

Roles and Responsibilities for the Vermont State Board of Education and Agency of Education

Act 66 of 2021, Sec. 18

REPORT

March 11, 2022

**Report to the House Education and Senate
Education Committee**

Submitted by

**the State Board of Education Roles and Responsibilities Subcommittee
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VERMONT

**STATE BOARD OF EDUCATION
AGENCY OF EDUCATION**

Overview

[Section 18 of Act 66](#) directed the Vermont State Board of Education (SBE) and the Agency of Education (AOE) to jointly report to the House and Senate Committees on Education with recommendations for how roles and responsibilities between the two organizations might be delineated to ensure that the State's education system meets the needs of all students, while maximizing operational and administrative efficiencies.¹

In response, SBE and AOE undertook a collaborative effort to develop a new framework that distinguishes roles and responsibilities for the two organizations. This framework was developed by a subcommittee, comprised of SBE members (Dr. Tammy Kolbe, subcommittee chair; Lyle Jepson; Jennifer O'Farrell; Oliver Olsen) and the AOE's Secretary (Dr. Dan French).² Input on the framework was solicited from the full SBE at its January 2022 meeting, and the framework was revised in response to comments and concerns.

This report describes the agreed-upon framework, and corresponding recommendations for its implementation. However, per Act 66, the report does not make specific recommendations for changes to existing statute (Section 18(c)).

The remainder of this report is organized as follows. First, we describe the six domains that comprise the framework that was developed to distinguish SBE and AOE roles and responsibilities. Then, for each domain, we summarize key recommendations and considerations. Additionally, as required by law (Section 18(b)), Appendix A provides a list of all federal and state statutory mandates and rules for which SBE and AOE are responsible.

Framework for Organizing Roles and Responsibilities

Six domains can be used to distinguish among the roles and responsibilities for which the SBE and AOE may be individually or jointly responsible:

1. Appellate powers/dispute resolution
2. Rulemaking
3. Public input and visioning
4. District and supervisory governance
5. Accountability and oversight
6. Approvals of independent schools and post-secondary institutions. (Figure 1)

The framework was used to describe the work in which the SBE and AOE are currently engaged and then identify the comparative strengths and weaknesses of how existing roles and

¹ Act 66 directed SBE and AOE to submit their report on or before December 15, 2021. On September 21, 2021, SBE Chair Olsen, on behalf of both organizations, requested an extension to this deadline. In lieu of the final report, an interim progress memorandum was submitted by SBE and AOE to the House and Senate Committees on Education on December 15, 2021.

² The subcommittee met five times between August 2021 and January 2022.

responsibilities are delineated between the two organizations. The subcommittee tasked with developing recommendations considered where opportunities existed for clarification and realignment in ways that may improve coherence in education policy and practice and organizational efficiency.

Through this process, both the SBE and AOE recognized that the shared responsibilities for rulemaking required special consideration. Rulemaking was the one function where there is considerable overlap between the two organizations' roles, and as a result, an area where there has been disagreement between the two organizations. The SBE and AOE were able to reach agreement on a new collaborative approach to rulemaking that carves out complementary roles and responsibilities for each organization in the process.

Recommendations

Appeals

[Section 164\(3\) of Title 16](#) assigns to the SBE, as a matter of its general powers and duties, the authority to, "Examine and determine all appeals that by law are made to it and prescribe rules of practice governing the appeals process, not inconsistent with the law." Additionally, there are provisions in statute that describe specific instances for either an SBE or an AOE role, an appeal or dispute resolution process. (See Appendix A)

Recommendations

Roles & Responsibilities

- The SBE should retain its role and responsibilities to **prescribe rules of practice governing appeals and dispute resolution processes**, including those processes administered by AOE.
- The AOE retains **primary responsibility for adjudicating appeals and resolving administrative disputes that are not the result of decisions made by the Agency**.
- The **SBE serves as a neutral third party for appeals that involve a decision or action on the part of AOE**, and **retains its authority** to sit in a **quasi-judicial capacity where provisions in statute or rule call for a formal proceeding** (e.g., private school approval, tuition).

Other Considerations

- **Appeal from school board decision regarding tuition**. In 16 V.S.A. § 828, the SBE receives and is final decision maker of a parent's appeal from a school board's refusal regarding tuition. As approving entity for independent schools that may receive publicly funded tuition, SBE should review appeals to district decisions to pay (or not) tuition to a particular independent school.

- **Use of funds for education.** There are situations where SBE involvement in the appeal process is either unnecessary or duplicative. For instance, in 16 V.S.A. § 4029(d), the SBE hears appeal from Secretary's decision that education funds used for a non-education purpose or that a municipality used education funds; the SBE decision is appealable to Superior Court. In this instance, once the Secretary makes a determination, it is sufficient that the appeal goes to Superior Court. It is not apparent that the SBE has expertise in financial matters to add value to this appeal process. Multiple administrative appeals are expensive for the State. In this case, the SBE would require its own legal counsel, and the State would bear the cost of the SBE hearing. Allowing the matter to proceed to Superior Court is more efficient and cost effective.

Rulemaking

At the heart of the discussion over delineating roles and responsibilities for the SBE and AOE is authority over rulemaking and regulations. It has been established through several Vermont court rulings (e.g., Brigham, 1997; and more recent rulings related to Act 46), that the State is ultimately responsible for educating all Vermont students. The state delegates considerable authority to local school districts to enact this responsibility, but the state cannot delegate its constitutionally derived responsibility.

When the State does delegate its authority over educational processes, it does so through statutory language and related rules and regulations. Together, this framework describes the State's education policies and the mechanisms to ensure these policies are achieved.

Currently, the powers and duties of the SBE include making regulations governing: (a) attendance and records of attendance of all pupils; (b) standards for student performance; (c) adult basic education programs; (d) approval of independent schools; (e) disbursement of funds; and (f) equal access for all Vermont students to a quality education. The AOE is responsible for implementing rules and regulations adopted by the SBE.

The existing delineation in roles and responsibilities between AOE and SBE for rulemaking should be reevaluated considering statutory changes put in place by [Act 98](#) (2012) that reshaped the relationship between the two entities.

Prior to Act 98, the SBE directed the work of the Department of Education and supervised the Commissioner of Education, who was responsible for implementing rules and regulations adopted by the Board. The Board was expected to direct the policy and technical direction of the Department, including rulemaking and developing regulations. The SBE also had a more direct role in ensuring its rules were implemented by the Department.

Act 98 shifted the roles between the SBE and AOE. It established the Agency of Education and elevated the prior Commissioner position to a cabinet-level Secretary of Education, appointed by, and reporting directly to, the Governor. In doing so, the SBE no longer had responsibility for overseeing the AOE's policies, programs, or resources – but, retained oversight with respect to the rulemaking process.

Put differently, the bifurcation in the roles and responsibilities for (a) making and maintaining the state's education rules and regulations (SBE) *and* (b) implementing the rules and regulations (AOE) is an artifact of a governance arrangement between the two organizations that no longer exists.

Recommendations

The SBE and AOE recommend the following organizational framework for future rulemaking:

- The **AOE will be responsible for rulemaking activities**, including the powers and duties to make and implement rules and regulations governing education in Vermont.
- The **SBE will be responsible for overseeing the rulemaking process**, including ensuring public input on proposed rules is sought and considered in a meaningful way.

