

To: House Education Committee

From: Krista Huling

Date: April 24, 2024

Re: State Board of Education/ Act 98

Thank you for inviting me here to speak about my experiences on the State Board of Education in relation to Act 98, “An act relating to creating an agency and secretary of education and clarifying the purpose of the state board.” I served on the State Board from 2013-2019, and chaired the board from 2017 until my departure in 2019.

Before Act 98, the agency used to report directly to the State Board of Education and the commissioner was accountable to the State Board. This ensured the board had full support and resources from the Department of Education. The board had a small budget to support operations, but it did not need independent resources beyond that because it could depend on the department, which it oversaw.

After Act 98, the commissioner was made into a secretary in the governor's cabinet, and the agency began reporting to the Governor directly. The State Board was to remain an independent board, “supported by adequate staff, who shall report directly to the board.” However, it no longer guaranteed the support of the agency and making recommendations and providing data and policy support. This means that if the governor disagreed with policy or direction of the board, the governor could order the agency to not support the State Board. This happened under both Shumlin and Scott.

Under Shumlin and Scott, the State Board was denied legal counsel to make amendments to the 2200 rules series that deal with Independent

Schools. ([State Ed Board chair blames Shumlin for blocking new private school rules](#))

Under Scott, the State Board was again denied legal counsel through the agency to pursue any alternatives to the Secretary Report of Act 46. Instead the Governor's office lobbied its appointees to vote a certain way based on politics, rather than equity or necessity. I received legal counsel by appealing directly to the Attorney General to get aid through the Act 46 process.

In addition, the State Board was denied adequate staff by both the Shumlin and Scott administrations. Budget requests for independent staff were denied and a very modest budget was given to the board that made them dependent on AOE resources and the whim of the governor.

Lastly, the Secretary of Education search process that is currently going on highlights the complications of Act 98. With a very modest budget, the State Board is responsible for finding, interviewing, and presenting the governor with at least 3 candidates. Even if the State Board does not have three strong candidates, they must supply three names. In 2018, when then Secretary Holcolme resigned over policy differences with the Governor, I was chair of the Board and led the search for the new secretary. I quickly created a committee with a wide political spectrum. I was lobbied by the Governor's office to ignore Act 98 and interview candidates with no education experience. I was told the governor preferred CEO experience over education. I would not comply. The board continued on our process. At the end of our process, the governor's office once again reached out, and I was summoned to Jason Gibbs office and asked to slip in an additional candidate into the pool. This candidate had not applied for the position. I did not honor this request. I stuck with the board's process and presented three candidates. However, the candidate that had us ALL most excited to lead the agency was not considered; instead, our number three choice was given the position. I am convinced that the education landscape would be very different if a different choice had been made in

2018. If we had a visionary leader instead of a secretary, answering to the Governor's office.

The current governor does not have a public vision for education, and his only strategy has been to level fund public schools and work to dismantle our public education system from the outside in. Behind closed doors, his office advocates for turning our school system into a voucher system. His administration works to protect the interests of the private school lobby. You can see that in the actions of the AOE and in his appointments to the State Board, which is tasked with regulating independent schools. To the public, Scott tells people to send a message to Montpelier by voting down budgets, but offers no fixes. I am convinced that he wants the system to collapse.

When Act 98 was passed, I don't believe it was envisioned that Vermont would have a Governor intent on crashing the system. Since the passage:

1. Education is now highly politicized.
2. Education policy creation is conducted in back rooms instead of in open meetings.
3. The State Board could insulate policy from politics, but has never been adequately staffed, giving more power to the executive branch. The same branch that determines the State Board budget.
4. Long term vision planning has been replaced by two year political cycles.
5. The State Board membership selection remained under the Governor with the switch of Act 98. So the Governor is picking their own oversight. Furthermore, State Board membership is only defined in terms of geographic diversity, whereas no diversity of experience is required.
6. The State Board lost access to AOE staff and information to make informed decisions.
7. There are little to no protections to preserve a strong public education system.

In 2018, Seven Days published the story, [Head of the Class: Did Lawmakers Politicize Vermont's Education Chief?](#)

In that story, “Rep. Dave Sharpe (D-Bristol), outgoing chair of the House Education Committee, said voting in 2012 to transfer appointment authority from the State Board of Education to the governor was one of the biggest regrets of his 15 years as a lawmaker.” At that time I was quoted as saying “(I) saw the merits of arguments on both sides, and expected the debate to continue. I think what we're seeing now is a [desire to] evaluate whether Vermonters want to keep that process.”

In 2024, I think putting the leadership of education under the Governor's office was a mistake, but I am not sure how you put the genie back in the bottle. I believe to create a more sustainable educational system with strong forward thinking leadership, there either need to be major revisions to Act 98 to include more protections for an independent State Board or the AOE should return to a Department under a Commissioner and leadership of the State Board.