
TESTIMONY

Testimony To: Senate Education Committee
Respectfully Submitted by: Emily Simmons, General Counsel
Subject: Agency of Education Feedback on H.630
Date: April 18, 2024

Thank you for the opportunity to provide testimony on H.630, an act relating to boards of cooperative education services (BOCES).

Comments on the Bill

As noted previously, the Agency is broadly supportive of efforts to better support Vermont Supervisory Unions (SU/SDs) in being more effective and efficient at providing the high-quality education that all Vermont students deserve. We agree with the concept that shared services will be a good way to ensure more equity, and potentially cost containment in the coming years. In that light, BOCES, or a similar construct, are a promising way to improve quality and equity in Vermont's education system.

Additionally, as you heard from members of the Agency last week, there are crucial parts of this bill that need to be considered before implementation. There is a potential that some of the services contemplated may cause problems for federal grant administration or fiscal compliance. We also don't want to add more complexity, we want to make sure we are structuring BOCES in a way that adds more capacity for quality and equity of service delivery.

In light of these concerns, rather than attempt to make changes to the bill as drafted, the Agency suggests that we push out the implementation date one year as an acknowledgement of the complexities involved in implementing significant changes within our educational framework. This will allow for three important things:

1. It will give the Agency time to prepare for the questions we anticipate the formation of BOCES will surface, and to prepare guidance documents to inform the planning and decisions of supervisory unions as they consider joining a BOCES.
2. It will put BOCES as a policy construct on a timeline that more closely aligns with some of the critical visioning work that your colleagues in the House are contemplating. The Senate will soon receive H.887, the yield bill, which establishes processes to take a broader, hard look at Vermont's education system, identify a comprehensive vision for Vermont's education system, and identify coherent changes needed to better serve Vermont's students, while controlling spending growth. The Agency believes that postponing



implementation one year, will allow for better consideration of BOCES as a part of a unified overall construct for Vermont education.

3. It will allow the Agency to continue researching the technical issues we have identified, and give us the opportunity to come back and request any needed technical changes next year, should they be identified.

The Agency requests that the effective dates for the period when supervisory unions may begin to form BOCES as well as the initial time that is allowed for joining a BOCES be extended by one year each. Doing so will allow the Agency to get out ahead of the first formation activity with guidance, rather than having that activity begin on July 1 of this year. We are concerned that beginning immediately this summer would lead to confusion and uneven opportunities for supervisory unions to be well-informed and thoughtful about forming or joining a BOCES.

Suggested Legislative Language

Sec. 3. TRANSITION; REPORT

(a) On or before **July 1, 2026 2027**, each supervisory union board shall consider and vote on the desirability of establishing a board of cooperative education services pursuant to 16 V.S.A. chapter 10. There shall be not more than seven boards of cooperative service established statewide. Supervisory union boards that vote to establish a board of cooperative education services shall hold an organizational meeting pursuant to 16 V.S.A. § 603 on or before **July 1, 2027 2028**.

(b) On or before **July 1, 2028**, the Secretary of Education shall review the boards of cooperative education services as they exist, or are anticipated to exist, on that date. On or before **November 1, 2028**, the Secretary shall issue a written report to the General Assembly and the State Board of Education with the following information and recommendations:

- (1) the number of boards of cooperative education services in existence on July 1, 2028, including the names of member supervisory unions and services provided;
- (2) the number of supervisory unions that are not members of boards of cooperative education services and information on why such supervisory unions have not joined a board of cooperative education services; and
- (3) recommendations for expansion of the membership and powers of 8 boards of cooperative education services, including recommendations for 9 whether membership in such boards shall be mandatory.

Sec. 4. BOCES GRANT PROGRAM; APPROPRIATION

(a) There is established the Boards of Cooperative Education Services Start-up Grant Program, to be administered by the Agency of Education, from funds appropriated for this purpose, to award grants to boards of cooperative education services (BOCES) formed pursuant to 16 V.S.A. chapter 10 after July 1, **2024 2025**. BOCES shall be

eligible for a single \$10,000.00 grant after the Secretary of Education approves the applicant's initial articles of agreement pursuant to 16 V.S.A. § 603(b). Grants may be used for start-up costs and may include reimbursement to member supervisory unions for costs incurred during the exploration and formation of the BOCES and articles of agreement.

(b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the sum of \$70,000.00 is appropriated from the Education Fund to the Agency of Education in fiscal year 2025 to fund the Boards of Cooperative Education Services Start-up Grant Program created in subsection (a) of this section. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose.

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2024-2025, except for Section 4 which shall take effect on passage.