| 1  | H.100   |
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| 2  | Introduced by Representative Graning of Jericho                                   |
| 3  | Referred to Committee on  |
| 4  | Date:   |
| 5  | Subject: Education; Agency of Education; Department of Education;                 |
| 6  | Commissioner; Secretary; State Board of Education                                 |
| 7  | Statement of purpose of bill as introduced: This bill proposes to transform the   |
| 8  | Agency of Education to the Department of Education, which shall be                |
| 9  | supervised and managed by the State Board of Education. This bill would           |
| 10 | eliminate the position of Secretary of Education and create the position of       |
| 11 | Commissioner of Education who shall be employed by the State Board as the         |
| 12 | chief executive officer and secretary of the Board, subject to approval of the    |
| 13 | Governor.   |
|    |   |
|    |   |
| 14 | An act relating to creating a Department and Commissioner of Education            |
| 15 | It is hereby enacted by the General Assembly of the State of Vermont:             |
| 16 | Sec. 1. 16 V.S.A. § 164 is amended to read:                                       |
| 17 | § 164. STATE BOARD; GENERAL POWERS AND DUTIES                                     |
| 18 | The State Board shall engage local school board members and the broader           |
| 19 | education community and, consistent with the provisions of this title, its own    |
| 20 | rules, and rules adopted by the Secretary, establish and regularly update a long- |

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| 1  | term strategic vision for the delivery of educational services in Vermont;      |
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| 2  | advise the General Assembly, the Governor, and the Secretary of Education or    |
| 3  | high-priority educational policies and issues as they arise; and act in         |
| 4  | accordance with legislative mandates, including the adoption of rules and       |
| 5  | executing special assignments. In addition to other specified duties, the Board |
| 6  | shall have supervision over and management of the Department of Education       |
| 7  | and the public school system, except as otherwise provided, and shall:          |
| 8  | * * *   |
| 9  | (4) Biennially cause to be prepared a recommended budget for all                |
| 10 | money to be expended by the Department of Education.                            |
| 11 | * * *   |
| 12 | (10) Establish an information clearinghouse and accessible database to          |
| 13 | help districts share information about educational programs and practices that  |
| 14 | improve student performance and well-being. Educational programs and            |
| 15 | practices include those designed to create and sustain a safe learning          |
| 16 | environment.  |
| 17 | * * *   |
| 18 | (17) Report annually on the condition of education statewide and on a           |
| 19 | supervisory union and school district basis. The report shall include           |
| 20 | information on attainment of standards for student performance adopted under    |

subdivision (9) of this section; number and types of complaints of hazing,

| harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title  |
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| 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, school district, and supervisory union to determine its strengths and   |
| weaknesses. To the extent consistent with State and federal privacy laws and    |
| regulations, data on hazing, harassment, or bullying incidents shall be         |
| disaggregated by incident type, including disaggregation by ethnic groups,      |
| racial groups, religious groups, gender, sexual orientation, gender identity,   |
| disability status, and English language learner status. The Secretary           |
| Commissioner shall use the information in the report to determine whether       |
| students in each school, school district, and supervisory union are provided    |
| educational opportunities substantially equal to those provided in other        |
| schools, school districts, and supervisory unions pursuant to subsection 165(b) |
| of this title.  |
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(19) Develop, in consultation with the Secretary of State, and make available to school boards, sample ballot language for items that may be voted on by Australian ballot and for which no statutory language exists.

| 1  | (21) Report annually to the Governor and the General Assembly on the             |
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| 2  | progress the Board has made on the development of education policy for the       |
| 3  | State. [Repealed.]   |
| 4  | Sec. 2. 16 V.S.A. § 163 is amended to read:                                      |
| 5  | § 163. STAFF; MEETINGS   |
| 6  | (a) The office of the Board shall be supported by adequate staff, who shall      |
| 7  | report to the Board the office of the Commissioner of Education.                 |
| 8  | * * *  |
| 9  | Sec. 3. 16 V.S.A. chapter 5 is amended to read:                                  |
| 10 | CHAPTER 5. SECRETARY COMMISSIONER OF EDUCATION                                   |
| 11 | Subchapter 1. Secretary Commissioner of Education                                |
| 12 | § 211. APPOINTMENT; REPORTS  |
| 13 | (a) Subject to the approval of the Governor, the State Board shall employ a      |
| 14 | competent chief executive officer and secretary of the Board who shall have      |
| 15 | had special training and experience in educational work and who shall be         |
| 16 | called the Commissioner of Education. The Commissioner shall be appointed        |
| 17 | for an indefinite term and shall be subject to removal upon the majority vote or |
| 18 | the entire Board.  |
| 19 | (b) The Commissioner at all times and in such detail as the Board directs        |
| 20 | shall make reports to the Board concerning the public educational system,        |

