

**Title 16 Chapter 3 State Board of Education:**

**<https://legislature.vermont.gov/statutes/chapter/16/003>**

**Section 161 Appointment (Effective June 7, 2021)**

**<https://legislature.vermont.gov/statutes/section/16/003/00161>**

- 10 members - 2 students (full voting member and junior member)
- All appointed by governor with advice and consent of the senate
- For 8 non-student members:
  - Priority for those who have demonstrated commitment to ensuring quality education for VT students
  - Representative of state's geographic, gender, racial and ethnic diversity
- Secretary of Ed (non-voting member)
- 6 year terms, beginning March 1, appointed in February (not eligible for reappointment for successive terms)
- Upon vacancy, governor appoints for the remainder of the unexpired term
- Biennially, Board chooses chair
- Annually, governor appoints a student who will be a secondary student for at least two years (sophomore or junior), beginning July 1; non-voting for the first year

**Section 163 Staff; meetings (effective April 1, 2013)**

**<https://legislature.vermont.gov/statutes/section/16/003/00163>**

- Shall be supported by adequate staff, who shall report to the Board
- Shall meet monthly and shall hold special meetings, as required
- Times and places designated by chair
- Special meeting shall be called upon written request of any two members

**Section 164 General powers and duties (effective June 7, 2021)**

**<https://legislature.vermont.gov/statutes/section/16/003/00164>**

- Engage local school board members and broader education community
- 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
- Act in accordance with legislative mandates, including the adoption of rules and executing special assignments
- Establish advisory commissions as will be of assistance to carry out our duties
- Have the authority to enter into agreements with school districts, municipalities, states, the United States, foundations, or individuals for service, educational programs, or research projects.
- Examine and determine all appeals to the rules, and not inconsistent with law.
- Make rules governing the attendance and records of attendance of all students and the department of students attending public schools
- Adopt rules, pursuant to 3 VSA Chapter 25 (ICAR/LCAR Process) to carry out the powers and duties of the board within legislative intent.

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- Implement and update standards for student performance in content areas and at appropriate intervals from k-12 and methods of assessment to determine attainment of the standards for student performance.
- If deemed advisable, determine educational standards for admission to and graduation from the public schools
- Be the state board for the program of adult education and literacy; perform all duties and powers prescribed by law pertaining to adult education and literacy and to act as the State approval agency for education institutions conducting adult education and literacy.
- Adopt rules for approval of independent schools
- Establish criteria for establishment of a system for receipt, deposit, accounting and disbursement of all funds by supervisory unions and school districts.
- In cooperation with the Secretary, ensure the AOE develops information, plan, and assistance to aid in making technology and telecommunications available and coordinated in all school districts. SBE shall develop guidelines for distribution of Fed, State or private funds designated for the development or expansion of distance learning technologies.
- Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include
  - Information on attainment of standards for student performance (EQS) as defined above
  - Number and type of complaints of hazing, harassment or bullying (HHB) made (16 VSA Chapter 9, Subchapter 5) and responses to the complaints
  - Financial resources and expenditures
  - Community social indicators
  - HHB data shall be disaggregated by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and ELL status
  - Secretary shall use the info in the report to determine whether student in each school, school district and SU are provided educational opportunities that are substantially equal to those provided to other school, SD/SU
- Ensure that VT students, including students enrolled in CTE, have access to equal educational opportunity by developing a system to evaluate the equalizing effects of VT's education finance system and EQS
- Constitute the State Council for the Interstate Compact on Educational Opportunity for Military Children and appoint a Compact commissioner and Military Family Education Liaison
- Report annually to the Governor and the General Assembly on the progress the Board has made on the development of education policy for the State.

### **Section 164(a) Statewide Strategic Education Plan (effective Feb. 14, 2014)**

**<https://legislature.vermont.gov/statutes/section/16/003/00164a>**

- Beginning July 1, 1998, the State Board shall adopt through a public process a statewide strategic education plan to describe how the Agency will help school boards to improve student performance.
  - Shall update and readopt the plan at least every five years.
  - Goal to strengthen coherence and consistency among State and local educational goals, standards for student performance, assessments, professional development opportunities and action plans to provide support for local curriculum development.

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- Plan shall include info on the economic cost of implementation and the education benefits to be derived.

