

1 S.24

2 Introduced by Senators Campion, Sears, Benning, Branagan, Degree, Flory,  
3 Kitchel, and Westman

4 Referred to Committee on

5 Date:

6 Subject: Education; State Board of Education; limitation of authority

7 Statement of purpose of bill as introduced: This bill proposes to (1) eliminate  
8 the authority of the State Board of Education to propose candidates for the  
9 office of Secretary of Education to the Governor, and (2) eliminate the  
10 authority of the State Board of Education to adopt rules and to transfer this  
11 rulemaking authority to the Secretary.

12 An act relating to the State Board of Education

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

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. § 164 is amended to read:

7 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

13 \* \* \*

14 (6) ~~Make regulations governing the attendance and records of~~  
15 ~~attendance of all students and the department of students attending public~~  
16 ~~schools.~~ [Repealed.]

17 (7) ~~Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or~~  
18 ~~appropriate for the execution of its powers and duties and of the powers and~~  
19 ~~duties of all persons under its supervision and control.~~ [Repealed.]

20

21 \* \* \*

1 (14) ~~Adopt rules for approval of independent schools.~~ [Repealed.]

2 \* \* \*

3 Sec. 3. 16 V.S.A. § 212 is amended to read:

4 § 212. SECRETARY'S DUTIES GENERALLY

5 The Secretary shall execute those policies adopted by the State Board in the  
6 legal exercise of its powers and shall:

7 \* \* \*

8 (23) Make regulations governing the attendance and records of  
9 attendance of all students and the department of students attending public  
10 schools.

11 (24) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or  
12 appropriate for the execution of its powers and duties and of the powers and  
13 duties of all persons under its supervision and control.

14 (25) Adopt rules for the approval of independent schools.

15 Sec. 4. CONFORMING REVISIONS

16 When preparing the Vermont Statutes Annotated for publication, the Office  
17 of Legislative Council shall change references to rules or regulations in  
18 relation to adoption by the State Board of Education to adoption by the  
19 Secretary of Education throughout the statutes as needed for consistency with  
20 Secs. 2-3 of this act, as long as the revisions have no other effect on the  
21 meaning of the affected statutes.

- 1      Sec. 5. EFFECTIVE DATE
- 2      This act shall take effect on passage.