



VERMONT STATE BOARD OF EDUCATION ANNUAL REPORT

Report to the Governor and the Vermont General Assembly

January 6, 2025

**Submitted by the State Board of Education Chair, Jennifer
Deck Samuelson**

Introduction

Among its many responsibilities set forth in 16 V.S.A. § 164, the Vermont State Board of Education (the Board) is responsible for preparing and submitting an annual report to the Governor and the General Assembly “on the progress the Board has made on the development of education policy for the State.” 16 V.S.A. § 164(21). Although Act 66 (2021) removed the Board’s authority to establish and advance education policy for the State of Vermont, the Board continues to feel that it is important to report on work done during the past year and to highlight areas that will be significant in the upcoming year.

Work Performed in 2024

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. Over the past 12 months, the Board held approximately 40 monthly meetings, special meetings, and committee meetings. Most Board members serve on more than one committee and, of course, each meeting represents the culmination of many hours of work and preparation by Board members to ensure that the meetings are efficient and productive. In addition, the Board’s Chair is a member of the Commission on the Future of Public Education in Vermont pursuant to Act 183 (2024) and also serves on the Commission’s Steering Committee.

The Board’s work in the past year has focused on the following areas:

Updating Rule Series 2000 - Education Quality Standards

The Board completed its work, begun in 2022, to update Rule Series 2000 (Education Quality Standards) pursuant to 16 V.S.A. § 165 to align with the principles and goals of Act 1 (2019). These rules, last updated in 2014, establish the standards that public schools and any independent school that is designated as an independent school meeting education quality standards need to meet to ensure that all Vermont students are afforded educational opportunities that are substantially equal in quality and are equitable, antiracist, culturally responsive, anti-discriminatory, and inclusive. The proposed updates were approved by the Board at its monthly meeting on April 17th, and Board members appeared before the Legislative Committee on Administrative Rules on June 13th. The rules were approved and will go in effect on July 1, 2025.

Updating Rule Series 2200 - Independent School Approvals

The Board also completed another round of updates to Rule Series 2200 (Independent School Program Approval) pursuant to 16 V.S.A. § 164(14) to accomplish the following objectives:

- Apply the principles and goals of Act 1 (2019) to independent schools and adopt the same substantive language as that used in Rule Series 2000;

- Introduce the requirement that independent schools, as a condition of their continued approval, must complete and submit annual assurances of their compliance with the rules;
- Provide a comprehensive framework of requirements that accrediting agencies must meet in order to be recognized by the Board;
- Require a method by which the Agency will evaluate whether a school is compliant with nondiscrimination requirements; and
- Clarify the process by which accredited and non-accredited schools may apply for and receive approval and reapproval.

The proposed updates were approved by the Board at its monthly meeting on April 17th, and Board members appeared before the Legislative Committee on Administrative Rules on June 13th. The rules were approved and became effective on July 1, 2024, except that Rules 2223.3.3(b) (Instructional Strategies) and 2223.3.3(c)(1) (Curriculum Content) will take effect on July 1, 2025.

Independent School Approvals and Reapprovals

The Board's Rule Series 2200 Approvals Committee oversees applications by any organization that falls within the purview of the Board's Rule Series 2200. For the most part, these applications come to the Board through the Agency; the exception is that applications from accrediting agencies are submitted directly to the Board. The breakdown of the Committee's work in the past year is as follows:

- The Committee considered and recommended to the full Board the approval of two post-secondary schools.
- The Committee is currently in the process of reviewing applications by various accrediting organizations that seek recognition by the Board pursuant to its Rule 2227, and, to date, the Board has recognized three accrediting agencies.
- Applications for independent school reapprovals are awaiting delivery to the Board from the Agency of the application packets. The Agency is currently experiencing a backlog of independent school approvals which has resulted from a combination of factors, including a pause in site reviews during the COVID-19 response and recovery, transition time in response to new rule updates, and litigation filed against the state and several school districts. The Board anticipates that its oversight of independent school requests for reapproval will resume in the spring, and it looks forward to working with the Agency to ensure the timely review of those reapprovals.
- There have been no new applications for independent school approvals since the General Assembly imposed a moratorium in Act 78 (2023).

