

SUMMARY OF ACT 98 OF 2012:

Significant Features of Act 98:

- Transformed the Department of Education into the Agency of Education, and correspondingly replaced the Commissioner of Education with the Secretary of Education.
- Granted the Governor the authority to appoint the Secretary of Education from a pool of candidates proposed by the State Board of Education.
- Provided for the transition from a Commissioner of Education to a Secretary of Education.

Section by Section Summary:

Section 1: Added 3 V.S.A. chapter 49

- New 3 V.S.A. § 2701 created the Agency of Education under the direction and supervision of the Secretary of Education.
- New 3 V.S.A. § 2702 granted the Governor the authority to appoint the Secretary of Education from a pool of at least three candidates proposed by the State Board of Education.
 - The Secretary serves at the pleasure of the Governor.
- Provided that the Secretary reports directly to Governor and is a cabinet member.
- Established basic qualifications for the Secretary.

Section 2: Amended 16 V.S.A. § 161

- Required that the Governor, when appointing members of the State Board of Education, give preference to individuals with a demonstrated commitment to ensuring quality education for Vermont students.
- Makes the Secretary of Education a non-voting member of the State Board of Education.

Section 3: Amended 16 V.S.A. § 163

- Repealed language making the office of the Commissioner of Education the office of the State Board of Education.
- Added new language providing that Board shall be supported by adequate staff that report to the Board.

Section 4: Amended 16 V.S.A. § 164

- Repealed duties formerly delegated to the State Board of Education that would now be delegated to the Secretary of Education.
- Added new duties for the Board.

Section 5: Amended 16 V.S.A. § 212

- Added new duties for the Secretary of Education, including duties formerly delegated to the State Board of Education.

Section 6: Repealed 16 V.S.A. § 211

- Repealed statutory provision providing for the appointment of the Commissioner of Education by the State Board of Education.

Section 7: Transition Provision

- Secretary of Education would assume all of the powers, duties, rights and responsibilities of the Commissioner of Education on January 1, 2013.
 - However, if Secretary did not assume office by January 1, 2013, the Commissioner would continue to perform all duties until the Secretary took office.
- Agency of Education would assume all powers duties, rights, and responsibilities of the Department of Education on January 1, 2013.

Section 8: Preparation of a Draft Bill by Legislative Council

- Directed Legislative Council to prepare a draft bill making the technical amendments and identifying the substantive amendments necessary to carry out Act 98.

Section 9: Effective Dates