

### *Board of Education's rulemaking power needs limits*

BY REP. LINDA JOY SULLIVAN Shortly after the election last November I had the privilege of meeting with our new House Speaker, Mitzi Johnson, for several hours in Peru. Speaker Johnson is going to provide inspired leadership in Montpelier during this legislative session. We spoke at length about the more daunting challenges facing the state and of our region, to include our inability effectively to encourage development and achieve sustained economic growth. It's a problem that hurts businesses, workers, our youth, our cities and towns and limits Vermont's revenue base from which we support public works. The good news is Speaker Johnson and Governor Phil Scott are both committed to taking on directly the obstacles to healthy economic development.

I was pleased to have been selected by House leadership to serve on my choice of committee assignments: Commerce and Economic Development. Considered by many the hardest working committee in the House, we have an ambitious agenda this session. I will be working on issues as diverse as workforce development, benefits cliff analysis, and bringing Vermont law current with national standards in many corporate-related areas.

I am committed to addressing the prevention of regulations that serve to impede development or which have significant economic impact without providing clear public benefit. Sometimes, of course, burdens are imposed incidental to achieving a larger good. Other times, though, regulations seem to be directed at serving other purposes.

Such appears to be the case with the rulemaking activity of our State Board of Education. The SBE is determined, it seems, to handicap, if not eliminate entirely, our independent schools. I am a huge supporter of public education. I was educated through the public school system as were my children. I have taught in the public schools. I know that Vermont's many remarkable independent schools — built on a foundation of enthusiastic local public funding spanning many generations — are an essential part of our public system of education. They are interwoven in the fabric of our local communities. Independent schools in Vermont have been maintained since the 1800s based on community need. The economic and social impact of eliminating these important institutions would be profound and far-reaching.

This past November the SBE presented a proposed regulation to Vermont's Interagency Committee on Administrative Rules. After a lengthy public hearing, "ICAR" voted against the rule going forward and returned it to the SBE, asking the board, among other things, to address better the economic impacts of their proposed regulation. The SBE voted unanimously to simply move forward with the rules.

Last week I introduced H.49, a bill requiring the SBE to obtain the permission and agreement of the Governor, through the Agency of Education, before it enacts regulation. A similar measure was introduced by my State Senate colleagues Dick Sears, Brian Campion, Peg Flory and others in the Senate. Here's the problem: While members of the SBE are not elected (they are appointed), they have the right under state law to make regulations without obtaining the agreement of our Governor. In other words, SBE members are not politically accountable — at the ballot box or to any elected official — yet they have the ability to make law. If our independent schools fall this year because of an ideologically misguided SBE, H.49 will at least give the Governor a tool by which he can reign in the SBE — if he so chooses. Governor Scott has voiced support for school choice.

Governor Scott has issued an executive order seeking the creation of the Agency of Economic Opportunity, merging most functions of the Agency of Commerce and Community Development and the Department of Labor. This Executive Order will be addressed over the next couple of months and a public hearing joint by the House and Senate Committees on Economic Development is scheduled for January 31 from 5:30-7:30 p.m. in Room 11 at the Capital.

Please go to the website [legislature.vermont.gov](http://legislature.vermont.gov) and look at my page to follow the bills that I am introducing and sponsoring. Please email me at [lsullivan@leg.state.vt.us](mailto:lsullivan@leg.state.vt.us) I meet with my constituents on the first Saturday of every month from 8:30-9:30 a.m. at Dorset Rising; the first Sunday of every month from 10:30-11:30 a.m. at J.A. Hapgood's; the second Saturday of every month from 8:30-9:30 a.m. at Nichols' Store; and beginning in February the second Sunday of every month from 11 a.m.– noon at the Wilson House. You can call me at 802-768-8668. *Rep. Linda Joy Sullivan (D-Dorset) represents the Bennington-Rutland district in the state House of Representatives.*