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**HOUSE PROPOSAL OF AMENDMENT**  
**COMPOSITE**  
**(The Very Very Unofficial Version)**

\* \* \* 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;

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

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

4           (5) an approved education program;

5           (6) an independent school in another state ~~or country~~ that is approved  
6 under the laws of that state or country, nor shall payment; provided, however,  
7 that the state is contiguous to Vermont;

8           (7) a public or independent school in the Province of Quebec approved  
9 under the laws of Canada; or

10          (8) a school to which a student on an individualized education plan has  
11 been referred or placed by the student's individualized education plan team or  
12 local education agency.

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

15          (c) Unless otherwise provided, a person who is aggrieved by a decision of a  
16 school board relating to eligibility for tuition payments, the amount of tuition  
17 payable, or the school he or she may attend, may appeal to the State Board and  
18 its decision shall be final.

19          Sec. 3. TRANSITION

20          Notwithstanding any provision to the contrary in Sec. 2 of this act, a school  
21 district that is required to pay tuition on behalf of a student under this title shall

1 pay tuition on behalf of the student notwithstanding the fact that the school is  
2 located in another country or in a state that is not contiguous to Vermont if the  
3 student attended that school during the 2017-2018 school year or is enrolled at  
4 that school as of July 1, 2018 for the 2018-2019 school year; provided,  
5 however, that tuition shall be paid for not more than four years after enactment  
6 of this act.

7 \* \* \* Elections \* \* \*

8 Sec. 4. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

9 (a) Notwithstanding any provision of law to the contrary, the election of a  
10 director on the board of a unified union school district who is to serve on the  
11 board after expiration of the term for an initial director shall be held at the  
12 unified union school district's annual meeting unless otherwise provided in the  
13 district's articles of agreement.

14 (b) Notwithstanding any provision of law to the contrary, if a vacancy  
15 occurs on the board of a unified union school district and the vacancy is in a  
16 seat that is allocated to a specific town, the clerk of the unified union district  
17 shall immediately notify the selectboard of the town. Within 30 days after the  
18 receipt of that notice, the unified union school district board, in consultation  
19 with the selectboard, shall appoint a person who is otherwise eligible to serve  
20 as a member of the unified union school district board to fill the vacancy until

1 an election is held at an annual or special meeting, unless otherwise provided  
2 in accordance with the unified union school district's articles of agreement.

3 (c) Notwithstanding any provision of law to the contrary, the clerk,  
4 treasurer, and moderator of a unified union school district elected at an annual  
5 meeting shall enter upon their duties on July 1 following their election and  
6 shall serve a term of up to three years or until their successors are elected and  
7 qualified, except that if the voters at an annual meeting so vote, moderators  
8 elected at an annual meeting shall assume office upon election and shall serve  
9 for a term of up to three years or until their successors are elected and  
10 qualified.

11 (d) This section is repealed on July 1, 2020.

12 Sec. 5. 16 V.S.A. § 706k is amended to read:

13 § 706k. ELECTION OF DISTRICT OFFICERS

14 (a)(1) A school director representing a member district who is to serve on  
15 the union school district board after the expiration of the terms provided for  
16 school directors in the final report shall be elected by that member district at an  
17 annual or special meeting. ~~Such~~ The election shall be by Australian ballot in  
18 those member districts that so elect their town school district directors. School  
19 directors elected at an annual meeting shall assume office upon election and  
20 shall serve a term of three years or until their successors are elected and  
21 qualified.



1 related federal funding. On or before December 1, 2018, the Secretaries and  
2 the Commissioner shall jointly submit a written report to the House  
3 Committees on Corrections and Institutions and on Education and to the Senate  
4 Committees on Education and on Institutions with viable options for testing all  
5 schools for radon and for funding the mitigation of elevated radon  
6 concentrations in schools.

7 Sec. 7. PILOT; RADON TESTING IN SCHOOLS

8 The Commissioner of Health shall establish a pilot program to test schools  
9 in five supervisory unions for elevated concentrations of radon during the  
10 2018–2019 school year with the goal of testing 30 schools. Schools that have  
11 been tested for radon within the previous five years need not be retested. The  
12 Agency of Education, in collaboration with the Department of Health, shall  
13 seek supervisory unions to volunteer for the pilot program.

14 \* \* \* Technical Correction \* \* \*

15 Sec. 8. 16 V.S.A. § 4015 is amended to read:

16 § 4015. SMALL SCHOOL SUPPORT

17 (a) In this section:

18 \* \* \*

19 (2) “Enrollment” means the number of students who are enrolled in a  
20 school operated by the district on October 1. A student shall be counted as one

1 whether the student is enrolled as a full-time or part-time student. Students  
2 enrolled in prekindergarten programs shall not be counted.

3 \* \* \*

4 \* \* \* Prekindergarten Education \* \* \*

5 Sec. 9. 16 V.S.A. § 829 is amended to read:

6 § 829. PREKINDERGARTEN EDUCATION

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

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

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

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

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

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

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

7           (B) “Prequalified public provider” does not mean a school district  
8           that contracts with a prequalified private provider for the provision of  
9           prekindergarten education services.

10          (b) Access to publicly funded prekindergarten education.