The proposed realignment in roles and responsibilities between the organizations **realigns the rulemaking process with the educational governance structure put in place by Act 98**, where the Agency and State Board **complement each other** to promote: (a) Coherence of state education policy and the mechanisms in place to ensure policy goals are attained; (b) organizational efficiency (for both SBE & AOE); and (c) opportunities for public input and assurance.

The [Proposed Revisions to Delineation in Roles / Responsibilities Flowcharts](#) below describe the roles and responsibilities the SBE and AOE will assume under a revised rulemaking process. Specific activities for each organization are summarized temporally, and according to key tasks in the rulemaking process. Additionally, Figure 1 identifies key considerations for implementing the proposed changes.

Public Input & Visioning

Act 98 created a need for a clearer delineation between the SBE and AOE in roles for visioning and public input.

[Section 164 of Title 16](#) assigns to the SBE general powers and duties to, “Engage local school board members and the broader education community and ... establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise.” This includes the authority to establish advisory commissions that will be of assistance in carrying out its duties.

Additionally, [Section 164\(a\) of Title 16](#) requires the SBE to, “Adopt through a public process a statewide strategic education plan to describe how the Agency will help school boards to improve student performance. The State Board will update and readopt the plan at least every five years.”

At the same time, as a state agency, AOE also has a role in establishing and implementing the State's education policy priorities and adopts an annual strategic plan to guide its work.

Recommendations

Roles and Responsibilities

- **Visioning and Strategic Planning**
 - The **SBE** should play a **leadership role in developing a strategic vision** for education in Vermont.
 - The **AOE** should be responsible for **establishing and implementing the Agency’s strategic work plan.**
- **Public Engagement**
 - The **SBE** should **develop and execute a plan for regular and sustained public engagement** and input, particularly from Vermont families and students.
 - The **AOE** should regularly **engage with stakeholders and the public on key education issues.**

Other Considerations

[Section 164\(17\) of Title 16](#) requires the SBE to, “Report annually on the condition of education statewide and on a supervisory union and school district basis ... The Secretary 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.” Currently, the SBE does not have the resources, nor technical capacity, to generate a report of the scale and scope required by statute.

Direct & Supervisory Governance

Title 16, including Chapters 7 and 11, create a role for the SBE and assign a broad range of responsibilities for supervisory union and district governance.

Recommendations

Roles & Responsibilities

- The **SBE** should **retain its existing role and responsibilities with respect to supervisory union and district governance.** The SBE should **consider input and recommendations made by AOE** (in addition to local school districts and supervisory unions) in its deliberations.

Other Considerations

There is a need:

- To further clarify and refine the SBE’s role in school district governance realignment, in a way that is consistent with policy goals and the intent of existing statute (i.e., Act 46 and successor legislation). The SBE and AOE are already in discussions with the General Assembly on potential updates to Chapter 11 of Title 16.

- For rulemaking that provides additional direction to the SBE and AOE with respect to performance standards for local school boards. For instance, the SBE and AOE could be directed to revise existing educational quality standards to incorporate standards for good governance and fiduciary responsibility on the part of local school boards and supervisory union boards.

Accountability & Oversight

The SBE and AOE both play important, albeit different roles, in accountability and oversight for education in Vermont.

Recommendations

Roles & Responsibilities

- The SBE plays a **public assurance** role in **maintaining and enforcing Education Quality Standards (EQS)** that promote equal educational opportunities for all students.
- The SBE retains **oversight of school** governance **when questions of supervisory union or supervisory district organization overlap with education quality concerns**. For instance, the SBE determines – based on the Secretary’s recommendation – whether a school is subject to governance consequences for failing to meet or make sufficient progress toward the state’s EQS.
- The AOE is responsible for **overseeing implementation of the state’s EQS**. The SBE should not take a supervisory disposition to AOE’s work.
- The AOE is responsible for **disbursing and accounting for state and federal funding**.

Approvals for Independent Schools & Post-secondary Institutions

[Section 166 of Title 16](#) assigns the SBE a role and responsibilities for approving and recognizing the state’s independent schools. Additionally, [Chapter 3 \(Subchapter 2\) of Title 16](#) assigns broad responsibilities to the SBE for the state’s post-secondary schools.

Recommendations

Roles & Responsibilities

- The SBE retains its current **authority to approve and regulate independent and postsecondary schools**.
- The AOE retains its **investigative responsibility when there are issues of concern**. The SBE will adjudicate, when necessary.

Proposed Revisions to Delineation in Roles / Responsibilities for SBE and AOE in Rulemaking Process

Key Tasks in Rulemaking Process – Rule Initiation

| Application | AOE Roles and Responsibilities | SBE Roles and Responsibilities |
|--|---|--|
| Initiation – Revisions to Existing Rules | AOE is responsible for initiating rulemaking (in response to legislation, petition, or due process) and developing a plan for revising the rule(s), including soliciting and incorporating expert opinions and stakeholder/public input pre-filing with ICAR & LCAR, where appropriate. | SBE will review and approve (by vote) the rulemaking <i>process</i> proposed by AOE. Where appropriate, AOE and SBE may agree upon a role for SBE to play in the rulemaking process, particularly with respect to supporting and ensuring stakeholder/public input. |
| Initiation – New Rules | AOE is responsible for initiating the process for drafting new rules as provided by statute, <i>unless</i> statute stipulates otherwise (e.g., delegates the rulemaking process to SBE). | SBE will review and approve (by vote) the rulemaking process proposed by AOE. Where appropriate, AOE and SBE may agree upon a role for SBE to play in the rulemaking process, particularly with respect to supporting and ensuring stakeholder/public input. If statute stipulates that SBE is responsible for establishing a new rule, the SBE will work with AOE to collaboratively develop a rulemaking process that involves both AOE and SBE in key activities. |

Considerations

Proposed revisions will:

1. Require AOE to notify SBE of its intent to make new or revise existing rules. Accompanying this notification will be a description of the process AOE will use to develop a rule, including public engagement pre- and post-filing with ICAR.
2. The SBE may play a role in the process of developing a rule (e.g., constituting work groups, public engagement activities). The extent and nature of these activities will be rule-dependent and specified in the rulemaking process proposed by AOE.
3. Clarify that AOE may promulgate rules with/or only after approval of a rulemaking process approved by the SBE. ICAR will expect SBE approval prior to proceeding with its work.
4. SBE could disapprove AOE’s request to proceed with rulemaking/proposed process with vote that exceeds a super majority of SBE’s voting membership.
5. If the rulemaking process proposed by AOE (and approved by SBE) includes one or more stakeholder working groups as a mechanism to provide public/stakeholder input into the process, such groups will be advisory to the AOE and SBE – but, will not have “approval” authority over a revised or new rule.

