. Chair Carroll and Peltz will work together on these core values. Olsen suggested incorporating the core values into the statutorily required report due in December. There was discussion on the Board Chair giving testimony to the legislature, authority of the Chair to address the legislature, testifying on Act 1 last session, need for overarching values in supporting or not supporting legislation.

Board Norms

Chair Carroll said there was not enough time to address Board norms, so he refreshed recollections by stating that there is a question of political involvement and when it becomes problematic and encouraged Board members to read the code of ethics. He spoke about conflict of interest and the appearance of a conflict of interest. Chair Carroll spoke about Board comportment and the need to be patient, courteous and attentive at meetings and that using technology should be limited to not interfere or appear to be a distraction. Board comportment will be discussed at a future meeting.

O'Farrell moved to adjourn; O'Keefe seconded. Chair Carroll called the vote. The vote to adjourn passed unanimously.

Adjourn

Chair Carroll adjourned the meeting at 3:35 p.m.

Minutes prepared by Maureen Gaidys.