



Wednesday, February 20, 2019  
Department of Taxes  
133 State Street, Board Room #410  
Montpelier, VT 05633

February 20, 2019

- 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; Callahan Beck; Kyle Courtois; Stacy Weinberger; Oliver Olsen (via phone); Dan French

**Agency of Education (AOE):** Deputy Secretary Heather Bouchey, Patrick Halladay, Clare O'Shaughnessy, Emily Simmons, Judy Cutler, Martha Deiss, Kate Connizzo, Ted Fisher, Suzanne Sprague.

**Others:** Jay Nichols, VPA; Nicole Mace, VSBA; Lola Duffort, VTDigger; Jeff Francis, VSA; Juliette Longchamp, VT NEA; Retta Dunlap, VHEN/Homeschooling; Matt Levin, VT Early Childhood Advisory Alliance; Andrew Samara, SJU/South Burlington; Thabitha L Moruthane, SJU, co-president; Elijah Hines, Student Justice Union, co-president; Sophie Bock, Student Justice Union, communications; Lucia Pendolino, Student Justice Union, secretary; Deirdre Donovan, Burlington; Rebecca Haslam, Seed the Way LLC/St. Michael's College; Jennifer Barnett, Belvedere Academy; Sarah Fisher, Belvedere Academy; John McCooey, Belvedere Academy (Mill School); Steve Lussier, Vermont Permanency Inn/VACN

### Item A: Call to Order

Chair Huling called the meeting to order at 8:34 a.m. She asked Board members to introduce themselves. There were no amendments to the agenda.

### Item B: Consent Agenda, Board Announcements, Student Report, Chair's Report

Peltz made a motion to accept the consent agenda. Weinberger seconded the motion. The motion passed.

Peltz said that he was at the Orleans Southwest SU organizational meeting on February 19<sup>th</sup>. Secretary French convened the meeting. The participants of the Orleans Southwest SU meeting voted to postpone all business for one month pending a legal ruling regarding Act 46.

Weinberger suggested that an acronym cheat sheet or dictionary be created to assist new members to aid in understanding words and terms frequently referenced at the meetings. She said it is important for new members to do their homework and read prior meeting minutes to help become familiar with education and education policy. Weinberger added that the State Board work was much more involved than she thought when she joined. She said that the State Board is not a political board with long terms and new members should come without a specific agenda. She reminded the group that is important to listen and learn from what other Board members bring to the table. She shared the State Board norms created in 2014 which are still relevant. Perrin added that the strength of the State Board is its diversity and various connections to the K-12 system. He discussed a year-long school calendar and school meals program. Weinberger said that meeting the Agency of Education (AOE) program directors and understanding their expertise was helpful.

Beck said that at her school, outside of class councils and student government groups, students have voice through their advisories. She said this is where students meet and talk about topics and vote on items. Beck spoke with the Headmaster and suggested that students be invited to participate in teacher meetings so that a student voice is present. She mentioned a website called "Student Voice" which is run by students. It is used to help students tell their stories about what they see and what is happening at their school. She suggested that she and Courtois write a letter to schools encouraging more student voice in schools.

Courtois suggested spreading awareness of what the State Board is doing and encouraging more students to be present and speak. Many students are not aware that the State Board exists and what it does. Courtois spoke to his superintendent about encouraging student voice. He said, at his school, there is a "Speak Course" which all 600 members of the teaching staff participated in to help promote communication with students and encourage students to have a voice. Courtois added that the school newspaper has a student section where articles can be published.

Chair Huling said that getting student voice is helpful and insightful especially when the decisions made by the State Board affect students.

Chair Huling said that included in the State Board packet was a listing of the Education Quality Standards (EQS) waiver requests.

### **Item C: Education Quality Standards**

Chair Huling said that the AOE will present on how it measures Education Quality Standards and its plan for measuring them going forward. Secretary French provided background information on the history of the shift from No Child Left Behind and school quality standards to Educational Quality Standards, Act 77 and personalization. This was the time when Vermont defined its own approach to quality. The presentation will show how Vermont measures quality and how it complies with federal regulations. Secretary French said that he will provide an overview of the AOE structure and budget at the next meeting.

