

AOE Notes on S.166 Draft 3.1

These comments are on [S.166 as recommended by the Senate Committee on Education](#).

CTE – page 31

The bill bifurcates the responsibility for Career and Technical Education rules, which the Agency believes will be detrimental to the CTE system.

See e.g., page 29, giving the Secretary “overall” responsibility for CTE, including the duty to ensure CTE is “equally available to students and is of consistent quality in all parts of the State, including areas remote from CTE centers.” Compare to page 31, the State Board “shall designate” CTE service regions.

The bill also creates a direct conflict in rulemaking authority for CTE service regions. 16 V.S.A § 1522(7) requires the State Board to define CTE service regions by rule. However, the bill in section 7 (page 13) gives the CTE rules to the Secretary, not the Board. The CTE regions are determined by the current SBE rules (Series 2370). The result of the bill passing as-is would be confusion about whether the State Board or the Agency could alter CTE regions.

The Agency believes it should have responsibility for all aspects of CTE, because it is responsible under the federal Carl D. Perkins Act for administration of federal CTE funds and associated responsibilities.

SBE Rulemaking Authority – pages 2-3.

The Agency agrees with the principle expressed in the bill, but disagrees with the language as drafted.

The clearest way to express when the State Board will have rulemaking authority is to cite to specific statutes where the duties and powers of the State Board are written in the law itself.

The bill in its current form lists the State Board’s rule titles by name as a way to describe the responsibilities for rulemaking. This is confusing because the rule titles do not necessarily match to the language of statutory rulemaking duties.

For example, Series 3000 is named “School District Organization.” The contents of Series 3000 include: SU adjustments, superintendent hiring procedures, superintendent licensing requirements, definition of enrolled pupils, and uniform Australian ballot language.

The Agency Recommends alternate language on page 2:

[Adopt rules] as required or authorized by this section and sections 165, 166, 175-177, 261 and chapter 101 of this title, or as otherwise directed by the General Assembly.