

SAC Meeting Notes; Oct. 16, 2019

See [agenda](#)

Members present: All

- I. Review of my notes from last meeting.**
- a.** Co-Chair White: Less concerned about number of boards than their purpose. It is good that many necessary boards include public members, so that they are able to provide input.
- i.** Comm'r Krauss discusses that part of his perception of the Administration's position is that it is difficult to recruit members of the public to serve on these boards.
 - ii.** Co-Chair White thinks there are ways to improve public participation (such as remote participation by technology).
 - iii.** Co-Chair Gannon wonders how well the State is performing in allowing remote board member participation, and in educating the public that this is a possibility. He does not see many board members serving from the southern part of the State.
 - iv.** Comm'r Zeller wonders what impact remote participation would have on per diems/expense reimbursement.
 - v.** Co-Chair White wonders if SAC legislation should at least encourage the Executive Branch to encourage people to participate remotely.
 - vi.** Co-Chair Gannon suggests that SAC discuss remote participation – and Executive Branch capabilities - at its Nov. IT meeting.
 - vii.** Comm'r Krauss expressed concern about people who are not able to participate remotely/by technology. For example, some libraries are not always open during business hours.
 - viii.** Comm'r Zeller discusses that there are some advantages to remote participation, such as good sharing of documents.
 - 1.** Also, some offices in the Executive Branch have taken a train to different areas of the State for meetings.
- II. State Board of Education.** John Carroll, Chair, submitted [this written testimony](#) (not available in person).
- a.** Comm'r LaClair: Re: Answer #3, if the Board did not exist, who would take on the Board duties?
- i.** Co-Chair Gannon: Some statutory changes appear to already be needed, since there are aspects of the Board's enabling law that are not currently being performed by the Board
 - ii.** Comm'r LaClair: Should Board exist or not?

- iii. Comm’r Collamore points out that Answer #4 indicates that the Board perceives the Legislature as having assigned high-profile duties to the Board because it is nonpartisan.
 - 1. Comm’r Zeller asks whether those high-profile examples could be performed by the Agency of Education, and indicates that that seems to be the case.
- iv. Comm’r Krauss points out that the Board indicates it plans to propose statutory changes to its enabling law, and would like to hear from the Board Chair to make this pitch to SAC.
- v. Co-Chair Gannon asks how many resources it takes for the Agency of Education to provide support to the Board, since the House Committees on Government Operations and on Education have taken testimony on the Agency being understaffed.
 - 1. ***Ted Fisher, AoE, Leg. Comms:*** The Agency of Education generally provides 1) administrative support (warning meetings, meeting minutes, etc.); 2) legal support (ex.: “green papers” providing legal analysis of issues coming before the Board); and 3) miscellaneous support. (ex.: IT presentations).
- vi. Comm’r LaClair would like SAC to discuss what would be necessary to dissolve the Board and what existing statutory duties would need to be transferred to the Agency.
 - 1. Co-Chair White believes that no matter what recommendations SAC makes, the Education Committees will review it, so perhaps SAC should suggest in legislation that the Education Committees should review the ongoing necessity of the Board, without SAC making a specific recommendation.
 - a. Comm’r Krauss believes that if SAC makes a general recommendation to the Education Committees, it should use neutral language. Moreover, to be fair, SAC should allow Chair Carroll to provide testimony, either in person or by phone, before SAC moves forward with making any recommendations.
 - 2. Comm’r Zeller points out that to date, SAC has made specific recommendations re: whether to repeal or maintain boards. Comm’r Zeller thinks SAC should be firm in what it recommends to the Education Committees, including by requesting that they review what Board duties are no longer performed in practice, and then to determine whether the Board should continue to perform its remaining duties, or whether those can be performed by the Agency of Education.
 - 3. Co-Chair Gannon points out that Act 46 was a huge undertaking, and that Act 173 (special education) has been

indicated to be an even bigger task, and expressed concern about whether these major duties should be performed by an entity that does not have its own staffing. Therefore, Co-Chair Gannon wonders whether SAC should make recommendations re: the State Board, as it has for other major boards, such as the Green Mountain Care Board.

