

Journal of the House

Friday, March 20, 2009

Rep. Jewett of Ripton in Chair.

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Mitchel Hay of Essex United Methodist Church.

H. 430

By Reps. Reis of St. Johnsbury and South of St. Johnsbury,

An act relating to approval of an amendment to the charter of the town of St. Johnsbury ;

To the committee on Government Operations.

H. 431

By the committee on Government Operations,

An act relating to miscellaneous adjustments to the public retirement systems;

Under the rule, placed on the Calendar for notice.

H. 432

By Rep. Copeland-Hanzas of Bradford,

An act relating to permitting pension benefits to be used to satisfy court-ordered restitution;

To the committee on Judiciary.

H. 433

By Rep. McDonald of Berlin,

An act relating to approval of amendments to the charter of the town of Berlin;

To the committee on Government Operations.

Bill Referred to Committee on Ways and Means

H. 86

House bill, entitled

An act relating to the regulation of professions and occupations

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Action on Resolution Postponed

J.R.S. 22

Senate resolution, entitled

Joint resolution providing for a Joint Assembly to vote on the retention of three Superior Judges, and one District Judge;

The Senate has concurred in the House proposal of amendment with a further proposal of amendment thereto as follows:

By striking the following: "ten o'clock" and inserting in lieu thereof the following: eight o'clock

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Flory of Pittsford**, action on the bill was postponed until the next legislative day.

Third Reading; Bill Passed

H. 348

House bill, entitled

An act relating to the Interstate Pest Control Compact

Was taken up, read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 427

House bill, entitled

An act relating to making miscellaneous amendments to education law

Was taken up and pending third reading of the bill, **Rep. Crawford of Burke** moved to amend the bill as follows:

First: In Sec. 6, by striking § 828 in its entirety and inserting in lieu thereof:

"* * *"

Second: After Sec. 18, immediately before "* * * Council on Education Governance * * *" by inserting six new sections to be Secs. 18a through 18f to read:

Sec. 18a. 16 V.S.A. § 11(a)(28)(C) is amended to read:

~~(C) a pregnant or postpartum pupil attending school at an approved education program in a residential facility or outside the school district of residence pursuant to subsection 1073(b) of this title.~~

Sec. 18b. 16 V.S.A. § 11(a)(33), (34), and (35) are added to read:

(33)(A) “Pregnant or parenting pupil” means a legal pupil of any age who is not a high school graduate and who:

(i) is pregnant; or

(ii) has given birth, has placed a child for adoption, or has experienced a miscarriage, if any of these has occurred within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance; or

(iii) is the parent of a child.

(B) “Pregnant or parenting pupil” does not include a person whose parental rights have been terminated, except if the pupil has placed the child for adoption or has voluntarily relinquished parental rights, within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance.

(34) “Approved education program” means a program that is evaluated and approved by the state board pursuant to written standards, that is neither an approved independent school nor a public school, and that provides educational services to one or more pupils in collaboration with the pupil’s or pupils’ school district of residence. An “approved education program” includes an “approved teen parent education program.”

(35) “Teen parent education program” means a program designed to provide educational and other services to pregnant pupils or parenting pupils or both.

Sec. 18c. 16 V.S.A. § 828 is amended to read:

§ 828. TUITION TO APPROVED SCHOOLS, AGE, APPEAL

A school district shall not pay the tuition of a pupil except to a public ~~or~~ school, an approved independent school or, an independent school meeting school quality standards, an approved tutorial program approved by the state board, nor shall payment, an approved education program, or an independent school in another state or country approved under the laws of that state or country. Payment of tuition on behalf of a person shall not be denied on account of age. Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the

amount of tuition payable, or the school he or she may attend, may appeal to the state board and its decision shall be final.

Sec. 18d. 16 V.S.A. § 1073(b) is amended to read:

(b) Access to school.

(1) Right to a public education. No legal pupil attending school at public expense, including a married, pregnant, or postpartum parenting pupil, shall be deprived of or denied the opportunity to participate in or complete an elementary and secondary a public school education. ~~Notwithstanding the provisions of sections 822 and 1075 of this title, for reasons related to the pregnancy or birth, a~~

(2) Right to enroll in a public or independent school. A pregnant or postpartum parenting pupil may ~~attend any approved public school in Vermont or an adjacent state,~~ enroll in any public school or approved independent school in Vermont, or other educational program approved by the state board in which any other legal pupil in the pregnant or parenting pupil's district of residence may enroll.

