

Testimony to the Sunset Advisory Commission: Education Boards and Commissions

Date of Testimony: **August 21, 2019**

Respectfully submitted by: **Ted Fisher**, Director of Communications and Legislative Affairs

Subject

The Agency of Education is pleased to submit the below responses to the Sunset Advisory Commission of the Vermont General Assembly in answer to their questions on the following boards and commissions:

- The State Board of Education
- The Vermont Standards Board for Professional Educators
- Hearing Panels for Professional Public Educators
- Advisory Council on Wellness and Comprehensive Health
- Council of Independent Schools
- Advisory Council on Special Education
- Residential Placement Review Team
- State Council for the Interstate Compact on Educational Opportunity for Military Children
- Advisory Council to review and coordinate prevention of harassment, hazing and bullying
- Educational Opportunities Working Group

Narrative

In response to the commission's questions, the AOE has provided the information on the following pages. This information is correct and accurate as of August 19, 2019. In some cases the agency is still working to verify information or find additional materials. Should we find additional information, we will provide an updated version and note changes or additional information will be provided. Should additional information be needed, the agency can in many cases furnish supporting documentation.

In some cases, the agency has been unable to answer the question asked. This is due to one of the following reasons:

- The agency does not have the information necessary to answer the question
- The AOE is not able to answer the question or make a qualitative assessment, either because it does not have enough information, or because the agency is not the appropriate entity to answer the question. In these cases, we provide contact information for a member of the board who may be better able to answer the commission's questions.

Thank you for your time and the opportunity to provide testimony on this matter.

State Board of Education

- 1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.**

The State Board of Education (SBE) meets monthly, in various locations around the state. It meets most regularly at the McFarland State Office Building in Barre. The board met more often during its process of hearings and deliberations pursuant to Act 46 of 2015 from July to November 2018. The SBE's meeting agendas and minutes are posted on [its page on the AOE website](#).

- 2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.**

The [SBE's membership](#) can be found on [its page of the AOE website](#). The board has 10 members, eight adult members and two students. The adult members serve for six-year terms and are appointed by the Governor. The students are appointed by the Governor as rising Grade 11 students (juniors) and serve one year as a non-voting member and one year as a voting member. Per [32 V.S.A. § 1010](#), board members receive \$50 per diem and vehicle mileage compensation.

- 3. Provide an overview of the board or commission's purpose.**

The SBE's purpose is contained in [16 V.S.A. § 164](#), among other things the board approves education quality standards, content standards, reviews and approves independent schools, and engages in rulemaking.

The SBE is currently engaged in a strategic vision planning process. The Agency of Education respectfully suggests that the commission contact the Acting Chair of the board, [Mr. John Carroll](#).

- 4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?**

The AOE is not able to make a qualitative assessment of the SBE's purpose. The agency respectfully suggests that the commission contact the Acting Chair of the board, [Mr. John Carroll](#).

- 5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?**

The AOE is not able to make a qualitative assessment of the SBE's performance. The agency respectfully suggests that the commission contact the Acting Chair of the board, [Mr. John Carroll](#).

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

As noted above, this question is better directed to the SBE itself. The agency respectfully suggests that the commission contact the Acting Chair of the board.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

In some cases the SBE's rulemaking functions overlap with similar rulemaking abilities held by the Secretary of Education.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

The AOE is not able to assess whether or not the SBE's enabling law is in coherence with their current activities. The agency respectfully suggests that the commission contact the Acting Chair of the board, [Mr. John Carroll](#).

