



Wednesday, December 19, 2018  
Mary Hogan School, Library  
201 Mary Hogan Drive  
Middlebury, VT 05753

December 19, 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; Callahan Beck; John Carroll; Kyle Courtois; Oliver Olsen; Stacy Weinberger; Dan French.

**Agency of Education (AOE):** Clare O'Shaughnessy, Ted Fisher, Suzanne Sprague.

**Others:** Donna Perrin, Middlebury; Ralph Bennett, VPI Bennington; Laurae Coburn, VPI Bennington; Lorraine Morse, ACSD Board; Nicole Mace, VSBA; Kathy Houran, VPI; Lenny DaRosa, VPI Bennington; David Chabot, VPI; Jay Nichols, VPA; Martha Tucker, Stone Path Academy; Peter Conlon, Cornwall/ACSD; Alan Ouelette, Stowe; Duane Natvig, Roxbury; Lola Duffort, VTdigger

### Item A: Call to Order

Chair Huling called the meeting to order at 8:37 a.m. She asked Board members to introduce themselves. There were no other amendments to the agenda.

### Item B: Welcome from Superintendent Burrows and Representative Peter Conlon

Chair Huling introduced Superintendent Burrows. He welcomed the Board to the Mary Hogan School. He thanked Perrin for his work as a school board member and State Board member. Burrows shared a PowerPoint. He and Representative Conlon spoke about the Act 46 process in the Addison Central SD. Chair Huling thanked Superintendent Burrows for hosting the State Board of Education.

### Item C: Resolution for Mark Perrin

Weinberger read a resolution honoring State Board member, Mark Perrin. Mathis made a motion to accept the resolution. Peltz seconded the motion. The motion passed unanimously.

### Item D: Renewal of General Education and Special Education Independent School Approval

Chair Huling led the discussion on Stone Path Academy. Carroll made a motion to accept the Secretary's recommendation. Peltz seconded the motion.

Discussion followed regarding the general education report, supervision of contractors and inconsistencies in term lengths from school to school. Secretary French said that the term lengths can vary and he bases his recommendations on the response from the independent schools to the AOE report. He mentioned that the AOE will be conducting the general education reports in house and will no longer use contractors. Discussion followed regarding financial capacity of non-profit organizations vs. for-profit organizations. Secretary French said that the new system of monitoring by the AOE should be in place by end of spring. Clare O'Shaughnessy, AOE Staff Attorney, explained how public-school compliance directly impacts the funding. She added that the reimbursement process is not the same for independent schools. Discussion followed regarding NEASC approvals and Act 173.

Martha Tucker, Educational Director at Stone Path Academy, addressed the State Board.

The motion passed unanimously.

Chair Huling led the discussion on Rockpoint. Carroll made a motion to accept the Secretary's recommendation. Mathis seconded the motion.

Discussion followed regarding matching the NEASC terms to the AOE's terms, NEASC approval process, one student's documentation being deficient, additional information regarding the Secretary's rationale included on the recommendation and requesting schools to supply a corrective action plan.

The motion passed unanimously.

Chair Huling led discussion on the New England School for Girls. Carroll made a motion to accept the Secretary's recommendation. Beck seconded the motion.

Discussion followed regarding low ratio of staff to students, corporate structure, rulemaking in Act 173, updating standards, focus on outcomes and accountability.

The motion passed unanimously.

Chair Huling called for a recess at 10:30 a.m. The meeting reconvened at 10:50 a.m.

#### **Item E: Public to be Heard**

The following people addressed the Board:

Nicole Mace, Executive Director of the VSBA, thanked Mark Perrin for his service to the State Board of Education. She thanked the State Board for its work on Act 46.

Jay Nichols, Executive Director of the VPA, thanked the State Board for its work on Act 46. He hoped for no new initiatives.

Jeff Francis, Executive Director of the VSA, thanked the State Board for its work on Act 46. He said there is initiative fatigue.

Alan Ouellette, Stowe, spoke against the State Board's Final State Plan and overriding the Secretary's recommendations.

**Item F: Request for Waiver of SU Board Configuration**

Chair Huling led the discussion on the Two Rivers SU's request for a waiver to their Board's configuration. Carroll made a motion to accept the Secretary's recommendation as written. Perrin seconded the motion.

Discussion followed regarding alternates serving on boards, perception of board dysfunction, that the State Board knows more than the School Board and its needs, fixation on town's function vs. "all our kids" mentality. Mathis moved to table the motion. Olsen seconded the motion.

