

State Board of Education Annual Report

16 V.S.A. §164 (21)

REPORT
January 12, 2021

**Annual Report
to the Governor and General Assembly**

Submitted by:

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Legislation

This report is submitted in compliance with 16 VSA §164 (21), [16 VSA §164 \(21\)](#), which requires the State Board of Education to “report annually to the Governor and the General Assembly on the progress it has made on the development of education policy for the State”.

The State Board of Education’s work in 2020

In the past year, 2020, the State Board of Education has engaged in several initiatives to “*advance education policy for the State of Vermont*” (16 V.S.A §164). By statute, the Board’s roles and responsibilities consist in several discrete functions:

1. facilitation and implementation of major education initiatives of the General Assembly;
2. analysis and recommendation to the General Assembly for legislative reforms concerning education;
3. rulemaking to guide the scope, quality, and accountability of PK-12 education;
4. convening public conversations about important developments, trends and concerns in PK-12 education in Vermont; and
5. adjudicating Vermonters’ appeals of decisions of the Secretary of Education and of other education entities.

Facilitation of major education initiatives of the General Assembly

In recent years, the General Assembly has chosen the State Board of Education to facilitate implementation of major education initiatives of the Legislature. For example, in Act 46 the General Assembly directed the Board in 2018 to implement the provisions of the Act by adopting a State Plan for the consolidation of school governance. Then in Act 173, the General Assembly directed the Board to “*initiate rules that are necessary to implement the Act.*”

Accordingly, throughout 2020 the Board has overseen the rulemaking process to reform special education funding and practice, and has facilitated resolution of differences between the Agency of Education and key stakeholders. In 2021, the Board will complete an 18-month sequence to draft and formally adopt rules to implement Act 173.

Identification and recommendation to the General Assembly for legislative reforms concerning education

In many instances the Board is the venue where the need for legislative reform is first manifest. For example, two small towns which three years ago formed a joint school district under the incentives of Act 46, came to the Board in 2020 for permission to dissolve their union district. Under decades-old provisions of statute, the Board was obliged to approve the dissolution. Yet the statutory process for dissolving union school districts predates Act 46, and it appears to allow for the re-creation of smaller educational governance units that might not comport with the Legislature’s goals, as expressed in Section 2 of Act 46. Accordingly, the Board has brought the matter – and the possible need for modification of statute – to the attention of the appropriate committees of the General Assembly.

Rulemaking to guide the scope, quality, and accountability of PK-12 education

In contrast with year-by-year assignments from the General Assembly to facilitate major legislative initiatives, the Board also ensures continuity and continuous improvement in the scope, quality, and accountability of PK-12 education. As directed by long-standing provisions of state law, the Board adopts rules to provide local school boards, schools, and educators with the regulatory guidance they need to implement legislative directives of the General Assembly. For example, as directed by 16 VSA §165, the Board adopts Educational Quality Standards to provide context and consistency to guide local schools' curricula toward recognized best-practices. Similarly, other Board rules, each derived from specific provisions of statute, guide and shape special education, pre-kindergarten, career and technical education, independent schools (k-12 through post-secondary), adult education, and school district organization. The Board's rulemaking process conforms to the requirements of the Administrative Procedures Act (3 VSA Ch 25), thus assuring transparency, public input, and thoughtful deliberation.

Convening public conversations about important developments, trends, and concerns in PK-12 education in Vermont

In 2020 the Board expanded its engagement with the public on topics of broad concern and importance. For example, in early 2020 the Board convened a state-wide all-comers discussion of Proficiency-Based Learning. Then, with the onset of COVID-19, the Board convened a series of public discussions with key stakeholders about distance-learning, continuity of essential student services, and re-opening schools. And, more recently, the Board's two student members developed and conducted a survey of students from nine Vermont high schools on the impact of COVID-19 on their education.

Adjudicating Vermonters' appeals of decisions of the Secretary of Education and decisions of certain other education entities, as provided by statute

As provided by law, the Board is the venue of appeal for Vermonters who challenge certain decisions of the Secretary of Education and of other educational entities, such as local school boards. In early 2020 the Board took testimony and ruled on an appeal of the Secretary's decision in connection with an educator's license. Similarly, the Board received an appeal of the Secretary's decision in connection with tuition rate-setting at an independent school. Before hearing, the dispute was settled to the satisfaction of the parties.

Collaboration with the General Assembly

The year 2020 saw unprecedented levels of collaboration between the General Assembly and the State Board of Education. The Board provided testimony and assistance to several legislative committees studying proficiency-based learning, implementation of special education reforms, and resumption of the state's program of school construction aid.

Moreover, in 2020 the Board worked closely with the Senate and House Committees on Education on much-needed reform of the roles and responsibilities of the State Board of Education. The goals of these reforms are:

- to enhance the Agency of Education’s autonomy by repealing vestigial provisions of law that perpetuate the State Board’s undue involvement with administrative duties of the Agency; and
- to strengthen the State Board’s unique role as citizen overseers of education in Vermont, independent of partisan considerations and interest-group pressures.

In early 2020 the Senate Committee on Education crafted and unanimously approved S.166, which clarifies and focusses the authorities of the Board. The Committee’s bill was approved unanimously by the full Senate and sent on to the House, whence it was referred to the House Committee on Education. However, as happened to many bills in the ‘legislative pipeline’ in mid-2020, further work on S.166 was stymied by the COVID-19 pandemic.

Accordingly, in the new biennium the Board will continue its close collaboration with the General Assembly to bring to fruition these vital reforms of the Board’s role and authority, and to assist the Legislature in education initiatives, such as school construction aid, which are of pressing importance to legislators and to their constituents.

For further information, contact:

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