

(This report is submitted in compliance with 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 VSA §164). The Board’s work spans five essential 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. rule-making to guide the scope, quality, and accountability of pK-12 education,
4. convening public conversations about important developments, trends, and concerns in pre-K-12 education in Vermont; and
5. adjudicating Vermonters’ appeals of decisions of the Secretary of Education and of other educational 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 to implement the provisions of the Act in 2018 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 rule-making process to reform special education funding and practice, facilitating resolution of differences between the Agency of Education and key stake-holders. In 2021, the Board will complete a 24-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 State Board is the venue where the need for legislative reform is first manifest. For example, two small towns which had formed a joint school district three years ago under the incentives of Act 46, came to the State Board in 2020 for permission to dissolve their joint district. Under provisions of statute that pre-date Act 46, the Board was obliged to approve the dissolution. Yet this dis-aggregation of school governance appears to be inconsistent with the Legislature’s purposes in 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.

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Rule-making 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 provides long-term continuity 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, licensing and training of teachers, and school district organization. The Board's rule-making 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 pre-K-12 education in Vermont: In 2020 the State Board expanded its engagement with the public on topics of importance and concern. For example, in early 2020 the Board convened an all-comers discussion of Proficiency-Based Learning. 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.

Adjudicating Vermonters' appeals of decisions of the Secretary of Education and decisions of certain other educational entities, as provided by statute: By long-standing provisions of law, the State 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 licensing. Similarly, the Board received an appeal of the Secretary's decision in connection with tuition rate-setting at an independent school. Ultimately the matter was settled to the satisfaction of the parties.

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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 program of school construction aid.

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

>> to make the Agency of Education fully independent of the State Board by repealing vestigial provisions of law that perpetuate the State Board’s undue involvement with administrative duties of the Agency; and

>> to make the State Board fully independent of the Agency of Education by fulfilling the General Assembly’s promise in Act 98 of 2012 that *“the Board shall be supported by adequate staff, who shall report to the Board.”*

In early 2020 the Senate Committee on Education crafted and unanimously approved S-166, which clarifies the authorities and limits of the State 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-112 was stymied by the Covid-19 pandemic.

So, in the new biennium of 2021 the State 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 General Assembly in its other initiatives, such as school construction aid, which are of great importance to education in Vermont.

Respectfully submitted, 5 January 2021

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