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

The SBE spent **90,509.26** in FY2019, in the following categories:

| | |
|---|-----------|
| Per Diem: | 7,786.91 |
| Contracting – Legal: | 14,220.00 |
| Contracting – Audiovisual: | 17,001.25 |
| Rent – Event Space: | 950.00 |
| Dues – National Association of State Boards of Education: | 25,072.00 |
| Advertising – Job Vacancies (Secretary): | 894.00 |
| Printing and Binding: | 437.09 |
| Photocopying: | 2,344.72 |
| Registration for Meetings and Conference: | 45.00 |
| In State Meals (employee): | 2,779.69 |
| In State Meals (nonemployee): | 4,008.23 |
| In State Lodging (employee): | 463.00 |
| In State Lodging (nonemployee): | 1,716.61 |
| In State Mileage: | 10,188.98 |
| Incidentals (in state): | 3.00 |
| Travel (out of state): | 124.00 |
| Incidentals (out of state): | 68.06 |
| Other Services: | 1,006.00 |
| Office Supplies: | 293.72 |
| Books & Periodicals: | 1,107.00 |

***N.B.:** The table above does not include staff costs. The State Board of Education has no assigned staff or positions. The Agency of Education provides administrative, legal and other services to the board. Estimates of these costs are not included above.

These funds were sourced from monies appropriated to the Vermont Agency of Education under [Sec. B.500 of Act 11 of 2018 \(Special Session\)](#).

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

The SBE had two mandated reporting requirements: [16 V.S.A. § 164 \(17\)](#) (website not yet updated to include changes in [Act 1 of 2019](#)) and [16 V.S.A. § 164 \(21\)](#). The former requirement is a holdover from prior to [Act 98 of 2011](#); the agency fulfills this reporting requirement.

The SBE produces its annual report to the General Assembly under [16 V.S.A. § 164 \(21\)](#).

11. How would you measure the performance of the board or commission?

The AOE is not able to assess the performance of the SBE. The agency respectfully suggests that the commission contact the Acting Chair of the board, [Mr. John Carroll](#).

The Vermont Standards Board for Professional Educators

1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.

The Vermont Standards Board for Professional Educators (VSBPE) meets eight times annually, generally not meeting in December, February, June and July. Agendas, minutes and other information can be found on the [VSBPE's page on the AOE website](#).

2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.

The VSBPE is a 13-member, teacher majority board. A [member list](#) is posted on the [VSBPE's page on the AOE website](#). Members are appointed by the Governor to a three-year term, beginning July 1 and ending June 30. Members may apply for a second term. VSBPE members receive \$50 per diem and vehicle mileage compensation (per [16 VSA § 1693](#) and [32 V.S.A. § 1010](#)).

3. Provide an overview of the board or commission's purpose.

The powers and duties of the VSBPE are outlined in [16 VSA § 1694](#), authorized to:

- Adopt rules pursuant to 3 V.S.A. 25 with respect to the licensing of teachers and administrators.
- Establish standards for educator preparation programs in Vermont and approve those that meet the standards.
- Establish standards, including endorsements, according to which individuals may obtain a license or have one renewed or reinstated.
- Oversee and monitor the application and licensing process administered by the Education Quality Division.
- Develop a code of professional ethics and act as advisor regarding its interpretation.

The VSBPE has the authority to determine and revise rules regarding educator licensure, including the setting of educator standards and the approval of educator preparation programs operating in Vermont. Additionally, the VSBPE hears and adjudicates requests for all waivers to their rules.

The VSBPE is part of the larger standards board system in Vermont. Local standards boards approve the professional learning of teachers in each supervisory union in the state. Regional standards boards approve the professional learning of administrators throughout the state. The VSBPE is the statewide board for the larger system.

4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

Yes.

The board acts regularly on all the responsibilities delineated in the answers to question 3 above, allowing the AOE to execute rules on the standards, licensing, and educator preparation programs.

Without the work of the standards board, another entity would have to take up the work of the board, requiring another entity to gain facility with licensing standards, including the time to meet to hear and rule on complicated waiver requests.

5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

Very well:

- The VSBPE's ICAR and LCAR processes have been efficient.
- From January 2017 to December 2018, nine educator preparation programs were approved to prepare future teachers in Vermont.
- Over the past 5 years, all 52 educator endorsement standards have been revised and approved by the VSBPE, allowing Vermont teachers expertise to reflect current practice.
- At each meeting, the board hears, deliberates on, and makes determinations on complicated waiver requests.

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

The board has become more efficient in its operation over the past five years, limiting its meetings to 8 annually, down from 11 meetings previously.

