

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; miscellaneous

4 Statement of purpose of bill as introduced: This bill proposes to make
5 miscellaneous changes to education law.

6 An act relating to miscellaneous changes to education law

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 * * * State Board of Education * * *

9 Sec. 1. STATE BOARD OF EDUCATION STAFFING AND

10 COMPENSATION; STUDY

11 On or before January 15, 2024, the Joint Fiscal Office (JFO) shall analyze
12 the compensation and staffing structures of Vermont’s boards and
13 commissions and issue a written report to the Senate and House Committees
14 on Education with its findings. JFO shall focus its analysis on boards and
15 commissions with similar responsibilities to the State Board of Education,
16 including appellate duties, rulemaking authority, strategic planning and
17 statewide policy development, and general governance and accountability
18 oversight over a particular subject matter or jurisdiction. The report shall
19 include an analysis of the source and structure of the administrative, legal, and
20 fiscal staffing support other boards and commissions receive. It shall also

1 include an analysis of the compensation structure and source for both the
2 boards and commission members themselves, as well as for the staff members
3 providing support. JFO shall make recommendations for compensation and
4 staffing structures for the State Board of Education that will provide the best
5 support to allow the Board to successfully carry out its duties and
6 responsibilities. JFO shall consult with the State Board of Education, the
7 Agency of Education, and other interested stakeholders.

8 * * * Course Offerings and Academic Standards * * *

9 Sec. 2. STATEWIDE COURSE OFFERINGS IN GRADES

10 KINDERGARTEN THROUGH 12; REPORT

11 On or before January 15, 2024, the Agency of Education shall issue a
12 written report to the Senate and House Committees on Education detailing the
13 breadth of course offerings across the State and the differences between the
14 offerings within each supervisory union on a union-to-union basis as well as a
15 district-to-district basis if there are large differences in course offerings
16 between districts within the same supervisory union.

17 Sec. 3. PROFICIENCY-BASED LEARNING; STUDY COMMITTEE

18 (a) Creation. There is created the Proficiency-Based Learning Study
19 Committee to study proficiency-based learning and proficiency-based
20 graduation requirements as they are used in Vermont, as required by the
21 Agency of Education, Education Quality Standards (CVR 22-000-003), and

1 make recommendations for whether proficiency-based learning is the most
2 effective way to ensure Vermont students attain rigorous standards in high-
3 quality programs, or whether there are other systems of instruction,
4 assessment, grading, and academic reporting that would better serve Vermont
5 students.

6 (b) Membership. The Committee shall be composed of the following
7 members:

8 (1) the Secretary of Education or designee;

9 (2) the Chair of the State Board of Education or designee;

10 (3) the Executive Director of the Vermont Principals' Association or
11 designee;

12 (4) the Executive Director of the Vermont Superintendents Association
13 or designee;

14 (5) the Executive Director of the Vermont School Board Association or
15 designee; and

16 (6) the Executive Director of the Vermont National Education
17 Association or designee.

18 (c) Powers and duties. The Committee shall study proficiency-based
19 learning and proficiency-based graduation requirements, including the
20 following issues:

1 (1) the statewide implementation of proficiency-based learning and
2 proficiency-based graduation requirements and to what extent there is
3 consistency in application across all supervisory unions;

4 (2) other states’ experience with proficiency-based learning;

5 (3) alternatives to proficiency-based learning, including other systems of
6 instruction, assessment, grading, and academic reporting; and

7 (4) recommendations for Vermont assessment standards and the efforts
8 needed to ensure successful and substantially equal implementation across
9 Vermont.

10 (d) Assistance. The Committee shall have the administrative, technical,
11 and legal assistance of the Vermont Agency of Education.

12 (e) Report. On or before January 15, 2024, the Committee shall submit a
13 written report to House and Senate Committees on Education with its findings
14 and any recommendations for legislative action.

15 (f) Meetings.

16 (1) The Secretary of Education or designee shall call the first meeting of
17 the Committee to occur on or before August 15, 2023.

18 (2) The Committee shall select a chair from among its members at the
19 first meeting.

20 (3) A majority of the membership shall constitute a quorum.

21 (4) The Committee shall cease to exist on January 16, 2024.

1 Sec. 4. REMOTE TEACHER GRANT PROGRAM

2 (a) Creation. There is created the Remote Teacher Grant Program to
3 provide funding for school districts to fill teacher vacancies through the use of
4 online blended learning.

5 (b) Eligibility. A school district is eligible for the Grant if it:

6 (1) has an open teaching position that has remained vacant for at least
7 six months;

8 (2) has exhausted all local recruiting efforts; and

9 (3) has to limit course offerings because of the vacancy.

