

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 **ten**
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;

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

12 (9) the Executive Director of the Vermont Council of Special Education
13 Administrators or designee.

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

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

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

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

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

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

8 (f) Meetings.

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

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

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

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

15 (g) Reimbursement.

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

20 (2) Other members of the Committee who are not employees of the State
21 of Vermont and who are not otherwise compensated or reimbursed for their

1 attendance shall be entitled to per diem compensation and reimbursement of
2 expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

3 * * * Educational and Training Programs for College Credit * * *

4 Sec. 7. APPROPRIATION TO THE VERMONT STATE COLLEGES

5 TO EXPAND EDUCATION AND TRAINING EVALUATION

6 SERVICES PROGRAM

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

1 the licensing, training, and professional standards provisions of 16 V.S.A.
2 chapter 51. To the extent that an educational speech-language pathologist
3 provides speech-language pathology services outside of a school environment,
4 the educational speech-language pathologist shall be subject to the licensing,
5 training, and professional standards provisions of this chapter.

6 Sec. 13. TRANSITIONAL PROVISION

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

11 * * * Renewal of Principal's Contracts * * *

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

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

1 remediation of performance deficiencies prior to issuance of the written notice.
2 After receiving such a notice, the principal may request in writing, and shall be
3 granted, a meeting with the school board. Such request shall be delivered
4 within 15 days of delivery of notice of nonrenewal, and the meeting shall be
5 held within 15 days of delivery of the request for a meeting. At the meeting,
6 the school board shall explain its position, and the principal shall be allowed to
7 respond. The principal and any member of the board may present written
8 information or oral information through statements of others, and the principal
9 and the board may be represented by counsel. The meeting shall be in
10 executive session unless both parties agree in writing that it be open to the
11 public. After the meeting, the school board shall decide whether or not to offer
12 the principal an opportunity to renew his or her contract. The school board
13 shall issue its decision in writing within five days. The decision of the school
14 board shall be final.

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

16 § 706I. VACANCIES IN DISTRICT OFFICES

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

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

2 (1) If the member represented a member school district, the clerk shall
3 immediately notify the school board of the member district. Within 30 days of
4 the receipt of that notice, the school board shall appoint a person who is
5 otherwise eligible to serve as a director from that district to fill the vacancy
6 until an election at a special or annual district meeting is held.

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

13 * * *

14 * * * Effective Dates * * *

15 Sec. 16. EFFECTIVE DATES

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

17 (b) Secs. 11–13 (speech-language pathologists) shall take effect on
18 January 1, 2018.