- a. Comm'r Krauss suggests that the substantive duties of the State Board is a reason to ask the committees of jurisdiction – by letter – to review this issue.
 - b. Comm'r Collamore questions what SAC's official status would be for this board (referencing that the SAC spreadsheet to date has made specific recommendations re: whether to repeal or maintain each board that it has reviewed.
 - i. Co-Chair White suggests to leave the spreadsheet blank.
4. Comm'r LaClair is concerned that punting the question to the committees of jurisdiction might result in nothing getting done. Comm'r LaClair advises he feels it is SAC's duty to decide whether a board should be repealed or maintained.
 5. Comm'r Zeller agrees that if SAC recommends the Board's repeal, it will certainly generate legislative discussion.
 6. SAC has a general discussion that if SAC recommends maintaining the Board, the Leg. will take no action.
 7. Comm'r Krauss advises he will not vote for the Board's repeal.
 8. SAC agrees to invite Chair Carroll to testify at SAC's Nov. meeting.

b. SAC recommendation: TBD; will take Board Chair's testimony.

III. Agency of Education. Ted Fisher, AoE, Leg. Affairs and Communications. See [testimony](#).

- a. Re: Board's recommended statutory cleanup to move administrative functions to the Agency of Education (*see* Board Chair written testimony, pg. 4), the Agency is able to absorb those administrative Board duties.
- b. T.Fisher notes that on pg. 2 of his testimony, the Leg. was considering cleaning up Board statutes and transferring Board duties to the Agency of Education, but the Leg. did not enact those changes. (For ex., there is a statutory requirement for the Board to collect data, when it is really the Agency of Education that performs that function).
- c. Co-Chair White wonders about the Agency's position on the Council of Independent Schools. [The Agency previously took no position]

- IV. Council of Independent Schools.** Mark Tashjian, Chair, by phone.
- a.** Co-Chair Gannon asks the Chair to address whether the Council should continue in law, or whether the Independent School Association could handle duties the Council now has. *Response:*
- i.** The Council and the Association both involve independent schools, but their purposes are different: The Association is an advocacy group for independent schools and lobbies for independent school interests, whereas the Council is a statutory body to give advice (“not pure advocacy”) on the role of independent schools in the State. Many independent schools provide specialized services, such as special education. There is a State Board of Education meeting at his independent school today, and he was listening to the Board’s discussion of Act 173 (special education), so the Council can educate the Board and the Legislature re: appropriate laws for independent schools. Therefore, he sees the Council and Association as complementary bodies, not overlapping bodies.
 - ii.** Moreover, the Council provides a vehicle for appointments, such as on Act 46 or the Act 173 advisory commission.
 - iii.** Another role of the Council is to provide members on various teams when it’s important to have an independent school perspective. Examples:
 - 1.** When the Agency of Education puts a compass school under financial review [as set forth in 16 V.S.A. § 166(b)].
 - 2.** Review of the Vermont School for Girls, triggered by Agency oversight. The former Sec. of Education requested a Council member to serve on the Agency review team.

In both cases, he served as a member on a team, not as an advocate, but to give credible recommendations re: how an independent school should operate.
- b.** M. Tashjian advises that the Council is important to exist not on a day-to-day basis, but as needed on specific, complex issues, such as Act 173. So, for this act, in the next several years, it’s crucial to have independent school input re: special education, because without a good understanding of what independent schools do, statutes and rules may not fully address the needs of special education students.
- c.** Co-Chair White wonders how a member of both the Council and the Association would distinguish between their roles on those two entities.
- i.** M. Tashjian advises the Council is advisory and provides information as a resource, whereas the Association advocates/lobbies. The Association has dues and a paid lobbyist, whereas the Council members have no staff or budget and have day jobs.
- d.** SAC recommendation: **REPEAL**

[Lunch break]

V. **DVHA boards.** Nissa James and Jenna Samuelson

- a. *The Executive Committee to Advise the Director of the Vermont Blueprint for Health and the Blueprint for Health Expansion Design and Evaluation Committee.* See [written testimony](#).
- i. These two have merged.
 - ii. Ex. Comm. exercises decision-making functions, whereas the Design and Evaluation Committee is more advisory.
 - iii. Does not see an issue with these two boards merging in statute.
 - iv. Comm'r Krauss: Largest membership to date. If merged, should the membership be pared down?
 1. *Response:* Would likely pare down the membership of the Executive Committee, but would leave the decision to the Legislature re: what members should be eliminated. **DVHA will consider whether to recommend statutory changes for SAC draft.**
 - v. Comm'r Krauss: How does DVHA use remote technology?

