

1 H.440

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; secretary of education; agency of education; state board of  
5 education

6 Statement of purpose: This bill proposes to transform the department of  
7 education into an agency that is under the direction of a secretary on July 1,  
8 2012. The bill would eliminate the position of commissioner of education and  
9 create the position of secretary of education to perform the commissioner's  
10 duties. The governor would appoint the secretary with the advice and consent  
11 of the senate. The secretary would be a member of the governor's cabinet.

12 Over a period of several years, the bill would change membership on the state  
13 board of education to be statutorily representative of both citizens at large and  
14 persons with expertise in educational issues. The board would be directed to  
15 engage with local communities, the education community, and state and local  
16 policy-makers to help inform and develop a statewide vision for education.

17 Finally, the bill would direct the legislative council to prepare a draft bill for  
18 presentation to the general assembly on or before January 1, 2012 that makes  
19 technical statutory amendments and identifies all statutory sections that the  
20 legislature must amend substantively to effect the intent of this act as of July 1,  
21 2012.



1 exempt from the classified service. The appointment shall be in writing and  
2 recorded in the office of the secretary of state.

3 Sec. 2. 16 V.S.A. § 161 is amended to read:

4 § 161. STATE BOARD OF EDUCATION; APPOINTMENT OF  
5 MEMBERS; TERM; VACANCY

6 (a) The state board shall consist of ten members. Two of the members  
7 shall be secondary students, one of whom shall be a full member and the other  
8 of whom shall be a junior member who may not vote. All members shall be  
9 appointed by the governor with the advice and consent of the senate. In  
10 appointment of the nonstudent members consideration shall be given to the  
11 selection of such persons as shall adequately represent all sections of the state.

12 A state board of education is created within the agency of education that shall  
13 have 11 voting members and one nonvoting member. The governor shall  
14 select and appoint all members with the advice and consent of the senate. The  
15 board shall consist of:

16 (1) five at-large members;

17 (2) one member selected from among three candidates proposed by the  
18 Vermont Superintendents Association, provided that the candidates do not  
19 need to be current or former members of that entity;

1           (3) one member selected from among three candidates proposed by the  
2           Vermont School Boards Association, provided that the candidates do not need  
3           to be current or former members of that entity;

4           (4) one member selected from among three candidates proposed by the  
5           Vermont Principals' Association, provided that the candidates do not need to  
6           be current or former members of that entity;

7           (5) one member selected from among three candidates proposed by the  
8           Vermont-NEA, provided that the candidates do not need to be current or  
9           former members of that entity;

10           (6) one member selected from among three candidates proposed by the  
11           Vermont Business Roundtable, provided that the candidates do not need to be  
12           current or former members of that entity;

13           (7) two secondary students, one of whom shall be a full member and the  
14           other of whom shall be a junior member who may not vote.

15           (b) To the extent possible, the members shall represent geographically  
16           diverse areas of the state.

17           ~~(4)~~(c) Upon the expiration of the respective terms of those members of the  
18           board previously appointed, excluding the student members, the governor  
19           shall, biennially in the month of February with the advice and consent of the  
20           senate, appoint members ~~thereto~~ for terms of ~~six~~ three years. The terms shall  
21           begin March 1 of the year in which the appointments are made. A member

1 ~~serving a term of six years shall not be eligible for reappointment for~~  
2 ~~successive terms~~ may be reappointed.

3 ~~(2)(d)~~ In the event of any vacancy occurring in the membership of the  
4 board, the governor shall fill the vacancy with a qualified person, as set forth in  
5 subsection (a) of this section, whose appointment shall be for the unexpired  
6 portion of the term.

7 ~~(3)(e)~~ Biennially, the board shall choose a member of the board to be its  
8 chair.

9 ~~(4)(f)~~ Annually, using an application process that is open and accessible to  
10 all eligible students, the governor shall appoint a Vermont secondary school  
11 student who will continue to be a secondary student for at least two years  
12 following taking office, to serve on the state board for two years, beginning on  
13 July 1 of the year of appointment. The student member shall not vote during  
14 the first year and shall be a full and voting member during the second year of  
15 his or her term.

