

1 **Annotated in blue to show proposed changes by AOE in Sec. French's**  
2 **side-by-side testimony on Feb. 7, 2020**

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4  
5 Introduced by Committee on Education

6 Date:

7 Subject: Education; State Board of Education; powers and duties

8 Statement of purpose of bill as introduced: This bill proposes to transfer  
9 various duties and responsibilities from the State Board of Education to the  
10 Secretary of Education to permit the State Board to focus on long term strategy  
11 and high priority educational issues.

12 An act relating to the powers and duties of the State Board of Education

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 \* \* \* Transfer of Certain Responsibilities of the State Board of Education to  
15 the Secretary of Education \* \* \*

16 Sec. 1. 16 V.S.A. § 164 is amended to read:

17 § 164. **STATE BOARD**; GENERAL POWERS AND DUTIES

18 The **State Board** shall ~~evaluate education policy proposals, including timely~~  
19 ~~evaluation of policies presented by the Governor and Secretary;~~ **engage local**  
20 **school board members and the broader education community; and** ~~establish~~

1 ~~and advance education policy for the State of Vermont~~, consistent with the  
2 provisions of this title, its own rules and rules adopted by the Secretary,  
3 establish and regularly update a long-term strategic vision for the delivery of  
4 educational services in Vermont, advise the General Assembly, the Governor,  
5 and the Secretary of Education on high priority educational policies and issues  
6 as they arise, and act in accordance with Legislative ~~and Gubernatorial~~  
7 mandates, including the adoption of rules and executing special assignments.

8 In addition to other specified duties, the Board shall:

9 (1) Establish such advisory commissions as in the judgment of the  
10 Board will be of assistance to it in carrying out its duties. Advisory  
11 commission members shall serve with or without compensation at the  
12 discretion of the Board but shall receive actual expenses incurred in pursuance  
13 of their duties.

14 (2) Have the authority to enter into agreements with school districts,  
15 municipalities, states, the United States, foundations, agencies, or individuals  
16 for service, educational programs, or research projects.

17 (3) Examine and determine all appeals that by law are made to it and  
18 prescribe rules of practice in respect thereto, not inconsistent with law.

19 (4) ~~Review and comment on an Agency budget prepared by the~~  
20 ~~Secretary for the Governor.~~ [Repealed.]

21 (5) [Repealed.]

1           (6) ~~Make regulations governing the attendance and records of~~  
2 ~~attendance of all students and the department of students attending public~~  
3 ~~schools. [Repealed.]~~

4           (7) Adopt rules pursuant to 3 V.S.A. chapter 25 ~~as necessary or~~  
5 ~~appropriate for the execution of its powers and duties and of the powers and~~  
6 ~~duties of all persons under its supervision and control~~ for the implementation  
7 of powers given to the Board under this section and under sections 166, 175-  
8 177, and 261 of this title.

9           ~~(A) for the purpose of carrying out, and within the limitations of,~~  
10 legislative intent, concerning:

11           ~~(i) the operation and administration of the State Board of~~  
12 Education;

13           ~~(ii) educational quality standards;~~

14           ~~(iii) independent school program approval, including:~~

15           ~~(I) approval of distance learning schools;~~

16           ~~(II) post secondary schools; and~~

17           ~~(III) private kindergarten approval;~~

18           ~~(iv) special education, including special education finance and~~  
19 census-based funding;

20           ~~(v) career and technical education;~~

21           ~~(vi) adult education;~~

1 ~~(vii) school accountability system based on student achievement;~~

2 ~~(viii) prekindergarten education;~~

3 ~~(ix) supervisory union and school district organization;~~

4 ~~(x) proposals for alternative structures under 2015 Acts and~~

5 ~~Resolves No. 46; and~~

6 ~~(xi) licensing of educators and the preparation of educational~~

7 ~~professionals; and~~

8 ~~(B) as directed by the General Assembly.~~

9 (8) Review rules ~~and comment on~~ proposed by the Agency of Education  
10 prior to prefiling the proposed rules with the Interagency Committee on  
11 Administrative Rules under 3 V.S.A. § 837.

12 ~~(9) Implement Promulgate and continually update standards for student~~

13 ~~performance in appropriate content areas and at appropriate intervals in the~~

14 ~~continuum from kindergarten prekindergarten to grade 12 and methods of~~

15 ~~assessment to determine attainment of the standards for student performance.~~

16 ~~The standards shall be rigorous, challenging, and designed to prepare students~~

17 ~~to participate in and contribute to the democratic process and to compete in the~~

18 ~~global marketplace. The standards shall include a standard standards for~~

19 ~~reading level proficiency for students completing grade three completing such~~

20 ~~grade level or levels as the Board shall determine.~~

21 (10) [Repealed.]

