

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 130
3 entitled “An act relating to making miscellaneous changes to education laws”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended as follows:

6 First: By striking out Sec. 2 (Educational and Training Programs for
7 College Credit), Sec. 3 (Student Enrollment; Small School Grant), Secs. 6–8
8 (speech-language pathologists), and Sec. 19 (Effective Dates) with their reader
9 assistances, in their entirety.

10 Second: By renumbering the remaining sections to be numerically correct.

11 Third: By adding eight new sections, to be Secs. 14, 15, 16, 17, 18, 19, 20,
12 and 21, with reader assistances, to read:

13 * * * Criminal Record Checks * * *

14 Sec. 14. 16 V.S.A § 255(k) is added to read:

15 (k) The requirements of this section shall not apply to persons operating or
16 employed by a child care facility that is prequalified to provide prekindergarten
17 education pursuant to section 829 of this title and that is required to be licensed
18 by the Department for Children and Families pursuant to 33 V.S.A § 3502.

19 Sec. 15. 33 V.S.A § 3511 is amended to read:

20 § 3511. DEFINITIONS

21 As used in this chapter:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(2) “Child care facility” means any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child’s own parent, guardian, or relative, as defined by rules adopted by the Department for Children and Families, but not including a kindergarten approved by the State Board of Education or a prequalified prekindergarten program operated by a school.

* * *

* * * Education Weighting Study Committee * * *

Sec. 16. EDUCATION WEIGHTING STUDY COMMITTEE

(a) Creation. There is created the Education Weighting Study Committee to consider and make recommendations on the criteria used for determining weighted long-term membership of a school district under 16 V.S.A. § 4010.

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

(1) two current members of the House of Representatives, not from the same party, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, not from the same party, who shall be appointed by the Committee on Committees;

1 (3) the Secretary of Education or designee;

2 (4) the Secretary of Human Services or designee;

3 (5) the Executive Director of the Vermont Superintendent’s Association
4 or designee;

5 (6) the Executive Director of the Vermont School Boards Association or
6 designee; and

7 (7) the Executive Director of the Vermont National Education
8 Association or designee.

9 (c) Powers and duties.

10 (1) The Committee shall consider and make recommendations on the
11 criteria used for the determining weighted long-term membership of a school
12 district under 16 V.S.A. § 4010, including the following:

13 (A) the relationship between each of the current weighting factors
14 and the quality and equity of educational outcomes for students;

15 (B) whether any of the weighting factors, including the weighting
16 factors for students from economically deprived backgrounds and for students
17 for whom English is not the primary language, should be modified, and if so,
18 how the weighting factors should be modified and if the modification would
19 further the quality and equity of educational outcomes for students; and

20 (C) whether to add any weighting factors, including a school district
21 population density factor, and if so, why the weighting factor should be added

1 and if the weighting factor would further the quality and equity of educational
2 outcomes for students.

3 (2) In addition to considering and make recommendations on the criteria
4 used for the determining weighted long-term membership of a school district
5 under subdivision (1) of this subsection, the Committee may consider and
6 make recommendations on other methods that would further the quality and
7 equity of educational outcomes for students.

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

10 (e) Report. On or before January 15, 2018, the Committee shall submit a
11 written report to the House and Senate Committees on Education with its
12 findings and any recommendations.

13 (f) Meetings.

14 (1) The Secretary of Education shall call the first meeting of the
15 Committee to occur on or before May 30, 2017.

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

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

19 (4) The Committee shall cease to exist on January 16, 2018.

1 (g) Reimbursement.

2 (1) For attendance at meetings during adjournment of the General
3 Assembly, legislative members of the Committee shall be entitled to per diem
4 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
5 no more than seven meetings.

6 (2) Other members of the Committee who are not employees of the State
7 of Vermont and who are not otherwise compensated or reimbursed for their
8 attendance shall be entitled to per diem compensation and reimbursement of
9 expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

10 * * * Surety Bond; Postsecondary Institutions * * *

11 Sec. 17. 16 V.S.A. § 175 is amended to read:

12 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

17 (1) promptly inform the State Board;

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

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

4 * * *

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

15 * * *

16 (g)(1) Each institution of higher education accredited in Vermont, except
17 institutions that are members of the Association of Vermont Independent
18 Colleges (AVIC), the University of Vermont, and the Vermont State Colleges,
19 shall acquire and maintain a bond from a corporate surety licensed to do
20 business in Vermont in the amount of \$50,000.00 to cover costs that may be
21 incurred by the State under subsection (e) of this section due to the institution’s

1 failure to comply with the requirements of subsection (a) of this section, and
2 the institution shall provide evidence of the bond to the Secretary within 30
3 days of receipt. The State shall be entitled to recover up to the full amount of
4 the bond in addition to the other remedies provided in subsection (e) of this
5 section.

6 (2) AVIC shall maintain a memorandum of understanding with each of
7 its member colleges under which each member college agrees to:

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

11 (B) contribute on an equitable basis and in a manner determined in
12 the sole discretion of AVIC to the costs of another AVIC member or other
13 entity selected by AVIC maintaining the records of a member college that fails
14 to comply with the requirements of subsection (a) of this section.

