

Journal of the House

Wednesday, March 13, 2019

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

Devotional Exercises

Devotional exercises were conducted by Naomi Alfini, Waterbury, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 517

By Rep. Browning of Arlington,

House bill, entitled

An act relating to shifting the cost of property tax adjustments from the Education Fund to the General Fund;

To the committee on Ways and Means.

H. 518

By the committee on Judiciary,

An act relating to fair and impartial policing;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 519

By Rep. Till of Jericho,

House bill, entitled

An act relating to providing autopsy results to treating hospitals;

To the committee on Human Services.

Senate Bill Referred

S. 18

Senate bill, entitled

An act relating to consumer justice enforcement

Was read and referred to the committee on Judiciary.

Senate Bill Referred**S. 54**

Senate bill, entitled

An act relating to the regulation of cannabis

Was read and referred to the committee on Government Operations.

Senate Bill Referred**S. 86**

Senate bill, entitled

An act relating to increasing the legal age for buying and using cigarettes, electronic cigarettes, and other tobacco products from 18 to 21 years of age

Was read and referred to the committee on Human Services.

Senate Bill Referred**S. 109**

Senate bill, entitled

An act relating to captive insurance companies and risk retention groups

Was read and referred to the committee on Commerce and Economic Development.

Bill Referred to Committee on Ways and Means**H. 82**

House bill, entitled

An act relating to the taxation of timber harvesting equipment

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations**H. 104**

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Referred to Committee**J.R.S. 13**

By Committee on Institutions,

J.R.S. 13. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend the Department's lease with the Okemo Limited Liability Company and to authorize a conveyance of Woodchuck Mountain in Newbury as an alternative to the conveyance authorized in 2002 Acts and Resolves No. 149, Sec. 83(a)(3).

Whereas, the State of Vermont and Okemo Limited Liability Company (Okemo or Lessee) are parties to that certain lease dated November 15, 1974, as amended, which authorizes the use of State-owned land located in the Okemo State Forest as a ski resort (the Lease), and

Whereas, at the Request of the Department of Forests, Parks and Recreation, the parties to the Lease entered into a separate agreement to amend certain provisions of the Lease, pending authorization by the General Assembly, and

Whereas, during the 2001–2002 biennium, the General Assembly authorized the Department to convey a parcel consisting of 110 acres, more or less, in the town of Newbury, known as Woodchuck Mountain, to the Town of Newbury, subject to a grant of development rights and a conservation easement to be conveyed by the Department to the Upper Valley Land Trust, and

Whereas, to date, the Town of Newbury has declined to accept the conveyance of this parcel, and the Department wishes to establish a deadline of May 31, 2019 for the Town of Newbury to accept or decline conveyance of this parcel under the terms of 2002 Acts and Resolves No. 149, Sec. 83(a)(3), and

Whereas, the Department desires to conserve this parcel for forestry, conservation, and public recreation purposes, *now therefore be it*

Resolved by the Senate and House of Representatives:

First: That the Commissioner of Forests, Parks and Recreation is authorized to amend the Lease as follows:

(1) Article 6 of the Lease, in part, requires Okemo to pay a rental fee based upon a calculation as set forth in Article 6 using linear feet of lifts and gross lift ticket sales located on the leased premises and two and one-half percent on all gross receipts from restaurants, sport shops, and warming shelters constructed and operated by the Lessee. The State and Okemo now

agree to apply, as an addition to the existing rental fee, a five percent rental fee to the Lessee's gross receipts for access fees for any additional activities occurring, in whole or in part, on the leased premises. Additional activities are the Lessee's existing mountain biking activities and any new commercial recreational activities occurring on the leased premises. To the extent additional activities include use of lifts, the gross receipts for access fees shall be multiplied by the following ratio prior to the application of the five percent rental fee: (linear feet of lifts on the leased premises used for the additional activity) / (total linear feet of all lifts used for the additional activity). The Lessee agrees that at no time shall the percent determined by (the linear feet of lifts on State land) / (the total linear feet of all lifts owned by the Lessee) be less than twenty percent. To the extent additional activities do not include use of the lifts, the Lessee shall pay the five percent fee based upon the proportion of such additional activities occurring on the leased premises.