Patrick Halladay, Agency of Education's Program Manager for the ESSA State Plan and the Interim Director of the Education Quality Division, presented on the Every Student Succeeds

Act (ESSA). He shared a presentation which highlighted EQS, Every Student Succeeds Act and the Vermont State Plan, Annual Snapshot, Integrated Field Reviews, Continuous Improvement Plans and Comprehensive and Equity Supports.

Discussion followed regarding the Integrated Field Reviews and the role of the AOE, ranking of schools, crossing with Vermont statute, closing schools, definition of historically marginalized students, capacity of AOE, EQS being a Vermont driven initiative, comprehensive supports for schools, roll out dates and identifying schools in need of assistance.

Deputy Secretary Bouchey provided an update on the Statewide Longitudinal Data System (SLDS). She shared a presentation which highlighted a federal grant in 2012 and deliverables, three components of SLDS, vertical reporting, data arrangement, data visualization, the roll-out delay, supports provided and the Title money and formula.

Discussion followed regarding AOE resources available, contract with HMH, roll-out delay, data being old and 3-year cohort.

Chair Huling asked for an update in a month to continue the conversation.

Chair Huling called for a recess at 10:22 a.m. The meeting reconvened at 10:34 a.m.

#### **Item D: Legislative Update**

Ted Fisher, Director of Communications and Legislative Affairs, said he would speak to the bills that have a lot of movement. There have been conversations related to the Education Fund, Budget Adjustment Act, early education, higher education, special education, proficiency-based learning and SLDS. The AOE has spent time in several committees introducing the AOE and its work mainly for new legislators.

Fisher said H.3 is an act relating to ethnic and social equity studies standards for public schools. The bill creates an ethnic and social studies working group with the role to advise the State Board of Education (SBE) on the adoption of ethnic and social equity studies standards. It may do a review of statutes, SBE rules and school district policies related to standards and curriculum. The SBE may recommend statutory changes to the Legislature as a result of the review. The AOE and the Chair of the SBE have testified that curriculum is developed at the supervisory union level and is a local decision.

Chair Huling said there is confusion in the bill with academic standards and education quality standards which are different. She said there is language that needs to be clarified and corrected. Fisher said the working group ceases to exist in 2022. Discussion followed regarding the funding associated with the bill.

Fisher said H.140 is act related to the Advisory Council on Special Education. It is an update to the council so it conforms with federal IDEA (Individuals with Disabilities Education Act) statute. The bill changes the name from a council to a panel and will increase the membership to include a majority of parents of children with disabilities or members with disabilities.

Fisher said S.40 is an act relating to testing and remediation of lead in the drinking water of schools and child care facilities. It lays out a testing protocol that the EPA provided. It contains an action level of three parts per billion compared to fifteen parts per billion which is the EPA limit. It contains guidelines for remediation. The Vermont Department of Health will draft the guidance. Testing results will be available online. There is an appropriation for testing and retesting after remediation.

Fisher said bills that have been introduced are on prekindergarten education, radon testing, school construction and tuition free scholarship programs in higher education. Chair Huling said free tuition would include CTE.

Fisher introduced Kate Connizzo the Agency of Education's Digital Communications and Web Manager.

**Item E: Equity Session: Bias in the classroom – Student Perspective**

The panel consisted of South Burlington High School students and Student Justice Union members, Sophie Bock, Communications Coordinator; Lucia Pendolino, Secretary; Thabitha Moruthane, co-President; Elijah Hines, co-President, Andrew Samara, Social Studies teacher at South Burlington High School and co-advisor; Deirdre Donovan, Social Studies teacher at South Burlington High School and co-advisor; Rebecca Haslam, trainer/consultant and St. Michael's College instructor.

The Student Justice Union (SJU) shared a handout which was presented to the student body at South Burlington High School during Black History Month. It showed a racism triangle that showed overt or explicit racism and covert or implicit racism. The SJU defined explicit racism as bias that consciously affects the perceptions of race and belief that one race is superior to another. Implicit racism is defined as when a person unconsciously acts upon another person and is unaware that their action is racist. Each student read prepared statements that demonstrated explicit racism as well as implicit racism in their experience in school and throughout their lives.

