

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; State Board of Education; miscellaneous amendments

4 Statement of purpose of bill as introduced: This bill proposes to: (1) eliminate  
5 the authority of the State Board of Education to propose candidates to the  
6 Governor for the office of Secretary of Education; (2) require that one member  
7 of the State Board of Education be a representative of an approved independent  
8 school; (3) reduce the term of office of the members of the State Board of  
9 Education from six years to four years; (4) clarify the State Board of  
10 Education's authority to adopt rules for the approval of independent schools;  
11 (5) nullify the proposed amendments to the rules governing approval of  
12 independent schools initiated by the State Board of Education on  
13 November 13, 2015; (6) create a study committee to consider and make  
14 recommendations on the criteria to be used by the State Board of Education for  
15 the approval of an independent school; (7) provide an appropriation to the  
16 Vermont State Colleges for the purpose of evaluating or reevaluating  
17 educational and training programs for college credit at no cost or at a reduced  
18 cost to the programs being evaluated; (8) exclude prekindergarten students  
19 from the student enrollment count used for determining a school district's  
20 eligibility for a small school grant; (9) require that one member of the Vermont  
21 Standards Board for Professional Educators be a superintendent; (10) require

1 that the Agency of Education be the sole government agency to issue any  
2 required license or endorsement to a speech-language pathologist who is  
3 employed by a supervisory union or public school district in Vermont or an  
4 independent school approved for special education purposes for the purpose of  
5 providing speech-language pathology; (11) require that a school principal be  
6 given notice of his or her contract renewal status earlier than under current law;  
7 and (12) require that the selectboard of a town consult with the union school  
8 district board before filling a vacancy of a member representing the town on  
9 the union school district board.

10 An act relating to the State Board of Education and making miscellaneous  
11 changes to education laws

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 \* \* \* State Board of Education \* \* \*

14 Sec. 1. 3 V.S.A. § 2702 is amended to read:

15 § 2702. SECRETARY OF EDUCATION

16 (a) With the advice and consent of the Senate, the Governor shall appoint a  
17 Secretary of Education ~~from among no fewer than three candidates proposed~~  
18 ~~by the State Board of Education~~. The Secretary shall serve at the pleasure of  
19 the Governor.

1 (b) The Secretary shall report directly to the Governor and shall be a  
2 member of the Governor’s Cabinet.

3 (c) At the time of appointment, the Secretary shall have expertise in  
4 education management and policy and demonstrated leadership and  
5 management abilities.

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

7 § 161. STATE BOARD OF EDUCATION; APPOINTMENT OF  
8 MEMBERS; TERM; VACANCY

9 The State Board shall consist of ten members. Two of the members shall be  
10 secondary students, one of whom shall be a full member and the other of  
11 whom shall be a junior member who may not vote. One of the members shall  
12 be a representative of an independent school. All members shall be appointed  
13 by the Governor with the advice and consent of the Senate. In the appointment  
14 of the nonstudent members, priority shall be given to the selection of persons  
15 with a demonstrated commitment to ensuring quality education for Vermont  
16 students. To the extent possible, the members shall represent geographically  
17 diverse areas of the State. The Secretary shall serve on the State Board as a  
18 nonvoting member.

19 (1) Upon the expiration of the respective terms of those members of the  
20 Board previously appointed, excluding the student members, the Governor  
21 shall, biennially in the month of February with the advice and consent of the

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

5 (2) In the event of any vacancy occurring in the membership of the  
6 Board, the Governor shall fill the vacancy with a qualified person whose  
7 appointment shall be for the unexpired portion of the term.

8 (3) Biennially, the Board shall choose a member of the Board to be its  
9 chair.

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

17 Sec. 3. TRANSITION; STATE BOARD MEMBERSHIP

18 The Governor shall appoint a representative of an independent school as a  
19 member of the State Board of Education under Sec. 2 of this act upon the next  
20 expiration of the term of a member of the Board previously appointed,  
21 excluding the student members, following the effective date of this section. A

1 member who has served a full six-year term shall not be eligible for  
2 reappointment for another successive term.