Key Tasks in Rulemaking Process – Drafting / Pre-filing

| Application | AOE Roles and Responsibilities | SBE Roles and Responsibilities |
|---|--|--|
| Drafting/Pre-Filing - Rule drafting or revision | AOE is responsible for overseeing and administering the rulemaking process that has been approved by SBE, including public/stakeholder engagement and drafting new or revising existing rules. | <p>SBE will monitor the rulemaking process executed by AOE to ensure compliance with the process that was approved by the SBE.</p> <p>Monitoring activities may take the form of periodic updates or direct observation of rulemaking activities. If SBE finds that AOE is not following the agreed upon process, the SBE has the authority to stop the rulemaking process and compel the AOE to resolve issues prior to restarting rulemaking activities.</p> <p>At the conclusion of the rulemaking process, but pre-filing with ICAR, the SBE will conduct a comprehensive review/assessment of the rulemaking process, against what was initially approved by the SBE.</p> |
| Drafting/Pre-Filing – Public Assurance | As a part of the rulemaking plan submitted to and approved by the SBE, AOE will provide regular updates to SBE on the plan’s implementation, particularly with respect to public/community engagement. | SBE will oversee the engagement plan proposed by AOE to ensure that the proposed process was followed. |

Considerations

1. AOE will shoulder a large share of the responsibility for drafting new and revising existing rules. AOE is expected to follow the rulemaking process that is pre-approved by the SBE. If AOE finds it necessary to deviate from the preapproved process, it will seek prior approval from the SBE for an amended process.
2. The SBE’s role will consist of overseeing this process, according to the process approved by the Board. In some instances, SBE may take an active role in the rulemaking process – e.g., public engagement. The SBE role will be prespecified and specific to a particular rulemaking process.
3. SBE retains the authority to stop AOE’s work on a rule if there is evidence that the Agency is substantially deviating from the pre-approved process, without prior and explicit permission from the Board. SBE’s ability to exercise this option will be limited to specific criteria (defined in statute) that describe the circumstances under which SBE may stop AOE’s work on a rule until resolution can be reached regarding the rulemaking process going forward.

Key Tasks in Rulemaking Process – Final Review of Process

| Application | AOE Roles and Responsibilities | SBE Roles and Responsibilities |
|-------------------------|---|--|
| Final Review of Process | Prior to filing, AOE will submit the rulemaking process and resulting rule to the SBE for review. | <p>SBE will conduct final review of rulemaking process prior to filing with ICAR, and with this provide formal assurance to LCAR that AOE provided sufficient opportunities for community engagement in the rulemaking process.</p> <p>The SBE will issue an opinion of the Board regarding the rule (e.g., certification). This opinion will consist of two parts: (1) A determination as to whether AOE followed the pre-approved rulemaking process; and (2) comment on whether the AOE followed the agreed upon process for integrating public comment on the rule. The SBE may also comment on whether the SBE finds that the full text of the proposed rule responsive to public input provided during the rulemaking process; however, is not compelled to do so.</p> <p>AOE will have the ability to respond to SBE concerns in writing. The SBE opinion, and when appropriate the AOE response, will be filed with the proposed rule.</p> |

Considerations

1. The SBE will not have the authority to “veto” the content of a rule developed by AOE according to the approved process.
2. Prior to filing, SBE will certify that the approved rulemaking process was followed by AOE. This certification, including any concerns on the part of the SBE (with respect to process), will accompany the rule at the time it is filed with ICAR/LCAR.
3. As part of its certification, SBE will indicate whether it approves of the plan for seeking public comment once the rule has been filed with ICAR. If the SBE does not approve, in whole or in part, it will describe what revisions it sought with AOE prior to filing with the recommendation that ICAR require revisions in its review.
4. SBE will provide comment on whether it finds that AOE followed the agreed upon process for integrating public comment on the rule. This comment will accompany the rule at the time it is filed with ICAR/LCAR.
5. SBE action on a rule prior to filing will be time bound (e.g., within two meetings after receiving materials from AOE).

Appendix A: Summary of SBE & AOE Authorities and Duties, by Category

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|----------------------|--|
| 16 V.S.A. §__ | |
| | |
| | MAKES/ ADVANCES POLICY |
| | |
| State Board | |
| 164 | engages local school board members & and the broader education community |
| 164 | advises the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise |
| 1531(a) | * has overall responsibility for success of tech ed * collect information / take actions within its legal, financial, and personnel resources to ensure availability, coordination, usefulness, etc. of courses offered |
| | |
| Secretary | |
| 212 | executes policies adopted by BOARD |
| 212(1) | coordinates public schools' work with higher ed |
| 212(2) | identifies goals of public schools; provide alternatives to attain goals and promoting ed in the state [grammar odd - not sure of intent] |
| 212(5) | supervises and directs execution of education laws |
| 212(13) | ensures provision of services to emotionally disturbed students |
| 212(22) | presents the Governor's policy priorities to the Board annually by September 1 |
| 2943 | is Secretary of Ed for children with disabilities; works with others to ensure provision of services |
| | |
| Agency | |
| 2941 | purpose of chapter 101 is to enable AGENCY to ensure necessary SpEd |
| | |
| | ADOPTS RULES |
| | |
| State Board | |
| 164(3) | prescribes rules of practices for appeals |
| 164(6) | makes regulations re: attendance, attendance records, and deportment of public school students |
| 164(7) | adopts rules necessary to execute its powers and duties |
| 164(9) | implements and updates student performance standards and assessment methods – see § 165(a)(3) |
| 164(11) | if deemed advisable, determines ed standards for admission to/grad from public schools |
| 164(14) | adopts rules for independent school approval |
| 164(15) | establishes criteria for SUs / districts to receive, deposit, account for, & disburse funds |
| 164(16) | * develops guidelines to distribute fed / state / private funds for distance learning technology & encourage collaboration |
| 175(f) | for secondary school closure, including for proper storage of student data |
| 176(b)(3) & (i) | for postsecondary schools chartered in VT |
| 176a(c)(5) | registration with AGENCY by postsecondary schools not chartered in VT |
| 256(d) | criminal record retention |
| 301 | defines the term enrolled student "by rule" |
| 559(b)(l) | shall establish general rules for prequalification of bidders (works w/ BGS to do so) |
| 559(d) | shall establish rules defining the term "construction management" and related rules (works w/ BGS to do so) |
| 559(f) | shall adopt by rule standards governing authority of Secretary to grant exceptions to public bid requirements |
| 563(24) | adopts rules governing policies of districts re: integration of home study students |
| 826(b) & (d) | defines by rule the programs for which school may charge separate SpEd charge |
| 829 | adopts PreK rules |
| 1071(b) | sets minimum number of hours of a school day |
| 1162(a) | school board's policy re suspension / expulsion must be consistent with STATE BOARD rule |
| 1165(a) | develops "policy" with others for education, discipline, and referral of students |

| | |
|---------------|--|
| 1165(b) & (c) | adopts "regs" re: discipline, referral, etc. to guide school board policies |
| (1167) | (cannot regulate use of restraint by a school resource officer) |
| 1262b | food programs: adopts "regs" for grants and otherwise in subchapter |
| 1522(4) | tech centers: refers to State Board's authority to designate technical center regions by rule |
| 1532(a) | tech centers: adopts rules relating to quality standards, minimum days and hours of operation, etc. |
| 1532(b) | tech centers: "adopt[s] by procedure or rule" competencies for entrance into / graduation from tech programs; procedures for the SECRETARY to comment on candidate for position receiving state salary assistance; and procedures for the SECRETARY to review / approve credits as meeting state graduation requirements; etc. |
| 1533(a) | tech centers: adopts rules on method of conducting evaluations |
| 1534(a) | tech center courses: adopts rules on method of conducting evaluations |
| 1544 | tech center courses: refers to State Boards authority to adopt rules regarding technical and pretechnical courses offered in high schools |

