



VERMONT STATE BOARD OF EDUCATION ANNUAL REPORT

Report to the Governor and the Vermont General Assembly

January 9, 2024

**Submitted by the State Board of Education Chair, Jennifer
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Introduction

Among its many responsibilities set forth in [16 V.S.A. §164](#), the Vermont State Board of Education (the Board) is charged with preparing and submitting an annual report to the Governor and the General Assembly. Although some of the required content of the report seems to be a remnant from the days when the Board oversaw and directed the then Department of Education and presently the Agency of Education (the Agency) and is now more appropriately assigned to the Agency, see [16 V.S.A. §164\(17\), \(21\)](#), the Board nevertheless felt that it was important to report on work performed during the past year and to highlight areas that will be of significant interest in the upcoming year.

Work Performed in 2023

2023 has been an incredibly busy year for the Board. In the past 12 months, the Board has held *more than 60 public meetings* on a variety of topics. Most Board members serve on multiple Board committees and, of course, each meeting represents the culmination of many hours of work and preparation by Board members to ensure that they are efficient and productive. The Board's work in the past year has focused on the following areas:

Updating Rule Series 2000 - Education Quality Standards

The Board continued its work, which began in 2022, to update Rule Series 2000 - Education Quality Standards ("EQS") pursuant to [16 V.S.A. §165](#) to align with the principles and goals of [Act 1 \(2019\)](#). Amendments to the Rule were approved by the Board at its monthly meeting on May 17th, approved by the Interagency Committee on Administrative Rules ("ICAR") on June 12th, and subsequently filed as a "Proposed Rule" with the Secretary of State on July 25th. The Board held three public hearings and extended the comment period to maximize opportunities for the public to provide feedback. The Board is currently reviewing and considering each comment received. Updates to the EQS should become fully promulgated in the spring, providing ample time for stakeholders to prepare for implementation on July 1, 2025.

Updating Rule Series 2200 - Independent School Approvals

As the Governor and General Assembly may recall, the Board completed work in 2022 to update its Rule Series 2200 - Independent School Approvals ("Rule Series 2200"). Indeed, the majority of last year's updates, which pertain to the requirement that approved independent schools must be able to serve all students with disabilities as a condition of their ability to receive public funds, only became effective on July 1st of 2023. Nevertheless, the Board decided to re-open the rules to accomplish three important goals:

Goal One

When the Board voted to approve the proposed updates to the EQS at its May 17th meeting, it agreed to extend the principles and goals of Act 1 to approved independent schools under its authority pursuant to [16 V.S.A. §164\(14\)](#). The Board reviewed the proposed Act 1-related updates that it made to the EQS and incorporated parallel language in Rule Series 2200. It is the Board's intent that the final proposed language implementing the principles and goals of [Act 1](#) will be substantively the same between the two rule series. The Board believes that doing this will give effect to the desired outcome in Act 1 that Vermont's schools promote critical thinking and study of the history, contributions, and perspectives of ethnic and social groups.

Goal Two

The proposed updates now include a requirement that schools must complete and submit to the Agency an annual assurance of compliance with state and federal law as a condition of their continued approval. This requirement closes a gap in the current rule series, reflects the interest expressed by the General Assembly, and was developed in consultation with the Agency.

Goal Three

The proposed rules now provides a mechanism by which accrediting agencies are recognized by the Board. These updates were developed in consultation with the New England Association of Schools and Colleges (NEASC), the Association of Independent Schools in New England (AISNE), and the International Council Advancing Independent School Accreditation (ICAISA).

Next Steps

The proposed updates were approved by the Board at a special meeting on August 18th, approved by ICAR on October 9th, and subsequently filed with the Secretary of State on October 13th. The Board held three public hearings and is currently reviewing and considering all comments received. As with the updates to the EQS, the updates to Rule Series 2200 should become final in the spring and fully effective on July 1, 2025.

Independent School Approvals and Reapprovals

The Board's Rule Series 2200 Approvals Committee worked with the Agency to review independent schools that are seeking approval or reapproval. There are many steps involved in this process, which helps to ensure that each independent school that is approved satisfies statutory standards as well as the Board's rules. In the past 12 months, the Board granted 4 initial approval applications and 10 renewal of approval applications submitted by independent schools.

