

Senate Calendar

THURSDAY, MARCH 22, 2018

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ACTION CALENDAR
UNFINISHED BUSINESS OF WEDNESDAY, MARCH 21, 2018
Second Reading

Favorable with Recommendation of Amendment

S. 94.

An act relating to promoting remote work and flexible work arrangements.

Reported favorably with recommendation of amendment by Senator Balint for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. chapter 151, subchapter 11P is added to read:

Subchapter 11P. New Remote Worker Tax Credit

§ 5930pp. NEW REMOTE WORKER TAX CREDIT

(a) As used in this section:

(1) “New remote worker” means an individual who:

(A) is a full-time employee of a business with its domicile or primary place of business outside Vermont;

(B) becomes a full-time resident of this State on or after January 1, 2019; and

(C) performs the majority of his or her employment duties remotely from a home office or a co-working space located in this State.

(2) “Qualifying remote worker expenses” means a new remote worker’s actual costs incurred for one or more of the following that are necessary to perform his or her employment duties:

(A) relocation to this State;

(B) computer software and hardware;

(C) broadband access or upgrade;

(D) membership in a co-working or similar space;

(E) child care; and

(F) student loan repayment.

(b)(1) A new remote worker shall be eligible for a nonrefundable credit against the income tax liability imposed under this chapter for qualifying remote worker expenses in the amount of not more than \$2,000.00 per year for up to five years, not to exceed \$10,000.00 per new remote worker.

(2)(A) The Agency of Commerce and Community Development shall develop a process to certify new remote workers for eligibility for a credit under this section.

(B) Upon certifying that a new remote worker meets the eligibility requirements of this section and his or her qualifying expenses for a tax year, the Agency shall issue to the new remote worker a credit certificate for the amount of his or her qualifying expenses, which the new remote worker shall file with his or her tax return.

(3) The Agency shall annually award credit certificates on a first-come, first-served basis, up to \$1,000,000.00 in total credits per year.

(c) A new remote worker may:

(1) first claim a credit under this section in the tax year following the year in which he or she becomes a resident of this State;

(2) claim an additional credit in each of the subsequent four tax years, provided he or she remains a resident of this State and a full-time remote worker; and

(3) carry forward the amount of any unused credit for five tax years.

(d) The Agency of Commerce and Community Development shall:

(1) promote awareness of the new remote worker tax credit authorized in this section; and

(2) adopt measurable goals, performance measures that demonstrate results, and an audit strategy to assess the utilization and performance of the credit authorized in this section.

Sec. 2. IMPROVING INFRASTRUCTURE AND SUPPORT FOR REMOTE WORK IN VERMONT; STUDY; REPORT

(a) The Secretary of Commerce and Community Development, in consultation with the Commissioners of Labor, of Public Service, and of Buildings and General Services, and other interested stakeholders, shall identify and examine the infrastructure improvements and other support needed to enhance the ability of businesses to establish a remote presence in Vermont and to allow Vermonters and businesses developing from maker spaces, co-working spaces, remote work hubs, and innovation spaces to work and provide services remotely.

(b) Based on his or her findings, and in consultation with the Commissioners of Labor, of Public Service, and of Buildings and General Services, and other interested stakeholders, the Secretary shall develop a program to address the needs identified pursuant to subsection (a) of this section.

(c) Specifically, the program shall:

(1) address the infrastructure needs of remote workers and businesses developing from generator spaces;

(2) promote and facilitate the use of remote worksites and maker spaces, co-working spaces, remote work hubs, and innovation spaces;

(3) encourage out-of-state companies to use remote workers in Vermont;

(4) reduce the administrative and regulatory burden on businesses employing remote workers in Vermont;

(5) increase the ease of start-up companies finding remote work or maker spaces, co-working spaces, remote work hubs, and innovation spaces in the State; and

(6) support the interconnection of current and future maker spaces, co-working spaces, remote work hubs, and innovation spaces in this State.

(d) On or before January 15, 2019, the Secretary shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a written report detailing:

(1) his or her findings, plan, and any recommendations for legislative action to implement the plan; and

(2) policy changes to improve the climate for remote workers, including zoning measures, insurance and liability issues, workforce training needs, broadband access, access to co-working spaces, and an assessment of environmental implications of working remotely.

