

1 H.179

2 Introduced by Representative McCann of Montpelier

3 Referred to Committee on

4 Date:

5 Subject: Education; Agency of Education; Secretary; Department of

6 Education; Commissioner; State Board of Education; education

7 governance

8 Statement of purpose of bill as introduced: This bill proposes to transform the
9 Agency of Education to the Department of Education, which shall be
10 supervised and managed by the State Board of Education. This bill would
11 eliminate the position of Secretary of Education and create the position of
12 Commissioner of Education who shall be employed by the State Board as the
13 chief executive officer and secretary of the Board, subject to approval of the
14 Governor. This bill also proposes to change the composition of the State
15 Board of Education and to create a new appointment process for Board
16 members.

17 An act relating to the membership of the State Board of Education and the
18 reestablishment of the Vermont Department of Education

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * Findings and Intent * * *

3 Sec. 1. FINDINGS AND INTENT

4 (a) Findings. The General Assembly finds that:

5 (1) Recent challenges faced by the Agency of Education, including
6 compliance issues with federal reporting requirements, highlight a need for
7 stronger leadership and structural reform. The Agency of Education is now
8 seen as a political tool of the Governor. With a two-year Governor term,
9 Vermont needs a Department of Education and Commissioner of Education
10 that report directly to a neutral State Board of Education with a focus on
11 leading Vermont to the best educational system in the United States.

12 (2) Concerns about transparency and effectiveness have eroded public
13 confidence in the Agency of Education. Transitioning back to a department
14 aligns with historical norms and best practices for state education governance.

15 (3) A department structure allows for greater focus on addressing
16 critical issues such as academic achievement gaps, mental health support, and
17 equitable resource distribution.

18 (b) Intent. It is the intent of the General Assembly to increase
19 accountability, improve operational efficiency, and strengthen public
20 confidence in Vermont's education governance by transitioning the Agency of

1 Education to the Department of Education, lead by a Commissioner of
2 Education that reports directly to the State Board of Education.

3 * * * Department of Education * * *

4 Sec. 2. 16 V.S.A. § 164 is amended to read:

5 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

6 The State Board shall ~~engage local school board members and the broader~~
7 ~~education community and, consistent with the provisions of this title, its own~~
8 ~~rules, and rules adopted by the Secretary, establish and regularly update a long-~~
9 ~~term strategic vision for the delivery of educational services in Vermont;~~
10 ~~advise the General Assembly, the Governor, and the Secretary of Education on~~
11 ~~high priority educational policies and issues as they arise; and act in~~
12 ~~accordance with legislative mandates, including the adoption of rules and~~
13 ~~executing special assignments. In addition to other specified duties, the Board~~
14 shall have supervision over and management of the Department of Education
15 and the public school system, except as otherwise provided, and shall:

16 * * *

17 (4) Biennially cause to be prepared a recommended budget for all
18 money to be expended by the Department of Education.

19 * * *

20 (10) Establish an information clearinghouse and accessible database to
21 help districts share information about educational programs and practices that

1 improve student performance and well-being. Educational programs and
2 practices include those designed to create and sustain a safe learning
3 environment.

4 * * *

5 (17) Report annually on the condition of education statewide and on a
6 supervisory union and school district basis. The report shall include
7 information on attainment of standards for student performance adopted under
8 subdivision (9) of this section; number and types of complaints of hazing,
9 harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title
10 and responses to the complaints; financial resources and expenditures; and
11 community social indicators. The report shall be organized and presented in a
12 way that is easily understandable by the general public and that enables each
13 school, school district, and supervisory union to determine its strengths and
14 weaknesses. To the extent consistent with State and federal privacy laws and
15 regulations, data on hazing, harassment, or bullying incidents shall be
16 disaggregated by incident type, including disaggregation by ethnic groups,
17 racial groups, religious groups, gender, sexual orientation, gender identity,
18 disability status, and English language learner status. The ~~Secretary~~
19 Commissioner shall use the information in the report to determine whether
20 students in each school, school district, and supervisory union are provided
21 educational opportunities substantially equal to those provided in other

1 schools, school districts, and supervisory unions pursuant to subsection 165(b)
2 of this title.