(2) Okemo shall indemnify and hold harmless the State and shall provide a general liability insurance policy as follows:

(a) Unless an event arises solely out of the State's gross negligence or willful misconduct, Okemo shall defend, indemnify, and save harmless the State, its agents, servants, and officials from any damages and any claims arising out of or related to the use, maintenance, or operation of lifts or the leased premises.

(b) Okemo shall carry general liability insurance in a policy or policies at all times with a minimum coverage of at least \$10,000,000 per occurrence and \$20,000,000 in aggregate, naming the State and additional parties, as noted in Article 9 of the Lease, as additional insureds under such coverage. Not more than once every five years, the State may review required insurance amounts set forth in this paragraph and may increase such insurance amounts to amounts that are reasonably representative of the then current market for insurance amounts for similar operations as reasonably determined by the State.

(3) Subject to the provisions of Section 14 of the Lease, Okemo shall provide access to the public to the leased premises, including for uphill travel on the ski trails located on the leased premises, subject to Okemo's right to impose restrictions on the public's access for uphill travel and other public access in accordance with Section 14 of the Lease. Okemo shall establish a written uphill travel policy consistent with these terms and shall provide a copy to the State and make the policy publicly available.

(4) Other than a Permitted Transfer, Okemo (or following a Permitted Transfer, any Permitted Transferees) shall not assign the Lease or engage in a transaction by way of merger, consolidation, or sale (singly or in combination),

involving the transfer of equity securities constituting more than one-half of the total voting securities or interests of Okemo (or if applicable, its Permitted Transferees) without the prior written consent of the State. Notwithstanding the foregoing, an assignment of the Lease by Okemo to or any transaction involving the transfer of equity securities of Okemo to any direct or indirect wholly owned subsidiary of Vail Holdings, Inc. shall be a "Permitted Transfer," provided that the Guaranty remains in full force and effect following such Permitted Transfer.

(5) The fiscal year for Okemo ends on July 31 each calendar year. References in Section 6 of the Lease to fiscal year shall be amended to refer to July 31.

(6) Upon termination of the Lease, Okemo or its successors or assigns may remove all of Okemo's tangible personal property. If such tangible personal property is removed, Okemo or its successors or assigns shall remove such tangible personal property so as to minimize disturbance or damage to the leased premises, except for any reasonable use and wear, damage by casualty, or eminent domain or damage resulting from the actions of the State. Okemo or its successors or assigns shall restore the area where the tangible personal property is removed so as to leave those area(s) of the leasehold in a safe, stable, and acceptable condition to the State.

(7) Appendix B of the Lease shall be amended and replaced in its entirety with a new Appendix B that accurately reflects the total linear feet of existing lifts on State land and total linear feet of lifts owned by the Lessee.

Second: (1) That the Commissioner of Forests, Parks and Recreation is authorized to convey 110 acres, more or less, located in the Town of Newbury and known as the Woodchuck Mountain parcel that the Department acquired as a bequest from the Enrita Carlson estate, to the Upper Valley Land Trust, should the Town of Newbury decline to accept the parcel from the Department by May 31, 2019. The Commissioner is also authorized to convey a grant of development rights and a conservation easement to another qualified conservation organization or municipality or to include deed restrictions in the deed to the Upper Valley Land Trust, restricting development rights and requiring that the use of the Woodchuck Mountain parcel be limited to forestry, conservation, and public recreation purposes.

(2) The authorization set forth in 2002 Acts and Resolves No. 149, Sec. 83(a)(3) for the Department to convey the Woodchuck Mountain parcel to the Town of Newbury, subject to a grant of development rights and a conservation easement to be simultaneously conveyed to the Upper Valley Land Trust, shall remain in full force and effect should the Town of Newbury

accept conveyance of the Woodchuck Mountain parcel by May 31, 2019, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Corrections and Institutions.

Joint Resolution Placed on Calendar

J.R.S. 17

House resolution, entitled

By Senator Nitka,

J.R.S. 17. Joint resolution providing for a Joint Assembly to vote on the retention of eight Superior Judges and one Magistrate.

