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State Board of Education

October 16, 2024

Vermont School Boards Association
2 Prospect Street #4
Montpelier, VT 05602

Re: Final Report of the Task Force on Collaboration to Benefit all Students

Dear Chair Wool and Members of the Task Force,

The Vermont State Board of Education (the Board) acknowledges receipt of the Final Report on the Task Force on Collaboration to Benefit all Students (the Report) submitted on behalf of the Vermont School Boards Association (VSBA). As an initial matter, the Board thanks the VSBA for taking the initiative to better understand the work of the Board and to begin what the Board hopes will be ongoing and broader conversations about how the Board can and should support education in the State. The Board values its relationship with the VSBA and its other education partners, and it shares the goal of providing the best educational opportunities to all children in Vermont.

The Board was not provided the opportunity to review the Report before it was released and notes a few corrections that should be made with regard to the Board's authority. First, and perhaps most foundationally, it is not a core responsibility of the Board to oversee the implementation of the State's education policies. This work has been delegated to the Secretary pursuant to 16 V.S.A. §212, and the Board's role in this area is limited by 16 V.S.A. §164 to advising "the General Assembly, the Governor, and the Secretary of Education on high-priority policies and issues as they arise." Second, the Board does not have oversight of the Secretary; rather, pursuant to 3 V.S.A. §2702(b), the Secretary reports directly to the Governor. Third, although the Board does oversee the approvals of independent schools pursuant to 16 V.S.A. §164(14), oversight of public schools has been delegated to the Secretary pursuant to 16 V.S.A. §212.

With regard to the Report's discussion of ongoing concerns regarding how the Board conducts its meetings, the Board hopes that the VSBA and members of the public will instead view the Board's conduct as examples of how the Board follows process, acknowledges and corrects its errors when they occur, and constantly strives to improve its practices. For example, the Report mentions concerns raised about how the Board enters executive session and warns its meetings. Although the Board rejected the concern regarding executive session and no further action was taken, it is true that a Rule Series 2200 Committee meeting was twice erroneously noted on the Board's web page as a Rule Series 2000 Committee meeting amidst the flurry of committee meetings to update both Rule Series 2000 and Rule Series 2200 in the summer of 2023. In each instance, the Board corrected the error within a couple of hours of being notified of the violation. The Board is also committed to improving its practices, which inevitably change as technology changes, where practicable. For example, when questions were raised about the Board's meeting practices, which were long-standing and consistent with how other boards held their meetings, the Board took these comments seriously, met with the Governor's Office, Agency of Education, and the Office of Racial Equity to learn how it could improve its



accessibility, and endeavored to make the Board's improved process a model that other state boards could follow.

The Board also wants to reassure the VSBA and members of the public that the Board does engage with the broader education community, as required by statute. In addition to Board members testifying with regard to the Board's updates to several rule series, Chair Samuelson has testified before the General Assembly regarding the regulation of school mascots, amendments to Vermont's Open Meeting Law, and school construction aid. Chair Samuelson has also testified before members of both the House and Senate Education Committees regarding the Board's annual report that it submitted in 2022 and 2023 in accordance with 16 VSA §164(17). The Board regularly welcomes members of the public, including the VSBA and other education partners, to its meetings; it has held public hearings with regard to its rule making and search for a new Secretary of Education, during which the VSBA and other education partners provided robust commentary that helped to inform the Board's activities in these areas; and Board members have, indeed, attended the VSBA and other annual conferences over the past several years.

Finally, with regard to the appointment of Board members and the suggestion that the Board has become politicized, the Board believes that any change to the composition of the Board is a decision best left to the General Assembly. However, in the spirit of helping members of the public better understand the Board's current makeup and power, three key observations follow. First, current Board members hail from throughout the state and include students, current and former teachers in both public and independent schools, former public school principals, a former director of a career and technical education center, a former head of one of Vermont's historic academies, a former professor and current principal researcher at a government think tank, a public school administrator, and current and former school board and supervisory union board members. Second, of the Board's 10 members, one member was appointed from a K-12 choice town; two members were appointed from towns that operate K-8 public schools and offer choice for high school; and the remaining seven members were appointed from towns that operate K-12 public schools. Third, the Board's power has been significantly narrowed since the passage of Act 66 (2021), which removed the Board's ability to establish and advance education policy. Now, the Board's actions are clearly constrained by legislative intent. As a neutral body whose members are not elected and do not have constituents, the Board takes the limitations on its power very seriously and leaves to the General Assembly any discussion of and changes to policy.

Turning back to the substance of the Report, there are several important aspects that accurately reflect the Board's current status, and the Board is grateful to the VSBA for highlighting them. As noted in the Report, the Board is effectively a volunteer organization and has no dedicated staff. The Board relies on the Agency of Education (the Agency) to support its meetings and to manage its web page. The Board does not have counsel on retainer but must contract with one for specific jobs. Its annual budget was reduced a few years and has been level funded at \$70,708 since FY23.

Although the Board recognizes the critical importance of the duties that have been assigned to it, its current structure does not provide the time or resources that are required to perform many of them, including the creation of a strategic vision and a system to evaluate the equalizing effects of the education finance system and the education quality standards. In addition, the Board's work in the past several years has prioritized several mandates from both the General Assembly and the Governor, including: overseeing school district mergers in response to Act 46 (2015); updating the Board's Rule Series 1300, 2200, and 2360 in response to Act 173 (2018); updating the Board's Rule Series 2000 and 2200 in response to Act 1 (2019); overseeing school district withdrawals, including forming a committee to study the Town of Ripton's potential



withdrawal; and conducting a search for a new Secretary of Education. In a 12-month period from late 2022 to late 2023, the Board held more than 60 regular, special, and committee meetings; even then, the Board was still unable to meet all of its statutory obligations.

The Board agrees with the VSBA that more work needs to be done and that changes are necessary to allow this work to happen. As the Report notes, the Board has resurrected its Roles and Responsibilities Committee to build upon the committee's work that began three years ago in response to Act 66 (2021). This Committee is already working to clarify its external roles and functions and to strengthen its internal governance structure, as suggested by the Report. In the meantime, the Board is deeply grateful to the Agency for its collaboration and support, and it looks forward to its continued partnership with all of its education partners to improve educational opportunities and outcomes for all Vermont students.

Sincerely,

Jennifer Deck Samuelson, Chair
On Behalf of the Vermont State Board of Education