| | |
|------------------------|--|
| 16 V.S.A. § ___ | |
| 1545(a) & (b) | Tech centers: *refers to rules adopted re: graduation requirements *requires that rules re: earning credits allow flexibility |
| 1552(a) | tech centers: refers to Board's authority to adopt rules to define what is the actual cost of attending a technical center |
| 1563 | tech centers: may adopt rules to implement transportation assistance (note: statute doesn't specify who awards assistance? 1565 salary assistance is paid by State Board; 1566 incentive grants are paid by Secretary per State Board rule) |
| 1565 | tech centers: pays out salary assistance; adopts rules re salary assistance |
| 1566(a) | tech training: adopts rules for competitive grant program |
| 1568(a) | tech centers: adopts rules re: process and substance of technical center reports (financial, achievement, etc.) |
| 1601(2) | apprenticeship: "adopts" [by rule?] industry competency standards developed by educators and business reps |
| 2944(f) | SpEd: adopts rule that IEP includes certain federal references |
| 2948(c) | SpEd: adopts rules re: EEE grants & that encourage coordination |
| 2958(c) | adopts rules establishing policies/procedures for residential review team operations including (1) provision for SECRETARY to initiate procedure to challenge placement |
| 2959(a) & (b) | SpEd: adopts rules governing eligibility & other aspects of SpEd; adopts rules re mediation |
| 2962 | SpEd: defines by rule the expenditures that shall include any expenditures required under federal law to implement IEPs and any costs of mediation by a mediator approved by the Secretary. BOARD shall establish the administrative process for SUs to submit claims for extraordinary reimbursement. |
| 2963(c) | SpEd: defines by rule allowable special education expenditures [REPEALED effective July 1, 2022] |
| 2969(a) | SpEd: adopts rules to estimate special ed payments and deal with overpayments/underpayments [REPEALED effective July 1, 2022] |
| 3448(a)(1) | construction: adopts rules re: information required in preliminary application |
| 3448(a)(3) | construction: adopts rules re: assignment of points |
| 3448(a)(8) | construction: adopts space and cost parameters for eligible construction |
| 3448(e) | adopts rules re: school construction and capital outlay |
| 3448f(a)(1) | energy performance contracting: adopts rule to further define "cost-saving measure" |
| 3448f(f)(3) | energy performance contracting: adopts rules to prioritize projects on separate list from § 3448 projects |
| 3448f(f)(5) | energy performance contracting: adopts rules to establish criteria for what is eligible for aid |
| 3454 | deferred maintenance: adopts rules to define "significant deferred maintenance" |
| 4016(b) & (c) | adopts rules to define "allowable expenditures" and "extraordinary transportation expenditures" |
| 4030(e) | data submissions & corrections: adopts rules to implement section |
| | |
| Secretary | |
| | |
| 511 | jointly develops model ballot language to be adopted by the State Board by rule |
| 570a(b)(8) | "may adopt rules" implementing independent review of harassment |
| 2968(b) | SpEd reports: establishes procedures "by rule" to administer subsection (b) re: withholding payments/assessing penalty for failure to submit reports [REPEALED effective July 1, 2022] |
| | |
| | |

DEVELOPS STANDARDS, GUIDELINES, CRITERIA, PROGRAMS & POLICIES/ MODEL LANGUAGE

| | |
|--------------------|---|
| State Board | |
| 165(a)(3) | (refers to the rules Board will adopt establishing school quality standards - see also § 164(9)) |
| 1602(b)(2) | apprenticeship program: establishes guidelines for preparation of worksite mentors |
| 1603(a) | apprenticeship program: establishes entrance requirements for student to participate in an apprenticeship program |
| 1604(1)-(5) | apprenticeship program [all by rule?]: <ul style="list-style-type: none"> *establish standards for operation of program *establish standards for student entrance into program *establish process for termination of participation *establish competency standards *establish guidelines to prepare worksite mentors |
| 2903(b) | preventing early school failure: collaborates with others to develop and update every 5 years a plan to implement comprehensive services in grades 1-3 and ensure reading by end of grade 3 |
| | |
| Secretary | |
| 136(c) | works with other agencies to supervise health curricula; promote teacher prep programs; assist in development of wellness programs; create process to share data, etc. |
| 212(20) | makes sample ballot language available |
| 215 | establishes and implements Challenge to Excellence Grant Program |
| 254(c) | educator licensing: establishes policy for maintaining and destroying criminal records obtained under this section |
| 261a(a)(12) | refers to model truancy policies developed by Secretary |

| | |
|---|--|
| 16 V.S.A. § | |
| 570(b)&(d) | develops model harassment, hazing, and bullying policies |
| 822a(c) | develops, reviews, and updates guidelines for schools to set capacity limits |
| 1047a(b) | establishes and implements a grant program jointly with the DMV |
| 2902(e) | establishes guidelines re: federal laws re: students with disabilities and re: this§ |
| 2969(e) | SpEd payments: establishes procedures/ criteria for awarding funds; may award more\$\$; etc. |
| | |
| Agency | |
| 1054(b) | refers to AGENCY's authority to establish graduation requirements |
| (1167) | (cannot regulate use of restraint by a school resource officer) |
| | |
| APPROVES APPLICATIONS, PROPOSALS & REQUESTS/ MAKES DECISIONS | |
| | |
| State Board | |
| 11(a)(34) | evaluates and approves "approved education programs" |
| 164(13) | acts as state approval agency for institutions conducting AE&L programs |
| 165(f) | removes designation of an " independent school meeting school quality stds" if not meeting them |
| 166(b) | approves "approved independent schools" if comply with rules - see also § 164(14) |
| 166(b)(5) | May revoke/suspend independent school approval after hearing |
| 166b(g) | approves list of impartial hearing officers re: home study programs |
| 167 | grants high school equivalence certificates |
| 175(a) | if postsecondary school is closing: approves form of student records for transfer to safe repository and designates person to be repository |
| 176(c) & (e) | postsecondary schools: receives applications and grants certificate of approval/ degree granting courses |
| 176(g) | postsecondary schools: revokes certificates |
| 176a(d) | postsecondary school not chartered in VT: after initial approval, school annually registers with BOARD, which may refuse/revoke registration |
| 244 | a secondary principal may assume supervisory responsibilities outside that school only with Board approval |
| 261(a) | SU boundaries: may regroup existing SUs or create new SUs on its own initiative or upon request |
| 26l(b) | SU boundaries: gives timely consideration to a district's request to adjust SU boundaries |
| 261(c) | SU Boundaries: may designate any K-12 school district to be a supervisory district |
| 706c(b) | reviews report of union school district study committee and recommendations of Secretary, may request additional investigation, and makes final decision |
| 559(g) | may deny state construction aid / debt service to a district that violates the public bids section |
| 706n | union school districts: union school district may reduce number of grades only after pre-approval by Board |
| 721 | addition of potential new member to existing union school district: approves study |
| 721a(c) | Review withdrawal or dissolution of union school district and ratify if conditions satisfied |
| 724 | ditto re: withdrawal from unified union school district |
| 828 | section refers to it approving tutorial programs |
| 1045(b) | approves driver ed course component re: driving and alcohol and drug use (see Agency for approval of course itself) |
| 1073(b)(3)(A) | approves pregnant/parenting residential programs |