Student Performance Standards

Now that the updates to the Board's Rule Series 2000 (Education Quality Standards) are complete, the Board is exercising its authority pursuant to 16 V.S.A. § 164(9) to implement and update standards for student performance that will align with the

Education Quality Standards. The Board recently adopted Vermont updates to the National Health Education Standards and the National Physical Education Standards. With additional funding to support it, the Board's Student Performance Standards Committee will next consider the Ethnic Studies Standards that have been proposed by the Act 1 Ethnic and Social Equity Standards Advisory Working Group.

Future Goals

As the Board looks to the upcoming year, anticipated areas of work include:

- Considering requests for reapproval by currently approved independent schools once the Board receives full application packets from the Agency;
- Considering the proposed Ethnic Studies Standards once the Board obtains additional funding to support this work;
- Engaging in formal rulemaking to implement updates to the Board's Rule Series 2370 (Career and Technical Education) once the Board receives a proposed draft from the Agency and obtains additional funding to support this work;
- Considering applications by accrediting organizations that seek recognition by the Board pursuant to the Board's Rule 2227;
- Continuing efforts to clarify the Board's external roles and functions as well as its internal governance structure; and
- Fulfilling any special requests that are made of it by the General Assembly.

To do this work, the Board respectfully requests that the Legislature:

1. Increase the Board's Funding So That It May Execute Statutory Duties and Fulfill Legislative Mandates

For FY25, the Board's budget is again \$70,708. The Board notes that its budget has not changed since FY21 and that FY21 constituted a significant drop in funding as compared to prior years. Quite simply, this funding level is insufficient for the Board to meet all of its stated duties and obligations.

Currently, the Board has about \$40,000 remaining in its FY25 budget, which must cover per diem and travel expenses for Board members to attend meetings, the estimated costs of legal and advisory services, and anticipated advertising and recording fees, among other categories. Without additional funding for FY25, the Board will be unable to retain a consultant, which the Board estimates will cost approximately \$40,000, to assist it in reviewing the proposed Ethnic Studies Standards that have been proposed by the Act 1 Ethnic and Social Equity Standards Advisory Working Group or to retain legal counsel to assist it with intended updates to the Board's Rule Series 2370 (Career and Technical Education), which the Board estimates will cost approximately \$50,000. The Board hopes to receive a one-time line item adjustment to its FY25 budget to allow it to perform these crucial tasks.

Looking to FY26 and beyond, the Board generally lacks the resources necessary to update its rules, many of which are a couple of decades old (see this summary of [Vermont State Board of Education Rules](#)), or to perform all of its statutory duties. This places the Board in an uncomfortable position: despite the tireless efforts of Board members, who are essentially volunteers, and the valuable work that the Board is doing to further education in Vermont, the Board's inability to fulfill all of its statutory duties leaves it open to criticism. See Final Report of the Task Force on Collaboration to Benefit all [Students](#), [the Board's response](#), the Task Force's [Reply](#). The Board either requires increased resources to fulfill its duties or some of its duties should be delegated to others.

2. Provide Funding for Independent Legal Counsel

Increasingly, the Board's work involves issues of statutory construction and interpretation, as well as drafting language in furtherance of its work, and legal assistance is crucial to the Board's success. At the same time, it is clear that the Board's former practice of relying upon Agency counsel cannot be continued. For the past couple of years, the Board has relied upon outside counsel to assist it, but this process is inefficient, both in terms of the length of time that it takes to secure a contract with outside counsel and the fact that outside 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 for another bid, which obviously takes time and does not allow the Board to be as nimble as it would like to be. The Board feels strongly that its work would benefit from the addition of retained legal counsel that would be available to assist it whenever the need arises, and, beginning in FY26, it seeks increased annual funding in the amount of \$36,000 to cover this expense.

3. Increase Board Member Compensation

By statute, Board members earn \$6.25/hour or \$50/meeting 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 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 it. 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, reflects the caliber of the Board's work and the time commitment required by Board members to fulfill their duties, and will serve as an incentive for other members of the public to feel inspired to join us.

Conclusion

As we look ahead to the coming year, we have already begun conversations with both the Agency and the Governor's Office regarding the Board's roles and responsibilities, as well as to determine whether additional funds might be available that will allow us to fulfill our duties, and we hope to continue these conversations with the General Assembly once the new legislative session begins. In the meantime, we are grateful to the trust that has been given to us by the Governor and the General Assembly to consider, debate, and resolve educational issues as they arise, and we look forward to continuing this work in 2025.