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

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

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

21           (i) a prequalified private provider; or



1           (ii) a prequalified public school provider that operates a  
2           prekindergarten program ~~that has been prequalified pursuant to subsection (e)~~  
3           ~~of this section~~ located outside the district; or

4           (B) if the school district of residence is a prequalified public  
5           provider, enroll the child in the prekindergarten education program that it  
6           operates.

7           (3) If requested by the parent or guardian of a prekindergarten child, the  
8           school district of residence shall pay tuition to a prequalified ~~program operated~~  
9           ~~by a private provider or a public school in another district~~ private provider or a  
10           prequalified public provider that operates a prekindergarten program located  
11           outside the district even if the district of residence is a prequalified public  
12           provider that operates a prekindergarten education program.

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

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

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

14 (A) Having:

15 (i) National Association for the Education of Young Children

16 (NAEYC) accreditation; or

17 ~~(B)~~(ii) at least four stars in the Department for Children and

18 Families' STARS system ~~with a plan to get to at least two points in each of the~~

19 ~~five arenas; or~~

20 (C) ~~three stars in the STARS system if the provider has developed a~~

21 ~~plan, approved by the Commissioner for Children and Families and the~~

1 ~~Secretary of Education, to achieve four or more stars with at least two points in~~  
2 ~~each of the five arenas in no more than three years, and the provider has met~~  
3 ~~intermediate milestones.~~

4 (B) For a:

5 (i) private provider that is regulated as a center-based child care  
6 program, employing or contracting for the services of at least one licensed  
7 professional educator with an endorsement in early childhood education or in  
8 early childhood special education under chapter 51 of this title who is present  
9 at the private provider's program site during the hours that are publicly  
10 funded; or

11 (ii) private provider that is regulated as a family child care home  
12 that is not licensed and endorsed in early childhood education or early  
13 childhood special education, employing or contracting for the services of at  
14 least one licensed professional educator with an endorsement in early  
15 childhood education or in early childhood special education under chapter 51  
16 of this title for at least three hours per week during each of the 35 weeks per  
17 year in which prekindergarten education is paid for with publicly funded  
18 tuition to provide regular, active supervision and training of the private  
19 provider's staff.

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

1            (A) employing or contracting for the services of at least one teacher  
2 ~~who is licensed and endorsed~~ licensed professional educator with an  
3 endorsement in early childhood education or in early childhood special  
4 education under chapter 51 of this title to provide direct instruction during the  
5 hours that are publicly funded; and

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

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

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

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

1 implemented by the ~~Agencies~~ Agency of Education and ~~of Human Services~~. A  
2 district shall pay tuition upon:

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

6 (B) concurrent enrollment of the prekindergarten child in the district  
7 of residence for purposes of budgeting and determining average daily  
8 membership.

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

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

18 (4) A prequalified private provider may receive additional payment  
19 directly from the parent or guardian only for prekindergarten education in  
20 excess of the hours paid for by the district pursuant to this section or for child  
21 care services, or both. The prequalified private provider is not bound by the

1 statewide rate established in this subsection when determining the rates it will  
2 charge the parent or guardian for these excess hours. A prequalified private  
3 provider shall not impose additional fees for the publicly funded hours.

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

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

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

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

3           (4) To establish a process by which:

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

8                 (B) a district:

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

13                     (ii) enters into an agreement with any provider to which it will pay  
14 tuition regarding quality assurance, transition, and any other matters;  
15 agreements entered into for the 2019-2020 school year and future school years  
16 shall be in a form prescribed by the Secretary of Education; and

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

20           (5) To establish a process to calculate an annual statewide tuition rate  
21 that is based upon the actual cost of delivering ten hours per week of

1 prekindergarten education that meets all ~~established~~ required quality standards  
2 and to allow for regional adjustments to the rate.

3 (6) [Repealed.]

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

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

11 (9) To provide an administrative process for:

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

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

18 (10) To establish a system by which the Agency of Education ~~and~~  
19 ~~Department for Children and Families~~ shall ~~jointly~~ monitor and evaluate  
20 prekindergarten education programs to promote optimal results for children  
21 that support the relevant population-level outcomes set forth in 3 V.S.A.



1 § 2311 and to collect data that will inform future decisions. The Agency ~~and~~  
2 ~~Department~~ shall be required to report annually to the General Assembly in  
3 January. At a minimum, the system shall monitor and evaluate:

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

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

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

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

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

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

18 (12) To establish health, safety, and quality requirements for prequalified  
19 public providers that are consistent with the Child Care Licensing Regulations  
20 adopted by the Agency of Human Services and are monitored annually by the  
21 Agency of Education.

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

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

7 (h) Geographic limitations.

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

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

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

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

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

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

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

1 Sec. 10. 16 V.S.A. § 4010 is amended to read:

2 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

3 (a) On or before the first day of December during each school year, the  
4 Secretary shall determine the average daily membership of each school district  
5 for the current school year. The determination shall list separately:

6 (1) resident prekindergarten children;

7 (2) resident students being provided elementary ~~or kindergarten~~  
8 education, excluding prekindergarten children; and

9 (3) resident students being provided secondary education.