3 * * *

4 (19) Develop, in consultation with the Secretary of State, and make
5 available to school boards, sample ballot language for items that may be voted
6 on by Australian ballot and for which no statutory language exists.

7 * * *

8 (21) ~~Report annually to the Governor and the General Assembly on the~~
9 ~~progress the Board has made on the development of education policy for the~~
10 ~~State.~~ [Repealed.]

11 Sec. 3. 16 V.S.A. § 163 is amended to read:

12 § 163. STAFF; MEETINGS

13 (a) The office of the Board shall be ~~supported by adequate staff, who shall~~
14 ~~report to the Board~~ the office of the Commissioner of Education.

15 * * *

16 Sec. 4. 16 V.S.A. chapter 5 is amended to read:

17 CHAPTER 5. ~~SECRETARY~~ COMMISSIONER OF EDUCATION

18 Subchapter 1. ~~Secretary~~ Commissioner of Education

19 § 211. APPOINTMENT; REPORTS

20 (a) Subject to the approval of the Governor, the State Board shall employ a
21 competent chief executive officer and secretary of the Board who shall have

1 had special training and experience in educational work and who shall be
2 called the Commissioner of Education. The Commissioner shall be appointed
3 for an indefinite term and shall be subject to removal upon the majority vote of
4 the entire Board.

5 (b) The Commissioner at all times and in such detail as the Board directs
6 shall make reports to the Board concerning the public educational system,
7 together with such recommendations as the Commissioner deems proper for
8 the promotion of the educational interests of the State.

9 § 212. ~~SECRETARY'S~~ COMMISSIONER'S DUTIES GENERALLY

10 The ~~Secretary~~ Commissioner shall execute those policies adopted by the
11 State Board in the legal exercise of its powers and shall:

12 * * *

13 (14) Annually, communicate to each superintendent a list of information
14 that a supervisory union, a school board, a school district, a school, a school
15 district employee, or a supervisory union employee is required under State or
16 federal law to make available to the electorate, community members, parents,
17 or students. It is the intent of this subdivision that the ~~Secretary~~ Commissioner
18 shall make a good faith effort to compile a complete list of the information to
19 be made available. Due to the difficult nature of compiling such a list, it is
20 also the intent that failure to include relevant information on the list shall not
21 constitute grounds for an action against the ~~Secretary~~ Commissioner.

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* * *

~~(19) Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices that improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment. [Repealed.]~~

~~(20) Develop, in consultation with the Secretary of State, and make available to school boards sample ballot language for issues that may be decided by Australian ballot and for which no statutory language exists. [Repealed.]~~

~~(21) Prepare a budget for the Agency and submit it to the Governor after review by the State Board. [Repealed.]~~

~~(22) Annually, prior to September 1, present the Governor's education policy priorities to the State Board. [Repealed.]~~

§ 213. ~~DEPUTY SECRETARIES~~ COMMISSIONERS AND HELPING TEACHERS

The ~~Secretary Board~~ shall employ such number of deputy secretaries commissioners and such number of competent helping teachers as ~~he or she~~ it deems necessary. It shall determine the tenure of office of the deputy commissioners and helping teachers and fix the compensation of the helping teachers, which shall be paid by the State. The Board may remove such staff as the best interests of the schools from time to time may require.

1 * * *

2 Sec. 5. 3 V.S.A. § 212 is amended to read:

3 § 212. DEPARTMENTS CREATED

4 The following administrative departments are hereby created, through the
5 instrumentality of which the Governor, under the Constitution, shall exercise
6 such functions as are by law assigned to each department respectively:

7 * * *

8 (6) The Department of Education

9 * * *

10 Sec. 6. 3 V.S.A. § 256(b) is amended to read:

11 (b) Notwithstanding any other provision of law, all secretaries of State
12 agencies and all commissioners of State departments, other than the
13 Commissioner of Education, shall take office only with the advice and consent
14 of the Senate except in the case of an appointment to fill a vacancy when the
15 General Assembly is not in session in which case the appointee may take office
16 subject to the provisions of section 257 of this title.

17 Sec. 7. REPEAL

18 3 V.S.A. chapter 49 is repealed.