1 ~~(11) If deemed advisable, determine educational standards for admission~~  
2 ~~to and graduation from the public schools.~~

3 (12) [Repealed.]

4 (13) ~~Be the State Board for the program of adult education and literacy~~  
5 ~~and perform all the duties and powers prescribed by law pertaining to adult~~  
6 ~~education and literacy and to act as the State approval agency for educational~~  
7 ~~institutions conducting programs of adult education and literacy. [Repealed.]~~

8 (14) ~~Adopt rules for approval of independent schools. [Repealed.]~~

9 (15) ~~Establish criteria governing the establishment of a system for the~~  
10 ~~receipt, deposit, accounting, and disbursement of all funds by supervisory~~  
11 ~~unions and school districts. [Repealed.]~~

12 (16) ~~In cooperation with the Secretary, ensure that the Agency develops~~  
13 ~~information, plans, and assistance to aid in making technology and~~  
14 ~~telecommunications available and coordinated in all school districts. The State~~  
15 ~~Board shall develop guidelines for distribution of federal, State, or private~~  
16 ~~funds designated for the development or expansion of distance learning~~  
17 ~~technologies. The guidelines shall encourage, consistent with any terms or~~  
18 ~~conditions established by the funding source, collaboration between schools~~  
19 ~~and school districts to realize economic and educational efficiencies.~~

20 [Repealed.]

1           (17) ~~Report annually on the condition of education statewide and on a~~  
2 ~~supervisory union and school district basis. The report shall include~~  
3 ~~information on attainment of standards for student performance adopted under~~  
4 ~~subdivision (9) of this section, number and types of complaints of hazing,~~  
5 ~~harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title~~  
6 ~~and responses to the complaints, financial resources and expenditures, and~~  
7 ~~community social indicators. The report shall be organized and presented in a~~  
8 ~~way that is easily understandable by the general public and that enables each~~  
9 ~~school, school district, and supervisory union to determine its strengths and~~  
10 ~~weaknesses. To the extent consistent with State and federal privacy laws and~~  
11 ~~regulations, data on hazing, harassment, or bullying incidents shall be~~  
12 ~~disaggregated by incident type, including disaggregation by ethnic groups,~~  
13 ~~racial groups, religious groups, gender, sexual orientation, gender identity,~~  
14 ~~disability status, and English language learner status. The Secretary shall use~~  
15 ~~the information in the report to determine whether students in each school,~~  
16 ~~school district, and supervisory union are provided educational opportunities~~  
17 ~~substantially equal to those provided in other schools, school districts, and~~  
18 ~~supervisory unions pursuant to subsection 165(b) of this title. [Repealed.]~~

19           (18) ~~Ensure that Vermont's students, including students enrolled in~~  
20 ~~secondary career technical education, have access to a substantially equal~~  
21 ~~educational opportunity by developing a system to evaluate the equalizing~~

1 ~~effects of Vermont's education finance system and education quality standards~~  
2 ~~under section 165 of this title. [Repealed.]~~

3 (19) [Repealed.]

4 (20) ~~Pursuant to section 806g of this title, constitute the State Council~~  
5 ~~for the Interstate Compact on Educational Opportunity for Military Children~~  
6 ~~and appoint to the Council a Compact Commissioner and Military Family~~  
7 ~~Education Liaison, who may be the same person. The Board may appoint~~  
8 ~~additional members. [Repealed.]~~

9 (21) Report annually to the Governor and the General Assembly on the  
10 ~~progress the Board has made on the development of education policy for the~~  
11 ~~State current condition and future prospects of education in Vermont.~~

12 Sec. 2. 16 V.S.A. § 212 is amended to read:

13 § 212. SECRETARY'S DUTIES GENERALLY

14 The Secretary shall ~~execute those policies~~ implement rules adopted by the  
15 State Board in the legal exercise of its powers and shall:

16 \* \* \*

17 (23) Make regulations governing the attendance and records of  
18 attendance of all students and the department of students attending public  
19 schools.

20 (24) Adopt rules pursuant to 3 V.S.A. chapter 25 as:

1           (A) necessary or appropriate for the execution of the Secretary’s  
2           powers and duties and of the powers and duties of all persons under the  
3           Secretary’s supervision and control; and

4           (B) directed by the General Assembly.