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| 1522(7) | May designate a service region for 2 or more comprehensive HSs if not served by a technical center |
| 1531(b) | designates service region for each technical center, including for comprehensive HSs |
| 1531(c) | may approve a non-Vermont technical center for geographically isolated school districts |
| 1545(a) & (b) | tech centers: refers to State Board approval of technical center courses/ programs |
| 1546(c) | comprehensive schools: refers to Board's authority to designate technical center service region and its responsibility to ensure accountability |
| 1552(b) | has the authority to determine that a student receiving tech ed in another state is eligible for tuition assistance |
| 1573 | tech center districts: considers report for new district, requests more information, amends report, approves report |
| 1576(a) | tech center districts: refers to approval by State Board - not specified, but must mean per§ 1573 |
| 1601(5) | apprenticeship program: determines which licensed professional educators are qualified to be student apprenticeship coordinators |
| 1603(f) | apprenticeship program: issues industry competency certificate to successful student apprentice |
| 1604 | apprenticeship program: certify students as meeting competency standards and keep list of students |
| 1695 | professional stds bd: decides if rulemaking proceeds or if proposed standard is remanded to standards bd |
| 2061 | interstate agreement on qualification of educators: must approve contracts before Secretary enters into them on behalf of state |
| 2958(e) | approves residential SpEd facilities to whom state will pay costs of student |

| 16 V.S.A§ ___ | |
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| 2974(f)(2) | SpEd high spending: makes final determination if there will be a second year of withholding upon hearing district's explanation/ plans [REPEALED effective July 1, 2022] |
| 3448(a)(3) | construction: assigns points to prioritize preliminarily approved projects |
| 3448(a)(5) | construction: final approval |
| | |
| Secretary | |
| 11(A)(8) | makes continuity & other decisions for state placed students |
| 11(b) | approves name of union, incorporated, and interstate school districts |
| 166(c) | recognized independent schools: requires & conducts a hearing if believes school not able to meet/not meeting requirements; requires specific action to comply; "find" the school may not operate |
| 166b | home study programs: receives notice of enrollment; sends notice of acknowledgement with determination of whether notice is complete and when child may be enrolled; designs form of report and receives report of progress; may call for hearing before or during enrollment period; selects impartial hearing officer from among list approved by BOARD |
| 259 | unauthorized disclosure of criminal record: may review professional licensure of any person who willfully discloses record received under this subchapter |
| 267(c) | SU Joint Agreements: must agree on SUs' plan to allocate costs for joint programs, services, or Facilities |
| 829 | jointly (w/ OCF) approves plans of 3 STAR providers to achieve 4 STAR rating |
| 1046 | pre-approves superintendent's choice of driver ed course to put into requesting school |
| 1049a | high school completion program: approves entities to be "approved providers" |
| 1049a(b) | high school completion program: assigns people not enrolled in school to a high school district |
| 1075(b) | determines the residence of state-placed students |
| 1075(c)(l) | approves alternative plans for education of state-placed student |
| 1533(a) | tech centers: evaluates each center at least once in 5 years |
| 1534(a) | tech center courses: evaluates tech center courses at least once in 5 years |
| 1541(d)(3) | tech centers: may consent to use of technical center facility for an alternative use |
| 1566(b) & (c) | te.ch training: solicits proposals and awards competitive grants (per BOARD rule); advised by advisory group |
| 1568(b) | tech centers: may withhold funds and charge penalty for failure to file report (may waive it - see below) |
| 1577(2) | tech center districts: hears and makes final decision whether requested alternative action is required for sound administration of district |
| 1577(7) | tech center districts: with the auditor of accounts, give "advice and consent" re: accounting system |
| 1695 | professional stds bd: may object to new/ revised licensing standard proposed by stds bd for rulemaking |
| 1696(a) & (e) | receives proof that applicant has completed all requirements for licensure / denies licenses to applicants under certain circumstances |
| 2944(d) | SpEd: with ADVICE of STATE BOARD makes grants to SpEd teacher prep programs/ individuals |
| 2948(g) | approves SpEd programs provided by residential and other specialized facilities |
| 2962(c) | extraordinary services reimbursement: approves mediators |
| 2963a(a)-(b) | SpEd: exceptional circumstances: determines reimbursements to be made under this section; decision is final |

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| 2964(b) | SpEd: may withhold funds due "under this title" for SU's failure to submit service plan of expected future SpEd expenditures |
| 2968(b) | SpEd reports: may withhold funds due under "this title" for delay in submission; shall assess daily penalty for delay in submission (but may waive penalty) |
| 2973(a) & (b) | SpEd independent school: establishes minimum standards and maximum tuition rates; may approve higher tuition, room, and board rates for out-of-state schools |
| 2974(f) | SpEd high spending: notifies district if progress on remediation plan is satisfactory or that will withhold 10% SpEd reimbursement if unsatisfactory; may release withheld funds for prior fiscal year upon satisfactory progress |
| 2975 | SpEd: may use funds to help district with unexpected/unusual expenses; decision is final |
| 3448(a)(l) & (2) | construction: receives, reviews, and may approve preliminary application |
| 3448(a)(5) | construction: may permit construction to begin before Board gives final approval |
| 3448(a)(7)(B) | construction: determines which ancillary costs are eligible for 75% renewable energy aid |
| 3448(a)(7)(C) | construction: decides, and decision is final, eligibility for 50% school consolidation aid |
| 3448(d) | construction: may grant emergency aid |
| 3448(f) | construction: can award aid in excess of statutory% if general assembly approves?? |
| 3448e(e) | Teched construction: allocates costs between technical ed and non-technical ed portions of a project |
| 3448f(f)(l) - (2) | energy performance contracting: receives application and approves a complete application |
| 3454 | deferred maintenance: determines if construction project is due to "significant deferred maintenance" |
| 4014 | early education: solicit proposals for early ed programs; receives & evaluates grant proposals and may award grants; gives preference to underserved areas; may set other terms for the grant |