10 \* \* \*

11 (c) The Secretary shall determine the weighted long-term membership for  
12 each school district using the long-term membership from subsection (b) of  
13 this section and the following weights for each class:

14 (1) ~~Prekindergarten~~ except as otherwise provided in this subsection,  
15 prekindergarten—0.46;

16 (2) for a resident child enrolled in a prekindergarten program offered by  
17 a prequalified public provider, as defined in section 829(a) of this title, that is  
18 the district of residence with a duration of 20 hours or more per week for 35  
19 weeks annually—0.70;

20 (3) ~~Elementary or elementary,~~ excluding prekindergarten—1.0; and

21 (4) ~~Secondary~~ secondary—1.13

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\* \* \*

Sec. 11. 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. 12. 16 V.S.A. § 11 is amended to read:

§ 11. CLASSIFICATIONS AND DEFINITIONS

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

2 \* \* \*

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

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

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

16 \* \* \*

17 Sec. 13. PREKINDERGARTEN TRANSITION

18 Until such time as the State Board of Education implements rules that  
19 establish health, safety, and quality requirements for prequalified public  
20 providers under Sec. 9 of this act, prequalified public providers shall be subject  
21 to the health, safety, and quality rules adopted by the Agency of Human

1 Services and the oversight by the Agency of Human Services in its  
2 enforcement of these rules.

3 \* \* \* Educator Licensing Requirements \* \* \*

4 Sec. 14. EDUCATOR LICENSURE REQUIREMENTS

5 (a) The Vermont Standards Board for Professional Educators shall consider  
6 whether the educator licensure and endorsement requirements are appropriate  
7 or should be updated. As part of its review, the Board shall consider whether  
8 the use by a school of a school-based teacher quality and performance  
9 measurement program approved by the New England Association of Schools  
10 and Colleges, or examinations offered by the Smarter Balanced Assessment  
11 Consortium, should be used as criteria to qualify for licensure and  
12 endorsement. On or before December 1, 2018, the Board shall report its  
13 findings and recommendations to the House and Senate Committees on  
14 Education.

15 (b) As part of its review under subsection (a) of this section, the Vermont  
16 Standards Board for Professional Educators shall consider whether the  
17 educator licensure and endorsement requirements for teachers in career  
18 technical education centers are appropriate or should be updated. After the  
19 House and Senate Committees on Education have concluded their  
20 consideration of the report of the Vermont Standards Board for Professional  
21 Educators under subsection (a) of this section, the Vermont Standards Board

1 for Professional Educators and the State Board of Education shall either update  
2 their educator licensure and endorsement rules for teachers in career technical  
3 education centers or issue a report to the House and Senate Committees on  
4 Education that they do not intend to update these rules. Until the date upon  
5 which these updated rules are implemented or the report is issued, teachers  
6 employed by career technical centers who were hired before April 1, 2018 and  
7 who do not have the licensure or endorsement that is required under applicable  
8 rules shall be exempt from these rules and any requirement to pursue licensure  
9 or endorsement under these rules.

10 (c) Notwithstanding subsection (b) of this section and any provision of law  
11 to the contrary, an employee in an approved area career technical center  
12 located in an approved independent school who was hired before April 1, 2018  
13 and who did not have the licensure or endorsement that is required under  
14 applicable rules governing career technical centers shall be exempt from these  
15 rules. An employee hired on or after April 1, 2018 shall be subject to these  
16 rules, and an employee hired before April 1, 2018 who complied with these  
17 rules shall maintain his or her licensure and endorsements as required by these  
18 rules.

19 \* \* \* Ethnic and Social Equity Standards Advisory

20 Working Group \* \* \*

21 Sec. 15. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY



1 WORKING GROUP

2 (a) Findings.

3 (1) In 1999, the Vermont Advisory Committee to the U.S. Commission  
4 on Civil Rights published a report titled Racial Harassment in Vermont Public  
5 Schools and described the state of racism in public schools. The Committee  
6 held various hearings and received reports from stakeholders and concluded  
7 that “racial harassment” appeared “pervasive in and around the State’s public  
8 schools,” and observed that “the elimination of this harassment” was “not a  
9 priority among school administrators, school boards, elected officials, and  
10 State agencies charged with civil rights enforcement.”

11 (2) In 2003, the Commission released a follow-up report concluding  
12 that, although some positive efforts had been made since the original report  
13 was published, the problem persisted. One of the many problems highlighted  
14 was the “curriculum issues in the State’s public schools. In some instances,  
15 teachers employ curriculum materials and lesson plans that promote racial  
16 stereotypes.” One of the conclusions was that there was a need for a bias-free  
17 curriculum.

