

# Journal of the House

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Thursday, January 31, 2019

At one o'clock in the afternoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Rep. Lucy Rogers of Waterville, VT.

## Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

### H. 124

By Reps. Brennan of Colchester and Chase of Colchester,

House bill, entitled

An act relating to switchblade knives;

To the committee on Judiciary.

### H. 125

By Reps. Harrison of Chittenden and Cupoli of Rutland City,

House bill, entitled

An act relating to the eligibility of students attending approved independent schools that are parochial schools to be eligible for dual enrollment courses;

To the committee on Education.

### H. 126

By Reps. Cina of Burlington, O'Sullivan of Burlington, Sullivan of Burlington, Anthony of Barre City, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Fegard of Berkshire, Gonzalez of Winooski, Haas of Rochester, Hooper of Randolph, Jickling of Randolph, Kornheiser of Brattleboro, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Nicoll of Ludlow, Ralph of Hartland, Sheldon of Middlebury, Till of Jericho, Troiano of Stannard and White of Hartford,

House bill, entitled

An act relating to a zero-waste economy;

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To the committee on Natural Resources, Fish, and Wildlife.

**H. 127**

By Reps. LaLonde of South Burlington, Christie of Hartford and Forguites of Springfield,

House bill, entitled

An act relating to municipal authority to establish speed limits;

To the committee on Transportation.

**H. 128**

By Reps. Pugh of South Burlington, Brumsted of Shelburne, Gregoire of Fairfield, Haas of Rochester, McFaun of Barre Town, Nicoll of Ludlow, Noyes of Wolcott, Pajala of Londonderry, Redmond of Essex, Rosenquist of Georgia and Wood of Waterbury,

House bill, entitled

An act relating to an unused prescription drug repository program;

To the committee on Human Services.

**H. 129**

By Reps. Cina of Burlington, Christie of Hartford, Bartholomew of Hartland, Birong of Vergennes, Briglin of Thetford, Burke of Brattleboro, Campbell of St. Johnsbury, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Conlon of Cornwall, Cordes of Lincoln, Demrow of Corinth, Donovan of Burlington, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Gonzalez of Winooski, Haas of Rochester, Hooper of Randolph, Hooper of Burlington, Houghton of Essex, Howard of Rutland City, Jessup of Middlesex, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Macaig of Williston, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Mrowicki of Putney, Nicoll of Ludlow, O'Brien of Tunbridge, O'Sullivan of Burlington, Page of Newport City, Partridge of Windham, Patt of Worcester, Ralph of Hartland, Scheu of Middlebury, Sheldon of Middlebury, Sullivan of Burlington, Szott of Barnard, Townsend of South Burlington, Troiano of Stannard, White of Hartford, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to a universal, publicly financed primary care program for Vermont;

To the committee on Health Care.

**H. 130**

By Reps. Till of Jericho, Carroll of Bennington, LaLonde of South Burlington, Nicoll of Ludlow and Townsend of South Burlington,

House bill, entitled

An act relating to authorizing towns to increase the smoking age to 21;

To the committee on Human Services.

**H. 131**

By Reps. Till of Jericho and Townsend of South Burlington,

House bill, entitled

An act relating to banning baby bumper pads;

To the committee on Human Services.

**H. 132**

By Reps. Stevens of Waterbury, Birong of Vergennes, Carroll of Bennington, Colburn of Burlington, Conquest of Newbury, Cordes of Lincoln, Fegard of Berkshire, Grad of Moretown, Houghton of Essex, Killacky of South Burlington, Kornheiser of Brattleboro, LaLonde of South Burlington, Mrowicki of Putney, Nicoll of Ludlow, Scheu of Middlebury, Townsend of South Burlington and White of Hartford,

House bill, entitled

An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence;

To the committee on General, Housing, and Military Affairs.

**H. 133**

By Reps. Briglin of Thetford, Scheuermann of Stowe and Sibilica of Dover,

House bill, entitled

An act relating to miscellaneous energy subjects;

To the committee on Energy and Technology.

**H. 134**

By Reps. Rogers of Waterville, Cordes of Lincoln and Page of Newport City,

House bill, entitled

An act relating to providing meals to health care providers at conferences;

To the committee on Health Care.

### H. 135

By Reps. Briglin of Thetford, Scheuermann of Stowe and Sibilia of Dover,  
House bill, entitled

An act relating to the authority of the Agency of Digital Services;

To the committee on Energy and Technology.