10 (c) Grant administration.

11 (1) Not later than 30 days after the effective date of this section, the
12 Agency of Education shall develop, make available, and review for approval
13 an application for Grant funding. The application shall include:

14 (A) the school district's name and location;

15 (B) information about the vacant position, including grades served,
16 subject matter, associated course offerings, length of vacancy, and recruiting
17 efforts;

18 (C) the school district's plan to incorporate online blended learning to
19 maintain course offerings in jeopardy by the vacancy, including whether the
20 district has identified potential candidates who are not local to the school
21 district but could teach remotely; and

1 (D) list of equipment and estimated costs needed to implement online
2 blended learning for the applicable courses.

3 (2) Grants for approved eligible school districts shall be used to fund the
4 costs of equipment and salary or fees associated with the licensed educator
5 providing the online blended learning.

6 (d) Appropriation. The sum of \$1.00 is appropriated from the _____ Fund
7 to the Agency of Education in fiscal year 2024 for the purpose of funding the
8 Remote Teacher Grant Program.

9 * * * Postsecondary School Marketing * * *

10 Sec. 5. VERMONT POSTSECONDARY SCHOOL MARKETING

11 The sum of \$1.00 is appropriated from the General Fund to the Agency of
12 Tourism and Marketing in fiscal year 2024 for the purpose of marketing
13 Vermont postsecondary schools.

14 * * * Prekindergarten Education * * *

15 Sec. 6. 16 V.S.A. § 829 is amended to read:

16 § 829. PREKINDERGARTEN EDUCATION

17 (a) Definitions. As used in this section:

18 (1) “Prekindergarten child” means a child who, as of the date
19 established by the district of residence for kindergarten eligibility, is three or
20 four years of age or is five years of age but is not yet enrolled in kindergarten.

1 (2) “Prekindergarten education” means services designed to provide to
2 prekindergarten children developmentally appropriate early development and
3 learning experiences **based on Vermont’s early learning standards.**

4 (3) “Prequalified private provider” means a private provider of
5 prekindergarten education that is qualified pursuant to subsection (c) of this
6 section.

7 (b) Access to publicly funded prekindergarten education.

8 (1) ~~No~~ not fewer than ~~ten~~ 10 hours per week of publicly funded
9 prekindergarten education shall be available for 35 weeks annually to each
10 prekindergarten child whom a parent or guardian wishes to enroll in an
11 available, prequalified program operated by a public school or a private
12 provider.

13 (2) If a parent or guardian chooses to enroll a prekindergarten child in an
14 available, prequalified program, then, pursuant to the parent or guardian’s
15 choice, the school district of residence shall:

16 (A) pay tuition pursuant to subsections (d) and (h) of this section
17 upon the request of the parent or guardian to:

18 (i) a prequalified private provider; or

19 (ii) a public school located outside the district that operates a
20 prekindergarten program that has been prequalified pursuant to subsection (c)
21 of this section; or

1 (B) enroll the child in the prekindergarten education program that it
2 operates.

3 (3) If requested by the parent or guardian of a prekindergarten child, the
4 school district of residence shall pay tuition to a prequalified program operated
5 by a private provider or a public school in another district even if the district of
6 residence operates a prekindergarten education program.

7 (4) If the supply of prequalified private and public providers is
8 insufficient to meet the demand for publicly funded prekindergarten education
9 in any region of the State, nothing in this section shall be construed to require a
10 district to begin or expand a program to satisfy that demand; but rather, in
11 collaboration with the Agencies of Education and of Human Services, the local
12 Building Bright Futures Council shall meet with school districts and private
13 providers in the region to develop a regional plan to expand capacity.

14 (c) Prequalification. Pursuant to rules jointly developed and overseen by
15 the Secretaries of Education and of Human Services and adopted by the State
16 Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine
17 that a private or public provider of prekindergarten education is qualified for
18 purposes of this section and include the provider in a publicly accessible
19 database of prequalified providers. At a minimum, the rules shall define the
20 process by which a provider applies for and maintains prequalification status,

1 shall identify the minimum quality standards for prequalification, and shall
2 include the following requirements:

3 (1) A program of prekindergarten education, whether provided by a
4 school district or a private provider, shall have received:

5 (A) National Association for the Education of Young Children
6 (NAEYC) accreditation;

7 (B) at least four stars in the Department for Children and Families'
8 STARS system; or

9 (C) three stars in the STARS system if the provider has developed a
10 plan, approved by the Commissioner for Children and Families and the
11 Secretary of Education, to achieve four or more stars.