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| 16 V.S.A§__ | |
| 4028(c)(2) | may authorize portion of high spending penalty to be used by district to reduce spending in future |
| 4029(c) | may determine that ed funds have been used for non-ed purposes or that municipality has paid for ed expenses |
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| Agency | |
| 1045(a) | approves driver ed course jointly with OMV |
| | |
| WAIVES REQUIREMENTS | |
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| State Board | |
| 261(d) | SUs: may waive any requirements of chapters 5 or 7 re: board structure, composition, etc. |
| 1071(c) | may grant waiver for unanticipated closings |
| 1071(g) | may grant waiver from minimum number of days after voter approval |
| | |
| Secretary | |
| 166(c)(7) | Recognized independent schools: may waive requirements for “deep religious convictions shared by an organized group” |
| 261a(a)(6) | may grant waiver to SU that demonstrates that SpEd services can be provided better in whole/part at district level |
| 261a(a)(8) | may grant waiver if SU shows that district(s) can better provide any of a listed number of services, |
| 558(b) | may grant a waiver from prohibition of a school board member also being employed by the district/ SU |
| 559(f) | (by implication) Secretary may grant waivers per Board rule re public bid process |
| 822a(l) | hears and is final decision-maker on school board's request for waiver from statewide public high school choice provisions |
| 1071(e) | may grant waiver for tech center region to have more than one calendar |
| 1075(c)(4) | may permit a state-placed student to continue enrollment despite change in residency |
| 1264(b) | may grant emergency temporary waiver from requirement to provide meals (see§ 1264(b) below under "Agency") |
| 1265(e) | may grant SU/ district a waiver from school meal requirements upon proof that can be more efficient otherwise |
| 1568(b) | tech centers: may waive penalty for failure to file report |
| 2944(e) | may allow person over 21 to continue SpEd services until program complete |
| | |
| Agency | |
| 1264(b) | receives request for emergency temporary waiver from requirement to provide meals (see§ 1264(b) above under "Secretary") |
| | |
| APPELLATE POWERS/ DISPUTE RESOLUTION | |
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| State Board | |
| 164(3) | examines/determines appeals |
| 828 | receives and is final decision maker of parent's appeal from school board's refusal re: tuition |
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| 4029(d) | hears appeal de novo from Secretary's decision that ed funds used for non-ed purpose or that municipality used ed funds; decision is appealable to Superior Court de novo |
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| Secretary | |
| 563(2) | decides (and decision is final) whether school board's action is required for sound administration of district and is proper under subdivision (2) |
| 821 | hears and is final decision-maker on parental appeals from district's decision not to pay for elementary student to attend geographically-closer school |
| 1073(b)(3)(B)(iii) | hears and is final decisionmaker re: disputes about nonresidential teen parent programs |
| 1075(b) | hears and is final decisionmaker re: disputes as to residency may order temporary enrollment pending decision of local school board shall order temporary enrollment pending appeal |
| 107S(c)(l) | hears and is final decisionmaker re: residence of state-placed student |
| 1545(b) | hears and decides appeals from school board's decision not to apply tech ed credits towards graduation requirements |
| 1546(c) | hears and decides appeals from regional advisory board's distribution of funds to comprehensive high school |
| 2959(b) | mediates SpEd disputes of parents, children, districts, agencies |
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| REVIEWS/ MAKES RECOMMENDATIONS/ ANALYZES & CALCULATES | |
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| 16 V.S.A §__ | |
| State Board | |
| 164(4) | reviews/ comments on agency budget presented by Sec'y |
| 176(i) | postsecondary schools: "performs investigations" |
| 1693(b) | Governor consults with Board re: professional standards board appointments |
| | |
| Secretary | |
| 164(17) | uses State Board's report to determine if substantially equal opportunities per§ 165(b) [switch duties?] |
| 165(b) | determines whether students have substantially equal educational opportunities |
| 165(b) | describes actions school district must take to meet school quality standards |
| 165(b) | recommends to State Board ongoing actions to ensure that a district has made suff progress toward improving student progress (& (e)) |
| 165(f) | assesses if an "independent school meeting school quality standards" is meeting the school quality standards |
| 212(3) | evaluates program of instruction in public schools |
| 212(4) | advises legislature [in general] |
| 563(11) | divided vote: determines the statewide average district education spending per equalized pupil each year & other amounts |
| 706c(b) | receives report from union school district study committee and makes recommendations to state board |
| 825(a) | defines the calculated net cost per pupil |
| 829 | works with DCF Commissioner to develop PreK rules to present to State Board |
| 836(a) | [calculates and] sends to each receiving and sending school the calculated net cost per pupil of the receiving school |
| 1262a(b) | food program: may recommend to State Board that facilities be shared within SU or among SUs |
| 1573 | tech center districts: receives planning committee's report, consults with human resources investment council, and makes recommendation to State Board |
| 1700 | licensing investigations: assigns an investigator and a prosecuting attorney to serve on investigation committee; receives recommendation from investigation committee re: whether to conduct formal investigation; decides whether to conduct formal investigation; notifies parties; receives recommendations from investigation committee's formal investigations; decides whether to affirm or reverse licensing decision |
| 1701 & 1704 | licensing investigations - appeals: decides whether to issue a formal charge of unprofessional conduct / incompetence; prepares formal charge and files it w/ hearing panel; has burden of proof in actions re: unprofessional conduct or incompetence |
| 1702(b){2} | licensing appeals: makes recommendations for a pool of people to serve as impartial hearing officers |
| 2869 | annually consults with VSAC board re: critical shortage of science, math, and computer science teachers |
| 2945(a)(l) | SpEd: advises Governor on appointment of members |
| 2967(a) | SpEd: publishes estimate of state assistance necessary to fully fund §§ 2961-2963 |
| 2974(c) | SpEd: reviews low spending districts to see if there are replicable strategies |
| 4001(8) | refers to what the Secretary considers when calculating the "poverty ratio" |

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| 4010(a), (b), (c) & (h) | determines average daily membership of each district by December 1 annually, long-term membership of each district, weighted long-term membership, and equalized pupil count for next fiscal year |
| COLLECTS DATA (CREATES FORMS)/ CONDUCTS RESEARCH/ PUBLISHES DATA & OTHER INFORMATION | |
| State Board | |
| 563(25) | develops/ make available a form for veterans to request a high school diploma |
| Secretary | |
| new 136(d) | maintains website with youth risk survey results |
| new 136(d) | researches funding opportunities for wellness/ comprehensive health programs |
| 212(8) | provides methods to inform the public re: educational opportunities and conditions; and for other educational "publicity" |
| 212(9) | establishes requirements for data submission from schools |
| 212(11) | provides information and assistance on school construction |
| 212(12) | distributes school quality information to approved independent schools |
| 212(14) | annually sends superintendents a list of information that needs to be made available to others under state & federal law |
| 212(15) | informs superintendents and principals of best practices for students with life threatening allergy, e.g. |
| 212(19) | establishes information clearinghouse |

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| 16 V.S.A§ __ | |
| 242(4) | develops format for superintendents to report financial data to Secretary AND Board |
| 254(a)-(d) | obtains criminal records of any educator seeking initial/ reinstated licensure or person offered a superintendency |
| 254(e) | obtains information from the child abuse and vulnerable adult registries for educator/superintendent |
| 563(11) | prescribes categories to be included in district budget; prescribes format for district budgets |
| 7060 | union school districts: union school district annually provides statistical information requested by Secretary |
| 829(6) | from districts: costs of private PreK providers |
| 829(8) | from districts: annual PreK expenditures |
| 829(11) | from districts: PreK child progress |
| 1166(c) | firearms: develops form for/ receives reports re: expulsions |
| 1224 | receives annual report from superintendents re: number and expense of students transported and boarded |
| 1321 | with approval of State Board, determines form used for attendance and other data (chapter needs updating) |
| 1568(a) | tech centers: collects data required by STATE BOARD rule (costs; student achievement; etc.) |
| 1708(c) | licensing matters: maintains list of complaints, which is a public record |
| 2902(c){6} | ESTs: receives an annual update from each EST on ways needs met; creates format |
| 2904 | ESTs: receives annual reports from superintendents on ESTs; creates format |
| 2959a(e) | SpEd / Medicaid: receives annual written justification from school districts re: use of Medicaid funds |
| 2964{a} | Special Ed: receives annual service plan from SUs of expected SpEd expenditures in future |