18 (3) On December 2017, the Act 54 report on Racial Disparities in State  
19 Systems, issued by the Attorney General and Human Rights Commission Task  
20 Force, was released. According to the report, education is one of the five State  
21 systems in which racial disparities persist and need to be addressed. The

1 Attorney General and Human Rights Commission held three stakeholder  
2 meetings and found “a surprising amount of coalescence around the most  
3 important issues” and “the primary over-arching theme was that we will be  
4 able to reduce racial disparities by changing the underlying culture of our state  
5 with regard to race.” One of the main suggestions for accomplishing this was  
6 to “teach children from an integrated curriculum that fairly represents both the  
7 contributions of People of Color (as well as indigenous people, women, people  
8 with disabilities, etc.), while fairly and accurately representing our history of  
9 oppression of these groups.” The other suggestions were to educate State  
10 employees about implicit bias, white privilege, white fragility, and white  
11 supremacy, and increase the representation of people of color in the State and  
12 school labor forces by focusing on recruitment, hiring, and retention, as well as  
13 promotion of people of color into positions of authority and responsibility on  
14 boards and commissions.

15 (4) The harassment of lesbian, gay, bisexual, transgender, queer,  
16 questioning, intersex, asexual, and nonbinary communities; other students of  
17 color; and students with disabilities and the lack of understanding of people in  
18 power about the magnitude of the systemic impacts of harassment and bias  
19 damage the whole community.

20 (b) Definitions. As used in this act:

1           (1) “Ethnic groups” means nondominant racial and ethnic groups in the  
2           United States, including people who are indigenous and people of African,  
3           Asian, Pacific Island, Chicanx, Latinx, or Middle Eastern descent.

4           (2) “Ethnic studies” means the instruction of students in prekindergarten  
5           through grade 12 in the historical contributions and perspectives of ethnic  
6           groups and social groups.

7           (3) “Social groups” means females, people with disabilities, immigrants,  
8           refugees, and individuals who are lesbian, gay, bisexual, transgender, queer,  
9           questioning, intersex, asexual, or nonbinary.

10           (c) Creation and composition. The Ethnic and Social Equity Standards  
11           Advisory Working Group is established. The Working Group shall comprise  
12           the following 17 members:

13           (1) eight members who are members of, and represent the interests of,  
14           ethnic groups and social groups;

15           (2) a Vermont-based, college-level faculty expert in ethnic studies;

16           (3) the Secretary of Education or designee;

17           (4) the Executive Director of the Vermont-National Education  
18           Association or designee;

19           (5) an Assistant Attorney General in the Office of the Vermont Attorney  
20           General with experience working with the Agency of Education on racial and  
21           social justice issues in schools;

1           (6) the Executive Director of the Vermont School Boards Association or  
2           designee;

3           (7) a representative for the Vermont Principals' Association with  
4           expertise in the development of school curriculum;

5           (8) a representative for the Vermont Curriculum Leaders Association;

6           (9) the Executive Director of the Vermont Superintendents Association  
7           or designee; and

8           (10) the Executive Director of the Vermont Independent Schools'  
9           Association or designee.

10          (d) Appointment and operation.

11           (1) The Vermont Coalition for Ethnic and Social Equity in Schools  
12           (Coalition) shall appoint the eight members who represent ethnic groups and  
13           social groups and the member identified under subdivision (c)(2) of this  
14           section. Appointments of members to fill vacancies to these positions shall be  
15           made by the Coalition.

16           (2) As a group, the Working Group shall represent the breadth of  
17           geographic areas within the State and shall have experience in the areas of  
18           ethnic standards or studies, social justice, inclusivity, and advocacy for the  
19           groups they represent.

20           (3)(A) The Secretary of Education or designee shall call the first  
21           meeting of the Working Group to occur on or before September 1, 2018.

1           (B) The Working Group shall select a chair from among its members  
2           at the first meeting.

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

4           (D) The Working Group shall cease to exist on July 1, 2021.

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

11          (f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of  
12          Education from the General Fund for fiscal year 2019 for the per diem  
13          compensation and expense reimbursements authorized by this section to be  
14          paid to the members of the Ethnic and Social Equity Standards Advisory  
15          Working Group. The Agency shall include in its budget request to the General  
16          Assembly for fiscal years 2020 and 2021 the amount of \$13,420.00 for the per  
17          diem compensation and expense reimbursements authorized by this section to  
18          be paid to members of the Working Group.

19          (g) Duties of the Working Group.

20                 (1) The Working Group shall review statewide curriculum standards  
21                 adopted by the State Board of Education and, on or before June 30, 2020,

1 recommend to the State Board updates and additional standards to recognize  
2 fully the history, contribution, and perspectives of ethnic groups and social  
3 groups. These recommended additional standards shall be designed to:

4 (A) increase cultural competency of students in prekindergarten  
5 through grade 12;

6 (B) increase attention to the history, contribution, and perspectives of  
7 ethnic groups and social groups;

8 (C) promote critical thinking regarding the history, contribution, and  
9 perspectives of ethnic groups and social groups;

10 (D) commit the school to eradicating any racial bias in its curriculum;

11 (E) provide, across its curriculum, content and methods that enable  
12 students to explore safely questions of identity, race equality, and racism; and

13 (F) ensure the basic curriculum and extracurricular programs are  
14 welcoming to all students and take into account parental concerns about  
15 religion or culture.

16 (2) The Working Group may review all existing State statutes regarding  
17 school policies and recommend to the General Assembly proposed statutory  
18 changes with the following goals:

19 (A) Ensuring that the school curriculum:

20 (i) promotes critical thinking regarding the history, contribution,  
21 and perspectives of ethnic groups and social groups;

1                   (ii) includes content and related instructional materials and  
2                   methods that enable students to explore safely questions of identity and  
3                   membership in ethnic groups and social groups, race equality, and racism; and

4                   (iii) facilitates a welcoming environment for all students while  
5                   taking into account parental concerns about bias or exclusion of ethnic groups  
6                   or social groups.