**Section 165 Education Quality Standards (effective July 1, 2024)**

<https://legislature.vermont.gov/statutes/section/16/003/00165>

- To carry out VT's policy that all Vermont children will be afforded educational opportunities that are substantially equal in quality, each VT public school, including CTE, shall meet the EQS
  - Annually, the Secretary shall determine whether students in each VT public school is meeting EQS

**Section 166 Approved and Recognized Independent Schools (effective June 1, 2022)**

<https://legislature.vermont.gov/statutes/section/16/003/00166>

- Statutory guidance for 2200 Rules:
  - (a) Authority. An independent school may operate and provide elementary education or secondary education if it is either approved or recognized as set forth in this section.
  - ...An independent school that intends to accept public tuition shall be approved by the State Board only on the condition that the school agrees, notwithstanding any provision of law to the contrary, to enroll any student who requires special education services and who is placed in or referred to the approved independent school as an appropriate placement and least restrictive environment for the student by the student's individualized education program team or by the local education agency

**Section 166b Home Study Program (effective July 1, 2023)**

<https://legislature.vermont.gov/statutes/section/16/003/00166b>

- All reporting is to the Secretary on forms developed by the AOE

**Section 167 High School Equivalence Certificate (effective 1969)**

<https://legislature.vermont.gov/statutes/section/16/003/00167>

- SBE is authorized to grant high school equivalency certificates to anyone not graduated from high school, on the basis of credits earned in the US Armed Forces, credits earned in approved schools for adults or satisfactory scores on approved exams.

**Section 167a Contract for sale and distribution of historical textbook (effective Feb. 14, 2014)**

<https://legislature.vermont.gov/statutes/section/16/003/00167a>

- SBE may contract with the VT Historical Society or other organizations for the "Vermont, A History of the Green Mountain State" reproduction for sale and distribution to the general public

**Section 170 Control by federal agencies prohibited (effective 1969)**

<https://legislature.vermont.gov/statutes/section/16/003/00170>

- No federal department, agency, officer, or employee shall direct the administration, personnel, curriculum, or instruction in the public school of VT

**Section 175 Postsecondary educational institutions; closing (effective Oct. 1, 2017)**

<https://legislature.vermont.gov/statutes/section/16/003/00175>

- establishes rules for preparing and maintaining records upon closing of an institution of higher ed
- Association of Vermont Independent Colleges (AVIC) shall maintain MOU with member colleges for a plan to administer the student records of member colleges.

**Section 176 Postsecondary schools chartered in Vermont (effective May 23, 2017, 2021)**

<https://legislature.vermont.gov/statutes/section/16/003/00176>

- Establishes rules for approval of postsecondary schools chartered in VT

**Section 176a Postsecondary schools not chartered in Vermont (effective Feb. 14, 2014)**

<https://legislature.vermont.gov/statutes/section/16/003/00176a>

- Establishes rules for approval of postsecondary school that operates primarily outside VT, operates program of college or professional education for credit or degree, and wishes to operate in VT

**Section 177 Postsecondary approval; fees (effective Feb. 14, 2014)**

<https://legislature.vermont.gov/statutes/section/16/003/00177>

- Chartered in VT
  - \$4000 for application for approval to offer credit-bearing courses
  - \$5000 for application for degree-granting authority
  - \$7500 for both credit-bearing and degree-granting authority
- Not Chartered in VT
  - \$4000 for application for approval to offer credit-bearing courses
  - \$5000 for application for degree-granting authority
  - \$7500 for both credit-bearing and degree-granting authority
  - \$1000 for initial registration with AOE
  - \$500 annually to renew registration
- Fees assessed shall be credited to a special fund established and managed pursuant to 32 VSA chapter 7, subchapter 5 and shall be available to the Agency to offset the costs of approval.

**Section 178 Harassment and hazing prevention policies; postsecondary schools (eff. May 13, 2010, amended 2013)**

<https://legislature.vermont.gov/statutes/section/16/003/00178>

- Board of trustees of each postsecondary school shall adopt and ensure enforcement of policy and procedures against HHB as a form of unlawful discrimination

**Section 180 Student rights - Freedom of expression (effective May 23, 2017, amended 2021)**

<https://legislature.vermont.gov/statutes/section/16/003/00180>

- Requires that each school governing body adopt a written policy to protect free speech and free press protection for both public school students and students in public institutions of higher education

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**3 VSA Executive, Chapter 49 Education (effective Jan. 1, 2013, Act 98 of 2012))**

**<https://legislature.vermont.gov/statutes/section/03/049/02702>**

**- Section 2702 Secretary of Education:**

- (a) with the advice and consent of the Senate, the Governor shall appoint a Secretary of Education from among **no fewer than three candidates proposed by the State Board of Education**. The Secretary shall serve at the pleasure of the Governor.
- (b) The Secretary shall report directly to the Governor and shall be a member of the Governor's Cabinet
- (c) At the time of appointment, the Secretary shall have expertise in education management and policy and demonstrated leadership and management abilities.