

Side-by-side: Draft Request 20-077, Sections 1, 2 and 16

Purpose

This side-by-side is based on the Senate Education Committee’s Draft Request [20-077 Draft 2.1](#). In the column labeled “AOE” we have detailed the changes that the Agency would recommend, if the State Board’s general authorities were to be amended as a result of the Board’s recent deliberations and the document, “[Vermont State Board of Education, Annual Report to the Governor and the General Assembly](#).” The side-by-side addresses the substantive duties of the Agency and the State Board described in sections 1, 2 and 16, but does not address the conforming changes subsequent to those three sections. Changes in section 1, 2 or 16 would result in substantial differences within the conforming changes as currently drafted.

	<u>Dr Req. 20-077</u>	<u>AOE</u>
Sec. 1 pp 1 – 7	<p>Item 1. p 1, line 17- p 2, line 2:</p> <p>Re-phrases purpose of SBE, “The State Board shall <u>establish and regularly update a long-term strategic vision for the delivery of educational service in Vermont, advise the General Assembly, the Governor and the Secretary of Education on high priority educational policies and issues as they arise, and act in accordance with Legislative and Gubernatorial mandates, including the adoption of rules and executing special assignments.</u></p>	<p>Item 1. p 1, line 14:</p> <p>Add language to follow “The State Board shall”:</p> <p><u>“,consistent with the provisions of this title, its own rules and rules adopted by the Secretary, establish and regularly. . .”</u></p> <p>p 1, line 15-16:</p> <p>Recommend keeping language struck by SBE, “engage local school board members and the broader education community;”</p> <p>p 2, line 1:</p>

	<u>Dr Req. 20-077</u>	<u>AOE</u>
		Recommend striking " <u>Gubernatorial mandates</u> " because the Governor's instrument to act on education policy matters is through the Secretary. Note that both AOE and SBE are organized within the executive branch, as opposed to legislative and judicial branches of State government.
	Item 2. p 2, line 14-15: Strikes "Review and comment on an Agency budget. . ."	Item 2. p 2, line 14-15: Agree.
	Item 3. p 2, line 17-19 Strikes "Make regulations governing attendance. . ."	Item 3 p 2, line 17-19: Agree.
	Item 4. p 3, line 1- 3: Strikes general rulemaking prompt, "... as necessary or appropriate for the execution of its powers and duties and of the powers and duties of all persons under its supervision and control"	Item 4. p 3, line 1-3: Agree.
	Item 5. p 3, line 1-5: Adds new rulemaking prompt, "Adopt rules pursuant to 3 V.S.A. chapter 25 : <u>for the purpose of</u>	Item 5. p 3, line 1-5: Recommend alternate rulemaking prompt, " <u>Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary for the</u>

	<u>Dr Req. 20-077</u>	<u>AOE</u>
	<u>carrying out, and within the limitations of, legislative intent, concerning:"</u>	<u>implementation of powers given to the Board under this section and under sections 166, 175-177 and 261 of this title."</u>
	<p>Item 6. p 3, line 6 - p 4, line 3: Lists rule series that SBE will retain.</p>	<p>Item 6. p 3, line 6 – p 4, line 3: Recommend deleting this text from the bill because the rulemaking prompt given above will describe all rules promulgated by SBE. SBE will retain rulemaking concerning itself and concerning school district organization. Currently, these are Rule Series 1200 (State Board – organization and administration; appeals), Rule Series 3000 (school district and SU configuration), and Rule Series 3400 (alternative governance proposals, sunsets “two years after the day on which the Statewide Plan becomes operational” which will be July 1, 2021) and Rule Series 2200 (independent school approval).</p>
	<p>Item 7. p 4, line 4 – 6: “[SBE will] <u>Review rules proposed by the Agency of Education prior to</u></p>	<p>Item 7. p 4, line 4: Recommend adding comment by SBE on AOE rules, “[SBE will] <u>Review and comment on</u> rules proposed by the</p>

	<u>Dr Req. 20-077</u>	<u>AOE</u>
	<u>prefiling the proposed rules with [ICAR]."</u>	<u>Agency of Education prior to prefiling proposed rules with [ICAR]."</u>
	<p>Item 8. p 4, line 7 – 15:</p> <p>Makes conforming amendments to the type of standards for student performance the Board will write. Adds Prek and expands grades for which the Board can articulate reading level proficiency.</p>	<p>Item 8. p 4, line 7 – 15:</p> <p>Recommend striking all. AOE would maintain EQS rules.</p>
	<p>Item 9. p 4, line 17 – 18:</p> <p>Retains language allowing SBE to “determine educational standards for admission to and graduation from the public schools.”</p>	<p>Item 9. p 4, line 17 – 18:</p> <p>Recommend striking. This language has not been utilized. The State has deferred to districts/SUs for articulation of graduation standards. AOE does not believe it would be appropriate to adopt rules on the standards for admission to public schools.</p>
	<p>Item 10. p 4, line 20 – p 7, line 2:</p> <p>Strikes duties of the State Board that are given to the Secretary elsewhere in the bill</p> <ol style="list-style-type: none"> Adult education and literacy added to Secretary’s authority in §41 	<p>Item 10. p 4, line 20 – p 7, line 2:</p> <ol style="list-style-type: none"> Agree, however, adult education and literacy should be added to Secretary’s duties at end of section 2 (numbered item 30).