Donovan said the previous years at South Burlington High School have been rough with the change of the rebel identifier and the raising of the Black Lives Matter flag. She said it is difficult to recognize implicit racism and how to address implicit racism in the classroom and school district. Implicit bias training should be available to all teachers so that when it occurs it can be addressed immediately. Samara said that the lack of action by the teachers in the moment creates a breach of trust between the student and victim. Haslam said she hears often that teachers are terrified of saying the wrong thing, making it worse or being called racist and making it worse by doing nothing. Training enables teachers to have the words to say something and identify their own biases that may have unintentionally created harm. Haslam added it is important that all students are prepared to function in the world as civic-minded and equity oriented.

Discussion followed regarding identification of implicit and explicit bias, starting at a younger age, teaching children to be global citizens, visual equity audit and curriculum equity audit, being self-reflective and understanding biases, working with the school board, change from

students and not adults, lack of diversity in teaching staff and the lack of positive representation of people of color in curriculum.

Chair Huling encouraged the State Board student representatives and the SJU to share contact information and brainstorm ideas on how to get more student voice at the policy level.

Chair Huling called for recess at 11:57 a.m. Peltz left the meeting at 11:57 a.m. The meeting reconvened at 12:08 p.m.

**Item G: Senator Baruth and Representative Webb**

Chair Huling welcomed Senator Baruth and Representative Webb. She asked them to identify their priorities and what the State Board should focus on in the current session.

Senator Baruth thanked the State Board for their hard work during the Act 46 process. He said the State Board was methodical and exacting in its work. It demonstrated the need for an independent education board. He said S.40, the lead bill, has passed out of Senate Education. Its purpose is to test all schools and child care facilities in Vermont for lead. He added there is an appropriation for the testing and the remediation process. The bill will require rulemaking on behalf of the Department of Health and may require testimony from the AOE and perhaps the SBE to make sure the rules are useful and in line with the intentions of the bill.

Senator Baruth said that they have taken testimony from the AOE and the SBE on H.3, the ethnic studies bill. Senate Education has made nominal amendments. The bill initiates a three-year process with recommendations to the SBE and the Legislature. He is hopeful the State Board will find some of the recommendations useful and workable and act on it.

Representative Webb said she agreed with the State Board's work on Act 46. There is a compromise bill in the works with default budgets to help districts that need more time and that shows the Legislature's support for the action.

Representative Webb said the House Education committee is working on a bill regarding postsecondary school closures. There is language in the bill that references the SBE and testimony may be required.

Representative Webb said that H.140, the Special Education Advisory Council bill, was thought to be a simple bill but is not. It has been difficult to align with the federal mandates. The bill is a work in progress.

Representative Webb said there is a lot coming forward with schools with deferred maintenance pertaining to health including radon and lead and funding for schools working on mergers.

Discussion followed regarding the Special Education Advisory Council and its nonexistent relationship with the State Board, dysfunction in the Special Education Advisory Council, Council not in federal compliance, definition of SEA, Act 173, H.3 amendments, private money funding the work, returning the reporting authority of the Secretary of Education to the SBE,

streamlining the duties and responsibilities of the AOE and SBE, staffing through the AOE, bringing technical corrections to the Legislature to update statute, implicit bias training for teachers and unfunded mandates.

Senator Baruth said Senate Education is working on a bill for tuition assistance for one year of free college or technical education. He said by the end of next year he hopes to have funding and support for the bill. Discussion followed regarding equity, prekindergarten, S.10, Act 173, school construction and safe and healthy schools.

Chair Huling thanked Senator Baruth and Representative Webb for their testimony to the SBE.

Chair Huling recessed for lunch at 12:47 p.m. The meeting reconvened at 1:19 p.m.

**Item H: Public to be Heard**

Jay Nichols, Executive Director of the Vermont Principals' Association (VPA), invited the SBE members to an Equity Summit on May 25<sup>th</sup> in Brattleboro hosted by Rebecca Haslam. He said the VPA will cover all costs. Nichols also invited the SBE members to attend an Equity Literacy Framework training by Paul Gorsky at the College of St. Joseph's on April 10<sup>th</sup>.