(3) Teen parent education program.

(A) Residential teen parent education programs. The commissioner shall pay the educational costs for a pregnant or postpartum parenting pupil attending a state board approved educational teen parent education program in a 24-hour residential facility for up to eight months after the birth of the child. The commissioner may approve extension of payment of educational costs based on a plan for reintegration of the student into the community or for exceptional circumstances as determined by the commissioner. The district of residence of a pupil in a 24-hour residential facility shall remain responsible for coordination of the pupil's educational program and for planning and facilitating her subsequent educational program.

(B) Nonresidential teen parent education programs.

(i) The pregnant or parenting pupil's district of residence, or the approved independent or public school to which that district pays tuition for its students, shall be responsible for planning and coordinating the pupil's educational plan while attending a teen parent education program and for planning and facilitating the pupil's subsequent educational plan, including the pupil's transition back to the public or approved independent school.

(ii) A pregnant or parenting pupil may attend a nonresidential teen parent education program for a length of time to be determined by agreement of the pupil's district of residence, the school in which the pupil is enrolled, the teen parent education program, and the pupil. If these parties cannot reach

agreement as to the duration of attendance, one or more of the parties may petition the commissioner for a review and determination of duration. The commissioner's decision shall be final.

Sec. 18e. 16 V.S.A. § 1121 is amended to read:

§ 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

A person having the control of a child between the ages of six and 16 years shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a home study program for the full number of days for which that school is held, unless the child:

* * *

Sec. 18f. EFFECTIVE DATE

This section and Secs. 18a through 18e of this act shall take effect on July 1, 2009.

Third: In Sec. 22, subsection (a), before the period by adding "except as otherwise provided within this act"

Thereupon, **Rep. Crawford of Burke** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Crawford of Burke** moved to amend the bill as follows:

First: By striking Sec. 18 in its entirety and inserting in lieu thereof two new sections to be Secs. 18 and 18.1 to read:

Sec. 18. 16 V.S.A. § 4011a is added to read:

§ 4011a. APPROVED TEEN PARENT EDUCATION PROGRAM;
PAYMENTS BY DISTRICT OF RESIDENCE

(a) Subject to the provisions of subsection (b) of this section, for each pregnant or parenting pupil who is attending an approved teen parent education program and is enrolled in an approved independent school or a public school at public expense, the commissioner shall reimburse the pupil's district of residence for amounts paid to an approved teen parent education program for educational services. The school district shall pay the approved teen parent education program 83 percent of the prior year's statewide average net cost per pupil, as calculated under 16 V.S.A. § 825 minus debt service, prorated based on the pupil's full-time equivalent enrollment, as defined by state board rule, in academic courses at the approved teen parent education program. This subsection applies without regard to whether the pupil is enrolled in a public school within the district of residence or in an approved independent or public school to which the district pays tuition.

(b)(1) The pregnant or parenting pupil shall be enrolled in a school maintained by the school district of residence or, if the district does not maintain a school, in a public school or an approved independent school at the expense of the district of residence.

(2) As determined by the district of residence or by the enrolling school if the district does not maintain a school, the pupil shall be taking academic courses at the approved teen parent education program that are the substantial equivalent of the courses required by the district of residence or enrolling school, as applicable, leading to a high school diploma. The sending district or enrolling school, as applicable, shall collaborate with the approved teen parent education program regarding the pupil's programs and progress.

(c) An approved independent or public school to which the district of residence pays tuition shall receive and retain tuition for a pregnant or parenting pupil for the full academic year in which the pupil is enrolled, regardless of whether the pupil attends a teen parent education program for all or part of the academic year in lieu of attending the school.

Sec. 18.1. EFFECTIVE DATE

This section and Sec. 18 of this act shall take effect on July 1, 2009.

Second: In Sec. 22, subsection (a), before the period by adding "except as otherwise provided within this act"

Thereupon, **Rep. Crawford of Burke** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Peltz of Woodbury** moved to amend the bill as follows:

First: In Sec. 13, § 4001(6), after the new subdivision (D), by adding a new subdivision (E) to read:

(E) Spending attributable to the district's share of spending for 21st Century Community Learning Centers after-school programs.

Second: In Sec. 22, subsection (c), before the period, by adding the following: "except subdivision 4001(6)(E), which shall apply to proposed school budgets for the 2010–2011 academic year and after"

Pending the question, Shall the bill be amended as offered by Rep. Peltz of Woodbury? **Rep. Komline of Dorset** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Peltz of Woodbury? was decided in the affirmative. Yeas, 85. Nays, 53.