Discussion followed regarding inviting representatives to a future State Board meeting, criteria around sustainable governance and asking education partners for input and expertise. Chair Huling asked Mace if she would be able to supply input on SU Board configuration. Mace agreed to share her views. Francis agreed to share his views as well.

The motion passed unanimously to table the motion.

Chair Huling led the discussion on the Southwest Vermont SU's request for a waiver to their Board's configuration. Carroll made a motion to table this item to a future State Board meeting and requested that representatives from the SU address the State Board. Perrin seconded the motion.

The motion passed unanimously.

**Item G: Consent Agenda**

Chair Huling asked for a motion regarding the consent agenda. Olsen recused himself because of perceived conflict of interest as he was a former member of the Burr and Burton Board of Trustees. O'Keefe recused himself because he is a parent of a student that attends Burr and Burton. Chair Huling asked for a motion that removed G4 from the consent agenda so it could be voted on separately. Peltz made the motion. Weinberger seconded the motion. The motion passed.

Carroll moved to accept item G4. Perrin seconded. Discussion followed regarding Robert's Rules and recusing, that conflicts of interest should be financial and the executive code of ethics.

The motion passed. O'Keefe and Olsen recused themselves from the vote.

Mathis said that he and Carroll attended the recent VSAC presentation on Vermont college enrollment and graduation rates. Discussion followed regarding Act 77, personalized learning, gender and college completion.

Weinberger said that she served on a PreK-3<sup>rd</sup> Grade Literacy Group.

Mathis mentioned that the U.S. Department of Education released a 200-page report wanting changes to be made regarding school safety. Secretary French said that the School Safety Advisory Group is writing its final report to the General Assembly. Huling said that finding schools to host the State Board of Education's meetings is difficult because of safety concerns. Beck said she attended the Barnet Elementary School's winter concert. She spoke about the benefits of music in school and was impressed that there was 100% student participation.

Chair Huling reflected on the past year and the amount of work accomplished by the State Board. She mentioned work on the strategic plan that had to be delayed due to the Secretary's search, creating metrics for the Small Schools Grants, receiving the Secretary's Proposed State Plan and Act 46/49. Chair Huling said the State Board is at an interesting crossroads and wondered if there were specific topics the State Board wanted to direct its attention to and be more proactive instead of reactive.

Chair Huling called for lunch at 12:35 p.m. The meeting reconvened at 1:24 p.m.

**Item H: Appeal from Decision of Montpelier-Roxbury School District Regarding Payment of Tuition**

Chair Huling invited Duane Natvig to address the State Board and explain his case. He is requesting that the State Board overturn the decision made by the Montpelier-Roxbury School District Board which was to deny the payment of tuition to a private school. Secretary French said that the logic in his decision was that the waiver request is outside the State Board's purview and the ultimate decision is made in civil court. O'Shaughnessy clarified the State Board's authority under statute 16 V.S.A. § 828 as well as other statutes that might apply.

Discussion followed regarding the State Board's authority, lack of legal authority, Secretary's recommendation and settling the dispute in the civil court system. Perrin made a motion to accept the Secretary's recommendation. Beck seconded the motion. Carroll asked for a friendly amendment to the motion. He asked that the motion be modified to "the State Board declines to hear the request of the applicant because it is not within the State Board's jurisdiction." O'Keefe seconded. The vote to amend the motion passed unanimously.

The motion passed as amended unanimously.

**Item I: Secretary's Report**

Secretary French shared an updated Agency of Education organizational chart and explained changes to the structure of the AOE that have occurred since becoming Secretary. He discussed the different divisions and briefly touched on the responsibility of each. Secretary French said that there are several budgeted vacancies at the AOE which need to be addressed. He explained the new recruitment structure and State web site. Secretary French updated the State Board to the ongoing AOE work which included the development of 5 different enterprise data systems with launch dates on the horizon. Discussion followed regarding clarifying the positions and teams, Secretary directing AOE staff to perform tasks, complexity of the AOE, input from the State Board, high education partners, school safety and physical plant needs.

Secretary French discussed anticipating policy needs of the AOE which included explanation of Act 77, Act 166, Act 173 and Act 46. He explained further the five data systems. Secretary

French said people may have initiative fatigue which needs to be kept in mind. He explained the Governor's cradle to career integrated policy environment and how he and Deputy Secretary Bouchey have divided the major policy work load. Deputy Secretary Bouchey will focus on workforce development. Secretary French will focus on the early educational policy. He said this is a priority for him and for the Governor.

