



## MEMORANDUM

TO: State Board of Education Members  
FROM: Emily Simmons, General Counsel  
SUBJECT: Potential Technical Revisions to Title 16; Roles of State Board and Agency  
DATE: September 17, 2019

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### **SBE and AOE Roles Summary**

The current structure of the State Board of Education and Agency of Education was established in 2011 by Act 98. This act amended certain provisions of Title 16 including 16 V.S.A. § 163 which provides that, "The Board shall be supported by adequate staff, who shall report to the Board." (Amended, 2011, Act No. 98). This language prior to Act 98 stated, "The office of the Board shall be the office of the Commissioner of Education."

While the act directed the General Assembly's legislative staff to recommend all technical amendments that were necessary at that time, the following provisions of Title 16 *may* be appropriate for revision because of inconsistency with current generally accepted practice between the Agency of Education and the State Board.

The provisions below are provided in summary form only. Please refer to Title 16 for exact wording of these statutory provisions.

### **Title 16 Provisions for Potential Review and Revision**

#### § 133 Supervisor; comprehensive health education

SBE approves the Secretary's choice for a person to supervise preparation of comprehensive health education curricula.

#### § 164. State Board; general powers and duties

*Note: All duties currently listed in statute appear below. Provisions that might be considered for revision are italicized.*

SBE evaluates education policy proposals, including timely evaluation of policies presented by the Governor and Secretary; engages local school board members and the broader education community; and establishes and advances education policy for the State of Vermont.

In addition to other specified duties, the Board shall:

- (1) Establish such advisory commissions as SBE deems necessary to advise it.
- (2) Have the authority to enter into agreements with school districts, municipalities, states, the United States, foundations, agencies, or individuals for service, educational programs, or research projects.

- (3) Examine and determine all appeals that by law are made to SBE.
- (4) Review and comment on an Agency budget prepared by the Secretary for the Governor.
- (5) *Make regulations governing the attendance and records of attendance of all students.*
- (6) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or appropriate for the execution of its powers and duties and of the powers and duties of all persons under its supervision and control.
- (7) Implement and continually update standards for student performance.
- (8) If deemed advisable, determine educational standards for admission to and graduation from the public schools.
- (9) Be the State Board for the program of adult education and literacy. Act as the State approval agency for educational institutions conducting programs of adult education and literacy.
- (10) Adopt rules for approval of independent schools.
- (11) *Establish criteria governing the establishment of a system for the receipt, deposit, accounting, and disbursement of all funds by supervisory unions and school districts.*
- (12) *In cooperation with the Secretary, ensure that the Agency develops information, plans, and assistance to aid in making technology and telecommunications available and coordinated in all school districts. SBE will develop guidelines for distribution of federal, State, or private funds designated for the development or expansion of distance learning technologies.*
- (13) *Report annually on the condition of education statewide and on a school-by-school basis, including student performance, hazing harassment and bullying, financial resources and expenditures, and community social indicators.*
- (14) Ensure that Vermont's students, including students enrolled in secondary career technical education, have access to a substantially equal educational opportunity *by developing a system to evaluate the equalizing effects of Vermont's education finance system and education quality standards.*
- (15) SBE will constitute the State Council for the Interstate Compact on Educational Opportunity for Military Children and appoint to the Council a Compact Commissioner and Military Family Education Liaison, who may be the same person. The Board may appoint additional members.
- (21) Report annually to the Governor and the General Assembly on the progress the Board has made on the development of education policy for the State.

#### § 261a Duties of supervisory union board

- (a)(4) SBE to establish criteria to apply to plans for SU receiving and disbursing federal and state funds.

#### § 301 Apportionment of expenses

SBE to define "enrolled students" through rule, for purposes of shared SU expense sharing.

#### § 1224 Reports (transportation)

Requires each superintendent to, at a time determined by SBE, report to SBE about students transported or boarded and the associated expenses.

§ 1321 Form and contents of register

Requires SBE to approve the content selected by the Secretary for the statewide school register.

§ 1562 Tryout classes (Career Technical Education)

SBE may reimburse program costs attributable to helping students decide whether to enroll in CTE.

§ 1565 Salary Assistance (Career Technical Education)

SBE shall reimburse a school district for a portion of costs in paying certain CTE staff.

§ 2949 Reciprocal Agreements (Special Education)

SBE, with approval from the Attorney General, is authorized to enter into reciprocal agreements with other states to share in expense of securing the services of specialists or people skilled in providing special education.

§ 3581 School Building Construction or Repair; acceptance

SBE may accept, use, disburse, and account for federal funds to construction or repair of schools.

§ 3582 Formulation of Plan

SBE may formulate any State plan, including surveys and estimates, required by federal legislation related to school construction.