16 Sec. 3. 16 V.S.A. § 164 is amended to read:

17 § 164. STATE BOARD, GENERAL POWERS AND DUTIES

18 ~~The state board shall have supervision over, and management of the~~  
19 ~~department of education and the public school system, except as otherwise~~  
20 ~~provided; and shall~~ The state board shall engage with local communities, the  
21 education community, and state and local policy-makers to help inform and

1 develop a statewide vision for education. In addition to other specified duties,  
2 the board shall:

3 \* \* \*

4 Sec. 4. REPEAL

5 16 V.S.A. § 211 (appointment of commissioner by board of education;  
6 commissioner's reports to board) is repealed.

7 \* \* \* Transition \* \* \*

8 Sec. 5. STATE BOARD OF EDUCATION; MEMBERSHIP

9 (a) As provided in this section and notwithstanding the provisions of  
10 16 V.S.A. § 161, the number of members serving on the state board of  
11 education may exceed the number permitted in section 161.

12 (b) On or before September 1, 2011, each of the entities identified in  
13 Sec. 2, of this act, 16 V.S.A. § 161(a)(2) through (6) shall propose the names  
14 of three candidates for state board of education membership to the governor.

15 (c) On or before February 28, 2012, the governor shall appoint, with the  
16 advice and consent of the senate, one new state board of education member  
17 from each of the five groups of candidates proposed pursuant to subsection (b)  
18 of this section.

19 (d) The term of each state board of education member appointed pursuant  
20 to subsection (c) of this section shall begin on March 1, 2012. The governor  
21 shall make the initial appointments as follows: the members appointed

1 pursuant to Sec. 2, 16 V.S.A. § 161(a)(2) and (3) shall be appointed to  
2 one-year terms; the members appointed pursuant to Sec. 2, 16 V.S.A.  
3 § 161(a)(4) and (5) shall be appointed to two-year terms, and the member  
4 appointed pursuant to Sec. 2, 16 V.S.A. § 161(a)(6) shall be appointed to a  
5 three-year term. As these initial terms expire, the governor shall appoint new  
6 members, selected from among three candidates proposed by the appropriate  
7 entity, to fill three-year terms. If a vacancy occurs in one of the positions, the  
8 governor shall appoint a new member, selected from among three candidates  
9 proposed by the appropriate entity, for the unexpired portion of the term.

10 (e) Except as provided in subsections (c) and (d) of this section, the  
11 governor shall not appoint a new state board of education member upon the  
12 expiration of the six-year term of any nonstudent member who is a member on  
13 or before February 28, 2012 or for any other vacancy occurring before March  
14 1, 2012 until appointment of a new at-large member pursuant to Sec. 2, 16  
15 V.S.A. § 161(a)(1) results in a board with no more than 11 voting members.

16 Sec. 6. AGENCY OF EDUCATION; SECRETARY OF EDUCATION;

17 POWERS AND DUTIES

18 On July 1, 2012:

19 (1) the secretary of education shall assume all the powers, duties, rights,  
20 and responsibilities of the commissioner of education; and

1           (2) the agency of education shall assume all the powers, duties, rights,  
2           and responsibilities of the department of education.

3           Sec. 7. LEGISLATIVE COUNCIL; PREPARATION OF A DRAFT BILL

4           On or before January 1, 2012, the legislative council shall prepare and  
5           submit a draft bill to the house and senate committees on education that makes  
6           statutory amendments of a technical nature and identifies all statutory sections  
7           that the general assembly must amend substantively to effect the intent of this  
8           act as of July 1, 2012.

9           Sec. 8. EFFECTIVE DATES

10          (a) This section and Secs. 5, 6, and 7 (transitional provisions) of this act  
11          shall take effect on passage.

12          (b) Secs. 1 through 4 of this act shall take effect on July 1, 2012.