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| 1  | together with such recommendations as the Commissioner deems proper for            |
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| 2  | the promotion of the educational interests of the State.                           |
| 3  | § 212. SECRETARY'S COMMISSIONER'S DUTIES GENERALLY                                 |
| 4  | The Secretary Commissioner shall execute those policies adopted by the             |
| 5  | State Board in the legal exercise of its powers and shall:                         |
| 6  | * * *  |
| 7  | (14) Annually, communicate to each superintendent a list of information            |
| 8  | that a supervisory union, a school board, a school district, a school, a school    |
| 9  | district employee, or a supervisory union employee is required under State or      |
| 10 | federal law to make available to the electorate, community members, parents,       |
| 11 | or students. It is the intent of this subdivision that the Secretary Commissioner  |
| 12 | shall make a good faith effort to compile a complete list of the information to    |
| 13 | be made available. Due to the difficult nature of compiling such a list, it is     |
| 14 | also the intent that failure to include relevant information on the list shall not |
| 15 | constitute grounds for an action against the Secretary Commissioner.               |
| 16 | * * *  |
| 17 | (19) Establish an information clearinghouse and accessible database to             |
| 18 | help districts share information about educational programs and practices that     |
| 19 | improve student performance. Educational programs and practices include            |

those designed to create and sustain a safe learning environment. [Repealed.]

| 1  | (20) Develop, in consultation with the Secretary of State, and make         |
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| 2  | available to school boards sample ballot language for issues that may be    |
| 3  | decided by Australian ballot and for which no statutory language exists.    |
| 4  | [Repealed.]   |
| 5  | (21) Prepare a budget for the Agency and submit it to the Governor after    |
| 6  | review by the State Board. [Repealed.]                                      |
| 7  | (22) Annually, prior to September 1, present the Governor's education       |
| 8  | policy priorities to the State Board. [Repealed.]                           |
| 9  | § 213. DEPUTY SECRETARIES COMMISSIONERS AND HELPING                         |
| 10 | <u>TEACHERS</u>   |
| 11 | The Secretary Board shall employ such number of deputy secretaries          |
| 12 | commissioners and such number of competent helping teachers as he or she it |
| 13 | deems necessary. It shall determine the tenure of office of the deputy      |
| 14 | commissioners and helping teachers and fix the compensation of the helping  |
| 15 | teachers, which shall be paid by the State. The Board may remove such staff |
| 16 | as the best interests of the schools from time to time may require.         |
| 17 | * * *   |

| 1  | Sec. 4. 3 V.S.A. § 212 is amended to read:                                     |
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| 2  | § 212. DEPARTMENTS CREATED   |
| 3  | The following administrative departments are hereby created, through the       |
| 4  | instrumentality of which the Governor, under the Constitution, shall exercise  |
| 5  | such functions as are by law assigned to each department respectively:         |
| 6  | * * *  |
| 7  | (6) The Department of Education  |
| 8  | * * *  |
| 9  | Sec. 5. 3 V.S.A. § 256(b) is amended to read:                                  |
| 10 | (b) Notwithstanding any other provision of law, all secretaries of State       |
| 11 | agencies and all commissioners of State departments, other than the            |
| 12 | Commissioner of Education, shall take office only with the advice and consent  |
| 13 | of the Senate except in the case of an appointment to fill a vacancy when the  |
| 14 | General Assembly is not in session in which case the appointee may take office |
| 15 | subject to the provisions of section 257 of this title.                        |
| 16 | Sec. 6. REPEAL   |
| 17 | 3 V.S.A. chapter 49 is repealed.   |
| 18 | Sec. 7. COMMISSIONER OF EDUCATION; TRANSITION; POWERS                          |
| 19 | AND DUTIES   |
| 20 | On January 1, 2026:  |

| 1  | (1) the Commissioner of Education shall assume all powers, duties,              |
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| 2  | rights, and responsibilities of the Secretary of Education; provided, however,  |
| 3  | that if a Commissioner appointed by the State Board has not assumed office on   |
| 4  | or before January 1, 2026, then the Secretary or acting Secretary of the Agency |
| 5  | on that date shall continue to perform the duties until the day on which the    |
| 6  | Commissioner assumes office, but shall report to the Board and not the          |
| 7  | Governor; and   |
| 8  | (2) the Department of Education shall assume all the powers, duties,            |
| 9  | rights, and responsibilities of the Agency of Education.                        |
| 10 | Sec. 8. LEGISLATIVE COUNSEL; PREPARATION OF A DRAFT BILL                        |
| 11 | On or before January 15, 2026, the Office of Legislative Counsel shall          |
| 12 | prepare and submit a draft bill to the House and Senate Committees on           |
| 13 | Education that makes statutory amendments of a technical nature and identifies  |
| 14 | all statutory sections that the General Assembly shall amend substantively to   |
| 15 | effect the intent of the act.   |
| 16 | Sec. 9. EFFECTIVE DATE  |
| 17 | This act shall take effect on July 1, 2025.                                     |