3 Sec. 4. 16 V.S.A. § 164 is amended to read:

4 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

5 The State Board shall evaluate education policy proposals, including timely  
6 evaluation of policies presented by the Governor and Secretary; engage local  
7 school board members and the broader education community; and establish  
8 and advance education policy for the State of Vermont. In addition to other  
9 specified duties, the Board shall:

10 \* \* \*

11 (14) Adopt rules for approval of independent schools that acknowledge  
12 and are consistent with legislative intent, as expressed through legislation  
13 passed by the General Assembly that recognizes differences between public  
14 and approved independent schools, including in their governance and  
15 organizational structures, missions, scope of responsibilities, educator  
16 licensure and evaluation requirements, programmatic requirements, and  
17 reporting requirements.

18 \* \* \*

19 (22) At the request of the Governor, propose candidates for appointment  
20 to the position of Secretary of Education, and review and advise the Governor

1 on the qualifications of any candidate for this position being considered by the  
2 Governor.

3 Sec. 5. NULLIFICATION OF 2200 SERIES OF THE RULES AND  
4 PRACTICES

5 The proposed amendments to the 2200 Series of the Rules and Practices of  
6 the State Board of Education initiated by the State Board on November 13,  
7 2015 shall be null, void, and of no effect. The State Board may initiate new  
8 amendments to the 2200 Series of its Rules and Practices after the date the  
9 report required under Sec. 6 of this act is delivered to the House and Senate  
10 Committees on Education.

11 Sec. 6. APPROVED INDEPENDENT SCHOOLS STUDY COMMITTEE

12 (a) Creation. There is created an Approved Independent Schools Study  
13 Committee to consider and make recommendations on the criteria to be used  
14 by the State Board of Education for designation as an “approved” independent  
15 school.

16 (b) Membership. The Committee shall be composed of the following nine  
17 members:

18 (1) one current member of the House of Representatives who shall be  
19 appointed by the Speaker of the House;

20 (2) one current member of the Senate who shall be appointed by the  
21 Committee on Committees;

1           (3) the Chair of the State Board of Education or designee;

2           (4) the Secretary of Education or designee;

3           (5) the Executive Director of the Vermont Superintendent’s Association  
4 or designee;

5           (6) the Executive Director of the Vermont School Boards Association or  
6 designee;

7           (7) the Executive Director of the Vermont Independent Schools  
8 Association or designee; and

9           (8) two representatives of approved independent schools, who shall be  
10 chosen by the Executive Director of the Vermont Independent Schools  
11 Association.

12           (c) Powers and duties. The Committee shall consider and make  
13 recommendations on the criteria to be used by the State Board of Education for  
14 designation as an “approved” independent school, including the following  
15 criteria:

16           (1) the school’s enrollment policy and any limitation on a student’s  
17 ability to enroll;

18           (2) whether the school should be required to offer special education  
19 services, and if so, which categories of these services; and

20           (3) the scope and nature of financial information that should be required  
21 to be reported by the school to the State Board or Agency of Education.

1        (d) Assistance. The Committee shall have the administrative, technical,  
2        and legal assistance of the Agency of Education.

3        (e) Report. On or before January 15, 2018, the Committee shall submit a  
4        written report to the House and Senate Committees on Education with its  
5        findings and any recommendations.

6        (f) Meetings.

7                (1) The Secretary of Education shall call the first meeting of the  
8        Committee to occur on or before May 30, 2017.

9                (2) The Committee shall select a chair from among its members at the  
10        first meeting.

11               (3) A majority of the membership shall constitute a quorum.

12               (4) The Committee shall cease to exist on January 16, 2018.

13        (g) Reimbursement.

14               (1) For attendance at meetings during adjournment of the General  
15        Assembly, legislative members of the Committee shall be entitled to per diem  
16        compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for  
17        no more than seven meetings.

18               (2) Other members of the Committee who are not employees of the State  
19        of Vermont and who are not otherwise compensated or reimbursed for their  
20        attendance shall be entitled to per diem compensation and reimbursement of  
21        expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.