Sec. 3. INTEGRATED PUBLIC-PRIVATE STATE WORKSITES

(a) The Secretary of Administration, in consultation with the Secretary of Commerce and Community Development and the Commissioner of Buildings and General Services, shall examine the potential for the State to establish remote worksites that are available for use by both State employees and remote workers in the private sector.

(b) The Secretary shall examine the feasibility of and potential funding models for the worksites, including the opportunity to provide at low or no cost co-work space within State buildings that is currently vacant or underutilized.

(c) On or before January 15, 2019, the Secretary shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs detailing his or her findings and any recommendations for legislative action.

Sec. 4. BROADBAND AVAILABILITY FOR REMOTE WORKERS

On or before January 15, 2019, the Director of Telecommunications and Connectivity, in consultation with the Agency of Commerce and Community Development, shall submit with the annual report required by 30 V.S.A. § 202e findings and recommendations concerning:

(1) the current availability of broadband service in municipal downtown centers that do, or could at reasonable cost, support one or more co-working spaces or similar venues for remote workers and small businesses; and

(2) strategies for expanding and enhancing broadband availability for such spaces.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

And that after passage the title of the bill be amended to read:

An act relating to remote work.

(Committee vote: 5-0-0)

Reported favorably with recommendation of amendment by Senator Lyons for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendment thereto:

In Sec. 1, in 32 V.S.A. § 5930pp(b)(3) by striking out “\$1,000,000.00” and inserting in lieu thereof \$250,000.00

(Committee vote: 7-0-0)

Reported favorably with recommendation of amendment by Senator Starr for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs, as amended by the Committee on Finance, with the following amendment thereto:

By striking out Sec. 1 in its entirety and inserting a new Sec. 1 to read:

Sec. 1. NEW REMOTE WORKER GRANT PROGRAM

(a) As used in this section:

(1) “New remote worker” means an individual who:

(A) is a full-time employee of a business with its domicile or primary place of business outside Vermont;

(B) becomes a full-time resident of this State on or after January 1, 2019; and

(C) performs the majority of his or her employment duties remotely from a home office or a co-working space located in this State.

(2) “Qualifying remote worker expenses” means a new remote worker’s actual costs incurred for one or more of the following that are necessary to perform his or her employment duties:

(A) relocation to this State;

(B) computer software and hardware;

(C) broadband access or upgrade; and

(D) membership in a co-working or similar space.

(b)(1) The Agency of Commerce and Community Development shall have the authority to design and implement the New Remote Worker Grant Program, which shall include a process to certify new remote workers and certify qualifying expenses for a grant under this section.

(2) A new remote worker may be eligible for a grant under the Program for qualifying remote worker expenses in the amount of not more than \$2,000.00 per year for up to five years, not to exceed \$10,000.00 per new remote worker.

(3) The Agency may annually award grants under the Program on a first-come, first-served basis, up to \$250,000.00 in total grants per year, subject to available funding.

(c) If the Agency implements the Program pursuant to this section, it shall:

(1) promote awareness of the Program; and

(2) adopt measurable goals, performance measures that demonstrate results, and an audit strategy to assess the utilization and performance of the Program.

(Committee vote: 5-1-1)

S. 257.

An act relating to miscellaneous changes to education law.

Reported favorably with recommendation of amendment by Senator Baruth for the Committee on Education.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Out-of-state Independent Schools * * *

Sec. 1. 16 V.S.A. § 822 is amended to read:

§ 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR PAY TUITION

(a) Each school district shall maintain one or more approved high schools in which high school education is provided for its resident students unless:

(1) the electorate authorizes the school board to close an existing high school and to provide for the high school education of its students by paying tuition to a public high school, an approved independent high school, or an independent school meeting education quality standards, to be selected by the parents or guardians of the student, ~~within or outside the State~~; or

* * *

Sec. 2. 16 V.S.A. § 828 is amended to read:

§ 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

(a) A school district shall not pay the tuition of a student except to:

(1) a public school;

(2) an approved independent school, in Vermont;

(3) an independent school in Vermont meeting education quality standards;

(4) a tutorial program approved by the State Board;

(5) an approved education program, ~~or~~;

(6) an independent school in another state ~~or country~~ approved under the laws of that state ~~or country~~, nor shall payment that is either:

(A) contiguous to Vermont; or

(B) in a state that pays publicly funded tuition for its resident students to attend a public or approved independent school in Vermont; or

(7) a school to which a student on an individualized education plan has

been referred or placed by the student's individualized education plan team or local education agency.