### H. 136

By Reps. Howard of Rutland City, Birong of Vergennes, Cina of Burlington, McCormack of Burlington, Troiano of Stannard and Wood of Waterbury,

House bill, entitled

An act relating to a surcharge on income taxes;

To the committee on Ways and Means.

### Second Reading; Bill Amended; Third Reading Ordered

### H. 3

**Rep. Giambatista of Essex**, for the committee on Education, to which had been referred House bill, entitled

An act relating to ethnic and social equity studies standards for public schools

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY WORKING GROUP

##### (a) Findings.

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

(2) In 2003, the Commission released a follow-up report concluding that, although some positive efforts had been made since the original report was published, the problem persisted. One of the many problems highlighted at that time was that some curriculum materials and lesson plans promoted racial stereotypes. One of the conclusions was that there was a need for a bias-free curriculum.

(3) In December 2017, the Act 54 report on Racial Disparities in State Systems, issued by the Attorney General and Human Rights Commission Task Force, was released. According to the report, education is one of the five State systems in which racial disparities persist and need to be addressed. The Attorney General and Human Rights Commission held three stakeholder meetings and found “a surprising amount of coalescence around the most important issues” and “the primary over-arching theme was that we will be able to reduce racial disparities by changing the underlying culture of our state with regard to race.” One of the main suggestions for accomplishing this was to “teach children from an integrated curriculum that fairly represents both the contributions of People of Color (as well as indigenous people, women, people with disabilities, etc.), while fairly and accurately representing our history of oppression of these groups.” The other suggestions were to educate State employees about implicit bias, white privilege, white fragility, and white supremacy and increase the representation of people of color in the State and school labor forces by focusing on recruitment, hiring, and retention, as well as promotion of people of color into positions of authority and responsibility on boards and commissions.

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

(b) Definitions. As used in this act:

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

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

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

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

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

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

(3) the Secretary of Education or designee;

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

(5) the Executive Director of Racial Equity or designee;

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

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

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

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

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

(d) Appointment and operation.

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

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

(3)(A) The Secretary of Education or designee shall call the first meeting of the Working Group to occur on or before September 1, 2019.

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

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

(D) The Working Group shall cease to exist on July 1, 2022.

(e) Compensation and reimbursement. Members of the Working Group 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 ten meetings per year. These payments shall be made from monies appropriated to the Agency of Education.

(f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of Education from the General Fund for fiscal year 2020 for the per diem compensation and expense reimbursements authorized by subsection (e) of this section to be paid to the members of the Ethnic and Social Equity Standards Advisory Working Group. The Agency shall include in its budget request to the General Assembly for fiscal years 2021 and 2022 the amount of \$13,420.00 for the per diem compensation and expense reimbursements authorized by subsection (e) of this section to be paid to members of the Working Group.

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or before June 30, 2021, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

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

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

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

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

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

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

(2) The Working Group may review State statutes, State Board rules, and school district policies that concern or impact standards for student performance or curriculum used in schools. The State Board may recommend to the General Assembly proposed statutory changes with the following goals:

(A) ensuring that schools:

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

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

(iii) facilitate a welcoming environment for all students while taking into account parental concerns about bias or exclusion of ethnic groups or social groups; and

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

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

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

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

(C) challenge racist, sexist, or abelist bias, or bias based on gender or socioeconomic status, using principles aligned with restorative practice;

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



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

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

(h) Reports.

(1) The Working Group shall, on or before March 1, 2020, submit a report to the General Assembly that includes:

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

(B) its plan to accomplish the work described in subdivision (g)(1) of this section; and

(C) its plan to accomplish the work described in subdivisions (g)(2) and (3) of this section.

(2) The Working Group shall, on or before December 15, 2020, submit a report to the General Assembly that includes:

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

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

(C) its findings from its review of State Board rules and school district policies under subdivisions (g)(2) and (3) of this section; and

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

(3) The Working Group shall, on or before July 1, 2022, submit a report to the General Assembly that includes:

(A) any further recommended statutory changes under subdivisions (g)(2) and (3) of this section;

(B) any further findings from its review of State Board rules and school district policies under subdivisions (g)(2) and (3) of this section; and

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

(i) Duties of the State Board of Education. The Board of Education shall, on or before June 30, 2022, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12,

taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. 2. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

\* \* \*

(17) Report annually on the condition of education statewide and on a ~~school-by-school~~ supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on student performance and hazing, harassment, or bullying incidents shall be disaggregated by student groups, including ethnic and racial groups, gender, sexual orientation, gender identity, poverty status, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the bill be amended as recommended by the committee on Education? **Reps. Giambatista of Essex, Austin of Colchester, Batchelor of Derby, Conlon of Cornwall, Cupoli of Rutland City, Elder of Starksboro, Hooper of Randolph, James of Manchester, Mattos of Milton, Toof of St. Albans Town and Webb of Shelburne** moved to substitute an amendment for the amendment recommended by the committee on Education as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY  
WORKING GROUP

(a) Findings.