Whereas, declarations have been submitted by the following seven Superior Judges that they be retained for another six-year term, Judge William D. Cohen, Judge Robert P. Gerety, Jr., Judge Kevin William Griffin, Judge Samuel Hoar, Jr., Judge Elizabeth D. Mann, Judge Megan J. Shafritz, Judge Timothy B. Tomasi, Judge Thomas A. Zonay and one Magistrate that she be retained for another six year term, Magistrate Alicia Humbert, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 14, 2019, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 21, 2019, the date specified in subsection 10(b) of Title 2, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 28, 2019, at ten o'clock and thirty minutes in the forenoon to vote on the retention of eight Superior Judges and one Magistrate. In case the vote to retain said Judges and Magistrate shall not be made on that day, the two Houses shall

meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 18

By Senator Ashe,

J.R.S. 18. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 15, 2019, it be to meet again no later than Tuesday, March 19, 2019.

Was taken up, read and adopted in concurrence.

Third Reading; Bill Passed

H. 26

House bill, entitled

An act relating to restricting retail and Internet sales of electronic cigarettes, liquid nicotine, and tobacco paraphernalia in Vermont

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 511

House bill, entitled

An act relating to criminal statutes of limitations

Was taken up, read the third time and passed.

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

H. 512

Rep. Seymour of Sutton spoke for the committee on Judiciary.

House bill entitled

An act relating to miscellaneous court and Judiciary related amendments

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

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

Sec. 18a. 15 V.S.A. § 752 is amended to read:

§ 752. MAINTENANCE

* * *

(b) The maintenance order shall be in such amounts and for such periods of time as the court deems just, after considering all relevant factors, including:

(1) the financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently, and the extent to which a provision for support of a child living with the party contains a sum for that party as custodian;

(2) the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;

(3) the standard of living established during the civil marriage;

(4) the duration of the civil marriage;

(5) the age and the physical and emotional condition of each spouse;

(6) the ability of the spouse from whom maintenance is sought to meet his or her reasonable needs while meeting those of the spouse seeking maintenance;

(7) inflation with relation to the cost of living; and

(8) the following guidelines:

Length of marriage	% of the difference between parties' gross incomes	Duration of alimony award as % length of marriage
0 to ≤ <u>≥</u> 5 years	0-20 <u>16</u> %	No alimony or short-term alimony up to one year
5 to ≤ <u>≥</u> 10 years	15-35 <u>12-29</u> %	20-50% (1-5 yrs)
10 to ≤ <u>≥</u> 15 years	20-40 <u>16-33</u> %	40-60% (3-9 yrs)
15 to ≤ <u>≥</u> 20 years	24-45 <u>20-37</u> %	40-70% (6-14 yrs)
20+ years	30-50 <u>24-41</u> %	45% (9-20+ yrs)

Which was agreed to and third reading ordered.

Action on Bill Postponed**H. 278**

House bill, entitled

An act relating to acknowledgment or denial of parentage

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until March 14, 2019.

Second Reading; Bill Amended; Third Reading Ordered**H. 287**

Rep. Burditt of West Rutland, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to small probate estates

Reported in favor of its passage when amended as follows:

Sec. 1. 14 V.S.A. chapter 81 is amended to read:

CHAPTER 81. SMALL ESTATES

§ 1901. ~~FILING INVENTORY AND BOND CONDITIONED UPON
PAYMENT OF FUNERAL EXPENSE WITH PETITION
COMMENCEMENT OF SMALL ESTATE~~

~~When application is made to the judge of probate for the appointment of an administrator or executor of an estate, there may accompany the petition the following:~~

~~(1) A true and complete inventory of the estate of the deceased, appraised under oath at its true cash value;~~

~~(2) A receipt showing that the funeral expenses of the deceased have been paid, or a personal bond in an amount determined by the judge of probate to be reasonable, conditioned for the payment of the funeral expenses of the deceased, within one year from the date of death; and~~

~~(3) The will, if any.~~

(a) When a decedent's estate has a fair market value of not more than \$25,000.00 and consists entirely of personal property, provided that the estate may include a time-share estate as defined by 32 V.S.A. § 3619(a), an estate may be commenced by filing:

(1) a petition to open a probate estate;

- (2) a list of interested persons;
- (3) the filing fee;
- (4) an original death certificate;
- (5) an inventory of the estate, including information or estimates available at the time of filing;
- (6) an affidavit of paid and outstanding funeral expenses and any other known or reasonably ascertainable debts of the decedent;
- (7) a bond without surety in the amount of the fair market value of the estate; and
- (8) the will, if any.