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| 2968(a) & (c) | SpEd: receives annual report of SpEd expenditures from SUs; reviews/monitors reports under this section and § 2964 |
| 4011(i) | education payments: sends data to districts AND publishes on AGENCY'S website |
| 4014 | early education: investigates underserved areas and distributes data collected |
| 4027(b) | creates form for reporting budgets |
| 4030(a) - (d) | data submissions & corrections: receives reports of data submission errors; uses data submitted to calculated amounts due to school districts; uses some corrected data and other times does not |
| | |
| Agency | |
| 1481 | a school's records of fire and emergency preparedness drills are available for Agency to inspect |
| 4003(a) | (refers to detailed financial reports due to Agency: no aid if district fails to provide) |
| 4027(b) | receives reports of adopted budgets from superintendents |
| | |
| MAKES REPORTS | |
| | |
| State Board | |
| 164(17) | reports annually on education statewide & school: school (incl. hazing/harassment; stds attainment) [Note: Secretary then uses report to determine if substantially equaled opps -- should roles be reversed?] |
| 164(21) | reports to Gov. and G.A. annually re: policy progress |
| 3448(a){4} | construction: gives H/S Institutions Committees its funding request and priority list |
| 3448f(fl(3) | energy performance contracting: includes a separate line item in request for appropriation |
| | |
| Secretary | |
| 822a(m) | annually reports to House & Senate Ed on implementation of statewide public high school choice(notwithstanding 2 VSA 20(d)) |
| 2975(a)-(b) | SpEd: reports annually to State Board re SpEd costs, outcomes, etc.; includes data re: high and low spending districts |
| 4010(i) | weighted membership: biennially reviews weights and advises House & Senate Ed if should be adjusted |
| | |
| RECEIVES NOTIFICATIONS/ NOTIFIES OTHER ENTITIES | |
| | |
| State Board | |
| 175(a) | receives notice that postsecondary school is closing |
| 559(b)(l) | may/ shall [?] provide notice of public bids to BGS and BGS will provide specific advice to school district |
| | |
| Secretary | |
| 166(b)(4) | notifies school officials per§ 1126 if independent school notifies Secretary of student's terminated enrollment |
| 166(c) | provides/ receives form that "recognized independent school" will operate |
| 166(c)(6) | notifies school officials per§ 1126 if independent school notifies Secretary of student's terminated enrollment |

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| 16 V.S.A§ | |
| 255(d) & (f) | re: person applying to an independent school: receives VCIC records and notifies headmaster and applicant |
| 256(b) & (c) | receives and maintains criminal records sent by superintendents & headmasters; releases records on person's request; destroys records after certain period |
| 706b(a) | union school district formation: receives notification of study committee formation |
| 706g | receives certified vote from districts designates districts as union dist if positive vote - NOTE: title of§ 706g says STATE BOARD Designation certifies designation to secretary of state |
| 721 | addition of potential new member to existing union school district: receives certified votes; designates new union school district |
| 721a | withdrawal of member from union school district: receives certification from secretary of state of one member's vote; receives notification that union board ratified vote |
| 724 | ditto re: withdrawal from unified union school district |
| 826(a) | is notified by schools of intent to raise tuition |
| 1265(b)-(d) | receives notice of school board meeting to discuss not offering meals program; notifies school board when voted-upon exemption is about to expire; receives notice of decision made at school board meeting |
| 1541(b) | tech centers: receives notification from local board that it has rejected the regional advisory board's recommendation |
| 1575 | tech center districts: receives results of vote; if in favor then declares the new structure to replace the old and certifies declaration to secretary of state |
| 1696(f) | licensing: receives notification of appeal and transmits it to the hearing panel per§ 1700 |
| 1699(a) | receives written report from superintendent who believes a licensee has engaged in unprofessional conduct or is incompetent |
| 1701(a) | licensing investigations: receives notice of appeal and informs hearing panel |
| 1708(f)(3) | licensing matters: notifies superintendent if alleged conduct places students in immediate physical or emotional jeopardy |
| 1756 | damages suits: receives notice of required insurance and 30 days' prior notice of cancellation |
| 2.958(a) | SpEd: receives notice that district wants to place a student in a residential facility |
| 4002(b) | notifies superintendent or CFO(?) of SU of state/federal payments made to districts |
| | |
| Agency | |
| 176a(c)(5) | receives initial registration from postsecondary school not chartered in VT (per BOARD rule) |
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| | |
| PROVIDES ASSISTANCE/ TRAINING/ ADVICE | |
| | |
| State Board | |
| 164(16) | in cooperation with SECRETARY, ensures that AGENCY develops information, plans, & assistance for technology to be available/ coordinated in all districts [still?] |
| | |
| Secretary | |

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| 216 new 136(d) | assists schools/SUs to provide teacher training re: wellness programs |
| 212(7) | arranges conferences etc. for superintendents and teachers (and principals?) |
| 212(10) | makes recommendations to school bds {SUs??} re: transportation |
| 212(16) | annually convene meeting about subject and geographic needs for teachers |
| 212(17) | encourages/facilitates collaboration re: uncommon SpEd |
| 212(18) | makes CPR resources available |
| 241 | advises SUs on hiring of superintendent |
| 706b(a) | union school district formation: cooperates with study committee; may make staff available to help |
| 1049(a) | may provide ABE programs for adult students |
| 1421 | with state board of health, prepares and furnishes necessary materials to schools for testing sight and hearing plus instructions |
| 1422 | consults with Comm'r of Health on preparation of hearing & vision screening guidelines |
| 1431 | concussions: develops statewide guidelines, forms, etc. for schools |
| 2974(e) & (h) | SpEd high spending: with AGENCY assists high spending districts |
| 4014(c) | early education: helps underserved areas prepare grant proposals |
| | |
| Agency | |
| 133(c) | works with medical authorities to update secondary school cervical cancer module |
| 135(a) | assists districts/ SUs to provide teacher instruction re: comprehensive health ed |
| 909 | tobacco, alcohol, & drug use: develops curriculum; provides training, teaching materials, technical assistance, encouragement |
| 910 | works with schools and several departments to coordinate services for children w/ severe emotional disturbances |