7                   (B) Ensuring engagement opportunities that provide families a  
8                   welcoming means of raising any concern about their child’s experience as it  
9                   bears on race or ethnic or social group identity at school.

10                  (3) The Working Group shall include in its report to the General  
11                  Assembly under subdivisions (h)(2) and (3) of this section any statute, State  
12                  Board rule, or school district policy that it has identified as needing review or  
13                  amendment in order to:

14                  (A) promote an overarching focus on preparing all students to  
15                  participate effectively in an increasingly racially, culturally, and socially  
16                  diverse Vermont and in global communities;

17                  (B) ensure every student is in a safe, secure, and welcoming learning  
18                  and social environment in which bias, whether implicit or explicit, toward  
19                  others based on their membership in ethnic or social groups is acknowledged  
20                  and addressed appropriately;

1           (C) challenge racist, sexist, gender, or ability-based bias or bias based  
2           on socioeconomic status when it occurs, using principles aligned with  
3           restorative practice;

4           (D) specify prohibited conduct as it relates to racism, sexism,  
5           ableism, and other social biases and refers to the process through which alleged  
6           misconduct will be addressed, including disciplinary action as appropriate;

7           (E) establish disciplinary responses to racial or ethnic and social  
8           group incidents that include the utilization of restorative practices where  
9           appropriate; and

10           (F) ensure that the school provides all its personnel training in how  
11           best to address bias incidents.

12           (h) Reports.

13           (1) The Working Group shall, on or before March 1, 2019, submit a  
14           report to the General Assembly that includes:

15           (A) the membership of the Working Group and its meeting schedule;

16           (B) its plan to accomplish the work described in subdivision (g)(1) of  
17           this section, including the timeline for reviewing all statewide curriculum  
18           standards and for its recommendation to the State Board of additional  
19           standards to recognize fully the history, contribution, and perspectives of  
20           ethnic groups and social groups; and



1           (C) its plan to accomplish the work described in subdivisions (g)(2)  
2           and (3) of this section, including the timeline for reviewing all existing State  
3           statutes regarding school policies and drafting proposed legislation.

4           (2) The Working Group shall, on or before December 15, 2019, submit a  
5           report to the General Assembly, including:

6           (A) the membership of the Working Group and its meeting schedule;

7           (B) recommended statutory changes under subdivisions (g)(2) and (3)  
8           of this section; and

9           (C) recommendations for training and appropriations to support  
10           implementation of the recommended statutory changes.

11           (3) The Working Group shall, on or before July 1, 2021, submit a report  
12           to the General Assembly, including:

13           (A) any further recommended statutory changes under subdivision  
14           (g)(2) of this section; and

15           (B) recommendations for training and appropriations to support  
16           implementation of the recommended changes.

17           (i) Duties of the State Board of Education. The Board of Education shall,  
18           on or before June 30, 2021, consider adopting ethnic and social equity studies  
19           standards into existing statewide curriculum standards for students in  
20           prekindergarten through grade 12. The State Board shall consider the report

1 submitted by the Working Group under subdivision (g)(1) of this section when  
2 determining the standards to adopt.

3 Sec. 16. 16 V.S.A. § 164 is amended to read:

4 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

5 The State Board shall evaluate education policy proposals, including timely  
6 evaluation of policies presented by the Governor and Secretary; engage local  
7 school board members and the broader education community; and establish  
8 and advance education policy for the State of Vermont. In addition to other  
9 specified duties, the Board shall:

10 \* \* \*

11 (17) Report annually on the condition of education statewide and on a  
12 ~~school-by-school~~ supervisory union and school district basis. The report shall  
13 include information on attainment of standards for student performance  
14 adopted under subdivision (9) of this section, number and types of complaints  
15 of harassment, hazing, or bullying made pursuant to chapter 9, subchapter 5 of  
16 this title and responses to the complaints, financial resources and expenditures,  
17 and community social indicators. The report shall be organized and presented  
18 in a way that is easily understandable by the general public and that enables  
19 each school, school district, and supervisory union to determine its strengths  
20 and weaknesses. To the extent consistent with State and federal privacy laws  
21 and regulations, data on student performance and hazing, harassment, or

1 bullying incidents shall be disaggregated by student groups, including ethnic  
2 and racial groups, poverty status, disability status, English language learner  
3 status, and gender. The Secretary shall use the information in the report to  
4 determine whether students in each school, school district, and supervisory  
5 union are provided educational opportunities substantially equal to those  
6 provided in other schools, school districts, and supervisory unions pursuant to  
7 subsection 165(b) of this title.