	<u>Dr Req. 20-077</u>	<u>AOE</u>
	<ol style="list-style-type: none"> 2. Rules for independent schools addressed at p 3, line 9 3. Establish a system for receipt and deposit of funds by SUs and districts – given to Secretary at p 8, line 7-9 4. Plans and assistance in aid for technology moved to Secretary’s duties at p 8, line 10-17 5. Annual report including Act 1 data moved to Secretary at p 8, line 18 - p 9, line 14. 6. Assurance that Vermont students have access to substantially equal opportunity by evaluation of finance system given to Secretary at p 9, line 15 – 19. 7. Designation as State Council under Interstate Compact for Military Children moved to Secretary at p 24, line 1 – 7. 	<ol style="list-style-type: none"> 2. (Independent schools) Agree that SBE should be responsible for rules and duty is described elsewhere (see suggestion 6, above). Statement is then redundant. However, on p 8, line 5-6, the duty of the Secretary to approve the status of independent schools should be struck. 3. (Receipt and deposit of funds) Agree. 4. (Plans for technology) Agree. 5. (Annual report) Agree. 6. (Equal opportunity evaluation) Agree. 7. (Interstate Compact) Agree.
<p>Sec. 2 pp 7 - 9</p>	<p>Item 11. p 7, line 8 – 9: “The Secretary shall execute those policies <u>implement rules</u> adopted by the State Board in the legal exercise of its powers and shall:”</p>	<p>Item 11. p 7, line 8 – 9: “The Secretary shall execute those policies adopted by the State Board in the legal exercise of its powers and shall:”</p>

	<u>Dr Req. 20-077</u>	<u>AOE</u>
	<p>Item 12. p 7, line 14 – 18:</p> <p>Directs the Secretary to direct the Agency to adopt rules, <u>“as necessary or appropriate for the execution of the Secretary’s and Agency’s powers and duties and of the powers and duties of all persons under the Secretary’s supervision and control; and”</u></p>	<p>Item 12. p 7, line 14 – 18:</p> <p>Recommend simplifying: <u>“[The Secretary shall] Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or appropriate for the execution of the Secretary’s powers and duties and of the powers and duties of all persons under the Secretary’s supervision and control; and”</u></p>
	<p>Item 13. p 7, line 19:</p> <p>“[and] as directed by the General Assembly.”</p>	<p>Item 13. p 7, line 19:</p> <p>Agree.</p>
	<p>Item 14. p 7, line 20 – p 8, line 4:</p> <p><u>“Submit rules proposed by the Agency of Education to the State Board of Education prior to prefilng the proposed rules with [ICAR]. The Secretary shall submit proposed rules to the State Board for review within a time frame that accommodates the State Board’s review of the proposed rules and the Secretary’s ability to respond to the State Board comments.”</u></p>	<p>Item 14. p 7, line 20 – p 8, line 4:</p> <p>Add comment and review: <u>“Submit rules proposed by the Agency of Education to the State Board of Education prior to prefilng the proposed rules with [ICAR]. The Secretary shall submit proposed rules to the State Board for review and comment within a time frame that accommodates the State Board’s review of the proposed rules and the Secretary’s ability to respond to the State Board comments.”</u></p>

	<u>Dr Req. 20-077</u>	<u>AOE</u>
	<p>Item 15. p 8, line 5 – 6:</p> <p><u>“Approve the status of independent schools as “approved independent schools” under the rules adopted by the State Board of Education.”</u></p>	<p>Item 15. P 8, line 5 – 6:</p> <p>Disagree. The State Board should retain the authority to grant approvals under its own rules. The Agency would continue to support this work by conducting the review process and providing written recommendations to the Board.</p>
	<p>Item 16. p 8, line 5 – p 9, line 19:</p> <p>Conforming changes reflecting strike-outs in Sec. 1</p>	<p>Item 16. p 8, line 5 – p 9, line 19:</p> <p>Agree.</p> <p>(Organization purposes only) Adult education and literacy should be added to Secretary’s duties at end of section 2 (numbered item 30).</p>
<p>Sec. 16</p> <p>p 24 line 8 – p 25, line 15</p>	<p>Item 17. p 24, line 10 – 16:</p> <p>Session law stating that current rules of SBE will constitute rules of AOE, unless listed as remaining with SBE in subsection (b). The language also corrects references to “Department of Education” and “Commissioner” throughout existing rules.</p>	<p>Item 17. p 24, line 10 – 16:</p> <p>Agree.</p>
	<p>Item 18. p 24, line 17 – p 25, line 15:</p> <p>Rules to be retained by SBE:</p>	<p>Item 18. p 24, line 17 – p 25, line 15:</p> <p>Recommend SBE retains:</p>

	<u>Dr Req. 20-077</u>	<u>AOE</u>
	Series 1200	Series 1200
	Series 1320	Series 2200
	Series 2000	Series 3000
	Series 2200	Series 3400
	Series 2360	
	Series 2370	
	Series 2400	
	Series 2500	
	Series 2600	
	Series 3000	
	Series 3400	
	Series 5000	