

Vermont State Board of Education

John Carroll, Chair, 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 Vermont State Board of Education convenes its regular monthly meetings at host schools around the state. During vacation periods, the Board meets in public buildings such as the State House in Montpelier and McFarland House in Barre. Additionally, the Board convenes special meetings as needed. For example, in 2018 the Board conducted public hearings in six different communities around the state to take public testimony on the school-merger directives of Act 46 and the State Plan drafted by the Agency of Education.

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.

Voting members:

CARROLL, John (Chair); Norwich: Appointed 2017; term expires 28 Feb 2023

O'FARRELL, Jenna (Vice Chair); St. Johnsbury: Appointed 2019; term expires 28 Feb 2025

COURTOIS, Kyle (student member, senior); Milton: Appointed 2018; term expires 30 Jun 2020

GLEASON, Kim; Essex: Appointed 2019; term expires 28 Feb 2025

MATHIS, William; Brandon: Appointed 2015; term expires 28 Feb 2021

O'KEEFE, John; Manchester Center: Appointed 2017; term expires 28 Feb 2023

OLSEN, Oliver; South Londonderry: Appointed 2018; term expires 28 Feb 2024

PELTZ, Peter; Woodbury: Appointed 2015; term expires 28 Feb 2021

(VACANCY) New member to be appointed 2019 to serve unexpired term; term expires 28 Feb 2022)

Non-voting members:

BROCHU, Sabina (student member, sophomore); Williston: Appointed 2019; term expires 30 Jun 2021

FRENCH, Daniel M. (ex officio; Secretary, Agency of Education)

The ex officio member is a cabinet officer appointed by the Governor in accordance with 3 VSA §2702. Student members are appointed by the Governor for two-year terms, and the other members of the Board are appointed by the Governor for six-year terms – all being with the advice and consent of the Senate, per 16 VSA §164. Except for the ex officio member, all members of the Board receive a stipend of \$50 per day and vehicle mileage compensation, as provided at 32 VSA §1010.

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

The State Board of Education's purpose and authorities are stipulated in statute:

"The State Board shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor and Secretary; engage local school board members and the broader education community; and establish and advance education policy for the State of Vermont. (16 VSA §166)

The statute goes on to enumerate the State Board's other responsibilities, as follows:

"In addition to other specified duties, the Board shall:

"(1) Establish such advisory commissions as in the judgment of the Board will be of assistance to it in carrying out its duties. Advisory commission members shall serve with or without compensation at the discretion of the Board but shall receive actual expenses incurred in pursuance of their duties.

"(2) Have the authority to enter into agreements with school districts, municipalities, states, the United States, foundations, agencies, or individuals for service, educational programs, or research projects.

"(3) Examine and determine all appeals that by law are made to it and prescribe rules of practice in respect thereto, not inconsistent with law.

"(4) Review and comment on an Agency budget prepared by the Secretary for the Governor.

"(5) [Repealed.]

"(6) Make regulations governing the attendance and records of attendance of all students and the department of students attending public schools.

"(7) Adopt rules pursuant to 3 V.S.A. chapter 25 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.

"(9) Implement and continually update standards for student performance in appropriate content areas and at appropriate intervals in the continuum from kindergarten to grade 12 and methods of assessment to determine attainment of the standards for student performance. The standards shall be rigorous, challenging, and designed to prepare students to participate in and contribute to the democratic process and to compete in the global marketplace. The standards shall include a standard for reading level proficiency for students completing grade three.

"(10) [Repealed.]

"(11) If deemed advisable, determine educational standards for admission to and graduation from the public schools.

"(12) [Repealed.]

"(13) Be the State Board for the program of adult education and literacy and perform all the duties and powers prescribed by law pertaining to adult education and literacy and to act as the State approval agency for educational institutions conducting programs of adult education and literacy.

"(14) Adopt rules for approval of independent schools.

“(15) Establish criteria governing the establishment of a system for the receipt, deposit, accounting, and disbursement of all funds by supervisory unions and school districts.