5           (B) Submit rules proposed by the Agency of Education to the State  
6           Board of Education prior to prefiling the proposed rules with the Interagency  
7           Committee on Administrative Rules under 3 V.S.A. § 837. The Secretary shall  
8           submit proposed rules to the State Board for review and comment within a  
9           time frame that accommodates the State Board’s review of the proposed rules  
10           and the Secretary’s ability to respond to State Board comments.

11           (25) Approve the status of independent schools as “approved  
12           independent schools” under rules adopted by the State Board of Education.

13           (26) Establish criteria governing the establishment of a system for the  
14           receipt, deposit, accounting, and disbursement of all funds by supervisory  
15           unions and school districts.

16           (27) Ensure that the Agency develops information, plans, and assistance  
17           to aid in making technology and telecommunications available and coordinated  
18           in all school districts. The Secretary shall develop guidelines for distribution  
19           of federal, State, or private funds designated for the development or expansion  
20           of distance learning technologies. The guidelines shall encourage, consistent  
21           with any terms or conditions established by the funding source, collaboration

1 between schools and school districts to realize economic and educational  
2 efficiencies.

3 (28) Report annually on the condition of education statewide and on a  
4 supervisory union and school district basis. The report shall include  
5 information on attainment of standards for student performance adopted under  
6 subdivision 164(9) of this title, number and types of complaints of hazing,  
7 harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title,  
8 and responses to the complaints, financial resources and expenditures, and  
9 community social indicators. The report shall be organized and presented in a  
10 way that is easily understandable by the general public and that enables each  
11 school, school district, and supervisory union to determine its strengths and  
12 weaknesses. To the extent consistent with State and federal privacy laws and  
13 regulations, data on hazing, harassment, or bullying incidents shall be  
14 disaggregated by incident type, including disaggregation by ethnic groups,  
15 racial groups, religious groups, gender, sexual orientation, gender identity,  
16 disability status, and English language learner status. The Secretary shall use  
17 the information in the report to determine whether students in each school,  
18 school district, and supervisory union are provided educational opportunities  
19 substantially equal to those provided in other schools, school districts, and  
20 supervisory unions pursuant to subsection 165(b) of this title.



1 ~~education and literacy, and acting as the State approval agency for educational~~  
2 ~~institutions conducting programs of adult education and literacy.~~

3 (b) The Agency shall also be the agency to accept and administer federal  
4 funds that require administration by a state education agency having  
5 jurisdiction of elementary and secondary education.

6 ~~(b)~~(c) Subject to the approval of the Governor, the Agency may accept and  
7 use federal funds. It may establish criteria and procedures to conform with any  
8 requirements established for the use of the funds and may take such other  
9 action as may be required to comply with any condition for receipt of federal  
10 aid.

11 \* \* \*

12 Sec. 16. STATE BOARD OF EDUCATION RULES; AGENCY OF  
13 EDUCATION

14 (a) Except for the State Board of Education rules referenced in subsection  
15 (b) of this section, the rules of the State Board of Education in effect on the  
16 effective date of this act shall constitute the rules of the Agency of Education  
17 until amended or repealed, and all references in those rules to the State Board  
18 of Education, the Department of Education, and the Commissioner of  
19 Education shall be deemed to refer to the Agency of Education and the  
20 Secretary of Education as appropriate.

1       (b) The following rules shall continue to be the rules of the State Board of

2       Education:

3           (1) Series 1200—State Board of Education;

4           ~~(2) Series 1320—Special Education Finance and Census-based Funding;~~

5           ~~(3) Series 2000—Educational Quality Standards;~~

6           (4) Series 2200—Independent School Program Approval, including:

7               (A) 2231—Approval of Distance Learning Schools;

8               (B) 2240—Post-secondary Schools; and

9               (C) 2270—Private Kindergarten Approval;

10          ~~(5) Series 2360—Special Education;~~

11          ~~(6) Series 2370—Career and Technical Education;~~

12          ~~(7) Series 2400—Vermont Adult Education;~~

13          ~~(8) Series 2500—School Accountability System Based on Student~~

14          ~~Achievement;~~

15          ~~(9) Series 2600—Prekindergarten Education;~~

16          (10) Series 3000—School District Organization;

17          (11) Series 3400—Proposals for Alternative Structures under Act 46;

18          and

19          ~~(12) Series 5000—Licensing of Educators and the Preparation of~~

20          ~~Educational Professionals.~~