8 \* \* \*

9 \* \* \* Expanded Learning Opportunities \* \* \*

10 Sec. 17. 16 V.S.A. chapter 100 is added to read:

11 CHAPTER 100. EXPANDED LEARNING OPPORTUNITIES

12 § 2911. DEFINITIONS

13 As used in this title:

14 (1) “Expanded Learning Opportunity (ELO)” means a structured  
15 program designed to serve prekindergarten through secondary school-aged  
16 children and youths outside the school day and year on a regular basis,  
17 including before and after school and during the summer, by providing  
18 opportunities for personal, emotional, and academic growth for children and  
19 youths.

20 (2) “ELO Committee” means the Expanded Learning Opportunities  
21 Committee created by section 2912 of this chapter.

1           (3) “ELO Special Fund” means the Vermont Expanded Learning  
2           Opportunities Special Fund, under section 2913 of this chapter.

3           § 2912. EXPANDED LEARNING OPPORTUNITIES COMMITTEE;

4                   REPORT

5           (a) Creation; membership. There is created the Expanded Learning  
6           Opportunities Committee, to be composed of the following 10 members:

7                   (1) the Secretary of Education or designee;

8                   (2) the Commissioner for Children and Families or designee;

9                   (3) the Commissioner of Labor or designee;

10                  (4) the Director of Vermont Afterschool, Inc. or designee;

11                  (5) one member representing private foundations or Vermont’s

12           philanthropic community, one member representing the business community,

13           and one member representing the education community, appointed by the

14           Prekindergarten-16 Council; and

15                  (6) three members representing ELO programs that have been in  
16           operation since on or before July 1, 2017, with one member to be appointed  
17           each by the Governor, the Speaker of the House, and the Committee on  
18           Committees.

19           (b) Duties. The Committee shall:

20                  (1) recommend to the Agency of Education grants to be awarded from  
21           the ELO Special Fund; and

1           (2) work with the philanthropic and business communities in Vermont  
2           to pursue and accept grants or other funding from any public or private source  
3           for the ELO Special Fund.

4           (c) Terms. ELO Committee members shall serve, commencing on  
5           January 1, three-year terms or until the member's earlier resignation or  
6           removal. An ELO Committee member may be appointed prior to January 1,  
7           2019, in which case the initial term of that member shall extend to January 1,  
8           2022. The respective appointing authority shall fill a vacancy for the  
9           remainder of any unexpired term. An appointed member shall not serve more  
10           than three full consecutive terms.

11           (d) Officers; subcommittees; rules. The ELO Committee shall elect a  
12           chair from among its members. It may elect other officers, establish  
13           subcommittees, and adopt procedural rules as it determines necessary and  
14           appropriate to perform its work.

15           (e) Quorum; voting; meetings.

16           (1) A majority of all members shall constitute a quorum.

17           (2) Action is taken by the ELO Committee if authorized by a majority of  
18           the members present and voting at any regular or special meeting at which a  
19           quorum is present.

20           (3) The ELO Committee may permit any or all members to participate  
21           in a regular or special meeting by, or conduct the meeting through the use of,

1 any means of electronic communication by which all members participating  
2 may simultaneously or sequentially communicate with each other during the  
3 meeting. A member participating in a meeting by this means is deemed to be  
4 present in person at the meeting.

5 (4) On or before September 1, 2018, the Secretary of Education or  
6 designee shall convene the first meeting of the ELO Committee.

7 (f) Administrative support. The Agency of Education shall provide  
8 administrative support to the ELO Committee.

9 (g) Compensation, reimbursement, and appropriations. Members of the  
10 Committee who are not employees of the State of Vermont and who are not  
11 otherwise compensated or reimbursed for their attendance shall be entitled to  
12 per diem compensation and reimbursement of expenses pursuant to 32 V.S.A.  
13 § 1010 for not more than six meetings per year. The sum of \$4,392.00 is  
14 appropriated to the Agency of Education from the General Fund in fiscal year  
15 2019 for the per diem compensation and expense reimbursements authorized  
16 by this section to be paid to these members of the Committee. The Agency  
17 shall include in its budget request to the General Assembly for each subsequent  
18 fiscal year the amount of \$4,392.00 for the per diem compensation and  
19 expense reimbursements authorized by this section to be paid to these members  
20 of the Committee.

1        (h) Report. Notwithstanding 2 V.S.A. § 20(d), the ELO Committee shall  
2        report to the House and Senate Committees on Education and on  
3        Appropriations on or before January 15 annually regarding the ELO  
4        Committee’s activities, including:

5                (1) its recommendations to improve access to expanded learning  
6                opportunities for children and youths from families with low income where  
7                expanded learning opportunities are not readily available;

8                (2) its recommendations to build workforce readiness skills in the fields  
9                of science, technology, engineering, and mathematics; and

10               (3) the extent to which transportation is a barrier to expanded learning  
11               opportunities.

12               (i) Sunset. This section is repealed on July 1, 2023.

13        § 2913: VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
14        FUND

15               (a) There is established the Vermont Expanded Learning Opportunities  
16               Special Fund comprising grants, donations, and contributions from any private  
17               or public source. Monies in the ELO Special Fund shall be available to the  
18               Agency of Education for the purpose of increasing access to ELOs throughout  
19               Vermont. The Commissioner of Finance and Management may draw warrants  
20               for disbursements from the Fund in anticipation of receipts. The Fund shall be  
21               administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest

1 earned and any remaining balance at the end of the fiscal year shall be retained  
2 and carried forward in the Fund.