(b) Payment of tuition on behalf of a person shall not be denied on account of age.

(c) 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. 3. TRANSITION

Notwithstanding Sec. 2 of this act, a school district may pay tuition on behalf of a student to an approved independent school that is located in a state that is not contiguous to Vermont or in a state that does not pay publicly funded tuition for its resident students to attend a public or approved independent school in Vermont if, during the 2017-2018 school year, the student attended that school; provided that tuition shall be paid for no more than four years after enactment of this act.

* * * Dual Enrollment; Parochial Schools * * *

Sec. 4. 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

(a) Program creation. There is created a the statewide Dual Enrollment Program to be a potential component of a student's flexible pathway. The Program shall include college courses offered on the campus of an accredited postsecondary institution and college courses offered by an accredited postsecondary institution on the campus of a secondary school. The Program may include online college courses or components.

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) the student:

(i) is enrolled in:

(I) a Vermont public school, including a Vermont career technical center;

(II) a public school in another state or an approved independent school that is designated as the public secondary school for the student's district of residence; or

(III) an approved independent school in Vermont ~~to which the~~

~~student's district of residence pays publicly funded tuition on behalf of the student;~~

(ii) is assigned to a public school through the High School Completion Program; or

(iii) is a home study student;

* * *

* * * Child Abuse and Neglect Hotline * * *

Sec. 5. 16 V.S.A. § 914 is added to read:

§ 914. CHILD ABUSE AND NEGLECT HOTLINE

Each public school and each independent school shall post, in a place clearly visible to students and on its website, the toll-free telephone number operated by the Department for Children and Families to receive reports of child abuse and neglect and directions for accessing the office of the Department for Children and Families. The postings shall be in English and Spanish.

* * * Postsecondary Educational Institutions; Closing * * *

Sec. 6. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

(1) promptly inform the State Board;

(2) prepare the academic record of each current and former student in a form satisfactory to the State Board and including interpretive information required by the Board; and

(3) deliver the records to a person designated by the State Board to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

* * *

(d) When an institution of higher education is unable or unwilling to comply substantially with the record preparation and delivery requirements of subsection (a) of this section, the State Board shall bring an action in Superior Court to compel compliance with this section, and may in a proper case obtain temporary custody of the records.

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the State Board may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

* * *

~~(g)(1) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:~~

~~(1) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and~~

~~(2) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section. If an institution of higher education is placed on probation for financial reasons by its accrediting agency, the institution shall, not later than two days after learning that it has been placed on probation, inform the State Board of Education of its status, and not later than 90 days after being place on probation, shall submit a student record plan to the State Board for approval.~~

~~(2) The student record plan shall include an agreement with an institution of higher education or other entity to act as a repository for the institution's records with funds set aside, if necessary, for the permanent maintenance of the student records.~~

~~(3) If the State Board does not approve the plan, the State may take action under subsections (d) and (e) of this section.~~

* * * Interstate School District * * *

Sec. 7. INTERSTATE SCHOOL DISTRICT

In order to increase educational opportunities for students in the Stamford school district, and given the geographic and other challenges involved in merging the Stamford school district with another Vermont school district, the General Assembly supports the creation of an interstate school district that would combine the Stamford school district with the Clarksburg, Massachusetts, school district.

* * * Elections to Unified Union School District Board * * *

Sec. 8. ELECTIONS TO UNIFIED UNION SCHOOL DISTRICT BOARD

(a) Notwithstanding any provision to the contrary, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district's annual meeting in accordance with the district's articles of agreement.

(b) Notwithstanding any provision to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held in accordance with the unified union school district's articles of agreement.

(c) This section is repealed on July 1, 2019.

* * * Technical Correction * * *

Sec. 9. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

* * *

(2) "Enrollment" means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

* * *

* * * Prekindergarten Education * * *

Sec. 10. 16 V.S.A. § 829 is amended to read:

§ 829. PREKINDERGARTEN EDUCATION

(a) Definitions. As used in this section:

(1) "Prekindergarten child" means a child who, as of the date established by the district of residence for kindergarten eligibility, is:

(A) three or four years of age or is five years of age but is not yet eligible to be enrolled in kindergarten; or

(B) five years of age but is not yet enrolled in kindergarten if the

child is on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973 and the child's individualized education program team or evaluation and planning team recommends that the child receive prekindergarten education services.

