

1 H.887

2 Representatives Toleno of Brattleboro, Arsenault of Williston, Burrows of
3 West Windsor, Carpenter of Hyde Park, Dolan of Waitsfield, Goldman of
4 Rockingham, Graning of Jericho, Holcombe of Norwich, and Sibiliala of Dover
5 move that the bill be amended as follows:

6 First: By adding 13 new sections to be Secs. 24a–24m and their reader
7 assistance heading to read as follows:

8 * * * State-Level Education Governance * * *

9 Sec. 24a. REPEAL

10 3 V.S.A. chapter 49 (education) is repealed.

11 Sec. 24b. 16 V.S.A. § 161 is amended to read:

12 § 161. STATE BOARD OF EDUCATION; APPOINTMENT OF
13 MEMBERS; TERM; VACANCY

14 The State Board shall consist of ~~ten~~ 10 members. Two of the members shall
15 be secondary students in Vermont public schools, one of whom shall be a full
16 member and the other of whom shall be a junior member who may not vote.
17 ~~All members shall be appointed by the Governor with the advice and consent~~
18 ~~of the Senate.~~ In the appointment of the nonstudent members, priority shall be
19 given to the selection of persons with a demonstrated commitment to ensuring
20 quality education for Vermont students. To the extent possible, the members
21 shall represent the State’s geographic, gender, racial, and ethnic diversity. The

1 representation of the Board shall reflect the enrollment of students, such that if
2 94 percent of publicly funded students are enrolled in public schools, not less
3 than 90 percent of members of the Board shall reside in a school district that
4 operates public schools, have worked in public schools, or have sent the
5 member's children to public schools. Not more than one member shall be
6 appointed from the same school district and its member towns. The Secretary
7 Commissioner shall serve on the State Board as a nonvoting member. The
8 members shall be appointed as follows:

9 (1) Six members shall be appointed by the Governor, including the
10 secondary student members.

11 (2) Two members shall be appointed by the Senate Committee on
12 Committees, none of whom may be legislators. Members shall be chosen from
13 among not fewer than six candidates proposed by the Senate Committee on
14 Education.

15 (3) Two members shall be appointed by the Speaker of the House, none
16 of whom may be legislators. Members shall be chosen from among not fewer
17 than six candidates proposed by the House Committee on Education.

18 (4) Upon the expiration of the respective terms of those members of the
19 Board previously appointed, excluding the student members, the Governor
20 appointing authority that made the initial appointment to the expired term
21 shall, biennially in the month of February with the advice and consent of the

1 ~~Senate~~, appoint members for terms of ~~six~~ five years. The terms shall begin
2 March 1 of the year in which the appointments are made. A member serving a
3 term of ~~six~~ five years shall not be eligible for reappointment for successive
4 terms.

5 ~~(2)~~(5) In the event of any vacancy occurring in the membership of the
6 Board, the ~~Governor~~ appointing authority that made the initial appointment to
7 the vacated term shall fill the vacancy within 60 days with a qualified person
8 whose appointment shall be for the unexpired portion of the term. Vacancies
9 in terms initially filled by the Senate Committee on Committees or the Speaker
10 of the House shall be filled by choosing from among the original list of
11 candidates for the vacant term proposed by the applicable committee of
12 jurisdiction.

13 ~~(3)~~(6) Biennially, the Board shall choose a member of the Board to be
14 its chair.

15 ~~(4)~~(7) Annually, using an application process that is open and accessible
16 to all eligible students, the Governor shall appoint a Vermont secondary school
17 student who will continue to be a secondary student for at least two years
18 following taking office, to serve on the State Board for two years, beginning on
19 July 1 of the year of appointment. The student member shall not vote during
20 the first year and shall be a full and voting member during the second year of
21 ~~his or her~~ the student's term.

1 (8) As part of the annual report due to the Governor and General
2 Assembly under subdivision 164(21) of this title, the Board shall include
3 information on the representative nature of the composition of the Board.

4 Sec. 24c. TRANSITION PERIOD STATE BOARD MEMBER

5 APPOINTMENTS

6 Members currently serving on the State Board of Education may continue to
7 serve for the duration of the term to which they were appointed. Beginning on
8 July 1, 2024, as terms of currently serving members expire, appointments of
9 successors shall be made in accordance with the qualifications and
10 considerations required under 16 V.S.A. § 161 and shall be made in the
11 following order:

12 (1) For the terms expiring on February 28, 2025, one shall be made by
13 the Senate Committee on Committees and one shall be made by the Speaker of
14 the House.

15 (2) For the terms expiring on February 28, 2027, one shall be made by
16 the Governor, one shall be made by the Senate Committee on Committees, and
17 one shall be made by the Speaker of the House.

18 (3) For the term expiring on February 29, 2028, the appointment shall be
19 made by the Governor.

20 (4) For the term expiring on February 28, 2029, the appointment shall be
21 made by the Governor.

1 (5) For the term expiring on February 28, 2030, the appointment shall be
2 made by the Governor.

3 (6) The Governor shall continue to make annual secondary student
4 appointments in accordance with 16 V.S.A. § 161.

5 (7) After each appointing authority has made its initial transition period
6 appointments under this section, all appointments shall be made by the
7 appointing authority that made the initial appointment to the vacated or expired
8 term in accordance with 16 V.S.A. § 161.