“(16) In cooperation with the Secretary, ensure that the Agency develops information, plans, and assistance to aid in making technology and telecommunications available and coordinated in all school districts. The State Board shall develop guidelines for distribution of federal, State, or private funds designated for the development or expansion of distance learning technologies. The guidelines shall encourage, consistent with any terms or conditions established by the funding source, collaboration between schools and school districts to realize economic and educational efficiencies.

“(17) Report annually on the condition of education statewide and on a school-by-school basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of harassment, hazing, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school to determine its strengths and weaknesses. The Secretary shall use the information in the report to determine whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title.

“(18) Ensure that Vermont's students, including students enrolled in secondary career technical education, have access to a substantially equal educational opportunity by developing a system to evaluate the equalizing effects of Vermont's education finance system and education quality standards under section 165 of this title.

“(19) [Repealed.]

“(20) Pursuant to section 806g of this title, constitute the State Council for the Interstate Compact on Educational Opportunity for Military Children and appoint to the Council a Compact Commissioner and Military Family Education Liaison, who may be the same person. The Board may appoint additional members.

“(21) Report annually to the Governor and the General Assembly on the progress the Board has made on the development of education policy for the State.”

Additionally, it's not uncommon for the General Assembly, from time-to-time, to assign the State Board of Education special duties in support of highly visible and/or controversial new legislation. For example, in Act 46 (the legislation that encouraged and then required school districts to merge their governance structures) the State Board of Education was designated as the final authority to determine if certain districts would be forced to merge. Similarly, in the recent passage of Act 173 (the legislation that reforms special education funding and delivery), the State Board of Education was directed to exercise final authority in framing and adopting rules for reforming special education funding and practice.

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

Yes. In Act 98 of 2012 the General Assembly fundamentally narrowed the scope of the Board's authority by creating an Agency of Education that reports to the Governor. At the same time, the Legislature kept intact all the powers and duties enumerated above. Moreover, as mentioned above, in recent years the General Assembly has assigned new, high-profile duties and responsibilities to the Board – e.g. overseeing the State Plan for school district mergers, devising new criteria for Small Schools Grants, drafting new rules for the reform of Special Education.

It appears that the General Assembly assigns these high-priority duties to the State Board because the Board is non-partisan and independent of undue influence of special-interest groups or, that matter of the Governor, the Agency of Education, or the Legislature itself.

Without the State Board serving in its capacity as independent arbiter of the direction of pK-12 education in Vermont, education policy would be more likely to become captive of special-interests or agenda-driven stake-holders. As a citizen forum for examining and evaluating important issues in education, the State Board of Education plays a unique and invaluable role in shaping educational policy in Vermont.

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

In recent months, the Board has asked this very question of itself. There's little doubt that the Board played a pivotal role in the controversial work of school district mergers mandated by Act 46. Similarly, the Board is, as we speak, playing an invaluable moderating role in the drafting of new rules for Special Education as mandated by Act 173.

However, the Board finds that this important work is often displaced by its legacy duties of administrative oversight – for example, reviewing the Agency of Education's approvals of independent schools. Many of these oversight functions are, in fact, outdated vestiges of the old days (before Act 98 of 2012) when the Board served as the 'board of directors' of the then-Department of Education.

Those days are long gone, but many of the old administrative duties – to which the Board brings no particular expertise – still persist. At its own initiative, the Board has begun a systematic re-evaluation of how it spends its time. The Board will propose to the General Assembly in the upcoming legislative session to eliminate these outdated administrative functions so that the Board might better focus on its central purpose – “establish and advance education policy for the State of Vermont”. (16 VSA §166)

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

Yes. The Board's proposals to the General Assembly for reform of the Board's duties will allow the Agency of Education to be unburdened of the Board's administrative oversight and, thereby, to become more nimble and efficient. Similarly, the Board itself will become more effective in responding to special assignments from the Legislature and more able to engage with the big-picture demographic changes and policy choices that will shape education in Vermont over the next several decades.