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

(2) In 2003, the Commission released a follow-up report concluding that, although some positive efforts had been made since the original report was published, the problem persisted. One of the many problems highlighted at that time was that some curriculum materials and lesson plans promoted racial stereotypes. One of the conclusions was that there was a need for a bias-free curriculum.

(3) In December 2017, the Act 54 report on Racial Disparities in State Systems, issued by the Attorney General and Human Rights Commission Task Force, was released. According to the report, education is one of the five State systems in which racial disparities persist and need to be addressed. The Attorney General and Human Rights Commission held three stakeholder meetings and found “a surprising amount of coalescence around the most important issues” and “the primary over-arching theme was that we will be able to reduce racial disparities by changing the underlying culture of our state with regard to race.” One of the main suggestions for accomplishing this was to “teach children from an integrated curriculum that fairly represents both the contributions of People of Color (as well as indigenous people, women, people with disabilities, etc.), while fairly and accurately representing our history of oppression of these groups.” The other suggestions were to educate State employees about implicit bias, white privilege, white fragility, and white supremacy and increase the representation of people of color in the State and school labor forces by focusing on recruitment, hiring, and retention, as well as promotion of people of color into positions of authority and responsibility on boards and commissions.

(4) According to the U.S. Department of Justice report on hate crimes in Vermont in 2017, 51 percent of hate crimes were based on a motivation

involving racial bias, 23 percent of hate crimes were based on a motivation involving sexual orientation bias, 17 percent of hate crimes were based on a motivation involving religious bias, and 9 percent of hate crimes were based on a motivation involving disability bias.

(5) Acts of harassment and discrimination based on religious affiliation, including but not limited to anti-Semitism and Islamophobia, have been reported in recent Vermont news reports.

(6) Hate symbols have in recent years appeared with disturbing frequency at schools, in public spaces, places of worship, and places of business.

(7) The harassment of marginalized groups, and the lack of understanding of people in power about the magnitude of the systemic impacts of harassment and bias, damage the whole community.

(b) Definitions. As used in this act:

(1) “Ethnic groups” means:

(A) nondominant racial and ethnic groups in the United States, including people who are Abenaki, people from other indigenous groups, people of African, Asian, Pacific Island, Chicanx, Latinx, or Middle Eastern descent; and

(B) groups that have been historically subject to persecution or genocide.

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

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

(c) Creation and composition. The Ethnic and Social Equity Standards Advisory Working Group is established. The Working Group shall comprise the following 18 members:

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

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

(3) the Secretary of Education or designee;

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

(5) the Executive Director of Racial Equity or designee;

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

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

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

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

(10) the Executive Director of the Vermont Independent Schools Association or designee; and

(11) the Executive Director of the Vermont Human Rights Commission or designee.

(d) Appointment and operation.

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

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

(3)(A) The Secretary of Education or designee shall call the first meeting of the Working Group to occur on or before September 1, 2019.

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

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

(D) The Working Group shall cease to exist on July 1, 2022.

(e) Compensation and reimbursement. Members of the Working Group 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 ten meetings per year. These payments shall be made from monies appropriated to the Agency of Education.

(f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of Education from the General Fund for fiscal year 2020 for the per diem

compensation and expense reimbursements authorized by subsection (e) of this section to be paid to the members of the Ethnic and Social Equity Standards Advisory Working Group. The Agency shall include in its budget request to the General Assembly for fiscal years 2021 and 2022 the amount of \$13,420.00 for the per diem compensation and expense reimbursements authorized by subsection (e) of this section to be paid to members of the Working Group.

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or before June 30, 2021, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

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

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

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

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

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

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

(2) The Working Group may review State statutes, State Board rules, and school district policies that concern or impact standards for student performance or curriculum used in schools. The State Board may recommend to the General Assembly proposed statutory changes with the following goals:

(A) ensuring that schools:

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

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

(iii) facilitate a welcoming environment for all students while taking into account parental concerns about bias or exclusion of ethnic groups or social groups; and

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

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

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

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

(C) challenge racist, sexist, or ableist bias, or bias based on gender or socioeconomic status, using principles aligned with restorative practice;

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

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

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

(h) Reports.

