

State Board of Education AOE/SBE Roles and Responsibilities Subcommittee

Draft Meeting Minutes

Virtual Teams Meeting/Video/Teleconference

Call in #: 1-802-828-7667, Conference ID: 496 364 803#

1 National Life Drive

Montpelier, VT 05620-2501

Date: January 27, 2022

Present:

State Board of Education (SBE) Subcommittee Members: Tammy Kolbe, Chair; Jenna O'Farrell; Oliver Olsen; Dan French

Agency of Education (AOE): Emily Simmons

Others: N/A

Call to Order/Roll Call/Amendments to the Agenda

The meeting was called to order.

Review meeting objectives

Meeting Objectives:

- Review/discuss how to incorporate feedback from SBE on draft framework
- Establish timeline for completing report

Review/approve Draft Meeting Minutes for January 11, 2022; Assign Minute taker

Minutes from 1/12 were approved.

Public Comment

No members of the public were present for public comment. Member Kim Gleason joined the meeting.

Review/discuss how to incorporate feedback from SBE on Draft framework

Specific considerations:

- 1) The SBE's role in identifying/vetting candidates that a governor might appoint as AOE secretary

- 2) Further clarification in the proposal for delineating roles and responsibilities for rule making, particularly with respect to what should be included in SBE's review of proposed rules prior to filing with Interagency Committee on Administrative Rules (ICAR)
- 3) Consideration for a recommendation to rejoin the National Association of State Boards of Education
- 4) SBE's budget request, particularly for outside counsel in support of its role in appeals/dispute resolution and rule making

Discussion:

Agenda Item #2 –

What should be included in SBE for rules in filing for ICAR? Conversation grounded in what is process, what is content?

Concerns mainly lie in the SBE Role in the final review of process

Revised text offer:

The SBE will issue an opinion of the Board regarding the rule (e.g., certification). This opinion will consist of two parts: (1) A determination as to whether AOE followed the pre-approved rulemaking process; and (2) comment on whether the AOE followed the agreed upon process for integrating public comment on the rule. **The SBE may also comment on whether the SBE finds that the full text of the proposed rule responsive to public input provided during the rulemaking process; however, is not compelled to do so.**

Comments include: speaks to responsibility not discretionary authority which should not be used to block the process from moving forward. It is about a balance between process and public assurance while allowing the agency bandwidth to handle substance. AOE audience is the legislature which has a process for approval. Legislative Committee on Administrative Rules (LCAR) can raise an issue that would hold up the process. AOE would not want SBE to be applying another set of principles.

Agenda Item #1 -

Comments: Language came a provision from separating the Secretary from the SBE. Change was able elevating the focus of education to the level of the Governor therefore the Governor is charged with the responsibility of the hiring the Secretary. If they do not have authority in the process, without allowing them the ability to hire the candidate, a difficult dynamic may ensue.

What if the Governor has discretion, what is our role?

If the secretary turns over every two years, like the Governor, it would potentially be damaging to the stability of public education.

Process remains as is, SBE would recommend at least a specific number of candidates.

Public engagement process to vet candidates.

Agreed to put it out to the Legislature for a consideration. We recognize there are challenges with the process to consider. Allow the General Assembly to decide.

Agenda Item #3 –

Why the SBE did not renew the membership? Should membership be considered in a budget request?

Past board did not find value and was a large piece of the budget. Funds were reallocated to cover legal counsel.

Finalize draft report: Oliver will suggest a special meeting after the formal meeting. This report will go back to full board in February. Interim memo with a status update will be issued. In closing, the committee is offering guidance whereas the operational details will be left up to the legislature. There is a joint commitment between the SBE and AOE to testify together. We stay committed to advance our collective vision.

If current framework continues, SBE needs designated staff appropriated through the Legislature. Tammy will draft language.

Establish plan for finalizing draft report for SBE review/ approval

Adjourn

The meeting adjourned.

Minutes prepared by Jenna O'Farrell.