The most likely organizations to take on the authority of the VSBPE would be either the Agency of Education or the State Board of Education. Due to the nature of many of the decisions, the AOE would find itself regularly facing conflicts in implementation. The State Board of Education likely lacks the capacity to assume the workload of the VSBPE.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

There is some overlap between the VSBPE and the Vermont State Board of Education; however, the VSBPE was created 30 years ago specifically to address the complicated questions associated with licensure, that the state board of education lacked the expertise and capacity to consider fully.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

16 VSA § 1694 continues to reflect the responsibilities of the board.

9. Provide a list of the board and commission’s last fiscal year expenditures including staffing costs. How are these funded?

The VSBPE spent 18,343.20 in FY2019, in the following categories:

| | |
|---------------------------------|----------|
| Per Diem: | 4,192.65 |
| Advertising – Print: | 2,200.00 |
| Advertising – Other: | 2,640.00 |
| In State Meals (employee): | 670.93 |
| In State Meals (nonemployee): | 1,304.97 |
| In State Lodging (employee): | 45.78 |
| In State Lodging (nonemployee): | 359.01 |
| In State Mileage: | 4,873.86 |
| Other Services: | 2,056.00 |

These funds were sourced from monies appropriated to the Vermont Agency of Education under [Sec. B.501 of Act 11 of 2018 \(Special Session\)](#).

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

There are no ongoing statutory reporting requirements for the board; however, the board has in the past provided reports as directed by specific legislation to the General Assembly, most recently a report on [Educator Licensure requirements](#).

11. How would you measure the performance of the board or commission?

The board takes its responsibility to ensure high quality standards for Vermont’s educators very seriously and accomplishes the task ably.

The agency respectfully suggests that the Commission contact the Chair of the VSBPE, [Mr. Erik Remmers](#).

Hearing Panels for Professional Public Educators

- 1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.**

Annually for training and officer elections, otherwise for hearings only. Individual members are empaneled as needed to hear educator / administrator disciplinary cases. Agendas and minutes are posted on the [AOE's Educator Disciplinary Action page](#).

- 2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.**

Membership of the hearing panels can found on the [AOE's Educator Disciplinary Action page](#). Members are appointed to a three year term and receive \$50 per diem (per [16 VSA § 1702](#) and [32 V.S.A. § 1010](#)).

- 3. Provide an overview of the board or commission's purpose.**

The Board's purpose is to establish hearing panels to determine compliance with the professional standards of teachers and administrators and to help assure high caliber professionals and high quality public educational programs for Vermont students.

As currently organized, educators and administrators receive hearings in front of a panel of their peers (i.e. educators hear educator complaints and administrators hear administrator complaints).

- 4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?**

Yes. There agency would be unable to hold hearings on teacher / administrator misconduct without the panel membership.

- 5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?**

Well. There has been one panel in the last few years, and that panel executed its duties faithfully and in accordance with the law and established rule.

- 6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?**

Probably not. The alternative would be to either a) empanel hearings from the pool of Vermont Educators on an ad-hoc basis, or b) use administrative law judges. Option a) would be administratively burdensome and vulnerable to disorganization. Option b) would depart from what many currently consider to a strength of the system, that educators/administrators receive a hearing from a panel of their peers.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

No.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

Yes.

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

The Licensing Hearing panel spent **18,675.31** in FY2019, in the following categories:

| | |
|---------------------------------|-----------|
| Per Diem: | 850.00 |
| Contracting – Legal: | 10,088.75 |
| Photocopying: | 5.20 |
| Postage: | 15.45 |
| In State Mileage: | 1,181.47 |
| In State Lodging (nonemployee): | 18.85 |
| In State Meals (nonemployee): | 164.99 |
| Incidentals (in state): | 20.10 |
| Other Services: | 6,330.50 |

***N.B.:** Many of the items above were associated directly with the one hearing empaneled during FY 2019, including the services of a hearing officer (Contracting – Legal) and a court reporter (Other Services).

