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## State Board of Education Ripton Status Report Committee Draft Meeting Minutes

### Meeting Place: Virtual Teams Meeting/Video/Teleconference

Date: July 27, 2022

#### Present:

**State Board of Education (SBE) Subcommittee Members:** Oliver Olsen, Chair, Kim Gleason, Tammy Kolbe, Jenna O'Farrell, Lyle Jepson

**Agency of Education (AOE):** Maureen Gaidys, Suzanne Sprague, Donna Russo-Savage, Emily Simmons, Ron Ryan, Betty Roy

**Others:** Erin Maguire - Director of Equity & Inclusion/ Co-Director of Student Support Services Essex-Westford School District, Brittany Gilman – Ripton Financial Consultant, Tim O'Leary, Steve Cash, Dylan Patrick, Jane Phinney, Jeff Valance, Molly Witters

#### Call to Order, Roll Call, Amendments to the Agenda

Oliver Olsen called the meeting to order at 1:03 p.m. Roll call was taken. There were no amendments to the agenda.

Oliver Olsen again reviewed the charge of the committee. H.727, now Act 176, has narrowly defined the role of the State Board of Education concerning this topic. The State Board is expected to review the testimony and information provided and comment on Ripton's preparedness to take on the responsibility of becoming its own school district effective July 1, 2023. It is not the committee's or the State Board's role to provide assistance or guidance to Ripton. He recognized that difficult questions are being asked, specifically because Ripton is on an aggressive timeline. The meetings that are taking place are intended to serve as a progress report on Ripton's plans and efforts.

Kim Gleason indicated that ensuring access to high quality education for all Vermont students is the State Board's responsibility, hence the committee's questions. Tammy Kolbe added that Ripton has chosen an aggressive timeline. It is the committee's and State Board's responsibility to ensure that there is a process in place that will follow current statute and delivery of services to students.

Oliver Olsen added that the State Board is not judging or questioning the value of small schools. The State Board of Education is assessing Ripton's preparedness for taking on the task of operating its own school district.

## Testimony

Erin Maguire introduced herself, explaining her educational background, and extensive work in public education in Vermont, specifically in the area of special education delivery of services and special education administration. She is a member of several professional organizations and has been on several state level committees and task forces. Ms. Maguire pointed out that she attended a small school in Vermont and appreciates what small schools can offer. She has been involved in the consolidation and merger of several school districts and understands the complexity of issues that are involved in doing so. Ms. Maguire indicated that she has reviewed information from prior meetings and Ripton's reports. She understands Ripton's goal of creating its own school district and supervisory union. She will speak primarily to the topic of special education.

Ms. Maguire pointed out that it will be Ripton's responsibility to provide a free and public education. Budgeting in the context of a small school, including a variety of contracted services, may be necessary and should be carefully considered. Creating a process for educational policies to be established within the new district and within a specified timeline will be essential. There are many decisions that need to be made in order to launch the new school district with appropriate policies in place. By way of example, she pointed Medicaid billing procedures and federal grant writing and reporting - each of which require time from professional staff.

Ms. Maguire pointed out that there is necessary time commitment on the part of professional staff for local education agency (LEA) engagement on behalf of students who are tuitioned to high schools/other schools. Decision making and funding still remain the responsibility of the future Ripton School District. Funding professional staff time to take on this task must be planned for.

Ms. Maguire commented on the use of virtual support services. Virtual services used to provide free appropriate public education, if that is the only option available, may be considered a denial of services. It should be part of the toolbox options but not the exclusive option. The new Ripton School District will need to have a flexible array of service options available. Larger schools are more nimble in this regard because they can hire full-time staff with specific expertise and spread the services and costs throughout the system, as the needs of the student population shift.

Having sufficient policies and staff to process and investigate grievances and appeals in special education is important. A superintendent serving as a special education director could cause a difficulty in grievance procedures, where part of the process involves investigation, appeals and overall management. Ms. Maguire has never been involved in a district where teachers ran grievance proceedings, in large part because of the conflict that would arise as a result of their role within the school. There needs to be enough people involved to provide oversight and management of legal challenges if they arise.

Other questions that arose for Mr. Maguire as she read the report included:

1. Who will do the evaluation plans, particularly in instances where students have multiple disability areas? It is difficult for one special educator to be an expert in all areas.
2. How will the new district ensure that sufficient funding is in the budget to manage any challenges that might arise?

3. How will special education rule changes be resourced in relation to professional development for staff? Training and support plans for professionals is important and necessary.
4. What happens when time is consumed by a specific project and timeline? With partial FTE staff, is there flexibility to get additional staff support?

Ms. Maguire suggested that the next step might be to create a roles and responsibilities chart that outlines who oversees and delivers the following and how each is accomplished from a budgetary standpoint.

- curriculum design
- oversight of multi-tiered systems of support (MTSS)
- Agency of Education interaction
- assessment design and intervention
- data collection and monitoring
- collaborative team design
- procurement, purchasing and monitoring of spending
- survey completion for the Agency of Education
- COVID-19 relief fund access, use and reporting
- grant applications and reporting
- child nutrition reporting
- Civil Rights data collection

Other considerations include how to staff and fund paraeducator support and training, contingency planning for technology issues that arise, contingency support for unexpected building needs, accessibility issues, Early Education staffing, and diversity-equity-inclusion planning. Ms. Maguire was concerned about how seniority might cause the teachers to consider leaving a Ripton School District to stay with the larger system where they have accrued seniority.