(1) The Working Group shall, on or before March 1, 2020, submit a report to the General Assembly that includes:

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

(B) its plan to accomplish the work described in subdivision (g)(1) of this section; and

(C) its plan to accomplish the work described in subdivisions (g)(2) and (3) of this section.

(2) The Working Group shall, on or before December 15, 2020, submit a report to the General Assembly that includes:

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

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

(C) its findings from its review of State Board rules and school district policies under subdivisions (g)(2) and (3) of this section; and

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

(3) The Working Group shall, on or before July 1, 2022, submit a report to the General Assembly that includes:

(A) any further recommended statutory changes under subdivisions (g)(2) and (3) of this section;

(B) any further findings from its review of State Board rules and school district policies under subdivisions (g)(2) and (3) of this section; and

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

(i) Duties of the State Board of Education. The Board of Education shall, on or before June 30, 2022, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. 2. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

\* \* \*

(17) Report annually on the condition of education statewide and on a ~~school-by-school~~ supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of



this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on student performance and hazing, harassment, or bullying incidents shall be disaggregated by student groups, including ethnic, racial, and religious groups, gender, sexual orientation, gender identity, poverty status, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

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### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

**Rep. Conquest of Newbury**, for the committee on Appropriations reported in favor of its passage when amended by the committee on Education, as substituted.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Thereupon the report of the committee on Education, as substituted was agreed to and third reading ordered.

### **Third Reading; Bill Passed**

#### **H. 19**

House bill, entitled

An act relating to sexual exploitation of a person in law enforcement officer custody

Was taken up, read the third time and passed.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 16**

**Rep. Gannon of Wilmington**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to boards and commissions

Reported in favor of its passage when amended as follows:

First: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. 2018 (Sp. Sess.) Acts and Resolves No. 2, Sec. 15 is amended to read:

Sec. 15. EFFECTIVE DATES

This act shall take effect on July 1, 2018, except that Sec. 12, 3 V.S.A. § 116a (Secretary of State; maintenance of inventory of State boards and commissions), shall take effect on January 1, ~~2019~~ 2023.

Second: By striking out Sec. 18 in its entirety and inserting in lieu thereof a new Sec. 18 to read:

Sec. 18. 29 V.S.A. § 182 is amended to read:

§ 182. DEFINITIONS

As used in this chapter:

\* \* \*

(2) “Capitol ~~complex-commission~~ Complex Commission” means a commission consisting of ~~five~~ seven members.

(A) Four members shall be appointed by the ~~governor~~ Governor, with the advice and consent of the ~~senate~~ Senate, for a term of three years. One member shall be appointed by the Speaker of the House, and one member shall be appointed by the Senate Committee on Committees, each for a term of two years. The  ~~fifth~~ seventh member shall be appointed by the Montpelier ~~city~~ city council City Council for a term of two years.

(B) The ~~chair~~ Chair of the ~~capitol-complex-commission~~ Capitol Complex Commission shall be designated by the ~~governor~~ Governor.

(C) ~~No more~~ Not fewer than two members of the ~~commission~~ Commission shall be residents of the ~~city~~ City of Montpelier, and ~~no a~~ one member ~~may shall not~~ be an exempt employee of the ~~state~~ State of Vermont or a State legislator.

(D) The ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services shall be the executive secretary of the ~~board~~ Commission and shall have no vote.

\* \* \*

Having appeared on the Calendar one day for notice, was taken up and read the second time and the report of the committee on Government Operations was agreed to.

Thereupon, Pending the question, Shall the bill be read a third time? **Rep. McCullough of Williston** moved to amend the bill as follows:

By striking out in its entirety Sec. 13, 6 V.S.A. § 1102 (Pesticide Advisory Council) and its accompanying reader assistance heading, and inserting in lieu thereof the following:

[Deleted.]

Which was agreed to. Thereupon third reading was ordered.

### **Third Reading; Bill Passed**

#### **H. 97**

House bill, entitled

An act relating to fiscal year 2019 budget adjustments

Was taken up and read the third time.