9 Sec. 24d. 16 V.S.A. § 163 is amended to read:

10 § 163. ~~STAFF OFFICE~~; MEETINGS

11 (a) ~~The Board shall be supported by adequate staff, who shall report to the~~
12 ~~Board~~ office of the Board shall be the office of the Commissioner of
13 Education.

14 (b) The Board shall meet monthly and shall hold special meetings as
15 required for the performance of its duties. The times and places for regular and
16 special meetings shall be designated by the Chair of the Board. The Chair
17 shall call a special meeting upon the written request of any two members.

18 (c) The Board shall develop and update an annual policy manual for its
19 operation, including when and how to evaluate the Commissioner of
20 Education. The Board shall meet without the Commissioner for at least part of
21 its evaluation process.

1 Sec. 24h. 16 V.S.A. § 212 is amended to read:

2 § 212. ~~SECRETARY'S~~ COMMISSIONER'S DUTIES GENERALLY

3 The ~~Secretary~~ Commissioner shall execute those policies adopted by the
4 State Board in the legal exercise of its powers and shall:

5 * * *

6 (14) Annually, communicate to each superintendent a list of information
7 that a supervisory union, a school board, a school district, a school,
8 district employee, or a supervisory union employee is required under State or
9 federal law to make available to the electorate, community members, parents,
10 or students. It is the intent of this subdivision that the ~~Secretary~~ Commissioner
11 shall make a good faith effort to compile a complete list of the information to
12 be made available. Due to the difficult nature of compiling such a list, it is
13 also the intent that failure to include relevant information on the list shall not
14 constitute grounds for an action against the ~~Secretary~~ Commissioner.

15 * * *

16 (19) ~~Establish an information clearinghouse and accessible database to~~
17 ~~help districts share information about educational programs and practices that~~
18 ~~improve student performance. Educational programs and practices include~~
19 ~~those designed to create and sustain a safe learning environment. [Repealed.]~~

20 (20) ~~Develop, in consultation with the Secretary of State, and make~~
21 ~~available to school boards sample ballot language for issues that may be~~

1 ~~decided by Australian ballot and for which no statutory language exists.~~

2 [Repealed.]

3 (21) ~~Prepare a budget for the Agency and submit it to the Governor after~~
4 ~~review by the State Board. [Repealed.]~~

5 (22) ~~Annually, prior to September 1, present the Governor's education~~
6 ~~policy priorities to the State Board. [Repealed.]~~

7 Sec. 24i. 16 V.S.A. § 211 is added to read:

8 § 211. APPOINTMENT; REPORTS

9 (a) Subject to the approval of the Governor, the State Board shall employ a
10 competent chief executive officer and secretary of the Board who shall have
11 had special training and experience in educational work and who shall be
12 called the Commissioner of Education. The Commissioner shall be appointed
13 for an indefinite term and shall be subject to removal upon the majority vote of
14 the entire Board.

15 (b) The Commissioner at all times and in such detail as the Board directs
16 shall make reports to the Board concerning the public educational system,
17 together with such recommendations as the Commissioner deems proper for
18 the promotion of the educational interests of the State.

1 Sec. 24j. 3 V.S.A. § 212 is amended to read:

2 § 212. DEPARTMENTS CREATED

3 The following administrative departments are hereby created, through the
4 instrumentality of which the Governor, under the Constitution, shall exercise
5 such functions as are by law assigned to each department respectively:

6 * * *

7 (6) The Department of Education

8 * * *

9 Sec. 24k. 3 V.S.A. § 256(b) is amended to read:

10 (b) Notwithstanding any other provision of law, all secretaries of State
11 agencies and all commissioners of State departments, other than the
12 Commissioner of Education, shall take office only with the advice and consent
13 of the Senate except in the case of an appointment to fill a vacancy when the
14 General Assembly is not in session in which case the appointee may take office
15 subject to the provisions of section 257 of this title.

16 Sec. 24l. COMMISSIONER OF EDUCATION; TRANSITION; POWERS
17 AND DUTIES

18 On January 1, 2025:

19 (1) The Commissioner of Education shall assume all powers, duties,
20 rights, and responsibilities of the Secretary of Education; provided, however,
21 that if a Commissioner appointed by the State Board has not assumed office on

1 or before January 1, 2025, then the Secretary or acting Secretary of the Agency
2 on that date shall continue to perform the duties until the day on which the
3 Commissioner assumes office but shall report to the Board and not the
4 Governor.

5 (2) The Department of Education shall assume all the powers, duties,
6 rights, and responsibilities of the Agency of Education.

7 Sec. 24m. LEGISLATIVE COUNSEL; PREPARATION OF A DRAFT BILL

8 On or before January 15, 2026, the Office of Legislative Counsel shall
9 prepare and submit a draft bill to the House and Senate Committees on
10 Education that makes statutory amendments of a technical nature and identifies
11 all statutory sections that the General Assembly shall amend substantively to
12 effect the intent of the act.

13 Second: In Sec. 25, effective dates, in subdivision (b)(13), by striking out
14 “and”

15 Third: In Sec. 25, effective dates, in subdivision (b)(14), following “(Act
16 127 conforming amendments)”, by striking out “.” and inserting in lieu thereof
17 “, and”

18 Fourth: In Sec. 25, effective dates, in subsection (b), by adding a
19 subdivision (15) to read as follows:

20 (15) Secs. 24a–24m (Agency to Department of Education
21 amendments).