12 (2) A licensed provider shall employ or contract for the services of at
13 least one teacher who is licensed and endorsed in early childhood education or
14 in early childhood special education under chapter 51 of this title.

15 (3) A registered home provider that is not licensed and endorsed in early
16 childhood education or early childhood special education shall receive regular,
17 active supervision and training from a teacher who is licensed and endorsed in
18 early childhood education or in early childhood special education under
19 chapter 51 of this title.

20 (d) Tuition, budgets, and average daily membership.

1 (1) On behalf of a resident prekindergarten child, a district shall pay
2 tuition for prekindergarten education for ~~ten~~ ten hours per week for 35 weeks
3 annually to a prequalified private provider or to a public school outside the
4 district that is prequalified pursuant to subsection (c) of this section; provided,
5 however, that the district shall pay tuition for weeks that are within the
6 district’s academic year. Tuition paid under this section shall be at a statewide
7 rate, which may be adjusted regionally, that is established annually through a
8 process jointly developed and implemented by the Agencies of Education and
9 of Human Services. A district shall pay tuition upon:

10 (A) receiving notice from the child’s parent or guardian that the child
11 is or will be admitted to the prekindergarten education program operated by the
12 prequalified private provider or the other district; and

13 (B) concurrent enrollment of the prekindergarten child in the district
14 of residence for purposes of budgeting and determining average daily
15 membership.

16 (2) In addition to any direct costs of operating a prekindergarten
17 education program, a district of residence shall include anticipated tuition
18 payments and any administrative, quality assurance, quality improvement,
19 transition planning, or other prekindergarten-related costs in its annual budget
20 presented to the voters.

1 (3) Pursuant to subdivision 4001(1)(C) of this title, the district of
2 residence may include within its average daily membership any
3 prekindergarten child for whom it has provided prekindergarten education or
4 on whose behalf it has paid tuition pursuant to this section.

5 (4) A prequalified private provider may receive additional payment
6 directly from the parent or guardian only for prekindergarten education in
7 excess of the hours paid for by the district pursuant to this section or for child
8 care services, or both. The provider is not bound by the statewide rate
9 established in this subsection when determining the rates it will charge the
10 parent or guardian.

11 (e) Rules. The Secretary of Education and the Commissioner for Children
12 and Families shall jointly develop and agree to rules and present them to the
13 State Board for adoption under 3 V.S.A. chapter 25 as follows:

14 (1) To permit private providers that are not prequalified pursuant to
15 subsection (c) of this section to create new or continue existing partnerships
16 with school districts through which the school district provides supports that
17 enable the provider to fulfill the requirements of subdivision (c)(2) or (3), and
18 through which the district may or may not make in-kind payments as a
19 component of the statewide tuition established under this section.

20 (2) To authorize a district to begin or expand a school-based
21 prekindergarten education program only upon prior approval obtained through

1 a process jointly overseen by the Secretaries of Education and of Human
2 Services, which shall be based upon analysis of the number of prekindergarten
3 children residing in the district and the availability of enrollment opportunities
4 with prequalified private providers in the region. Where the data are not clear
5 or there are other complex considerations, the Secretaries may choose to
6 conduct a community needs assessment.

7 (3) To require that the school district provides opportunities for effective
8 parental participation in the prekindergarten education program.

9 (4) To establish a process by which:

10 (A) a parent or guardian notifies the district that the prekindergarten
11 child is or will be admitted to a prekindergarten education program not
12 operated by the district and concurrently enrolls the child in the district
13 pursuant to subdivision (d)(1) of this section;

14 (B) a district:

15 (i) pays tuition pursuant to a schedule that does not inhibit the
16 ability of a parent or guardian to enroll a prekindergarten child in a
17 prekindergarten education program or the ability of a prequalified private
18 provider to maintain financial stability; and

19 (ii) enters into an agreement with any provider to which it will pay
20 tuition regarding quality assurance, transition, and any other matters; and

1 (C) a provider that has received tuition payments under this section
2 on behalf of a prekindergarten child notifies a district that the child is no longer
3 enrolled.

4 (5) To establish a process to calculate an annual statewide tuition rate
5 that is based upon the actual cost of delivering ~~ten~~ 10 hours per week of
6 prekindergarten education that meets all established quality standards and to
7 allow for regional adjustments to the rate.

8 (6) [Repealed.]

9 (7) To require a district to include identifiable costs for prekindergarten
10 programs and essential early education services in its annual budgets and
11 reports to the community.

12 (8) To require a district to report to the Agency of Education annual
13 expenditures made in support of prekindergarten education, with distinct
14 figures provided for expenditures made from the General Fund, from the
15 Education Fund, and from all other sources, which shall be specified.