(2) "Prekindergarten education" means services designed to provide to prekindergarten children developmentally appropriate early development and learning experiences based on Vermont's early learning standards.

(3) ~~"Prequalified private~~ Private provider" means a private provider of prekindergarten education that is ~~qualified pursuant to subsection (c) of this section~~ regulated as a center-based child care program or family child care home to provide child care by the Child Development Division of the Department for Children and Families.

(4) "Public provider" means a provider of prekindergarten education that is a school district.

(b) Access to publicly funded prekindergarten education.

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

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

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

~~(i)(A)~~ a prequalified private provider located in Vermont; or

~~(ii)(B)~~ a Vermont public school that operates a prekindergarten education program whether located inside or outside the district that operates a prekindergarten program that has been prequalified pursuant to subsection (c) of this section; or

~~(B)~~ enroll the child in the prekindergarten education program that it operates in which the child resides.

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

~~(4) If the supply of prequalified private and public providers is~~

~~insufficient to meet the demand for publicly funded prekindergarten education in any region of the State, nothing~~ Nothing in this section shall be construed to require the State or a district to begin or expand a prekindergarten education program to satisfy that demand; but rather, in collaboration with the Agencies of Education and of Human Services, the local Building Bright Futures Council shall meet with school districts and private providers in the region to develop a regional plan to expand capacity for prekindergarten education.

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

~~(1) A program of prekindergarten education, whether provided by a school district or a private provider, shall have received~~ private provider shall meet minimum program quality by:

~~(A) having~~ having National Association for the Education of Young Children (NAEYC) accreditation; or

~~(B) at least four stars in the Department for Children and Families' STARS system with a plan to get to at least two points in each of the five arenas; or and~~

~~(C) three stars in the STARS system if the provider has developed a plan, approved by the Commissioner for Children and Families and the Secretary of Education, to achieve four or more stars with at least two points in each of the five arenas in no more than three years, and the provider has met intermediate milestones.~~

~~(B)(i) for a private provider that is regulated as a center-based child care program, employing or contracting for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title who is present at the private provider's program site during the hours that are publicly funded; or~~

~~(ii) for a private provider that is regulated as a family child care home that is not licensed and endorsed in early childhood education or early childhood special education, employing or contracting for the services of at least one teacher who is licensed and endorsed in early childhood education or~~

in early childhood special education under chapter 51 of this title for at least three hours per week during each of the 35 weeks per year in which prekindergarten education is paid for with publicly funded tuition to provide regular, active supervision and training of the private provider's staff.

(2) A licensed public provider shall ~~employ or contract~~ meet minimum program quality by:

(A) employing or contracting for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title to provide direct instruction during the hours that are publicly funded; and

(B) meeting safety and quality rules adopted by the State Board of Education.

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

(d) Tuition, ~~budgets~~ payments, and average daily membership.

(1) On behalf of a resident prekindergarten child, ~~a district~~ the Secretary shall pay tuition for prekindergarten education for ten hours per week for 35 weeks annually to a ~~prequalified private provider or to a public school outside the district that is prequalified pursuant to subsection (c) of this section; provided, however, that the district shall pay tuition for weeks that are within the district's academic year provider.~~ Tuition Notwithstanding subsection 4025(d) of this title, tuition paid under this section shall be paid from the Education Fund at a statewide rate, which may be adjusted regionally, that is established annually through a process jointly developed and implemented by the Agencies Agency of Education and of Human Services. A district shall pay tuition upon The Secretary shall establish procedures for payment of tuition to public and private providers that require, at a minimum, receiving:

(A) ~~receiving~~ annual notice from the child's parent or guardian that the child ~~is or will be admitted to the~~ chooses to participate in a publicly funded prekindergarten education program operated by the prequalified public or private provider or the other district; and

(B) ~~concurrent enrollment of the prekindergarten child in the district of residence for purposes of budgeting and determining average daily membership~~ notice from the public or private provider that the child is enrolled in its program; and

(C) a request for reimbursement from the public or private provider that reports enrollment for the period covered by the request and certifies that the provider is eligible for public funding under subsection (c) of this section for the period covered by the request.