3 (b) The Agency of Education shall report annually in its budget presentation  
4 to the House and Senate Committees on Education and on Appropriations on  
5 the number and amount of ELO grants disbursed and the geographic locations  
6 of the recipients.

7 Sec. 18. 16 V.S.A. § 2906 is amended to read:

8 § 2906. ~~VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL~~  
9 ~~FUND ESTABLISHED~~

10 ~~(a) As used in this section, “Expanded Learning Opportunity” means a~~  
11 ~~structured program designed to serve prekindergarten through secondary~~  
12 ~~school-age children and youth outside the school day and year on a regular~~  
13 ~~basis, including before and after school and during the summer, by providing~~  
14 ~~opportunities for personal, emotional, and academic growth for children and~~  
15 ~~youth.~~

16 ~~(b) There is established a Vermont Expanded Learning Opportunities~~  
17 ~~Special Fund comprising grants, donations, and contributions from any private~~  
18 ~~or public source. Monies in the Fund shall be available to the Agency for the~~  
19 ~~purpose of increasing access to expanded learning opportunities throughout~~  
20 ~~Vermont. The Commissioner of Finance and Management may draw warrants~~  
21 ~~for disbursements from this Fund in anticipation of receipts. The Fund shall be~~



1 ~~administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest~~  
2 ~~earned and any remaining balance at the end of the fiscal year shall be retained~~  
3 ~~and carried forward in the Fund. [Repealed.]~~

4 \* \* \* Postsecondary Educational Institutions; Closing \* \* \*

5 Sec. 19. 16 V.S.A. § 175 is amended to read:

6 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

11 (1) promptly inform the State Board;

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

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

18 \* \* \*

19 (d) When an institution of higher education is unable or unwilling to  
20 comply substantially with the record preparation and delivery requirements of  
21 subsection (a) of this section, the State Board shall bring an action in Superior

1 Court to compel compliance with this section, and may in a proper case obtain  
2 temporary custody of the records.

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

13 \* \* \*

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

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

20 ~~(2) contribute on an equitable basis and in a manner determined in the~~  
21 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~

1 ~~selected by AVIC maintaining the records of a member college that fails to~~  
2 ~~comply with the requirements of subsection (a) of this section.~~ If an institution  
3 of higher education is placed on probation for financial reasons by its  
4 accrediting agency, the institution shall, not later than two days after learning  
5 that it has been placed on probation, inform the State Board of Education of its  
6 status, and not later than 90 days after being place on probation, shall submit a  
7 student record plan to the State Board for approval.

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

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

14 \* \* \* Statewide Negotiation of Health Care Benefits  
15 for School Employees \* \* \*

16 Sec. 20. STUDY COMMITTEE ON STATEWIDE NEGOTIATION OF  
17 HEALTH CARE BENEFITS FOR SCHOOL EMPLOYEES

18 (a) The Study Committee on Statewide Negotiation of Health Care Benefits  
19 for School Employee (Committee) is created to determine how to transition to  
20 a single, statewide health benefit plan for all school employees of supervisory  
21 unions and school districts.

1           (b)(1) The Committee shall comprise the following six members:

2                   (A) three current members of the House of Representatives, not all  
3           from the same political party, who shall be appointed by the Speaker of the  
4           House of Representatives; and

5                   (B) three current members of the Senate, not all from the same  
6           political party, who shall be appointed by the Committee on Committees.

7                   (2) If a member of the Committee ceases to serve as a member of the  
8           General Assembly, a replacement appointee who is a member of the General  
9           Assembly shall be appointed in the same manner as the initial appointment.

10           (c) The Committee shall propose draft legislation that addresses the  
11           following matters concerning the transition to a single, statewide health benefit  
12           plan for all school employees of supervisory unions and school districts:

13                   (1) the structure and composition of parties to a statewide negotiation;

14                   (2) a timeline for negotiations and impasse procedures;

15                   (3) a process for statewide ratification of the agreement resulting from  
16           the statewide negotiation; and

17                   (4) how income sensitization will be decided as part of the negotiations.

18           (d) The Committee's draft legislation shall include a requirement that any  
19           fact-finding required for impasse resolution shall give weight to:

20                   (1) the financial capacity of the school district;

1           (2) the interest and welfare of the public and the financial ability of the  
2           school board to pay for increased costs of public services, including the cost of  
3           labor;

4           (3) comparisons of the wages, hours, and conditions of employment of  
5           the employees involved in the dispute with the wages, hours, and conditions of  
6           employment of State and municipal employees who are not employed by  
7           supervisory unions or school districts;

8           (4) the overall compensation currently received by the employees,  
9           including direct wages, fringe benefits, and continuity conditions and stability  
10          of employment, and all other benefits received; and

11          (5) the rate of growth of the economy of the State of Vermont for the  
12          year of negotiation as well as during the prior three-year period.

13          (e)(1) The Committee shall consult with the Secretary of Education and the  
14          Vermont Education Health Initiative as necessary.

15          (2) The Committee shall have the administrative, technical, and legal  
16          assistance of the Office of Legislative Council.