Response:

 1. Docs are shared over Skype, but members are not shown via Skype.
 2. Most members are participating via Skype and phone.
 - vi. Comm'r LaClair: What is relationship to GMCB?
 1. *Response:* GMCB is represented on the Ex. Comm.
- b. **SAC ASKS FOR MERGER RECOMMENDATIONS**
- c. *Blueprint for Health Payer Implementation Work Group.* See [handout](#).
- i. Meets once a month by phone.
 - ii. Design and operational (performance improvement) functions.
 - iii. This committee would not be necessary if/when the Blueprint payments are eliminated [or are made from another source ?]
- d. *Drug Utilization Review Board.* See [handout](#).
- i. One of the most efficient boards in State government due to its duty to recommend a preferred drug list.
 - ii. Expenses for this board include a dinner for its evening meetings.
- e. *Clinical Utilization Review Board.* See [handout](#).
- i. Makes recommendations re: the State's medical services.
 - ii. For ex., this board estimates that the State annually spends approx. \$15 million on urine testing.

- f. **Medicaid and Exchange Advisory Committee.** See [handout](#).
 - i. Federally required
 - ii. May want to recommend changes to the State enabling law that places restrictions on the membership. The Committee is currently experiencing some recruitment issues. However, not currently ready to recommend this language.

VI. **DCF Boards.** Pam Dalley, Dir. Of Ops, DCF. See [handouts](#).

- a. **VICC**
- b. **Comm. To Study Effectiveness of Juv. Justice.** *One-time report; can be eliminated.*
 - i. **SAC REC: *REPEAL***
- c. **Home Energy Task Force.** Still meets once a month by Skype. Should be maintained.
- d. **Children and Family council for Prevention Programs.** Federally required. No duplication. Meets monthly; reports to feds.
- e. **Building Bright Futures Council.** Should not be listed as associated with DCF; more AHS, CDD; AoE; DCF; DMH. Maintain.
- f. **State Council for Interstate Juv. Supervision.** Required by interstate compact. Would be sanctioned by the feds without it. Suggests maintaining.
- g. **State Interagency Team.**
- h. **Local Interagency Teams.**
- i. **Adv. Board on Children and Adolescents with Severe Emotional Disturbance and their Families.**
- j. **Commission on Juvenile Justice.** Has been inactive, but it still exists in law.
 - i. Witness will follow up on whether any other board oversees Woodside Juvenile Rehab Center.
 - ii. **SAC recommendation: *KEEP, but inform Judiciary committees, DCF, DOC and Justice Oversight that this commission still exists.***
- k. **Vermont Citizen's Advisory Board.** **NOT ON SPREADSHEET.** Federally-mandated in order to receive federal funds.

VII. Next Meeting re: IT

- a. Morning:** Sen. Brock, Rep. Sabilia, Rep. Brigling, Sec. of ADS, and Sec. of Administration to discuss all of what IT entails. The specific IT boards are welcome to come in the morning to hear this discussion, but it is not necessary for them to do so.
- b. Afternoon:** Review of specific IT boards (which need to respond to SAC questions).

VIII. Per diem discussion.

- a.** Co-Chair White likes Comm'r LaClair's idea to have the agency or department determine how much members should be paid.
- b.** Comm'r Zeller cautions that some departments have more funding than others, so that could impact board member pay.
 - i.** Plus, if the Legislature goes that route, the Legislature will need to ensure that the departments have the funding necessary to support it.
- c.** Co-Chair Gannon is concerned about leaving per diems up to the departments because part of the reason the SAC was created was to address inequities in per diems (such as the Comm'n on Women, which previously was prohibited from receiving a per diem).
- d.** Comm'r Zeller concerned that State might end up spending more money on per diems under this scenario.
- e.** Comm'r Krauss concerned about the differences in complexity among the boards, as well as the amount of hours actually worked on a meeting date.
- f.** SAC generally agrees that not all boards are created equal in the complexity of their work.
 - i.** Comm'r LaClair suggests that is a reason to let the departments decide, because the Legislature will not be able to provide a uniform solution for these different entities.
- g.** Comm'r Zeller notes that the majority (if not all) of the Executive Branch employees serving on boards are exempt, not classified. For ex., a classified employee was desired to serve on a board, but s/he was federally-funded, so the State would have to separately pay that employee to serve on the board because that service was not covered by the federal funding.
- h.** Comm'r Collamore advises his belief that potential board members understand they might not be treated equally compared to the pay of other boards; they may not be qualified to serve on a higher-paying Board A, but would be able to serve on lower-paying Board B.
- i.** Co-Chair Gannon suggests that if Comm'r LaClair's idea is pursued, there should be a minimum per diem that is guaranteed.
- j.** Comm'r Krauss suggests that perhaps there should be a pilot program for a couple departments to try this.

IX. Review of draft legislation. The SAC reviewed Draft 3.2 of its draft legislation. In regard to SAC's proposed repeal of the Racing Commission, the State Veterinarian discussed the current state of horse racing and how horse racing is currently regulated under the guidelines of national organizations.