1           \* \* \* Educational and Training Programs for College Credit \* \* \*

2           Sec. 7. APPROPRIATION TO THE VERMONT STATE COLLEGES  
3                       TO EXPAND EDUCATION AND TRAINING EVALUATION  
4                       SERVICES PROGRAM

5           The sum of \$40,000.00 is appropriated from the Next Generation Initiative  
6           Fund created pursuant to 16 V.S.A. § 2887 to the Vermont State Colleges for  
7           the purpose of providing funding for the Colleges' Education and Training  
8           Evaluation Services Program. The Vermont State Colleges shall use the  
9           appropriation to evaluate or reevaluate educational and training programs for  
10           college credit at no cost or at a reduced cost to the programs being evaluated.  
11           The Vermont State Colleges shall identify training programs in the skilled  
12           trades, including the plumbing and electrical trades, to receive these evaluation  
13           services. The Vermont State Colleges shall, on or before January 15, 2018,  
14           issue a report to the House and Senate Committees on Education describing  
15           how the funds appropriated pursuant to this section have been spent, how any  
16           remaining funds appropriated pursuant to this section will be spent, and the  
17           number and nature of the programs evaluated or reevaluated and the results of  
18           the evaluations.

1                                   \* \* \* Student Enrollment; Small School Grant \* \* \*

2           Sec. 8. 16 V.S.A. § 4015 is amended to read:

3           § 4015. SMALL SCHOOL SUPPORT

4           (a) In this section:

5                   (1) “Eligible school district” means a school district that operates at least  
6           one school; and

7                           (A) has a two-year average combined enrollment of fewer than 100  
8           students in all the schools operated by the district; or

9                           (B) has an average grade size of 20 or fewer.

10           (2) “Enrollment” means the number of students who are enrolled in a  
11           school operated by the district on October 1. A student shall be counted as one  
12           whether the student is enrolled as a full-time or part-time student. Students  
13           enrolled in prekindergarten programs shall not be counted.

14           (3) “Two-year average enrollment” means the average enrollment of the  
15           two most recently completed school years.

16           (4) “Average grade size” means two-year average enrollment divided by  
17           the number of grades taught in the district on October 1. For purposes of this  
18           calculation, kindergarten and prekindergarten programs shall be counted  
19           together as one grade.

20                                   \* \* \*

1                   \* \* \* Vermont Standards Board for Professional Educators \* \* \*

2           Sec. 9. 16 V.S.A. § 1693 is amended to read:

3           § 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

4           (a) There is hereby established the Vermont Standards Board for  
5           Professional Educators comprising 13 members as follows: seven teachers,  
6           two administrators, one of whom shall be a school superintendent, one public  
7           member, one school board member, one representative of educator preparation  
8           programs from a public institution of higher education, and one representative  
9           of educator preparation programs from a private institution of higher  
10          education.

11                                   \* \* \*

12          Sec. 10. TRANSITIONAL PROVISION

13           A superintendent shall be appointed to the Vermont Standards Board for  
14           Professional Educators upon the next expiration of the term of a member who  
15           is serving on the Board as an administrator.

16                                   \* \* \* Speech-Language Pathologists \* \* \*

17          Sec. 11. 26 V.S.A. § 4451 is amended to read:

18          § 4451. DEFINITIONS

19           As used in this chapter:

20                                   \* \* \*

1           (5) “Educational speech-language pathologist” means a speech-language  
2           pathologist who is employed by a supervisory union or public school district in  
3           Vermont or an independent school approved for special education purposes for  
4           the purpose of providing speech-language pathology.

5           ~~(5)~~(6) “Secretary” means the Secretary of State.

6           ~~(6)~~(7) “Speech-language pathologist” means a person licensed to  
7           practice speech-language pathology under this chapter, but shall not include an  
8           educational speech-language pathologist.