Ms. Maguire indicated that offering an opinion on the viability of a new Ripton School District is challenging given the current information, yet she realizes that this is a status report. Actions that would help determine an opinion on preparedness for July 1, 2023, include:

- preparation of a roles and responsibilities chart,
- an outline of special education options other than virtual support that would be available,
- contingency for financial planning, specifically a plan for unanticipated higher than planned special education costs,
- an outline that shows a structure that provides an array of special education services that may be needed and,
- documented budgets showing a new supervisory union, Ripton and Lincoln.

From an administrator's perspective, there appears to be information that is needed before it is possible to provide an opinion on the viability of the new school district. Ms. Maguire could not definitively provide a recommendation. She accepted Ripton's own assessment that they do not believe they are a viable option as a stand-alone district without a partner or partners.

When asked, Ms. Maguire indicated that two years of planning and decision making was necessary when working to combine the district within which she works. From a backwards design standpoint, it took four years from ideation to launch. She would worry about doing it in one year unless the new district was choosing to superimpose another district's design over the process. Combining two entities takes time. Ms. Maguire complimented Ripton for recognizing and spending time on the importance of an effective collaborative working relationship with Lincoln as outlined in the report.

Tammy Kolbe emphasized that minimum staffing requirements are essential and there are roles where it is difficult for one person to perform several roles effectively and efficiently. A budget should reflect the minimum staffing levels required. Ms. Maguire pointed out that it is difficult for a person to be an expert at everything. She recommended that Ripton would need a list of contract service providers that they could draw upon. Access to expertise would be necessary. Because she is not from the area, Ms. Maguire is unaware of what staffing providers are available. In her region, expertise can cost \$80/hr. to \$150/hr.

If it was Ms. Maguire's task to create a budget, she pointed out that she would need to do a review of individualized education programs (IEPs) in order to determine the services that were necessary. This would inform a staffing pattern and budget. She was unaware of how the LEA costs were determined in the Ripton report. She indicated that numbers of students to be served matter even more when the system is small because they can cause significant special education budgetary swings. Small systems need clear financial contingency plans. Predictability of cost is more difficult when tuitioning students to another school.

Given the current information provided, in this moment in time Ms. Maguire is not able offer an opinion saying that Ripton would be prepared to begin on July 1, 2023. She has questions that keep her from saying "yes." That planning that would be required, once her questions are answered, could take a year or more to implement, specifically relating to budgeting and hiring. That being said, she admitted that she has not worked in a system of Ripton's size. Perhaps things can happen more quickly. However, Lincoln needs to be very actively involved in the conversation.

Tammy Kolbe asked Ms. Maguire where Ripton should start on the list. Ms. Maguire suggested that they begin with a comprehensive organizational chart, including all of the roles and responsibilities outlined and with sufficient FTE staffing to perform the tasks required. This exercise should be done for Ripton, Lincoln and the new supervisory union. This would be followed by financial contingency planning for unanticipated expenses.

Oliver Olsen asked Emily Simmons, Agency of Education General Counsel, for her counsel on the process followed for levying taxpayer funds to support planning and implementation. It would appear to him that there were no district education funds budgeted and approved by the electorate for the project. Instead, it appears that the Town budget had been used to levy a tax for the purposes of school district planning.

Emily Simmons reviewed how taxes are levied. Towns and school districts do not co-mingle funds. The funds of the town cannot be spent on school issues, and vice versa. The Department of Taxes has been made aware that there may be a special tax bill being sent out by the Town. Mr. Cash did not have an answer to the question concerning how the tax was being levied. He pointed out that the Ripton School

Board has engaged with an attorney who will explore the question about the phase-one planning funding. The Ripton Board is meeting with him next week. Mr. Cash indicated that the Ripton School Board will be researching:

- the process for appropriating funding for phase one,
- how funding for phase two will be requested and a timeline,
- organizational charts with clarity concerning responsibilities and,
- budget implications relating to the issues discussed during this meeting.

Oliver Olsen asked Emily Simmons to speak to any other legal questions. Ripton's Small Schools Grant will experience changes within the next three years. Emily Simmons suggested that Ripton cannot count on the Small Schools Grant in the future, the reasons for which she can send follow-up details.

Oliver Olsen asked if at any point the Ripton School Board had been authorized by the Town electorate to spend and/or borrow money. Mr. Cash reviewed the fact that two school board elections had taken place, one in June 2021, at which time a three-member board was created, and one in May 2022 at which time the board was increased to five members. He will need to research the question on spending and borrowing.

Kim asked if there were limits on special education teacher student caseload size. Ms. Maguire indicated that there is no limitation on caseloads. Yet, IEPs will dedicate the amount of time required for professional service delivery. That will determine caseload student numbers. Ms. Maguire pointed out that caseloads in Vermont typically range from 12-22 for each full-time special educator.

Tammy Kolbe asked about the special education labor gap and future anticipated needs. She specifically is interested in labor gaps and needs by region if that information is available. Betty Roy, from the Agency of Education, will investigate the question prior to the next meeting.

#### **Approval of Meeting Minutes from June 24, 2022 and July 22, 2022**

Kim Gleason made a motion to approve the minutes from June 24, 2022, and July 22, 2022. The motion was seconded by Jenna O'Farrell. The motion passed unanimously.

#### **Public to be Heard**

There was no public that wished to be heard.

#### **Adjournment**

A motion was made by Kim Gleason to adjourn the meeting. The motion was seconded by Tammy Kolbe. The meeting was adjourned at 2:52 p.m.

Minutes prepared by Lyle Jepson.

