

In its consideration of S.166, the Senate Committee on Education has posed two questions:

1. What should be the State Board of Education's role in advancing education policy for Vermont?
2. Why should the State Board of Education have authority over framing and adopting certain Administrative Rules that implement legislative directives and education policy?

On this page and the next, we'll address each question.

### **What should be the State Board of Education's role in advancing education policy for Vermont?**

*1.a* Uniquely among all government services in Vermont, the delivery of pK-12 education and its governance is widely dispersed and decentralized. The education of 93,700 Vermont school-children is local and diverse -- a huge and complex statewide enterprise: 313 public schools and technical centers, 8179 teachers, and 535 administrators -- plus 129 independent schools and more than 1200 home-schools. Similarly, governance is diverse and eclectic -- 219 districts, 244 school boards, and 1386 locally-elected citizen school board members. Altogether, including parents, over 200,000 Vermonters -- nearly a third of the state -- have a direct and daily interest in what happens in our schools.

*1.b* In stark contrast, the Agency of Education (AoE) is small and centralized. The AoE's work includes communicating state and federal laws, policies, and regulations to local districts and schools, and providing technical assistance and guidance. With only 160 employees -- mostly in Montpelier, and with no branch or regional offices -- the Agency is separate and removed from where the daily work of education actually happens in Vermont communities.

*1.c* Whereas the Agency of Education is highly *centralized*, the State Board of Education -- by its inherent design and function -- is *decentralized and diverse*. The State Board of Education is a group of independent citizens from all around the state, with different backgrounds (most are not educators) and persuasions. Members share a common purpose: to listen to communities and their schools and to bring their concerns to bear on state-level education policy and its implementation. Board meetings and hearings are convened in schools all around the state. By its very nature, the State Board is accessible and responsive to Vermont schools and their communities.

*1.d* As an independent citizen board, the State Board of Education is uniquely able to understand and reconcile the competing perspectives of the Agency of Education vs. the wide-ranging concerns of the 200,000 Vermonters who know and care about the teaching and learning that happens every day in schools all across our state.

**The passage of Act 98 in 2012 placed the Agency of Education under the direct control of the Governor -- making the Agency, if anything, *more* remote from the perspectives of local school communities. More than ever, an independent State Board plays a unique and pivotal role advancing democratic governance of education in Vermont, especially by bringing the voices of local schools and their communities to be heard by executive and legislative policy-makers in Montpelier.**

*(continued, overleaf)*

**Why should the State Board of Education have authority over framing and adopting certain Administrative Rules that implement legislative directives and education policy?**

2.a The State Board of Education is valued and trusted in Vermont communities. One of the Board's many assets is its tradition of listening to and speaking for schools and communities in every corner of the state. When the State Board convenes a public conversation, Vermonters – teachers, students, and parents alike – readily come and speak, and they know that they are heard. And in Montpelier, the State Board is relied on as an independent and trusted advisor. In recent years the General Assembly has several times turned to the State Board to assure that legislative directives are implemented impartially and in good faith.

2.b By statute, Administrative Rules are the means by which executive-branch agencies provide regulations for the implementation of legislative policy. Most state agencies adopt Administrative Rules to direct their own employees, activities, and programs. Not so with education: many of the Administrative Rules in education impose regulation not on the Agency of Education but on the folks all around the state who are *doing* education – teachers, administrators, and local school boards.

2.c These are the Administrative Rules where the State Board of Education plays a vital role as mediator between different perspectives. Recent experience with new Administrative Rules prescribed by Act 173 shows clearly the gulf between the Agency's understanding of policy issues on the one hand and the lived-experience of front-line educators on the other. The Legislature vested authority in the State Board of Education to adopt the new Rules for Act 173. This authority empowered the Board to *insist* that the Agency modify its draft rules to address the concerns of affected educators, students, and families. The State Board of Education's authority to adopt Administrative Rules ensures that *all* perspectives and voices are heard.

2.d Along with its authority to *adopt* Administrative Rules, the State Board also assures that the *process* of drafting and adopting Rules is *open, transparent, and public*. Whereas the Agency may develop its draft rules internally during their normal course of operations, the Board insists upon public dialogue and full transparency of the process. For example, in drafting the new Administrative Rules for Act 173, the Agency promoted a dated Vermont definition of 'special education' that would limit the flexibilities available in the federal definition, thus contradicting the intentions of Act 173. Only after the Agency's definition was challenged in public meetings by stakeholders and the State Board did the Agency agree to revise its definition so as to align with federal standards and the intent of Act 173.

**The State Board of Education's authority to adopt Administrative Rules assures that all perspectives and voices are heard, resulting in greater alignment and "policy coherence" to ensure that all students have access to a high-quality education. Similarly, with the passage of Act 98 and the centralization of executive control in the Agency, now more than ever the State Board's authority to adopt certain Administrative Rules is vital to assuring "policy transparency" so that the Agency of Education and local school authorities alike are accountable for the implementation of education policies and laws.**

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