**Item F: Secretary's Report - Miscellaneous updates needed in respect to the role of the SBE in relation to AOE**

Secretary French said that there are some technical corrections that are needed in some bills. The technical corrections are non-policy issues. He said he is willing to bring forward any ideas of corrections suggested by the SBE in regards to authorities of the Secretary of Education and SBE and negotiate as necessary. Secretary French suggested forming a subcommittee to work with the AOE on the work. Discussion followed regarding the policy making environment, complexity of the work, and identifying where roles of SBE and AOE overlap.

Secretary French said that education spending is higher than anticipated and there will be a lot of conversation around the topic. He offered to review the AOE budget at the next meeting.

**Item I: Legislative Work Time**

Discussion followed regarding free college, funding for implicit bias training and financial literacy, prekindergarten and Act 166, weighting study, curriculum and how its created, local control, proficiency-based graduation requirements, proficiency guidelines and the Vermont experience and Act 77.

**Item J: Act 173 Update**

Meagan Roy, Director of Student Support Services in the Champlain Valley School District and Chair of the Census-Based Funding Advisory Group and Judy Cutler, Legal Staff at the AOE presented to the State Board on Act 173. Roy shared a presentation. She gave an overview of Act 173. Roy explained the charge of the Census-Based Funding Advisory Group (CBFAG). She reviewed the executive summary of the report to the General Assembly and explained the current work of the CBFAG. Roy said there is a weighting study in progress which may impact how the grant is calculated and the report to the General Assembly.

Discussion took place regarding the census-based funding grant and disbursement, rulemaking and Special Education Advisory Panel. Secretary French acknowledged the leadership of Roy

and the work of the Advisory Group. Roy said that conversations have focused on professional learning which should be targeted and available to schools that need it. The CBFAG must consider publicly-funded students at independent schools. Discussion followed regarding the tight timeline, delay of implementation and rulemaking process.

Cutler shared a presentation and an early draft of the rules. A first draft of the proposed rules are due to the SBE by March 20, 2019. Discussion followed around the draft rules and the Advisory Council not seeing the final first draft. Cutler shared that the group determined the most efficient way to handle the charge was to separate the financial and funding rules from the entitlement rules. She said their strategy was to write concise rules to allow the act to be implemented and allow flexibility to the AOE to change with policy and procedure that is the foundation for those rules. Discussion followed regarding opening the entire rule series. Cutler said they held a roundtable discussion with business managers and special education directors to obtain feedback regarding allowable cost, time and effort to help in understanding and perhaps alleviate some of the administrative burden. Discussion followed regarding allowable cost and tracing spending.

Chair Huling said she has reservations regarding the timeline and accomplishing the scope of the work. Secretary French said that it is too early to pinpoint exactly where help will be necessary. He said he will be advocating for more time and resources when appropriate. He added that it will be in the summer months when the rulemaking process is underway. Discussion followed regarding rulemaking process, different voices, districts anticipating flexibility, possible partial implementation, writing a letter with concerns and the AOE writing its own rules.

Mathis made a motion asking for the Chair to write a letter to the General Assembly expressing concern with the timeline in Act 173. Perrin seconded the motion. Weinberger voiced concern over derailing the ongoing work. The motion passed.

#### **Item K: Independent Schools - Initial Approval**

Representatives from the Belvedere Academy, LLC DBA the Mill School were Jennifer Barnett, Sarah Fisher, Tim Feeney and John McCooley.

Chair Huling voiced concern about the school following the outdated Vermont Framework of Standards. Fisher said that the note in the paperwork is from long ago and their follow up correspondence listed the appropriate standards from the AOE website. Weinberger wondered about the Mill School and their ability to provide a system that would allow the confirmation of IEP services. She was pleased to see that the problem was alleviated. Feeney stated that the regulations do not ask for specifics and he feels it has to do with how the information was collected.

Mathis made a motion to adopt the Secretary's recommendation. Beck seconded the motion. The motion passed.

The representative from the Vermont Assessment Center at Newbury was Steve Lussier.