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

~~(3) Pursuant to subdivision 4001(1)(C) of this title, the district of residence a district in which the child resides may include within its average daily membership any prekindergarten child for whom it has provided prekindergarten education or on whose behalf it has paid tuition pursuant to this section in excess of ten hours per week for 35 weeks annually and the district shall not charge tuition for these educational services.~~

~~(4)(3) A prequalified private provider, or a public provider that is not the child's district of residence, may receive additional payment directly from the parent or guardian only for prekindergarten education in excess of the publicly funded hours paid for by the district pursuant to this section subsection or for child care services, or both. The provider is not bound by the statewide rate established in this subsection when determining the rates it will charge the parent or guardian for these excess hours. A provider shall not impose additional fees for the publicly funded hours.~~

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

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

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

~~conduct a community needs assessment.~~

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

~~(4) To establish a process by which:~~

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

~~(B) a district:~~

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

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

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

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

~~(6) [Repealed.]~~

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

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

~~(9) To provide an administrative process for:~~

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

~~(B) a school district to challenge an action of a provider or the State when the district believes that the provider or the State is in violation of State~~

statute or rules regarding prekindergarten education.

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

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

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

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

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

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

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

(1) To require that the Secretary provide opportunities for effective parental participation in the prekindergarten education program.

(2) To establish a process by which tuition payments are requested and made that includes the conditions in subdivisions (d)(1)(A)–(C) of this section.

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

(4) To provide an administrative process for:

(A) a parent or guardian to challenge a provider’s action or inaction with respect to enrollment or billing; and

(B) a provider to appeal a decision of the Secretary not to pay a request for reimbursement.

(5) To establish a system by which the Secretary shall evaluate implementation of publicly funded prekindergarten education programs to promote optimal results for children that support the relevant population-level outcomes set forth in 3 V.S.A. § 2311 and collect data that will inform future decisions. The Secretary shall report annually to the General Assembly in January on the prior year. At a minimum, the system shall evaluate:

(A) programmatic details, including the total number of children enrolled and the number of children enrolled in private programs and in public programs, the number of private and public programs operated, and the public financial investment made to ensure access to quality prekindergarten education;

(B) the quality criteria of public and private kindergarten education programs, training, and technical assistance; and

(C) the results for children, including school readiness, proficiency in numeracy and literacy, and social and emotional development.

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

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

(B) collect and report child progress data as required by the Secretary on an annual basis.

(7) To establish safety and quality requirements for public providers. In establishing these safety and quality requirements, the Secretary shall consult with the Agency of Human Services and recommend to the State Board safety and quality requirements that align with the requirements for private providers, except to the extent that the Secretary determines that there are compelling reasons that are unique to the public school environment that justify applying different requirements.

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

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

~~(h) Geographic limitations.~~

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

~~paying tuition solely to those prequalified providers in which parents and guardians choose to enroll resident prekindergarten children that are located within the district's "prekindergarten region" as determined in subdivision (2) of this subsection.~~

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

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

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

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

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

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

Sec. 11. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

(1) "Average daily membership" of a school district, or if needed in order to calculate the appropriate homestead tax rate, of the municipality as defined in 32 V.S.A. § 5401(9), in any year means:

* * *

(C) ~~The full-time equivalent enrollment for each prekindergarten child as follows: If a child is enrolled in 10 or more hours of prekindergarten education per week or receives 10 or more hours of essential early education~~

~~services per week, the child shall be counted as one full-time equivalent pupil. If a child is enrolled in six or more but fewer than 10 hours of prekindergarten education per week or if a child receives fewer than 10 hours of essential early education services per week, the child shall be counted as a percentage of one full-time equivalent pupil, calculated as one multiplied by the number of hours per week divided by ten. A child enrolled in prekindergarten education for fewer than six hours per week shall not be included in the district's average daily membership enrolled in excess of ten hours in a public school in the district in which the child resides prorated to reflect the hours of education provided by the school up to an additional ten hours. There is no limit on the total number of children who may be enrolled in prekindergarten education or who receive essential early education services.~~

* * *

Sec. 12. 33 V.S.A. § 3502 is amended to read:

§ 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC SCHOOLS; 21ST CENTURY FUND

(a) Unless exempted under subsection (b) of this section, a person shall not operate a child care facility without a license, or operate a family child care home without registration from the Department.