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?

Yes. As suggested above, the Board is saddled with numerous duties of administrative oversight that are vestiges from an earlier time – the many decades before Act 98 of 2012 -- when the Board was in charge of the Department of Education. One example among many: individual local school districts are still required by statute to appear before the State Board of Education to request waivers of school calendar requirements caused by extraordinary 'snow days'.

The Agency of Education is perfectly capable of adjudicating such operational matters without any guidance from the State Board. There are numerous instances of these legacy requirements – which overlap or duplicate the work of the Agency of Education -- that the Board intends to bring to the attention of the General Assembly.

If the General Assembly concurs with the Board's recommendations to eliminate these overlapping and duplicative administrative responsibilities, the Board will be far better able to attend to the essential work assigned to the Board by the General Assembly itself – to "...establish and advance education policy for the State of Vermont". (16 VSA §166)

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

Yes. As indicated above, the Board's enabling law correctly reflects the central purpose of the State Board of Education, to wit: "...establish and advance education policy for the State of Vermont". (16 VSA §166). However, numerous other duties and obligations have accumulated in statute over the decades which, like barnacles on the hull of a ship, impede the Board's forward progress on its central mission. It is the Board's hope that the General Assembly will concur with the Board's up-coming proposals to shed redundant and unnecessary activities that originate from an earlier time and circumstance.

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

The State Board of Education spent \$ 90,509.26 in FY2019, in the following categories:

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

Note that the accounting above does not include staff costs. Despite the fact that the Legislature has for many years ordered that “the Board shall be supported by adequate staff, who shall report to the Board” (16 VSA §163a), 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).

Recently the Board voted to withdraw from membership in the National Association of State Boards of Education, thus reducing FY 2020 spending by \$25,072. The Board may apply some of these unused funds to retention of outside counsel in connection with the Board’s rule-making mandated by Act 173.

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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?

Yes, state law as currently written requires the State Board of Education to file two reports annually:

>> 16 V.S.A. § 164 (17), a legacy requirement from before Act 98 of 2012, which requires the Board to "...report annually on the condition of education statewide and on a school-by-school basis." The Agency of Education fulfills this reporting requirement.

>> 16 V.S.A. § 164 (21) requires the Board to "report annually to the Governor and the General Assembly on the progress the Board has made on the development of education policy for the State." The SBE fulfills this reporting requirement annually at the beginning of each legislative session.

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

Lately, the Board has measured and analyzed how it spends its time in meetings. The Board finds, as outlined above, that it spends far too much time on administrative oversight – which, in turn, interferes with the Board's attention to its essential mission to "...establish and advance education policy for the State of Vermont". (16 VSA §166). As described above, it is the Board's intention to petition the General Assembly to realign its duties and responsibilities to better enable the Board to focus on its essential mission.

One vital measure of the Board's performance is the General Assembly's continued reliance on the Board to address and manage particularly delicate and/or controversial reforms in pK-12 education, as discussed above -- e.g. when the General Assembly directed the Board to play a pivotal role in the controversial work of school district mergers mandated by Act 46. Most recently, in Act 173, the General Assembly directed the Board to play a central role as impartial arbiter in the drafting of new rules for Special Education funding and practice. These and other directives of the General Assembly certainly attest to the Legislature's confidence in the Board, its capabilities, and its uniquely independent perspective.

It's worth noting also that, of late, the Board appears to be functioning with particular effectiveness. Longtime observers of the Board, including two of its most senior members, have observed that the Board is now working more productively and harmoniously than at any time in recent memory.

The State Board of Education brings together a diverse band of Vermonters: some young, some old; some with experience as educators, some without; some with experience in leadership and public policy, some without; some with progressive inclinations, some with traditional inclinations. In fact, the Board's inherent diversity has become its greatest strength, resulting in thoughtful debate and synergistic deliberation. Working together, the Board's members build common-sense consensus, all in the service of "establishing and advancing education policy for the State of Vermont".

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