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H.312

Introduced by Representatives Graning of Jericho, Arsenault of Williston,
Burrows of West Windsor, and Sibia of Dover

Referred to Committee on

Date:

Subject: Education; State Board of Education; appointments; Secretary of
Education; gubernatorial appointments; advice and consent

Statement of purpose of bill as introduced: This bill proposes to (1) create a
new appointment process for State Board of Education members by allowing
the Governor four appointments, the Senate Committee on Committees three
appointments, and the Speaker of the House three appointments; (2) prohibit
the Governor from reappointing an individual to the same position if the
Senate did not consent to the appointment; and (3) require the State Board of
Education to begin a robust national search for a new Secretary of Education
not later than 45 days after public notification of the resignation of the current
Secretary.

An act relating to the appointment of members of the State Board of
Education and the Secretary of Education

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

2 Sec. 1. 16 V.S.A. § 161 is amended to read:

3 § 161. STATE BOARD OF EDUCATION; APPOINTMENT OF
4 MEMBERS; TERM; VACANCY

5 The State Board shall consist of ~~ten~~ 10 members, of which expertise or
6 experience as a principal, superintendent, teacher, school board member,
7 educator preparation program provider, special education provider, and parent
8 shall be represented by at least one member each. Two of the members shall
9 be secondary students enrolled in a public school, approved independent
10 school, or secondary career technical education center, one of whom shall be a
11 full member and the other of whom shall be a junior member who may not
12 vote. ~~All members shall be appointed by the Governor with the advice and~~
13 ~~consent of the Senate.~~ In the appointment of the nonstudent members, priority
14 shall be given to the selection of persons with a demonstrated commitment to
15 ensuring quality education for Vermont students. To the extent possible, the
16 members shall represent the State's geographic, gender, racial, and ethnic
17 diversity and shall also be proportionally representative of the number of
18 students educated in public schools and independent schools. The Secretary
19 shall serve on the State Board as a nonvoting member. The members shall be
20 appointed as follows:

1 (1) Four members shall be appointed by the Governor, including the
2 secondary student members.

3 (2) Three members shall be appointed by the Senate Committee on
4 Committees, none of whom may be legislators. Members shall be chosen from
5 among not fewer than six candidates proposed by the Senate Committee on
6 Education.

7 (3) Three members shall be appointed by the Speaker of the House,
8 none of whom may be legislators. Members shall be chosen from among not
9 fewer than six candidates proposed by the House Committee on Education.

10 (4) Upon the expiration of the respective terms of those members of the
11 Board previously appointed, excluding the student members, the ~~Governor~~
12 appointing authority that made the initial appointment to the expired term
13 shall, biennially in the month of February ~~with the advice and consent of the~~
14 ~~Senate~~, appoint members for terms of six years. The terms shall begin March
15 1 of the year in which the appointments are made. A member serving a term of
16 six years shall not be eligible for reappointment for successive terms.

17 (2)(5) In the event of any vacancy occurring in the membership of the
18 Board, the ~~Governor~~ appointing authority that made the initial appointment to
19 the vacated term shall fill the vacancy within 60 days with a qualified person
20 whose appointment shall be for the unexpired portion of the term. Vacancies
21 in terms initially filled by the Senate Committee on Committees or the Speaker

1 of the House shall be filled by choosing from among the original list of
2 candidates for the vacant term proposed by the applicable committee of
3 jurisdiction.

4 ~~(3)~~(6) Biennially, the Board shall choose a member of the Board to be
5 its chair.

6 ~~(4)~~(7) Annually, using an application process that is open and accessible
7 to all eligible students, the Governor shall appoint a Vermont secondary school
8 student who will continue to be a secondary student for at least two years
9 following taking office, to serve on the State Board for two years, beginning on
10 July 1 of the year of appointment. The student member shall not vote during
11 the first year and shall be a full and voting member during the second year of
12 ~~his or her~~ the student's term.

13 Sec. 2. TRANSITION PERIOD APPOINTMENTS

14 Members currently serving on the State Board of Education may continue to
15 serve for the duration of the term to which they were appointed. Beginning on
16 July 1, 2025, as terms of currently serving members expire, appointments of
17 successors shall be made in accordance with the qualifications and
18 considerations required under 16 V.S.A. § 161 and shall be made in the
19 following order:

1 § 256. TERM OF OFFICER APPOINTED WITH ADVICE AND CONSENT
2 OF SENATE

3 (a) Whenever it is provided by law that an office shall be filled by
4 appointment with the advice and consent of the Senate, such appointment shall
5 be made during the month of February, and the term of office of ~~a person~~ an
6 individual so appointed shall commence on the first day of March thereafter.

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

12 § 257. APPOINTMENTS AND VACANCIES REQUIRING ADVICE AND
13 CONSENT OF SENATE

14 (a) Appointments required to be made pursuant to section 256 of this title
15 in the month of February, with the advice and consent of the Senate, shall be
16 valid if made and confirmed at any time during the then regular biennial
17 session of the General Assembly. If not made and confirmed in such month of
18 February, the term of office of the ~~person~~ individual appointed and confirmed
19 thereafter shall extend to and include the day whereon ~~his or her~~ the
20 individual's term would expire had ~~he or she~~ the individual been appointed and
21 confirmed in such month of February.

1 (b) When a vacancy occurs in an office requiring appointment with the
2 advice and consent of the Senate, an appointment may be made to fill the
3 vacancy.

4 (1) If the appointment to fill the vacancy is made during any
5 adjournment of the General Assembly, the ~~person~~ individual appointed may
6 validly function in that office during adjournment until the Senate convenes at
7 the next regular, adjourned, or special session and acts upon the appointment
8 submitted forthwith by the Governor; ~~or if,~~

9 (2) If the appointment to fill the vacancy is made during any session of
10 the General Assembly, the ~~person~~ individual appointed may validly function in
11 that office until the Senate shall act upon the appointment submitted forthwith
12 by the Governor. ~~Thereafter the~~

13 (c)(1) An appointee shall continue in office if the Senate consents to the
14 appointment.

15 (2) If the Senate, by vote, does not consent to the appointment, the
16 Governor shall be prohibited from appointing the same individual for the same
17 office, including on an interim basis, for the duration of the Governor's term of
18 office, and that same individual shall be prohibited from serving in an acting or
19 interim capacity in that same office.

20 * * *

1 Sec. 4. 3 V.S.A. § 2702 is amended to read:

2 § 2702. SECRETARY OF EDUCATION

3 (a) With the advice and consent of the Senate, the Governor shall appoint a
4 Secretary of Education from among ~~no~~ not fewer than three candidates
5 proposed by the State Board of Education. The State Board shall begin a
6 robust national search process not later than 45 days after public notification of
7 the resignation of a Secretary of Education. The Secretary shall serve at the
8 pleasure of the Governor.

9 (b) The Secretary shall report directly to the Governor and shall be a
10 member of the Governor's Cabinet.

11 (c) At the time of appointment, the Secretary shall have expertise in
12 education management and policy and demonstrated leadership and
13 management abilities.

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on July 1, 2025.