(b) The following persons are exempted from the provisions of subsection (a) of this section:

* * *

(5) an after-school program that serves students in one or more grades from kindergarten through secondary school, that receives funding through the 21st Century Community Learning Centers program, and that is overseen by the Agency of Education, unless the after-school program asks to participate in the child care subsidy program; and

(6) a public provider of prekindergarten education, as defined under 16 V.S.A. § 829(a)(4), unless the public provider participates in the child care subsidy program.

* * *

Sec. 13. 16 V.S.A. § 11 is amended to read:

§ 11. CLASSIFICATIONS AND DEFINITIONS

(a) As used in this title, unless the context otherwise clearly requires:

* * *

(31) “Early childhood education,” “early education,” or “prekindergarten education” means services designed to provide developmentally appropriate early development and learning experiences based on Vermont’s early learning standards to children a child who are three to four years of age and to five-year-old children who are not eligible for or enrolled in kindergarten is:

(A) three or four years of age or is five years of age but is not yet eligible to be enrolled in kindergarten; or

(B) five years of age but is not yet enrolled in kindergarten if the child is on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973 and the child’s individualized education program team or evaluation and planning team recommends that the child receive prekindergarten education services.

* * *

* * * School Radon Mitigation Study Committee * * *

Sec. 14. SCHOOL RADON MITIGATION STUDY COMMITTEE

(a) Creation. There is created the School Radon Mitigation Study Committee to explore funding opportunities for the mitigation of elevated radon concentrations in schools and contingency plans for the loss of related federal funding.

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

(1) the State Treasurer or designee;

(2) the Secretary of Education or designee;

(3) the Commissioner of Health or designee;

(4) a member appointed by the State School Boards Association;

(5) a member appointed by the Vermont Superintendents Association;

(6) a member appointed by the Vermont Independent Schools Association; and

(7) a radon mitigation professional certified for testing and mitigation by the National Radon Proficiency Program, appointed by the Director of the Department of Labor’s Workers’ Compensation and Safety Division.

(c) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(d) Report. On or before December 15, 2018, the Committee shall submit a written report to the House and Senate Committees on Education containing

viable options for funding the mitigation of elevated radon concentrations in schools.

(e) Meetings.

(1) The State Treasurer or designee shall call the first meeting of the Committee to occur on or before October 1, 2018.

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

(3) The Committee shall cease to exist on December 31, 2018.

(f) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than four meetings. These payments shall be made from monies appropriated to the Agency of Education.

* * * Effective Dates * * *

Sec. 15. EFFECTIVE DATES

(a) Secs. 9-13 shall take effect on July 1, 2019.

(b) The remaining sections shall take effect on July 1, 2018.

(Committee vote: 6-0-0)

Reported favorably by Senator Campion for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Education and when so amended ought to pass.

(Committee vote: 7-0-0)

Amendment to the recommendation of amendment of the Committee on Education to S. 257 to be offered by Senators Baruth, Balint, Benning, Branagan, Bray and Ingram

Senators Baruth, Balint, Benning, Branagan, Bray and Ingram move to amend the recommendation of amendment of the Committee on Education as follows:

First: In Sec. 2, 16 V.S.A. § 828, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read:

(a) A school district shall not pay the tuition of a student except to:

(1) a public school;

- (2) an approved independent school, in Vermont;
- (3) an independent school in Vermont meeting education quality standards;
- (4) a tutorial program approved by the State Board;
- (5) an approved education program, or;
- (6) an independent school in another state or country approved under the laws of that state or country, nor shall payment that is either:
 - (A) contiguous to Vermont; or
 - (B) in a state that pays publicly funded tuition for its resident students to attend a public or approved independent school in Vermont;
- (7) a public or independent school in the Province of Quebec approved under the laws of Canada; or
- (8) a school to which a student on an individualized education plan has been referred or placed by the student's individualized education plan team or local education agency.

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. TRANSITION

Notwithstanding Sec. 2 of this act, a school district may pay tuition on behalf of a student to a school located in another country or to an approved independent school that is located in a state that is not contiguous to Vermont or in a state that does not pay publicly funded tuition for its resident students to attend a public or approved independent school in Vermont if, during the 2017-2018 school year, the student attended that school; provided, however, that tuition shall be paid for not more than four years after enactment of this act.

