1	H.117
2	Introduced by Representatives Scheuermann of Stowe, Beck of St. Johnsbury,
3	Browning of Arlington, Chesnut-Tangerman of Middletown
4	Springs, Cupoli of Rutland City, Donahue of Northfield, Frenier
5	of Chelsea, Gannon of Wilmington, Juskiewicz of Cambridge,
6	Keefe of Manchester, Morrissey of Bennington, Myers of
7	Essex, Pearce of Richford, Poirier of Barre City, Sibilia of
8	Dover, Strong of Albany, Sullivan of Dorset, Toll of Danville,
9	Van Wyck of Ferrisburgh, Willhoit of St. Johnsbury, and
10	Wright of Burlington
11	Referred to Committee on
12	Date:
13	Subject: Education; State Board of Education; limitation of authority
14	Statement of purpose of bill as introduced: This bill proposes to (1) eliminate
15	the authority of the State Board of Education to propose candidates for the
16	office of Secretary of Education to the Governor, and (2) eliminate the
17	authority of the State Board of Education to adopt rules and transfer this
18	rulemaking authority to the Secretary.

An act relating to the State Board of Education

19

20

1	It is hereby enacted by the General Assembly of the State of Vermont:
2	Sec. 1. 3 V.S.A. § 2702 is amended to read:
3	§ 2702. SECRETARY OF EDUCATION
4	(a) With the advice and consent of the Senate, the Governor shall appoint a
5	Secretary of Education from among no fewer than three candidates proposed
6	by the State Board of Education. The Secretary shall serve at the pleasure of
7	the Governor.
8	(b) The Secretary shall report directly to the Governor and shall be a
9	member of the Governor's Cabinet.
10	(c) At the time of appointment, the Secretary shall have expertise in
11	education management and policy and demonstrated leadership and
12	management abilities.
13	Sec. 2. 16 V.S.A. § 164 is amended to read:
14	§ 164. STATE BOARD; GENERAL POWERS AND DUTIES
15	The State Board shall evaluate education policy proposals, including timely
16	evaluation of policies presented by the Governor and Secretary; engage local
17	school board members and the broader education community; and establish
18	and advance education policy for the State of Vermont. In addition to other
19	specified duties, the Board shall:

1	(6) Make regulations governing the attendance and records of
2	attendance of all students and the deportment of students attending public
3	schools. [Repealed.]
4	(7) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or
5	appropriate for the execution of its powers and duties and of the powers and
6	duties of all persons under its supervision and control. [Repealed.]
7	
8	* * *
9	(14) Adopt rules for approval of independent schools. [Repealed.]
10	* * *
11	Sec. 3. 16 V.S.A. § 212 is amended to read:
12	§ 212. SECRETARY'S DUTIES GENERALLY
13	The Secretary shall execute those policies adopted by the State Board in the
14	legal exercise of its powers and shall:
15	* * *
16	(23) Make regulations governing the attendance and records of
17	attendance of all students and the deportment of students attending public
18	schools.
19	(24) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or
20	appropriate for the execution of its powers and duties and of the powers and
21	duties of all persons under its supervision and control.

1	(25) Adopt rules for the approval of independent schools.
2	Sec. 4. CONFORMING REVISIONS
3	When preparing the Vermont Statutes Annotated for publication, the Office
4	of Legislative Council shall change references to rules or regulations in
5	relation to adoption by the State Board of Education to adoption by the
6	Secretary of Education throughout the statutes as needed for consistency with
7	Secs. 2–3 of this act, as long as the revisions have no other effect on the
8	meaning of the affected statutes.
9	Sec. 5. EFFECTIVE DATE
10	This act shall take effect on passage.