Pending the question, Shall the bill pass? **Rep. Krowinski of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 137. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Giambatista of Essex	Nicoll of Ludlow
Anthony of Barre City	Gonzalez of Winooski	Notte of Rutland City
Austin of Colchester	Goslant of Northfield	Noyes of Wolcott
Bancroft of Westford	Grad of Moretown	Ode of Burlington
Batchelor of Derby	Gregoire of Fairfield	O'Sullivan of Burlington
Bates of Bennington	Haas of Rochester	Page of Newport City
Beck of St. Johnsbury	Harrison of Chittenden	Pajala of Londonderry
Birong of Vergennes	Hashim of Dummerston	Palasik of Milton
Brennan of Colchester	Helm of Fair Haven	Patt of Worcester
Briglin of Thetford	Higley of Lowell	Potter of Clarendon
Brownell of Pownal	Hill of Wolcott	Pugh of South Burlington
Browning of Arlington	Hooper of Montpelier	Quimby of Concord
Brumsted of Shelburne	Hooper of Randolph	Rachelson of Burlington
Burditt of West Rutland	Hooper of Burlington	Ralph of Hartland
Burke of Brattleboro	Houghton of Essex	Redmond of Essex
Campbell of St. Johnsbury	Howard of Rutland City	Rogers of Waterville
Canfield of Fair Haven	James of Manchester	Rosenquist of Georgia
Carroll of Bennington	Jerome of Brandon	Savage of Swanton
Chase of Colchester	Jessup of Middlesex	Scheu of Middlebury
Chesnut-Tangerman of	Jickling of Randolph	Scheuermann of Stowe
Middletown Springs	Killacky of South Burlington	Seymour of Sutton
Christensen of Weathersfield	Kimbell of Woodstock	Shaw of Pittsford
Christie of Hartford	Kitzmilller of Montpelier	Sheldon of Middlebury
Cina of Burlington	Kornheiser of Brattleboro	Sibilia of Dover
Coffey of Guilford	Krowinski of Burlington	Smith of Derby

Colburn of Burlington	LaClair of Barre Town	Squirrell of Underhill
Colston of Winooski	LaLonde of South	Stevens of Waterbury
Conlon of Cornwall	Burlington	Sullivan of Dorset
Conquest of Newbury	Lanpher of Vergennes	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lefebvre of Newark	Szott of Barnard
Corcoran of Bennington	Leffler of Enosburgh	Taylor of Colchester
Cordes of Lincoln	Lippert of Hinesburg	Terenzini of Rutland Town
Cupoli of Rutland City	Long of Newfane	Till of Jericho
Demrow of Corinth	Macaig of Williston	Toll of Danville
Dolan of Waitsfield	Marcotte of Coventry	Toof of St. Albans Town
Donahue of Northfield	Martel of Waterford	Townsend of South Burlington
Donovan of Burlington	Masland of Thetford	Trieber of Rockingham
Durfee of Shaftsbury	Mattos of Milton	Troiano of Stannard
Elder of Starksboro	McCarthy of St. Albans City	Walz of Barre City
Emmons of Springfield	McCormack of Burlington	Webb of Shelburne
Fagan of Rutland City	McCoy of Poultney *	White of Hartford
Feltus of Lyndon	McCullough of Williston *	Wood of Waterbury
Forguites of Springfield	McFaun of Barre Town	Yacovone of Morristown
Gamache of Swanton	Morgan of Milton	Yantachka of Charlotte
Gannon of Wilmington	Morrissey of Bennington	Young of Greensboro
Gardner of Richmond	Mrowicki of Putney	
	Murphy of Fairfax	
	Myers of Essex	

Those who voted in the negative are: none

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

Bartholomew of Hartland	Fegard of Berkshire	Partridge of Windham
Bock of Chester	Graham of Williamstown	Smith of New Haven
Dickinson of St. Albans Town	Norris of Shoreham	Strong of Albany
	O'Brien of Tunbridge	Toleno of Brattleboro

**Rep. McCoy of Poultney** explained her vote as follows:

“Madam Speaker:

This budget adjustment includes a small, but critical, step towards the long-term goal to achieve prefunded status in our retired state employees’ and teachers’ health benefit funds, as well as in pension funds for each group. We must continue to work together to make further progress to moderate our debt, especially our pensions and unfunded healthcare liabilities, as recommended by Moody’s in October, while improving our demographics and growing our economy.”

**Rep. McCullough of Williston** explained his vote as follows:

“Madam Speaker:

I vote yes in recognition of the most excellent work of the Appropriations Committee. But, with a tear on my cheek for the ‘strong request’ that the members reply ‘yes’ or ‘no’ vs. traditional ‘aye’ or ‘nay.’”

**Favorable Report; Second Reading;  
Third Reading Ordered**

**H. 47**

**Rep. Till of Jericho**, for the committee on Ways and Means, to which had been referred House bill, entitled

An act relating to the taxation of electronic cigarettes

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Adjournment**

At two o'clock and thirty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.