19 Sec. 8. COMMISSIONER OF EDUCATION; TRANSITION; POWERS

20 AND DUTIES; REPORT

21 (a) Transition. On January 1, 2026:

1 (1) the Commissioner of Education shall assume all powers, duties,
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 (b) Reports.

11 (1) On or before November 15, 2026, the Department of Education shall
12 submit a written report to the House and Senate Committees on Education with
13 a detailed update on the transition from the Agency of Education to the
14 Department of Education. The report shall include:

15 (A) a Department-wide organizational chart with vacancies noted and
16 a plan for fulling any such vacancies as well as a plan for accounting for the
17 duties of vacant positions; and

18 (B) any recommendations for legislative action to further achieve the
19 General Assembly's legislative intent under this act.

20 (2) On or before November 15, 2026, the State Board of Education shall
21 submit a written report to the House and Senate Committees on Education with

1 a detailed update on the transition from the Agency of Education to the
2 Department of Education, from the State Board's perspective. The report shall
3 include any recommendations for legislative action to further achieve the
4 General Assembly's legislative intent under this act.

5 Sec. 9. LEGISLATIVE COUNSEL; PREPARATION OF A DRAFT BILL

6 On or before January 15, 2026, the Office of Legislative Counsel shall
7 prepare and submit a draft bill to the House and Senate Committees on
8 Education that makes statutory amendments of a technical nature and identifies
9 all statutory sections that the General Assembly shall amend substantively to
10 effect the intent of the act.

11 * * * Composition of the State Board of Education * * *

12 Sec. 10. 16 V.S.A. § 161 is amended to read:

13 § 161. STATE BOARD OF EDUCATION; APPOINTMENT OF
14 MEMBERS; TERM; VACANCY

15 (a) The State Board shall consist of ~~ten~~ 11 members. Two of the members
16 shall be secondary students, each appointed by the Governor, one of whom
17 shall be a full member and the other of whom shall be a junior member who
18 may not vote. ~~All~~ Student members shall be appointed by the Governor with
19 the advice and consent of the Senate. In the appointment of the nonstudent
20 members, priority shall be given to the selection of persons with a
21 demonstrated commitment to ensuring quality education for Vermont students.

1 To the extent possible, the members shall represent the State's geographic,
2 gender, racial, and ethnic diversity. The ~~Secretary~~ Commissioner shall serve
3 on the State Board as a nonvoting member. The remaining eight voting
4 members shall require the advice and consent of the Senate and shall be
5 appointed as follows:

6 (1) one member shall be a public school central office administrator,
7 appointed by the Vermont Superintendents Association;

8 (2) one member shall be a public school administrator, appointed by the
9 Vermont Principals' Association;

10 (3) one member shall be a public school board member, appointed by
11 the Vermont School Boards Association;

12 (4) one member shall be a public school teacher, appointed by the
13 Vermont National Education Association;

14 (5) one member shall be an independent school administrator or teacher,
15 appointed by the Vermont Independent Schools Association; and

16 (6) three members shall be at large, appointed as follows:

17 (A) one member appointed by the Governor;

18 (B) one member appointed by the Speaker of the House; and

19 (C) one member appointed by the Senate Committee on Committees.

20 (b)(1) Upon the expiration of the respective terms of those members of the
21 Board previously appointed, excluding the student members, the ~~Governor~~ the

1 appointing authority that made the initial appointment to the expired term
2 shall, biennially in the month of February with the advice and consent of the
3 Senate, appoint members for terms of six years. The terms shall begin March
4 1 of the year in which the appointments are made. A member serving a term of
5 six years shall not be eligible for reappointment for successive terms.

6 (2) In the event of any vacancy occurring in the membership of the
7 Board, the ~~Governor~~ appointing authority that made the initial appointment to
8 the vacated term shall fill the vacancy with a qualified person whose
9 appointment shall be for the unexpired portion of the term.

10 (3) Biennially, the Board shall choose a member of the Board to be its
11 chair.

12 (4) Annually, using an application process that is open and accessible to
13 all eligible students, the Governor shall appoint a Vermont secondary school
14 student who will continue to be a secondary student for at least two years
15 following taking office, to serve on the State Board for two years, beginning on
16 July 1 of the year of appointment. The student member shall not vote during
17 the first year and shall be a full and voting member during the second year of
18 ~~his or her~~ the student's term.