16 (9) To provide an administrative process for:

17 (A) a parent, guardian, or provider to challenge an action of a school
18 district or the State when the complainant believes that the district or State is in
19 violation of State statute or rules regarding prekindergarten education; and

1 (B) a school district to challenge an action of a provider or the State
2 when the district believes that the provider or the State is in violation of State
3 statute or rules regarding prekindergarten education.

4 (10) To establish a system by which the Agency of Education and
5 Department for Children and Families shall jointly monitor and evaluate
6 prekindergarten education programs to promote optimal results for children
7 that support the relevant population-level outcomes set forth in 3 V.S.A.
8 § 2311 and to collect data that will inform future decisions. The Agency and
9 Department shall be required to report annually to the General Assembly in
10 January. At a minimum, the system shall monitor and evaluate:

11 (A) programmatic details, including the number of children served,
12 the number of private and public programs operated, and the public financial
13 investment made to ensure access to quality prekindergarten education;

14 (B) the quality of public and private prekindergarten education
15 programs and efforts to ensure continuous quality improvements through
16 mentoring, training, technical assistance, and otherwise; and

17 (C) the results for children, including school readiness and
18 proficiency in numeracy and literacy.

19 (11) To establish a process for documenting the progress of children
20 enrolled in prekindergarten education programs and to require public and
21 private providers to use the process to:

1 (A) help individualize instruction and improve program practice; and

2 (B) collect and report child progress data to the Secretary of

3 Education on an annual basis.

4 (f) Other provisions of law. Section 836 of this title shall not apply to this
5 section.

6 (g) Limitations. Nothing in this section shall be construed to permit or
7 require payment of public funds to a private provider of prekindergarten
8 education in violation of Chapter I, Article 3 of the Vermont Constitution or in
9 violation of the Establishment Clause of the U.S. Constitution.

10 (h) Geographic limitations.

11 (1) Notwithstanding the requirement that a district pay tuition to any
12 prequalified public or private provider in the State, a school board may choose
13 to limit the geographic boundaries within which the district shall pay tuition by
14 paying tuition solely to those prequalified providers in which parents and
15 guardians choose to enroll resident prekindergarten children that are located
16 within the district’s “prekindergarten region” as determined in subdivision (2)
17 of this subsection.

18 (2) For purposes of this subsection, upon application from the school
19 board, a district’s prekindergarten region shall be determined jointly by the
20 Agencies of Education and of Human Services in consultation with the school
21 board, private providers of prekindergarten education, parents and guardians of

1 prekindergarten children, and other interested parties pursuant to a process
2 adopted by rule under subsection (e) of this section. A prekindergarten region:

3 (A) shall not be smaller than the geographic boundaries of the school
4 district;

5 (B) shall be based in part upon the estimated number of
6 prekindergarten children residing in the district and in surrounding districts, the
7 availability of prequalified private and public providers of prekindergarten
8 education, commuting patterns, and other region-specific criteria; and

9 (C) shall be designed to support existing partnerships between the
10 school district and private providers of prekindergarten education.

11 (3) If a school board chooses to pay tuition to providers solely within its
12 prekindergarten region, and if a resident prekindergarten child is unable to
13 access publicly funded prekindergarten education within that region, then the
14 child's parent or guardian may request and in its discretion the district may pay
15 tuition at the statewide rate for a prekindergarten education program operated
16 by a prequalified provider located outside the prekindergarten region.

17 (4) Except for the narrow exception permitting a school board to limit
18 geographic boundaries under subdivision (1) of this subsection, all other
19 provisions of this section and related rules shall continue to apply.

1 Sec. 7. 2021 Acts and Resolves No. 66, Sec. 1 is amended to read:

2 Sec. 1. WORKING GROUP ON THE STATUS OF LIBRARIES IN
3 VERMONT; REPORT

4 (a) Creation. There is created the Working Group on the Status of
5 Libraries in Vermont to study and report on the statewide status of Vermont’s
6 libraries. The Working Group is formed with the intent of strengthening and
7 supporting libraries of all sizes and improving library services for the public.

8 (b) Membership. The Working Group shall be composed of the following
9 members:

10 (1) the State Librarian;

11 (2) the President of the Vermont Library Association or designee;

12 (3) the Executive Director of the Vermont Humanities Council or
13 designee;

14 (4) three representatives of public libraries, who shall be from libraries
15 of different sizes and from different regions of the State, appointed by the State
16 Librarian;

17 (5) two representatives of public school libraries, who shall be from
18 schools of different sizes and from different regions of the State, appointed by
19 the Vermont School Library Association;

1 (6) two representatives of college and university libraries, appointed by
2 the President of the College and Special Libraries Section of the Vermont
3 Library Association; and

4 (7) one public library trustee, appointed by the President of the Friends
5 and Trustees Section of the Vermont Library Association.