These funds were sourced from monies appropriated to the Vermont Agency of Education under [Sec. B.500 of Act 11 of 2018 \(Special Session\)](#).

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

No.

11. How would you measure the performance of the board or commission?

This question is not applicable to this board/commission

Advisory Council on Special Education

12. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.

The Advisory Council on Special Education meets monthly. The agendas and minutes can be found on the [Advisory Council page](#) of the AOE website.

13. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.

As constituted under state law ([16 V.S.A. § 2945](#)), the council has 19 members, 17 appointed by the Governor, and two members of the General Assembly. The members are appointed to 3-year terms with no term limit. There are several various requirements for membership, including that a majority of members be either individuals with disabilities or parents of children with disabilities. The statute lists requirement that numerous groups be represented.

The US Code of Federal Regulations [34 C.F.R. §300.167-169](#) has similar but slightly different membership requirements.

14. Provide an overview of the board or commission's purpose.

***N.B.:** This board is required by Federal Special Education Regulations ([34 C.F.R. §300.167-169](#)) as the "State Advisory Panel.

The purpose of the Panel under federal regulation is advisory, to advise the State Education Agency (SEA), in Vermont, the Agency of Education, on unmet Special Education needs , developing evaluations and reporting data, developing corrective action plans, and developing and implementing policies. The panel is also charged with commenting publicly on rules or regulations proposed by the State regarding Special Education.

The purpose of the Council under Vermont law is to assume the duties of the panel under federal law as well as periodically review special education rules, regulations, standards, and guidelines and recommend to the State Board changes it finds necessary, comment on any new or revised of the same, and advise the State Board in the development of any State plan for provision of special education.

15. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

Yes. However, a separate state statute enabling the Special Education Advisory Council is unnecessary, duplicative, in conflict with federal regulation and, specifically with regard to the membership cap, makes it very difficult for the Council to comply with federal regulation. The state statute is not necessary for the existence, proper organization and functioning of the Advisory Panel.

16. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

In recent years the Council has not performed well in the execution of its purpose under both Federal and State statutes.

Problems have included, but are not limited to:

- Low Membership. Appointments to the council have traditionally not kept up with attrition.
- Membership not in compliance with federal regulation: The cap of 19 members makes it difficult to meet all the representation requirements while keeping a majority of members persons with disabilities or parents of children with disabilities.
- Tenure: Many members have served on the panel for many years, sometimes for decades, leading to high burnout, interpersonal issues and lack of new perspectives and ideas. This also further complicates the membership requirements below.
- Lack of understanding or differences in interpretation over the proper role of the Council: In past years the council has at times tried to function as an oversight body, a role it does not have the expertise or resources to properly conduct (and which is reserved under federal law for the SEA), or advocacy group, a role which is duplicative of other entities.

17. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

No. The Council (or Panel) is required under federal regulation, but State government can be more effective and efficient if the state law is brought into compliance with federal law. The agency recently suggested ways to do this, but concludes that this purpose would be best fulfilled by striking 16 V.S.A. § 2945 in its entirety.

The Vermont Agency of Education is committed to assisting the Council (or Panel) in fulfilling its essential purpose as provided for under federal statute. To that end, the AOE is focused on, among other things, providing training and support to the membership, working with the Governor's office to complete appointments and assure a majority membership of Vermonters with disabilities or Vermonters who are parents of students with disabilities, helping the panel establish bylaws and processes for operation, and providing any and all additional supports needed by the panel. This work can and will continue unimpeded regardless of whether or not the panel is constituted in Vermont statute.

18. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

As constituted under federal regulation, the panel serves an important and crucial advisory role to the Agency of Education. In the past the panel's activities have conflicted with other state entities (including the AOE and the SBE) as it has engaged in activities outside its mandated purpose.

19. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

No. As noted above, the Vermont enabling statute is in conflict with federal regulation and makes compliance with certain requirements needlessly burdensome. The General Assembly should strike the Vermont statute as it is duplicative and unnecessary for the proper operation of the panel.

20. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

The Licensing Hearing panel spent 2,646.07 in FY2019, in the following categories:

| | |
|-------------------|----------|
| Per Diem: | 1,110.00 |
| In State Mileage: | 1,536.07 |

These funds were sourced from Federal Special Education monies allocated to the Vermont Agency of Education.

21. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

No.

22. How would you measure the performance of the board or commission?

As noted above, the Special Education Advisory Council has in past struggled to fulfill its legislatively mandated purpose, due to low membership, lack of organization, interpersonal challenges, and conflict between the enabling legislation in state statute and federal regulation.

Going forward, the Vermont Agency of Education is committed to working well with the panel, providing it the assistance it needs to perform its purpose at high level, and consulting with it in the creation of new Special Education policy. The AOE does not need legislative assistance to conduct this work. The agency recommends that the General Assembly strike the enabling language in state statute, to remove the conflict, and preempt the need for future legislative action should the federal regulations change.

Council of Independent Schools

1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.

The number of meetings per year varies depending on current topics effecting independent schools. In 2016 the council met 4 times, in 2017 once and in 2018 it met twice. As of August 19, 2019, the council has not met this year. Agendas and minutes are filed with the AOE's independent schools team.

2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.

Members of the Council of Independent Schools (CIS) are appointed by the Secretary of Education. Statute limits terms to three consecutive two-year terms. Each term is for two years. Currently, there are only five members listed below:

Mark Tashjian, Chair: 1/18 - 12/19 - 2nd term

Julie Landry, 1/18 - 12/19 - 3rd term

Vincent Montoro, 1/18 - 12/19 - 1st term

Robin McCormick, 7/18 - 12/19 - 2nd term

Elaine Beam, 1/18 - 12/19 - 1st term

There are currently six vacant seats on the council. Members of the council are entitled to mileage reimbursement upon request.

3. Provide an overview of the board or commission's purpose.

The Council of Independent Schools has the following mission statement:

"The Council of Independent Schools is created under [16 V.S.A §166\(d\)](#) to represent the Independent Schools of Vermont. As such, it shall serve as an advocate for Independent Schools and serve as the advisory group for the Secretary of Education and the State Board of Education on all matters pertaining to Independent Schools within the State, in a manner consistent with §166(d)"

4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

State Board of Education (SBE) rules require the Secretary of Education to seek input from the CIS. The Secretary shall obtain the CIS recommendation on key issues such as denial, revocation, suspension, investigations, and rate setting. Statute also requires the CIS input on financial investigations.

5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

The AOE is not able to make a qualitative assessment of the CIS's purpose. The agency respectfully suggests that the commission contact the chair of the board, [Mr. Mark Tashjian](#).

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

The AOE is not able to make a qualitative assessment of the CIS's performance. The agency respectfully suggests that the commission contact the chair of the board, [Mr. Mark Tashjian](#).

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

In the question of whether or not the functions of the CIS could be better fulfilled by another entity, the agency respectfully suggests that the commission contact the chair of the board, [Mr. Mark Tashjian](#).

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

In the question of whether or not the functions of the CIS continue to align with the enabling statute, the agency respectfully suggests that the commission contact the chair of the board, [Mr. Mark Tashjian](#).

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

The agency does not have data substantiating fiscal year 2019 expenditures for the Council of Independent Schools.

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

No. The commission is required to report to the secretary on investigations and hearings.

11. How would you measure the performance of the board or commission?

The AOE is not able to assess the performance of the CIS. The agency respectfully suggests that the commission contact the chair of the board, [Mr. Mark Tashjian](#).

Harassment, Hazing, and Bullying Prevention Advisory Council (HHB)

- 1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.**

The Harassment, Hazing and bullying Prevention Advisory Council (HHB Council) meets monthly. The minutes and agendas can be found on the [HHB Council's page](#) of the AOE website.

- 2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.**

The Council's membership can be found on the [HHB Council's page](#) of the AOE website. They represent various organizations (executive director or designee), without term limits, including one high school student. The Secretary of Education is entitled to choose additional members if they desire. Members who are not compensated by their employer are entitled to per-diem, however currently no members meet this description.

