

Update on Work Completed & Next Steps

Vermont State Board of Education
Roles & Responsibilities Subcommittee
January 19, 2022



Background

- **Authorizing legislation:**
 - Section 18 of Act 66 directed the SBE and AOE to jointly report to the House and Senate Education Committees
- **Purpose:**
 - Make **recommendations** for how roles and responsibilities between SBE & AOE might be delineated to ensure that the State's education system **meets the needs of students on a fair and equitable basis**, while **maximizing operational and administrative efficiencies**
- **Subcommittee Established:**
 - Comprised of SBE members (Dr. Tammy Kolbe, subcommittee chair; Lyle Jepson; Jennifer O'Farrell; Oliver Olsen) and the AOE's Secretary (Dr. Dan French).

Approach to Work

- Established organizing framework that considers six domains of activity where there are shared interests and roles/responsibilities between AOE & SBE
- Reviewed of existing statute for where/how AOE & SBE roles and responsibilities are defined
 - See **Figure 1**, developed by AOE General Counsel
- Developed recommendations for how to align SBE & AOE roles & responsibilities going forward

Six-part Organizing Framework

1. Appellate Powers/Dispute Resolution
2. **Rulemaking**
3. Strategic visioning & public assurance
4. Supervisory union & district organization
5. Accountability
6. Independent School Approval

Appellate Powers/Dispute Resolution

- **Both** AOE and SBE have **important roles** to play with respect to appellate powers and dispute resolution
- **SBE** serves as a **neutral 3rd party for appeals** that **involve a decision or action on the part of AOE.**
 - SBE operates as an independent entity to AOE and provides a means for public input and assurance in the process.
- Subcommittee identified concerns where there are **inconsistencies and redundancies in existing statute** with respect to appeals and will make **recommendations for changes.**
 - See **Figure 2** (examples)

Rulemaking

- Subcommittee identified **significant challenges** with existing approach to rulemaking
 - For instance, existing process creates capacity issues, for both AOE & SBE
- SBE & AOE **share the same interest and commitment** to a rulemaking process that improves/strengthens:
 - **Coherence** in education policy and practice
 - Organizational **efficiency** (for SBE & AOE)
 - Opportunities for **public input** and **assurance**
- Recommends revisions to roles/responsibilities for future rulemaking:
 - AOE responsible for **rulemaking activities**
 - SBE responsible for **overseeing the rulemaking process** and **ensuring public input is sought and considered**
 - See **Figure 3** for additional detail

Strategic Visioning & Public Assurance

- **SBE** should play a **leadership role in contributing to the strategic vision** for education in Vermont and **collecting public input**, particularly from families and students
- **SBE:**
 - Articulates & updates a **long-term vision** in the state
 - Develops & executes a plan **regular and sustained public engagement and input**, particularly from families and students
- **AOE:**
 - Establishes & implements a **strategic work plan**
 - **Regularly engages with stakeholders and the public** in key education issues

SU/District Governance

- **SBE retains authority to draw SU boundaries and to provide waivers for SU board representation**
 - Considers AOE input in its deliberations
- There is a need to **further clarify and refine SBE role in school district governance realignment** (consistent with policy goals of Act 46 and successor legislation)
 - Work underway by AOE and SBE with General Assembly on potential updates to Chapter 11 of Title 16
- **Need for rulemaking** that provides additional direction to SBE and AOE with respect to **ensuring good governance and fiduciary responsibility on the part of SU/SD boards**

Accountability & Oversight

- SBE & AOE play **important roles** in **public assurance** for **educational quality** in the state
- **SBE:**
 - **Public assurance role** in **maintaining and enforcing education quality standards** that promote equal educational opportunities for all students
 - For instance, SBE determines (based on Secretary's recommendation) whether a school is subject to governance consequences for failing to meet EQS or make sufficient progress on EQS
- **AOE:**
 - Responsible for **overseeing implementation of the state's education quality standards**
 - SBE **should not** take a supervisory disposition to AOE work
- **SBE** retains **oversight of school governance** when questions of school district or supervisory union organization **overlap with education quality concerns**
- **AOE** has responsibility for **disbursing and accounting for state and federal funding**

Independent & Postsecondary School Approval

- **SBE retains current authorities to approve and regulate** independent and postsecondary schools
- **AOE retains investigative responsibility** when there are issues of concern; SBE is the adjudicator, when necessary

Appointment of Secretary

- **Proposed revisions:**
 - SBE is no longer responsible for **proposing candidates** for Secretary of Education
 - SBE **vets a candidate** for Secretary that Governor proposes to appoint
 - SBE would provide an opportunity to hear **public comment** & Board would have **opportunity to question** prospective candidate
 - SBE would **consider the prospective candidate's qualifications** relative to the requirements of 3 V.S.A. § 2702(c) and **issue an opinion** as to whether they meet those requirements.
 - SBE opinion would be public record and transmitted to Governor & Senate for consideration.

Next Steps

- **Subcommittee request:**
 - Subcommittee requests that the SBE delegate authority to draft report on Board's behalf
- **Proposed process:**
 - Draft report to SBE members for review and comment: **January 30, 2022**
 - Subcommittee reviews & responds to/incorporates SBE comments: **February 10, 2022**
 - Final report submitted to House & Senate Education Committees: **February 15, 2022**