6 (c) Powers and duties. The Working Group shall study:

7 (1) library services for specific segments of the Vermont population,
8 including senior citizens, individuals with disabilities, youths and children,
9 immigrant and migrant communities, and people living in poverty;

10 (2) the role that libraries play in emergency preparedness, cultural
11 diversity and inclusion, public health and safety, community identity and
12 resiliency, economic development, and access to public programs and services;

13 (3) the impact of the COVID-19 pandemic on library operations and
14 services; ~~and~~

15 (4) whether current law provides adequate protections for libraries from
16 firearm violence; and

17 ~~(4)~~(5) the current overall status of Vermont libraries, which may include
18 information related to programming, collections, facilities, technology, and
19 staffing.

20 (A) Programming. The Working Group may study the types and
21 frequency of library programs, attendance at library programs, and whether

1 library programs are meeting community needs. The study of programming
2 may include an assessment of public engagement and outreach surrounding
3 library programming as well as the opportunities for nonlibrary programs and
4 groups to access Vermont libraries.

5 (B) Collections. The Working Group may study the size and
6 diversity of library holdings and assess the strengths and gaps in materials
7 available to Vermonters. The study of collections may include an assessment
8 of how libraries may best share resources across differing libraries and
9 communities, whether libraries offer community-specific resources, and
10 whether libraries maintain special collections or historical artifacts.

11 (C) Facilities. The Working Group may study whether library
12 facilities and buildings could be improved with regard to energy efficiency,
13 accessibility, flexibility, human health and safety, historic preservation, and
14 intergenerational needs.

15 (D) Technology. The Working Group may study whether Vermont
16 libraries have sufficient access to basic technological resources, cyber-security
17 resources, high-speed Internet, electronic catalogs, interlibrary loan and other
18 interoperable systems, and appropriate hardware and software.

19 (E) Staff. The Working Group may study staffing levels at Vermont
20 libraries, whether staffing levels are sufficient to meet community needs,
21 whether library staff compensation and benefits are sufficient, how libraries

1 rely on volunteers, and what resources are available for workforce
2 development and training of library staff.

3 (d) Public input. As part of the study and report, the Working Group shall
4 solicit feedback from the general public and library users around the State.
5 The Working Group may examine models for library management and
6 organization in other states, including the formation of statewide service
7 networks.

8 (e) Data to be used. The data used in the analysis of library services and
9 operations may be from 2019, prior to the COVID-19 pandemic.
10 Postpandemic data may also be used to assess the status of library services and
11 operations.

12 (f) Consultation with the Board of Libraries. The Working Group may
13 solicit feedback from the Board of Libraries.

14 (g) Assistance. The Working Group shall have the administrative,
15 technical, and legal assistance of the Department of Libraries.

16 (h) Report. On or before November 1, 2023, the Working Group shall
17 submit a report to the House and Senate Committees on Education. The report
18 shall contain:

19 (1) specific and detailed findings and proposals concerning the issues set
20 forth in subsection (c) of this section, including recommendations for
21 legislative action regarding firearm and weapon safety on library property;

1 (2) recommendations for updating the statutes, rules, standards, and the
2 governance structures of Vermont libraries to ensure equitable access for
3 Vermont residents, efficient use of resources, and quality in the provision of
4 services;

5 (3) recommendations related to the funding needs of Vermont libraries,
6 including capital, ongoing, and special funding; and

7 (4) any other information or recommendations that the Working Group
8 may deem necessary.

9 (i) Meetings.

10 (1) The State Librarian shall be the Chair of the Working Group.

11 (2) The Chair shall call the first meeting of the Working Group to occur
12 within 45 days after the effective date of this act.

13 (3) A majority of the membership shall constitute a quorum.

14 (4) The Working Group shall cease to exist on December 1, 2023.

15 (j) Compensation and reimbursement. Members of the Working Group
16 shall be entitled to per diem compensation and reimbursement of expenses as
17 permitted under 32 V.S.A. § 1010 for not more than 12 meetings. These
18 payments shall be made from monies appropriated to the Department of
19 Libraries.

20 (k) Appropriation. The sum of \$12,000.00 is appropriated to the
21 Department of Libraries from the General Fund in fiscal year 2022 for per

1 diem compensation and reimbursement of expenses for members of the
2 Working Group.

3 * * * Effective Date * * *

4 Sec. 8. EFFECTIVE DATE

5 This act shall take effect on July 1, 2023.