

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 September 1, 2023, the Agency of Education shall hire an
12 independent third party to review and report on the operations of the State
13 Board of Education and make recommendations for compensation and staffing
14 structures for the State Board of Education that will provide the best support to
15 allow the Board to successfully carry out its duties and responsibilities. In
16 conducting its review and making its recommendations, the independent third
17 party shall conduct an analysis of the staffing and compensation structures of
18 Vermont boards and commissions with similar responsibilities to the State
19 Board of Education, including appellate duties, rulemaking authority, strategic
20 planning and statewide policy development, and general governance and

1 accountability oversight over a particular subject matter or jurisdiction. The
2 report shall include an analysis of the source and structure of the
3 administrative, legal, and fiscal staffing support other boards and commissions
4 receive. It shall also include an analysis of the compensation structure and
5 source for both the boards and commission members themselves, as well as for
6 the staff members providing support. On or before December 1, 2024, the
7 Agency shall submit a written copy of the report to the House and Senate
8 Committees on Education. In conducting its review, the independent third
9 party shall consult the State Board of Education, Agency of Education, and any
10 stakeholders it deems relevant to its analysis.

11 * * * Course Offerings and Academic Standards * * *

12 Sec. 2. STATEWIDE COURSE OFFERINGS IN GRADES

13 KINDERGARTEN THROUGH 12; REPORT

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

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

2 (a) Creation. There is created the Proficiency-Based Learning Study
3 Committee to study proficiency-based learning and proficiency-based
4 graduation requirements as they are used in Vermont, as required by the
5 Agency of Education, Education Quality Standards (CVR 22-000-003), and to
6 make recommendations for whether proficiency-based learning is the most
7 effective way to ensure Vermont students attain rigorous standards in high-
8 quality programs, or whether there are other systems of instruction,
9 assessment, grading, and academic reporting that would better serve Vermont
10 students.

11 (b) Membership. The Committee shall be composed of the following
12 members:

13 (1) the Secretary of Education or designee;

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

15 (3) the Executive Director of the Vermont Principals' Association or
16 designee;

17 (4) the Executive Director of the Vermont Superintendents Association
18 or designee;

19 (5) the Executive Director of the Vermont School Board Association or
20 designee; and

1 (6) the Executive Director of the Vermont National Education
2 Association or designee.

3 (c) Powers and duties. The Committee shall study proficiency-based
4 learning and proficiency-based graduation requirements, including the
5 following issues:

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

9 (2) other states' experience with proficiency-based learning;

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

12 (4) recommendations for Vermont assessment standards and the efforts
13 needed to ensure successful and substantially equal implementation across
14 Vermont.

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

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

20 (f) Meetings.

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

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

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

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

7 Sec. 4. REMOTE TEACHER GRANT PROGRAM

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

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

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

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

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

16 (c) Grant administration.

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

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

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

4 (C) the school district’s plan to incorporate online blended learning to
5 maintain course offerings in jeopardy by the vacancy, including whether the
6 district has identified potential candidates who are not local to the school
7 district but could teach remotely; and

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

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

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

16 * * * Postsecondary School Marketing * * *

17 Sec. 5. VERMONT POSTSECONDARY SCHOOL MARKETING

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

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

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

6 (i) a prequalified private provider; or

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

10 (B) enroll the child in the prekindergarten education program that it
11 operates.

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

16 (4) If the supply of prequalified private and public providers is
17 insufficient to meet the demand for publicly funded prekindergarten education
18 in any region of the State, nothing in this section shall be construed to require a
19 district to begin or expand a program to satisfy that demand; but rather, in
20 collaboration with the Agencies of Education and of Human Services, the local

1 Building Bright Futures Council shall meet with school districts and private
2 providers in the region to develop a regional plan to expand capacity.

3 (c) Prequalification. Pursuant to rules jointly developed and overseen by
4 the Secretaries of Education and of Human Services and adopted by the State
5 Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine
6 that a private or public provider of prekindergarten education is qualified for
7 purposes of this section and include the provider in a publicly accessible
8 database of prequalified providers. At a minimum, the rules shall define the
9 process by which a provider applies for and maintains prequalification status,
10 shall identify the minimum quality standards for prequalification, and shall
11 include the following requirements:

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

14 (A) National Association for the Education of Young Children
15 (NAEYC) accreditation;

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

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

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

4 (3) A registered home provider that is not licensed and endorsed in early
5 childhood education or early childhood special education shall receive regular,
6 active supervision and training from a teacher who is licensed and endorsed in
7 early childhood education or in early childhood special education under
8 chapter 51 of this title.