Mathis asked for information around the parent organization. Lussier said the Vermont Permanency Initiative is part of the Beckett Family of Services. He added that the facility is a 90-day assessment center in Newbury, Vermont. Lussier said that the Connecticut River Academy and the Vermont School for Girls are also maintained by the Vermont Permanency Initiative. The central office is in Orford, New Hampshire.

Weinberger said it was interesting that the tutorial program initiated from a Request for Proposal (RFP) by the Department of Children and Families and the Department of Mental Health. Vermont had identified a need to serve young male youth and that the Beckett Family of Services was the only entity to respond.

Perrin made a motion to adopt the Secretary's recommendation. Beck seconded the motion. No discussion. The motion passed.

**Item L: American Council on the Teaching of Foreign Language (ACTFL), World-Readiness Standards for Learning Languages**

Martha Deiss, Agency of Education, addressed the SBE. Perrin made a motion to adopt the Secretary's recommendation. Beck seconded the motion.

Chair Huling said her concern was with equity and noted that where you live in the state determines if you will have access to foreign language. Deiss said she was aware of the inequity and described different ways school districts were handling foreign language. Deiss said that foreign language falls under global citizenship standards and many are focusing on the social studies piece and neglecting the annual rigorous foreign language content. Chair Huling said that in the EQS the commas in the proficiency are being interpreted as an "or" instead of "and" which is unfortunate and it has created inequity. Secretary French said that labor shortages are playing a part as well. Chair Huling asked if there were any opportunities for teacher education training in this subject area. Secretary French said that a separate board oversees teacher licensure and the state will have to think about how to address the licensure and labor shortage around the topic.

Chair Huling asked if the English Language Learner (ELL) standards should be updated. Deiss said that the ELL standards are the World-Class Instructional Design and Assessment (WIDA) standards which may need updating.

The motion passed 4-1. Huling, Perrin, Weinberger and Beck voted yea. Mathis voted no.

Chair Huling called for a recess at 3:07 p.m. The meeting reconvened at 3:20 p.m.

**Item M: Green Mountain College**

Representatives from Green Mountain College were Robert Allen, President and Thomas Mauhs-Pugh, Provost and V.P. of Academic Affairs.

Chair Huling asked Allen to explain their relationship with Prescott College and why it makes sense to send the records to that school. Allen said that along with four other colleges, Prescott College and Green Mountain College belong to the EcoLeague. There is a long relationship with Prescott College. Allen said that he attempted to partner with a number of colleges in Vermont

but this did not work for a variety of reasons. The Higher Learning Commission and the New England Commission of Higher Education have given their approval for Prescott College to be the repository of Green Mountain College's academic records. Allen added that there are teach-out agreements with nine institutions. He said he was happy to pass on some of the lessons learned during this process. Mauhs-Pugh said there were serious issues of economies of scale in higher education. He explained the type of records that will be transferred.

Mathis made a motion to accept the Secretary's recommendation. Perrin seconded the motion. Discussion followed regarding the historical records and collections remaining in Vermont, academic transcripts only and online retrieval service.

The motion passed.

**Item N: Communication Policy**

Perrin made a motion to accept the Communications Policy. Weinberger seconded the motion. The motion passed.

**Item O: Strategic Vision/Strategic Planning**

Chair Huling said that the State Board's strategic vision and planning stalled during the Act 46 process. She has been focusing the monthly agendas to align with the State Board's mainstays on equity, excellence and efficiency.

Beck left the meeting at 3:50 p.m.

Discussion followed regarding the definition of the strategic plan document, in sync with the Governor's state plan, AOE providing the metrics, measuring governance, assessments, defining quality through public engagement, EQS, Board members being present to participate in strategic planning, equity, quality and teambuilding with new members.

**Item P: Calendar Planning**

Chair Huling said that for the next meeting, the State Board will review the AOE budget. The AOE will forward the Act 173 calculator. The meeting will be at Blue Mountain High School. Chair Huling is hoping that State Board's student members will contact and engage the Blue Mountain High School students ahead of time with conversations on quality and equity, proficiency-based grading and their experience and proficiency-based graduation requirements. The Secretary of Education will also present his "Designing our Future" document.

**Adjourn**

Chair Huling adjourned the meeting at 4:12 p.m.

Minutes recorded and prepared by Suzanne Sprague.