Those who voted in the affirmative are:

Ancel of Calais	Haas of Rochester	Mook of Bennington
Andrews of Rutland City	Heath of Westford	Moran of Wardsboro
Aswad of Burlington	Hooper of Montpelier	Mrowicki of Putney
Atkins of Winooski	Howard of Rutland City	Nuovo of Middlebury
Audette of South Burlington	Jerman of Essex	O'Brien of Richmond
Bissonnette of Winooski	Johnson of South Hero	Obuchowski of Rockingham
Bohi of Hartford	Keenan of St. Albans City	Partridge of Windham
Botzow of Pownal	Kitzmiller of Montpelier	Pellett of Chester
Bray of New Haven	Klein of East Montpelier	Peltz of Woodbury
Browning of Arlington	Lanpher of Vergennes	Potter of Clarendon
Burke of Brattleboro	Larson of Burlington	Pugh of South Burlington
Cheney of Norwich	Lenes of Shelburne	Ram of Burlington
Clarkson of Woodstock	Leriche of Hardwick	Rodgers of Glover
Conquest of Newbury	Lippert of Hinesburg	Shand of Weathersfield
Copeland-Hanzas of Bradford	Lorber of Burlington	Sharpe of Bristol
Courcelle of Rutland City	Macaig of Williston	Smith of Mendon
Davis of Washington	Maier of Middlebury	Spengler of Colchester
Deen of Westminster	Malcolm of Pawlet	Stevens of Waterbury
Donovan of Burlington	Manwaring of Wilmington	Stevens of Shoreham
Edwards of Brattleboro	Marek of Newfane	Sweaney of Windsor
Emmons of Springfield	Martin of Springfield	Taylor of Barre City
Evans of Essex	Martin of Wolcott	Townsend of Randolph
Fisher of Lincoln	Masland of Thetford	Waite-Simpson of Essex
Frank of Underhill	McCullough of Williston	Webb of Shelburne
French of Shrewsbury	McFaun of Barre Town	Wilson of Manchester
French of Randolph	Milkey of Brattleboro	Wizowaty of Burlington
Geier of South Burlington	Miller of Shaftsbury	Zenie of Colchester
Grad of Moretown	Minter of Waterbury	Zuckerman of Burlington
	Mitchell of Barnard	

Those who voted in the negative are:

Acinapura of Brandon	Flory of Pittsford	Morley of Barton
Adams of Hartland	Gilbert of Fairfax	Morrissey of Bennington
Baker of West Rutland	Greshin of Warren	Myers of Essex
Branagan of Georgia	Helm of Castleton	O'Donnell of Vernon
Brennan of Colchester	Higley of Lowell	Pearce of Richford
Canfield of Fair Haven	Howrigan of Fairfield	Peaslee of Guildhall
Clark of Vergennes	Hube of Londonderry	Perley of Enosburg
Clerkin of Hartford	Hubert of Milton	Reis of St. Johnsbury
Condon of Colchester	Kilmartin of Newport City	Savage of Swanton
Consejo of Sheldon	Koch of Barre Town	Scheuermann of Stowe
Corcoran of Bennington	Komline of Dorset	South of St. Johnsbury
Crawford of Burke	Krawczyk of Bennington	Till of Jericho
Devereux of Mount Holly	Larocque of Barnet	Turner of Milton
Dickinson of St. Albans Town	Lawrence of Lyndon	Westman of Cambridge
Donaghy of Poultney	Lewis of Derby	Wheeler of Derby
Donahue of Northfield	Marcotte of Coventry	Winters of Williamstown
Fagan of Rutland City	McDonald of Berlin	Wright of Burlington
	McNeil of Rutland Town	Young of St. Albans City

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Nease of Johnson	Toll of Danville
Head of South Burlington	Orr of Charlotte	Trombley of Grand Isle
Johnson of Canaan	Poirier of Barre City	Weston of Burlington
McAllister of Highgate	Smith of Morristown	

Pending third reading of the bill, **Rep. Clark of Vergennes** moved to amend the bill as follows:

By adding a new section to be Sec. 21a to read:

Sec. 21a. CIVICS EDUCATION

The secretary of state shall work in coordination with the commissioner of education on the development and delivery of a program of civics education.

Thereupon, **Rep. Clark of Vergennes** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read the third time and passed.

Adjournment

At eleven o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, March 24, 2009, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 23.