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

10 (1) On behalf of a resident prekindergarten child, a district shall pay
11 tuition for prekindergarten education for ~~ten~~ 10 hours per week for 35 weeks
12 annually to a prequalified private provider or to a public school outside the
13 district that is prequalified pursuant to subsection (c) of this section; provided,
14 however, that the district shall pay tuition for weeks that are within the
15 district's academic year. Tuition paid under this section shall be at a statewide
16 rate, which may be adjusted regionally, that is established annually through a
17 process jointly developed and implemented by the Agencies of Education and
18 of Human Services. A district shall pay tuition upon:

19 (A) receiving notice from the child's parent or guardian that the child
20 is or will be admitted to the prekindergarten education program operated by the
21 prequalified private provider or the other district; and

1 (B) concurrent enrollment of the prekindergarten child in the district
2 of residence for purposes of budgeting and determining average daily
3 membership.

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

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

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

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

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

7 (2) To authorize a district to begin or expand a school-based
8 prekindergarten education program only upon prior approval obtained through
9 a process jointly overseen by the Secretaries of Education and of Human
10 Services, which shall be based upon analysis of the number of prekindergarten
11 children residing in the district and the availability of enrollment opportunities
12 with prequalified private providers in the region. Where the data are not clear
13 or there are other complex considerations, the Secretaries may choose to
14 conduct a community needs assessment.

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

17 (4) To establish a process by which:

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

1 (B) a district:

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

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

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

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

15 (6) [Repealed.]

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

19 (8) To require a district to report to the Agency of Education annual
20 expenditures made in support of prekindergarten education, with distinct

1 figures provided for expenditures made from the General Fund, from the
2 Education Fund, and from all other sources, which shall be specified.

3 (9) To provide an administrative process for:

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

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

10 (10) To establish a system by which the Agency of Education and
11 Department for Children and Families shall jointly monitor and evaluate
12 prekindergarten education programs to promote optimal results for children
13 that support the relevant population-level outcomes set forth in 3 V.S.A.
14 § 2311 and to collect data that will inform future decisions. The Agency and
15 Department shall be required to report annually to the General Assembly in
16 January. At a minimum, the system shall monitor and evaluate:

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

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

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

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

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

10 (B) collect and report child progress data to the Secretary of
11 Education on an annual basis.

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

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

18 (h) Geographic limitations.

19 (1) Notwithstanding the requirement that a district pay tuition to any
20 prequalified public or private provider in the State, a school board may choose
21 to limit the geographic boundaries within which the district shall pay tuition by

1 paying tuition solely to those prequalified providers in which parents and
2 guardians choose to enroll resident prekindergarten children that are located
3 within the district’s “prekindergarten region” as determined in subdivision (2)
4 of this subsection.

5 (2) For purposes of this subsection, upon application from the school
6 board, a district’s prekindergarten region shall be determined jointly by the
7 Agencies of Education and of Human Services in consultation with the school
8 board, private providers of prekindergarten education, parents and guardians of
9 prekindergarten children, and other interested parties pursuant to a process
10 adopted by rule under subsection (e) of this section. A prekindergarten region:

11 (A) shall not be smaller than the geographic boundaries of the school
12 district;

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

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

19 (3) If a school board chooses to pay tuition to providers solely within its
20 prekindergarten region, and if a resident prekindergarten child is unable to
21 access publicly funded prekindergarten education within that region, then the

1 child’s parent or guardian may request and in its discretion the district may pay
2 tuition at the statewide rate for a prekindergarten education program operated
3 by a prequalified provider located outside the prekindergarten region.

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

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

8 Sec. 1. WORKING GROUP ON THE STATUS OF LIBRARIES IN
9 VERMONT; REPORT

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

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

16 (1) the State Librarian;

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

18 (3) the Executive Director of the Vermont Humanities Council or
19 designee;

1 (4) three representatives of public libraries, who shall be from libraries
2 of different sizes and from different regions of the State, appointed by the State
3 Librarian;

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

7 (6) two representatives of college and university libraries, appointed by
8 the President of the College and Special Libraries Section of the Vermont
9 Library Association; and

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

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

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

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

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

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

3 ~~(4)~~(5) the current overall status of Vermont libraries, which may include
4 information related to programming, collections, facilities, technology, and
5 staffing.

6 (A) Programming. The Working Group may study the types and
7 frequency of library programs, attendance at library programs, and whether
8 library programs are meeting community needs. The study of programming
9 may include an assessment of public engagement and outreach surrounding
10 library programming as well as the opportunities for nonlibrary programs and
11 groups to access Vermont libraries.

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

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

1 (D) Technology. The Working Group may study whether Vermont
2 libraries have sufficient access to basic technological resources, ~~cyber security~~
3 cybersecurity resources, high-speed Internet, electronic catalogs, interlibrary
4 loan and other interoperable systems, and appropriate hardware and software.

5 (E) Staff. The Working Group may study staffing levels at Vermont
6 libraries, whether staffing levels are sufficient to meet community needs,
7 whether library staff compensation and benefits are sufficient, how libraries
8 rely on volunteers, and what resources are available for workforce
9 development and training of library staff.

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

15 (e) Data to be used. The data used in the analysis of library services and
16 operations may be from 2019, prior to the COVID-19 pandemic.
17 Postpandemic data may also be used to assess the status of library services and
18 operations.

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

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

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

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

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

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

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

17 (i) Meetings.

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

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

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