Secretary French said he enjoyed watching the State Board's deliberations on Act 46. He thanked the education partners for their help in assisting districts through the stages because adequate support was not provided at the State level. Secretary French said that the State has reached the limits of the sustainability of the current education system and it's time to convene a conversation about redesigning a new system to provide equity and quality education to Vermont's children.

Chair Huling thanked Secretary French for the high-level report. She asked how the State Board can help the AOE transition. Secretary French said it can help through its rulemaking authority and regulation. He added that Act 173 will require rulemaking by the State Board. He additionally said it will be a useful time for the State Board to focus on the Education Quality Standards. Discussion followed regarding the organization chart and capacity, convening conversation, public school approval process, Secretary school visits and school board meetings, raising quality and how to pay for it and the State Board's power to convene.

Huling said that Act 46 dominated the State Board's agendas and the State Board needs to think about structuring its time.

Chair Huling called for recess at 3:03 p.m. Courtois left the meeting at 3:05 p.m. The meeting reconvened at 3:22 p.m.

**Item J: SBE Looking ahead**

Chair Huling said that the remaining meeting will be spent thinking about how the State Board wished to devote its time. She said that there is interest in the State Board updating Rule Series 1200 which are the rules that govern the State Board. The rules are outdated and State Board members have already looked at the Rules. The State Board needs consensus on the report to the Legislature and Governor and what should be included in the report. Chair Huling said that the State Board has been reacting to several items and it needs a proactive vision of where it wants to go. There are no outside goals other than Act 173 and writing the rules for it.

French said there is an active advisory group. He added that the rulemaking process should begin after the new year. The exercise will take a few months to complete. Discussion followed regarding staying relevant, revisiting the guidance on how the State Board should act as a group, asking the Legislature what the State Board's role is now that Act 46 is completed, the State Board's vision and how it conflicts with statute, independent school conversation, State Board advocating for Vermont students, spending more time on policy, confusion around the Rule 1200 series and examination of the role of the State Board. Chair Huling said that the State Board needs to know what it is and isn't doing in statute and what it wants to do as a State Board. Additional discussion followed regarding discussing the role of the State Board at the retreat, statutory obligation, rulemaking and careful planning of meeting agendas.

Mathis asked O'Shaughnessy if there is a listing of State Board responsibilities in law. O'Shaughnessy said there is a comprehensive spreadsheet created when the Commissioner was divorced from the State Board. Chair Huling asked for a copy. Discussion followed regarding the report to the Legislature, asking the Legislature if it wants to continue to receive a report, advising the Legislature that the State Board is having conversations around its purpose, bringing in groups to address the State Board, relationship with House Education and Senate Education and considering all State Board meetings at the annual retreat.

**Item K: Proposed changes to Rule Series 1200**

Chair Huling asked Olsen and Mathis to discuss the handout. Olsen said that Rule 1200 series governs the State Board of Education. The rules have not been updated since 1996. All subsections of the rules were reviewed and added to the spreadsheet. The spreadsheet contains the current language, proposed new language and the rationale for change and comments. Olsen reviewed the spreadsheet. He mentioned that the State Board may want to add committee appointments to its rules because one does not exist. Olsen said rules 1230 -1236 are messy and requires further discussion. O'Shaughnessy helped clarify rules 1230-1236.

O'Keefe left the meeting at 4:26 p.m.

**Item L and M: Report to the Legislature/Governor and Calendar Planning**

Chair Huling asked for input from the State Board regarding the next agenda. She mentioned vision planning and an EQS check-in. Mathis asked for a Legislative agenda. Chair Huling said that the report should include the role of the State Board, be mindful of initiative fatigue and not initiate new initiatives. Carroll asked for 2 or 3 of the AOE topics like Act 77, Act 173 and Act 166 to be on the next agenda. He offered to write a draft for the convening of meetings around the State. Carroll reviewed last year's report to the Legislature. Chair Huling asked if the report could be kept to one page because the State Board has already submitted a detailed report on Act 46. She asked the State Board if the report to the Legislature was something to be voted out at the next meeting or if she could submit it in her role as Chair. Carroll offered to write the first draft which he will send to Chair Huling.

Weinberger said the next meeting will be at the Integrated Arts Academy at H.O. Wheeler School in Burlington. It is one of two magnet schools in Vermont.

**Adjourn**

Perrin moved to adjourn. Olsen seconded the motion. The motion passed unanimously. The meeting adjourned at 4:34 p.m.

Minutes recorded and prepared by Suzanne Sprague.