17          (f) On or before December 15, 2018, the Committee shall provide its  
18          proposed legislation to the House Committees on Education, on General,  
19          Housing, and Military Affairs, and on Ways and Means and the Senate  
20          Committees on Education, on Economic Development, Housing and General  
21          Affairs, and on Finance.

1       (g) The Speaker of the House shall call the first meeting of the Committee  
2       to occur on or before July 1, 2018. The Committee shall select a chair from  
3       among its members at the first meeting. A majority of the membership shall  
4       constitute a quorum. The Committee shall cease to exist on December 16,  
5       2018.

6       (h) As used in this section, “supervisory union” and “school district” shall  
7       have the same meanings as set forth in 16 V.S.A. § 11.

8               \* \* \* Mitigating Trauma and Toxic Stress During Childhood \* \* \*

9       Sec. 21. 16 V.S.A. § 2902 is amended to read:

10       § 2902. TIERED SYSTEM OF SUPPORTS AND EDUCATIONAL  
11               SUPPORT TEAM

12   \* \* \*

13       (b) The tiered system of supports shall:

14               (1) be aligned as appropriate with the general education curriculum;

15               (2) be designed to enhance the ability of the general education system to  
16       meet the needs of all students;

17               (3) be designed to provide necessary supports promptly, regardless of an  
18       individual student’s eligibility for categorical programs;

19               (4) seek to identify and respond to students in need of support for at-risk  
20       behaviors and to students in need of specialized, individualized behavior  
21       supports; ~~and~~

1 (5) provide all students with a continuum of evidence-based and  
2 research-based behavior practices, including trauma-sensitive programming,  
3 that teach and encourage prosocial skills and behaviors schoolwide;

4 (6) promote collaboration with families, community supports, and the  
5 system of health and human services; and

6 (7) provide professional development as needed to support all staff in  
7 implementing the system.

8 (c) The educational support team for each public school in the district shall  
9 be composed of staff from a variety of teaching and support positions and  
10 shall:

11 (1) Determine which enrolled students require additional assistance to  
12 be successful in school or to complete secondary school based on indicators set  
13 forth in guidelines developed by the Secretary, such as academic progress,  
14 attendance, behavior, or poverty. The educational support team shall pay  
15 particular attention to students during times of academic or personal transition  
16 and to those students who have been exposed to trauma.

17 \* \* \*

18 Sec. 22. 16 V.S.A. § 2904 is amended to read:

19 § 2904. REPORTS

20 Annually, each superintendent shall report to the Secretary in a form  
21 prescribed by the Secretary, on the status of the ~~educational support systems~~

1 multi-tiered system of supports in each school ~~in the supervisory union~~. The  
2 report shall describe the services and supports that are a part of the ~~education~~  
3 ~~support system~~ multi-tiered system of supports, how they are funded, and how  
4 building the capacity of the ~~educational support system~~ multi-tiered system of  
5 supports has been addressed in the ~~school action plans~~, school's continuous  
6 improvement plan and professional development and shall be in addition to the  
7 report required of the ~~educational support~~ multi-tiered system of supports team  
8 in subdivision 2902(c)(6) of this chapter. The superintendent's report shall  
9 include a description and justification of how funds received due to Medicaid  
10 reimbursement under section 2959a of this title were used.

11 Sec. 23. ALIGNMENT OF DESIGNATED AND SPECIALIZED

12 SERVICE AGENCIES WITH SUPERVISORY UNIONS

13 The Agencies of Education and of Human Services shall discuss areas of  
14 geographical overlap to better coordinate the provision of their respective  
15 services. The Agencies shall jointly present the results of their efforts to the  
16 House and Senate Committees on Education on or before January 15, 2019.

17 Sec. 24. SCHOOL NURSES; HEALTH-RELATED BARRIERS TO

18 LEARNING

19 On or before September 1, 2018, the Agency of Human Services' Director  
20 of Prevention and Health Improvement shall coordinate with the Vermont  
21 State School Nurse Consultant and with the Agency of Education



1 systematically to support local education agencies, school administrators, and  
2 school nurses in ensuring that all students' health appraisal forms are  
3 completed on an annual basis to enable school nurses to identify students'  
4 health-related barriers to learning.

5 \* \* \* Effective Dates \* \* \*

6 Sec. 25. EFFECTIVE DATES

7 (a) Secs. 8 (Technical Correction) shall take effect July 1, 2019. Secs. 9,  
8 11, and 12 (Prekindergarten Education) shall take effect on July 1, 2019 for the  
9 2019-2020 school year and future school years.

10 (b) Sec. 10, which increases the weighting from 0.46 to 0.70 for a resident  
11 child enrolled in a public prekindergarten program with a duration of 20 hours  
12 or more per week for 35 weeks annually, shall take effect July 1, 2020 in order  
13 to provide sufficient time to determine how to better ensure equity and access  
14 to publicly funded hours across the private and public prekindergarten delivery  
15 systems.

16 (c) This section and the remaining sections shall take effect on passage, and  
17 Secs. 4(c) and 5 shall apply to the subsequent election of district officers of a  
18 unified union school district or a union school district.

19

20

1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Representative \_\_\_\_\_

4

FOR THE COMMITTEE