Third, in Sec.14 by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

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

- (1) the Secretary of Education or designee;
- (2) the Commissioner of Health or designee;
- (3) a member appointed by the State School Boards Association;
- (4) a member appointed by the Vermont Superintendents Association;
- (5) a member appointed by the Vermont Independent Schools Association; and

(6) a radon mitigation professional certified for testing and mitigation by the National Radon Proficiency Program, appointed by the Director of the Department of Labor's Workers' Compensation and Safety Division.

Fourth, in Sec.14 by striking out subdivision (e)(1) in its entirety and inserting in lieu thereof a new subdivision (e)(1) to read:

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before October 1, 2018.

NEW BUSINESS

Third Reading

S. 53.

An act relating to a universal, publicly financed primary care system.

S. 85.

An act relating to simplifying government for small businesses.

S. 253.

An act relating to Vermont's adoption of the Interstate Medical Licensure Compact.

S. 260.

An act relating to funding the cleanup of State waters.

Amendment to S. 260 to be offered by Senator Bray before Third Reading

Senator Bray moves to amend the bill in Sec. 3, 10 V.S.A. § 1389, in subdivision (d)(2), by striking out the second sentence of the subdivision in its entirety.

S. 262.

An act relating to miscellaneous changes to the Medicaid program and the Department of Vermont Health Access.

S. 276.

An act relating to rural economic development.

Amendment to S. 276 to be offered by Senator Bray before Third Reading

Senator Bray moves to amend the bill by adding a new section to be numbered Sec. 2a and its reader assistance as follows:

* * * Environmental Permitting Fees * * *

Sec. 2a. 3 V.S.A. § 2822(j) is amended to read:

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

* * *

(26) For individual conditional use determinations, for individual wetland permits, for general conditional use determinations issued under 10 V.S.A. § 1272, or for wetland authorizations issued under a general permit, an administrative processing fee assessed under subdivision (2) of this subsection (j) and an application fee of:

(A) \$0.75 per square foot of proposed impact to Class I or II wetlands.

(B) \$0.25 per square foot of proposed impact to Class I or II wetland buffers.

(C) Maximum fee, for the conversion of Class II wetlands or wetland buffers to cropland use or for installation of a pipeline in a wetland for the transport of manure for the purposes of farming, as that term is defined in 10 V.S.A. § 6001(22), \$200.00 per application. As used in this subdivision, “cropland” means land that is used for the production of agricultural crops, including row crops, fibrous plants, pasture, fruit-bearing bushes, trees, or vines, and the production of Christmas trees.

* * *

S. 281.

An act relating to the Systemic Racism Mitigation Oversight and Equity Review Board.

ORDERED TO LIE

S. 285.

An act relating to universal recycling requirements.

Pending Question:

Shall the recommendation of the Committee on Natural Resources and Energy be amended as recommended by Sen. Pollina?

(For text of amendment, see Senate Journal of March 20, 2018, page 452.)

CONCURRENT RESOLUTIONS FOR NOTICE

Concurrent Resolutions For Notice Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

S.C.R. 22 (For text of Resolution, see Addendum to Senate Calendar for March 22, 2018)

H.C.R. 279 - 290 (For text of Resolutions, see Addendum to House Calendar for March 22, 2018)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Thomas S. Leavitt of Waterbury Center - Commissioner of the Vermont Housing Finance Agency - By Senator Pollina for the Committee on Finance. (3/22/18)

Jeanne A. Morrissey of Richmond - Commissioner of the Vermont Housing Finance Agency - By Senator Lyons for the Committee on Finance. (3/22/18)

Joseph M. Lorman of Rutland - Family Division Magistrate for Rutland, Bennington and Addison Counties - By Senator Sears for the Committee on Judiciary. (3/27/18)

Deborah Winters of Swanton - Director, Vermont Municipal Bond Bank - By Senator Brock for the Committee on Finance. (3/22/18)

Dana Kittell of East Fairfield - Member of the Vermont Economic Development Authority - By Senator Brock for the Committee on Finance. (3/22/18)

David Kimel of St. Albans - Director, Vermont Municipal Bond Bank - By Senator Brock for the Committee on Finance. (3/22/18)

Peter Hood of Middlesex - Member of the State Infrastructure Bank Board -
By Senator Pollina for the Committee on Finance. (3/22/18)

Al Flory of Barre - Member of the State Infrastructure Bank Board - By
Senator Pollina for the Committee on Finance. (3/22/18)

FOR INFORMATION ONLY

CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 2, 2018**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 16, 2018**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Fee Bill).