

February 14, 2025

To: Sen. Seth Bongartz, Chair, Senate Committee on Education
Rep. Peter Conlon, Chair, House Committee on Education

From: Jennifer Deck Samuelson, Chair, Vermont State Board of Education
Tammy Kolbe, Vice Chair, Vermont State Board of Education

Re: Vermont State Board of Education FY2025 & FY2026 Budget Request

This memorandum responds to your request for additional information about the Vermont State Board of Education's (SBE) current FY2025 funding needs, F2026 budget request, and one-time funding to support the Board's efforts to modernize the education rules currently assigned to the SBE.

Overview of Request

Exhibit 1 summarizes our funding requests. Justification for the requests is provided in the sections that follow.

Starting with FY2026, the **SBE also requests that the Vermont General Assembly (GA) establish an independent line-item appropriation for the SBE.** Currently, our budget is embedded within the Agency of Education's (AOE) budget. This is a holdover from when the SBE oversaw the AOE. A stand-alone appropriation will allow the GA to consider the SBE's funding apart from the AOE's general budget request and increase transparency about the SBE's budget and spending.

Exhibit 1. State Board of Education Budget Requests, FY2025 & FY2026

Fiscal Year (FY)	Appropriation	
	Type	Amount
2025	Budget adjustment	\$18,000
2026	Annual operating funds	\$184,560
	One-time, for education rules modernization	\$375,000



FY2025 Budget Adjustment (\$18,000)

The Agency of Education (AOE) allocated \$70,708 in funding for the SBE's activities during FY2025. The SBE requires an additional \$18,000 to:

1. Retain counsel to provide legal services to the SBE (\$18,000).

Although the SBE used to rely upon AOE counsel to provide general legal advice and assist with the rulemaking process, this practice has been discontinued. Given that the Board's work involves issues of statutory construction and interpretation, as well as drafting language in furtherance of its work, legal assistance is crucial to the Board's success.

FY2026 Operating Budget (\$184,560)

The SBE requests \$184,560 for FY2026.¹ The FY2026 budget request includes additional funding for:

1. SBE member stipends (\$50,000).

SBE members currently receive a stipend of \$50 per meeting. This stipend does not cover the work that SBE members do outside of meetings. The FY2026 budget request includes funding for an annual \$5,000 SBE member stipend (for 10 Board members).

2. Retaining independent counsel to assist with rulemaking and other matters (\$86,000)

Independent counsel is needed to assist with rulemaking (\$50,000) and to provide general legal services to the Board (\$36,000).

3. Re-establish the SBE's membership in the National Association of State Boards of Education (NASBE; \$18,560)

The Board feels that it would be helpful to its work to rejoin NASBE; the SBE was a member until FY2019. NASBE provides support to state boards that includes technical assistance related to key education policy topics and regular communications among the Nation's other SBEs.

4. Technical support for establishing education standards (\$30,000)

Pursuant to 16 VSA §164(9), the SBE must implement and continually update standards for student performance. Currently, the Board is considering new standards that align with Vermont Act 1 (2019) and the recently updated Rule Series 2000 (Education Quality Standards). To do this work, the SBE requests an independent consultant with expertise in standards development to review and assist the SBE in promulgating the required standards.

FY2026 One-time Appropriation for Rules Modernization (\$375,000)

The powers and duties of the SBE include maintaining Vermont's education rules. There is a critical need to modernize the current rules to:

¹ The AOE allocation to the SBE has been flat funded at \$70,708 since FY2023 (the FY2022 budget was \$92,394). As noted above, the SBE needs an additional \$30,500 in funding for FY2025 to do its assigned work, for a total spending amount of about \$101,208.



1) Align rules with current statute and contemporary education programs and practices.

Many rules have not been updated in at least 10 years and do not reflect current statute or contemporary education programs and practices in the state.

2) Revise, and in some instances sunset, certain rules that govern AOE operations to provide the Agency with increased authority and needed flexibility to meet its federal and state statutory obligations.

Some current rules are no longer needed. Other rules are better suited to either a) become new rules that are maintained by AOE, or b) take the form of standard operating procedures overseen by the AOE.

The SBE consulted with outside counsel who has expertise in rulemaking. Based on this advice, we propose a three-year process for modernizing the rules.

- **Phase 1. Review existing rules to determine which rules should be revised or eliminated. (Year 1)**

The SBE will work with AOE to identify which rules should be a) revised or b) eliminated. The SBE will initiate the APA process to close unnecessary rules, and identify which rules require updating.

This process may also result in shifting responsibility for some rules to AOE; however, this would not apply to Rule Series 1200, State Board of Education; Rule Series 2000, Education Quality Standards; Rule Series 2200, Independent School Program Approval; Rule Series 2360, Special Education Rules; Rule Series 2370, Career and Technical Education; and Rule Series 2400, Vermont Adult Education.

The SBE will work with AOE to develop a timeline for revising rules and prioritizing rules that a) have implications for other rules and b) where updates are most needed in the field.

- **Phase 2. Update rules (Years 2-3)**

With the assistance of independent counsel, the SBE will undertake the process of updating the remaining rules over which it retains authority *and* that need modernization.

The SBE will follow its established process of working with key constituencies, including AOE, to draft initially revised rules prior to initiating the APA rulemaking process. This approach ensures members of the public and other interested groups have full access to the rulemaking process.