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| 16 V.S.A§ _____ | |
| 2950(a) | SpEd: with others, provides consultation/ technical assistance to district with new state-placed student |
| 2950(b) | SpEd: pays educational costs of student placed in resid facility (most of the time) identifies placement agencies for which will pay ed costs if it places child |
| 2950(c) | SpEd: pays ed costs of state-placed student placed & attending public school outside VT |
| 2959a(a) | SpEd: works with locals to maximize Medicaid receipts (w/ AHS) |
| | |
| APPOINTS PEOPLE TO BOARDS/ CREATES BOARDS/ IS MEMBER OF A BOARD | |
| | |
| State Board | |
| 164(1) | establishes advisory commissions |
| 164(20) | constitutes Military Compact council; appoints liaison |
| | |
| Secretary | |
| 133(a) | with BOARD APPROVAL appoints person to develop curricula etc. for comprehensive health ed |
| new 136(b) | with BOARD APPROVAL establishes an advisory council that helps the AGENCY plan, coordinate, and encourage wellness & comprehensive health programs |
| 166(d) | appoints members and received advice from Council of Independent Schools |
| 570(d) | establishes an advisory council that reviews/coordinates anti-bullying/hazing/harassment activities and reports annually to the State Board |
| 570a(b)(l) | co-develops and maintains list of neutral individuals to conduct independent review re: harassment |
| 1942(B) | teachers retirement board: serves ex officio |
| 2061 | interstate agreement on qualification of educators: is the "designated state official" |
| 2958(b) | SpEd: may establish a residential review team |
| 3852(a) | education & health buildings financing agency: serves ex officio |
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| ACCEPTS (etc.) FEDERAL AID | |
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| State Board | |
| 168(a) | sole agency to establish and administer any statewide plan that is condition of receipt of federal funds |
| 168(b) | subject to approval of Governor, may accept and utilize federal funds |
| 168(b) | establishes criteria/ procedures necessary for federal requirements re: use of funds |
| 14413(a) NEW 171 | as sole state agency administers federal ESEA & NCLB education funds |
| 172 | may accept/ use federal funds for school meals |
| 3581 | may accept federal construction aid |
| 3582 | may make any state plan required by congress related to federal construction aid |
| | |
| Secretary | |
| 169 | may order Treasurer to accept, distribute, and account for federal funds |
| 169 | ensures that reports and audits are sent to feds with any required supporting documents (who prepares report?) |
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ADMINISTERS/ CONTRACTS/ PAYS OUT\$\$/ ETC.

| ADMINISTERS/ CONTRACTS/ PAYS OUT\$\$/ ETC. | |
|---|---|
| State Board | |
| 164(2) | enters into contracts with any individual or entity for service, educational programs, or research projects |
| 213 | employs, determines tenure, sets compensation, and removes DEPUTY COMMISSIONERS & HELPING TEACHERS |
| 1262a(a) & (c) | food: uses money appropriated to AGENCY to award grants to school boards that have food program |
| 1262a(b) | food: uses money appropriated to AGENCY to award grants to SUs to begin/ expand food program |
| 1322 | annually sends enough registers (for attendance etc.) to each SU as are needed in the schools |
| 2949 | SpEd: enters into reciprocal agreements with other states with approval of AG |
| 2973(c) | SpEd independent school tuition: may enter into interstate contracts re: tuition etc. |
| | |
| Secretary | |
| 212(6) | supervises expenditure and distribution of state ed funds |
| 212(21) | prepares agency's budget |
| 1049a(c) | high school completion program: reimburses school districts; establishes/ negotiates amount of reimbursement |
| 1073(b)(3)(A) | pays for pregnant/ parenting pupil in residential program |
| 1693(e) | professional stds bd: employs a director, develops an annual budget, administers appropriated funds; budget of standards board is part of agency's budget; employs administrative staff; incurs other necessary expenses; is custodian of records; conducts annual training |
| 29S0(a) | pays 100% of SpEd for state-placed student; may reimburse other costs |
| 2959a(c) | SpEd / Medicaid fund: pays out/ may withhold funds |

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| 16 V.S.A§__ | |
| 2959a(f) | SpEd / Medicaid: may spend money only as approved by legislature |
| 2965 | SpEd: uses funds to pay unexpected additional costs AGENCY incurs because another entity didn't meet its obligations to child with disability or parents |
| 2969(c) & (d) | SpEd payments: uses up to 1% of funds each FY for program development etc. re: emotional behavioral needs; uses up to .75% of funds each FY for training teachers etc. |
| 401l(e) | annually pays 87% of base amt to VAST |
| 4011(f) | annually pays 26% of base amount for adult diploma program |
| 401l(g) | annually pays district% of amt it paid for teched students not in its adm |
| 401l(h) | makes all payments required by ch23, sub 5 (driver ed) |
| 4012(a)-(b) | state-placed students: receives requests/ makes payments to non-operating districts; is considered the "receiving district" for recovering tuition overcharge |
| 4015(b) | pays annual grants to small schools |
| 4016(c) | receives requests and pays out\$ for extraordinary transportation expenditures |
| | |
| Agency | |
| 1048 | administers the driver's ed subchapter, including the training/ qualification of instructors and selection of instructional materials |
| 1049(B)92) | administers adult diploma program |
| 1049(B)(3) | jointly administers GED testing program |
| 1049a(a)(3) | high school completion program: enters into contracts with "contracting agencies" to provide adult ed services |
| 1693(d) | reimburses and compensates members of professional standards board |
| 1693(e) & 1702(b) | "office" within the AGENCY {defined in§ 1691a(8)} provides administrative services to professional standards board |
| 2959a(b) | SpEd/ Medicaid: reimbursement special fund is established within Agency |
| 2959a(d) | SpEd / Medicaid: incentive fund is established within Agency develops formula for payment from fund to SUs |
| 2959a(f) | SpEd / Medicaid: may use some Medicaid funds for admin costs |
| | |
| MISCELLANEOUS | |
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| State Board | |
| 164(13) | "constitutes the state board" for AE &L programs |
| 164(13) | perform all duties/ powers re: AE &L programs [still?] |

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| 175(d) | if postsecondary school is closing: brings action in superior court if school doesn't comply with records requirements; can obtain temp custody of them |
| 175(e) | if postsecondary school is closing: expends state funds for storage of documents if necessary |
| 176(k) | postsecondary school: requests attorney General to seek an injunction if school in violation |
| 1562 | tech centers: may use money available for tech ed to reimburse part of programs designed to allow students to try a class |
| 2945(d)(2) & (4) | SpEd: receives SpEd Advisory Council's advice re SpEd rules, regs, state plans, etc. |
| 3448(a)(9) | construction: certifies to Finance & Mgmt that project is eligible for first payment of aid; may certify payment (first or final) if out of priority order |
| 3448f(f)(6) | energy performance contracting: certifies to Finance & Mgmt that project is eligible for award |
| | |
| Secretary | |
| 262(a) | calls first meetings of SU board after State Board approves a new SU |
| 706i & 706j | union school districts - organization meetings: draws meeting notice; calls meeting to order |
| 706q(b) | union school districts: sets amount of bond required from board of school directors in a union school district before they begin their official duties |
| 825(c) | investigates school board complaints about tuition charged it may contract for audits re: accuracy of allocation of expenditures & revenues |
| 3448(a)(9) | construction: certifies project is eligible for final award |
| | |
| Agency | |
| 12 | Oath: affirmation of Constitution by (among others) teacher "in an independent school or other educational institution accepted by the [AGENCY! as furnishing equivalent education" [what does "accepted" mean here? STATE BOARD approves independent schools] Also - rewrite for grammatical clarity? |
| 1049(c) | fees received under ABE section to offset AGENCY costs |
| 177 | Postsecondary Approval Fees - receives fees from postsecondary schools; phrased as offsetting costs to AGENCY (not BOARD) for approval, etc. |