15 * * * Small School Support * * *

16 Sec. 18. 16 V.S.A. § 4015 is amended to read:

17 § 4015. SMALL SCHOOL SUPPORT

18 (a) In this section:

19 * * *

20 (2) “Enrollment” means the number of students who are enrolled in a
21 school operated by the district on October 1, provided, however, that for

1 prekindergarten students, “enrollment” shall include any prekindergarten child
2 for whom the school district of residence has provided prekindergarten
3 education or on whose behalf it has paid tuition pursuant section 829 of this
4 title. A student shall be counted as one whether the student is enrolled as a
5 full-time or part-time student.

6 * * *

7 (4) “Average grade size” means two-year average enrollment divided by
8 the number of grades taught in the district on October 1. For purposes of this
9 calculation, ~~kindergarten and~~ prekindergarten programs shall be counted
10 ~~together as one grade~~ as two grades.

11 * * *

12 Sec. 19. 2015 Acts and Resolves No. 46, Sec. 20 is amended to read:

13 Sec. 20. 16 V.S.A. § 4015 is amended to read:

14 § 4015. SMALL SCHOOL SUPPORT

15 (a) In this section:

16 (1) “Eligible school district” means a school district that:

17 ~~operates at least one school; and~~

18 ~~(A) has a two year average combined enrollment of fewer than 100~~
19 ~~students in all the schools operated by the district; or has~~

20 ~~(B)~~(A) operates at least one school with an average grade size of 20
21 or fewer; and

1 (B) has been determined by the State Board, on an annual basis, to be
2 eligible due to either:

3 (i) the lengthy driving times or inhospitable travel routes between
4 the school and the nearest school in which there is excess capacity; or

5 (ii) the academic excellence and operational efficiency of the
6 school, which shall be based upon consideration of:

7 (I) the school’s measurable success in providing a variety of
8 high-quality educational opportunities that meet or exceed the educational
9 quality standards adopted by the State Board pursuant to section 165 of this
10 title;

11 (II) the percentage of students from economically deprived
12 backgrounds, as identified pursuant to subsection 4010(d) of this title, and
13 those students’ measurable success in achieving positive outcomes;

14 (III) the school’s high student-to-staff ratios; and

15 (IV) the district’s participation in a merger study and
16 submission of a merger report to the State Board pursuant to chapter 11 of this
17 title or otherwise.

18 (2) “Enrollment” means the number of students who are enrolled in a
19 school operated by the district on October 1, provided, however, that for
20 prekindergarten students, “enrollment” shall include any prekindergarten child
21 for whom the school district of residence has provided prekindergarten

1 education or on whose behalf it has paid tuition pursuant section 829 of this
2 title. A student shall be counted as one whether the student is enrolled as a
3 full-time or part-time student.

4 * * *

5 (4) “Average grade size” means two-year average enrollment divided by
6 the number of grades taught in the district on October 1. For purposes of this
7 calculation, ~~kindergarten and prekindergarten~~ programs shall be counted
8 together as one grade as two grades.

9 * * *

10 (6) “School district” means a town, city, incorporated, interstate, or
11 union school district or a joint contract school established under subchapter 1
12 of chapter 11 of this title.

13 * * *

14 (c) ~~Small schools financial stability grant: In addition to a small schools~~
15 ~~support grant, an eligible school district whose two-year average enrollment~~
16 ~~decreases by more than 10 percent in any one year shall receive a small~~
17 ~~schools financial stability grant. However, a decrease due to a reduction in the~~
18 ~~number of grades offered in a school or to a change in policy regarding paying~~
19 ~~tuition for students shall not be considered an enrollment decrease. The~~
20 ~~amount of the grant shall be determined by multiplying 87 percent of the base~~
21 ~~education amount for the current fiscal year, by the number of enrollment, to~~

1 ~~the nearest one hundredth of a percent, necessary to make the two year~~
2 ~~average enrollment decrease only 10 percent. [Repealed.]~~

3 (d) ~~Funds for both grants shall be appropriated from the Education Fund~~
4 ~~and shall be added to payments for the base education amount or deducted~~
5 ~~from the amount owed to the Education Fund in the case of those districts that~~
6 ~~must pay into the Fund under section 4027 of this title. [Repealed.]~~

7 * * *

8 * * * Prekindergarten Education Recommendations * * *

9 Sec. 20. PREKINDERGARTEN EDUCATION RECOMMENDATIONS

10 On or before November 1, 2017, the Secretaries of Human Services and of
11 Education shall jointly present recommendations to the House and Senate
12 Committees on Education that will ensure equity, quality, and affordability,
13 and reduce duplication and complexity, in the current delivery of
14 prekindergarten services.

15 * * * Effective Dates * * *

16 Sec. 21. EFFECTIVE DATES

17 (a) This section, Secs. 1–7, 9–13, 16, 18, and 20 shall take effect on
18 passage.

19 (b) Sec. 8 (State-placed students) shall take effect beginning with the
20 2017–2018 school year.

1 (c) Secs. 14–15 (criminal record checks) shall take effect on passage and
2 shall apply to persons hired or contracted with after June 30, 2017 and to
3 persons who apply for or renew a teaching or child care provider license after
4 June 30, 2017.

5 (d) Sec. 17 (surety bond; postsecondary institutions) shall take effect on
6 October 1, 2017.

7 (e) Sec. 19 (small school support) shall take effect on July 1, 2019, and
8 shall apply to grants made in fiscal year 2020 and after.

9

10

11 (Committee vote: _____)

12

13

Representative _____

14

FOR THE COMMITTEE