- 3. Provide an overview of the board or commission's purpose.**

The Purpose of the Council is to provide advice and recommendations on harassment, hazing, and bullying prevention strategies and resources; and to coordinate statewide activities related to the prevention of and response to harassment, hazing, and bullying, pursuant to [16 V.S.A. § 570\(d\)\(2\)](#).

Their [mission statement](#) is as follows:

"The Harassment, Hazing, and Bullying Advisory Council envisions inclusive, healthy, and collaborative learning environments for all Vermont schools that are free of bullying, hazing, and harassment. We value multicultural learning environments and school communities free of prejudice and discrimination, where all students and adults feel welcome, respected, safe, and empowered to promote fairness and equality on behalf of themselves and others."

- 4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?**

Yes. The council convenes important stakeholders to give targeted feedback around Harassment, Hazing and Bullying.

- 5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?**

The purpose of the Council is to be advisory to the Secretary and coordinates statewide activities to counter Harassment, Hazing and Bullying in schools.

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

If the Council did not exist, the Secretary could informally solicit advice from these stakeholders on a case by case or ad-hoc basis.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

The HHB Council's only function is to advise the Secretary and coordinates statewide activities to counter Harassment, Hazing and Bullying in schools.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

The HHB Council currently advises Secretary and the coordinates statewide activities to counter Harassment, Hazing and Bullying in schools.

There are some indications that the statutory language enabling the council is vague and could be better defined. This might help the Council be more effective in their work. The agency respectfully suggests that the Commission contact the Chair of the Council, Mr. Tim Vincent to hear his perspective.

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

The Agency does not have records related to fiscal expenditures by the Council. This does not include costs incurred by the agency to provide administrative and technical support, staffing or otherwise.

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

The HHB Council is required to provide an annual legislative report to the General Assembly. The last report the agency has a record of came in 2019.

11. How would you measure the performance of the board or commission?

Residential Placement Review Team

With great and due respect to the chairs and members of the Sunset Advisory Commission, the Vermont Agency of Education disagrees with the interpretation of the statute establishing the Residential Placement Review Team as a board or commission similar to other boards and commissions under review by the Commission and assert that the review team is a legislatively delegated responsibility of the Secretary of Education.

We make this assertion for the following reasons:

- The Review Team is staffed wholly by AOE personnel.
- The operations, activities, advice and guidance of the Review Team are confidential pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA).
- The Review Teams activities are entirely advisory upon request of Individualized Education Program (IEP) teams.
- As currently structured (as a team and process internal to the agency), the Team is capable of and satisfactorily fulfills its legislatively mandated role.

With the above in mind, we respectfully decline to answer the Commissions questions.

State Council for the Interstate Compact on Educational Opportunity for Military Children

This council is also slightly different from other boards and commissions being examined. The statute requires the SBE to constitute the State Council for the interstate compact in question and appoint a Compact Commissioner, as well as a military family liaison. They may be the same person.

The Interstate Compact on Educational Opportunity for Military Children is established in Chapter 19, ([16 V.S.A. §§ 806 - 806q](#)). David Young, Superintendent of the South Burlington School District, is the state's commissioner. The agency paid **2,000.00** in dues in FY2019.

The AOE respectfully suggests that the Commission contact the Commissioner, [Mr. David Young](#), for a perspective on how the Interstate Compact Commission functions.

Educational Opportunities Working Group

This Working Group is not an entity associated with the Agency of Education. The agency does not have records or information related to this group. Based on historical memory, the agency has the following to offer:

- Act 38 (2009), Sec. 2 required a group of people to form a working group to consider educational opportunities. Section 2 named the Vermont State Colleges as chair and included details about the issues the working group was to consider.
- Although Act 38 did not establish a date on which the working group would expire or a sunset for Sec. 2, the working group's only duty was to meet and then submit a report "detailing its recommended strategies" on or before January 15, 2010.
- The Working Group submitted a report dated January 11, 2010. Some of the recommendations were enacted in Act 153 (2010).