Search for the New Permanent Secretary of Education

By letter dated July 26, 2023, Governor Scott requested, pursuant to [3 V.S.A. §2702](#), that the Board initiate the search for candidates for a new permanent Secretary of Education. The Board established a search committee at its August monthly meeting, and, over the next two and a half months, developed a framework for the search process, crafted and advertised the job posting, drafted questions and created a scoring rubric, reviewed applications and interviewed selected candidates, and debriefed after the interviews. In total, the Board received 19 applications and conducted seven interviews. The Board voted at its monthly meeting on November 15th to forward to the Governor the names of three applicants for his consideration. The Board is proud to have developed and followed the most inclusive, transparent, and engaging process in the history of the Board for recruiting, reviewing, and selecting candidates to lead the Agency. It reflects the Board's commitment to supporting the needs of students, parents, educators, taxpayers, and Agency staff, and it serves as an example of the powerful role that the Board can play in serving this diverse and unique group of stakeholders. The Board looks forward to welcoming a new permanent Secretary of Education in 2024 and working closely together in the coming years.

Future Goals

As the Board looks ahead, there are several areas of need that, if resolved, will allow its work to flow more efficiently in the future.

Division of Roles and Responsibilities with the Agency

As the General Assembly well knows, the Board is deeply reliant upon the Agency to support and facilitate much of its work. Administratively, the Agency assists the Board with everything from running its meetings, posting meeting materials, drafting meeting minutes, and managing the Board's website. Substantively, the Agency supports the Board's approval of all independent schools and grants of calendar waivers, and it provides regular updates to the Board to ensure that Board members are well-informed about educational issues within the State. The Board is proud of its working relationship with the Agency and is grateful for the support that the Agency provides. Nevertheless, the Board finds that many stakeholders are often confused about which entity oversees a particular issue, and the Board hopes that the division of roles and responsibilities between the Board and the Agency will be finalized during the upcoming legislative session. In addition, many of the Board's rules are outdated and should be revised, but it is difficult to engage in this work without a clear understanding of whether or not a rule that is currently under the Board's authority will remain so after a final determination of roles and responsibilities has been made.

Need for Legal Counsel

The Board feels that its work would benefit from the addition of dedicated legal counsel and support. Increasingly, the Board's work involves issues of statutory construction and interpretation, as well as drafting language in furtherance of its work. Legal assistance is crucial to the Board's success. The Board relies upon outside counsel to assist it, but this is inefficient, both in terms of cost and in terms of the fact that retained counsel is only able to advise the Board on issues that fall within the parameters of the underlying contract. Anything beyond the scope of the contract must be put out to bid, which obviously takes time and does not allow the Board to be as nimble as it would like to be when new issues invariably arise.

Compensation for Board Members

By statute, Board members earn \$50/meeting or \$6.25/hour for work performed in their official capacities. This amount does not reflect the qualifications that Board members bring to their position, nor does it appropriately compensate them for the many hours that they devote each week to serving in this capacity. In addition, as the General Assembly thinks about the future composition of the Board, it is worth noting that very few Vermonters who might otherwise be interested in serving have the time and flexibility in their jobs to commit to meeting the demands that this appointment requires. To the extent that Board members should be representative of Vermonters generally, the Board encourages the General Assembly to revisit the issue of compensation with a goal of settling upon an amount that is in keeping with other state boards and commissions, is commensurate with the duties of the Board and legal liability to the State that is inherent with neglecting to perform these duties with the highest level of effort, reflects the caliber of the Board's work and the time commitment required of Board members, and serves as an incentive for other members of the public to feel inspired to join this important work.

Conclusion

As an essentially volunteer organization, the Board is comprised of individuals who come from myriad backgrounds but who possess at least one fundamental trait in common: we all care deeply about education in Vermont. We are grateful for the trust that has been given to us by the Governor and the General Assembly to consider, debate, and resolve educational policies and issues as they arise, and we look forward to continuing this work in the coming year.