9           ~~(7)~~(8) “Speech-language pathology” means the application of principles,  
10          methods, and procedures related to the development and disorders of human  
11          communication, which include any and all conditions that impede the normal  
12          process of human communication.

13          Sec. 12. 26 V.S.A. § 4454 is amended to read:

14          § 4454. CONSTRUCTION

15          (a) This chapter shall not be construed to limit or restrict in any way the  
16          right of a practitioner of another occupation that is regulated by this State from  
17          performing services within the scope of his or her professional practice.

18          (b) This chapter shall not be construed to apply to an educational speech-  
19          language pathologist. An educational speech-language pathologist shall be  
20          subject to the licensing, training, and professional standards provisions of  
21          16 V.S.A. chapter 51.

1        **Sec. 13. TRANSITIONAL PROVISION**

2            An individual holding an educator license with an endorsement for  
3            educational speech-language pathologist from the Agency of Education shall  
4            retain that endorsement and shall renew it with the Agency as required by law,  
5            in addition to licensure with the Agency of Education.

6                            \* \* \* Renewal of Principal's Contracts \* \* \*

7        **Sec. 14. 16 V.S.A. § 243(c) is amended to read:**

8            (c) Renewal and nonrenewal. A principal who has been continuously  
9            employed for more than two years in the same position has the right either to  
10            have his or her contract renewed, or to receive written notice of nonrenewal at  
11            least 90 days before on or before February 1 of the year in which the existing  
12            contract expires. Nonrenewal may be based upon elimination of the position,  
13            performance deficiencies, or other reasons. The written notice shall recite the  
14            grounds for nonrenewal. If nonrenewal is based on performance deficiencies,  
15            the written notice shall be accompanied by an evaluation performed by the  
16            superintendent. At its discretion, the school board may allow a period of  
17            remediation of performance deficiencies prior to issuance of the written notice.  
18            After receiving such a notice, the principal may request in writing, and shall be  
19            granted, a meeting with the school board. Such request shall be delivered  
20            within 15 days of delivery of notice of nonrenewal, and the meeting shall be  
21            held within 15 days of delivery of the request for a meeting. At the meeting,

1 the school board shall explain its position, and the principal shall be allowed to  
2 respond. The principal and any member of the board may present written  
3 information or oral information through statements of others, and the principal  
4 and the board may be represented by counsel. The meeting shall be in  
5 executive session unless both parties agree in writing that it be open to the  
6 public. After the meeting, the school board shall decide whether or not to offer  
7 the principal an opportunity to renew his or her contract. The school board  
8 shall issue its decision in writing within five days. The decision of the school  
9 board shall be final.

10 Sec. 15. 16 V.S.A. § 706I is amended to read:

11 § 706I. VACANCIES IN DISTRICT OFFICES

12 (a) A vacancy occurring in any district office other than on the board of  
13 directors shall be temporarily filled by the board of school directors of the  
14 union school district as soon as practicable after the vacancy occurs and the  
15 temporary appointee shall serve until the district, at its next meeting, fills the  
16 vacancy for the remainder of the unexpired term.

17 (b) When a vacancy occurs on the board of directors:

18 (1) If the member represented a member school district, the clerk shall  
19 immediately notify the school board of the member district. Within 30 days of  
20 the receipt of that notice, the school board shall appoint a person who is

1 otherwise eligible to serve as a director from that district to fill the vacancy  
2 until an election at a special or annual district meeting is held.

3 (2) If the member represented a town that does not have a school board,  
4 the clerk shall immediately notify the selectboard of the town. Within 30 days  
5 of the receipt of that notice, the selectboard, after consultation with the union  
6 school district board, shall appoint a person who is otherwise eligible to serve  
7 as a director from that district to fill the vacancy until an election at a special or  
8 annual district meeting is held.

9 \* \* \*

10 \* \* \* Effective Dates \* \* \*

11 Sec. 16. EFFECTIVE DATES

12 (a) This section, Secs. 1–10, and Secs. 14–15 shall take effect on passage.

13 (b) Secs. 11–13 (speech-language pathologists) shall take effect on

14 January 1, 2018.