(b) An interested party who does not consent to the small estate proceeding in writing shall be provided with notice of the petition and the pending fiduciary appointment and may file any objections with the court within 14 days after receiving the notice. If no objections are filed, the fiduciary appointment and any will offered for admission shall be approved by the court without further notice or hearing.

(c) If, after an estate is opened pursuant to subsection (a) of this section, it is determined that the value of the decedent's estate at the time of his or her death exceeded \$25,000.00, the fiduciary shall petition the court to order that the estate be administered pursuant to the laws and rules applicable to estates with a fair market value in excess of \$25,000.00. The court shall grant the petition if it finds that the estate has a fair market value in excess of \$25,000.00 and that all applicable fees have been paid.

§ 1902. LETTERS OF ADMINISTRATION AND LETTERS

TESTAMENTARY, SMALL ESTATES, NOTICE

~~(a) Upon receiving and filing such petition, the judge of probate may make such investigation of the circumstances of the case and the facts set forth in the petition, as he or she deems proper and necessary.~~

~~(b) The court may grant administration of the estate to the petitioner or some other suitable person forthwith without further notice, and may issue letters of administration to the administrator or letters testamentary to the executor without requiring further bonds, if from the petition and the investigation it appears to the satisfaction of the court that:~~

~~(1)(A) the deceased left a surviving spouse or children of any age, or both; or~~

~~(B) the deceased left a surviving parent or parents but no spouse or child;~~

~~(2) the deceased died seized of no real estate other than a time-share estate as defined by 32 V.S.A. § 3619(a); and~~

~~(3) the personal estate of the deceased, appraised at its true cash value as of the date of death, amounts to not more than the sum of \$10,000.00.~~

(a) When a small estate is commenced pursuant to section 1901 of this title:

(1) If the decedent had a will, the will shall be admitted and letters of administration shall be issued as provided in section 902 of this title.

(2) If the decedent did not have a will, letters of administration shall be issued as provided in section 903 of this title.

(b) Within 60 days after the issuance of letters of administration, and at any time thereafter if deemed necessary by the fiduciary, the fiduciary shall confirm, correct, or supplement the inventory filed with the petition.

(c) Letters of administration issued pursuant to this section shall be effective for one year after the date of issuance. The court may extend the one-year duration upon motion of the fiduciary for good cause shown.

§ 1903. SAME; DISCHARGE UPON PAYMENT OF FUNERAL

EXPENSES; RESIDUE

~~(a) In intestate estates whenever it shall appear to the satisfaction of the judge of probate that an administrator appointed under sections 1901 and 1902 of this title has paid or caused to be paid the funeral and burial expenses of said deceased, and has paid over all the balance and residue of said estate in accordance with the provisions of chapter 42 of this title, the court may forthwith discharge the administrator without further accounting and without notice.~~

(1) If it appears from the record that the estate is insolvent, the fiduciary shall apply for an order of dividend from the court. If the estate is not insolvent, the fiduciary shall make payment in settlement with all known or reasonably ascertainable creditors, including payment of income taxes due for the year of the decedent's death, and pay any remaining balance to the beneficiaries of the estate as provided by the will, if any, or as otherwise provided by law.

(2) Upon completion of the payments required by subdivision (1) of this subsection, the fiduciary shall file with the court a sworn statement setting forth the amounts and recipients of each payment.

~~(b) In testate estates, whenever it shall appear to the satisfaction of the judge of probate that an executor has paid or caused to be paid the funeral and burial expenses of the deceased and has paid over the remaining property in accordance with the terms of the will unless waived, and in that event in accordance with law, the court may forthwith discharge such executor without further accounting and without notice. The court may discharge the fiduciary without further accounting and without notice after the fiduciary has completed the requirements of subsection (a) of this section.~~

(c) If a discharge is given under this section, any assets distributed by the executor or administrator fiduciary shall be subject to claims later established, and sections 1202 and 1203 of this title shall apply, but the executors or administrators shall not be liable to distributees for losses to them when required to reimburse creditors. Each distributee shall have a duty of proportionate contribution for any claims brought against one or more other distributees, not to exceed the amount received by the distributee from the estate.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Favorable Report; Second Reading; Third Reading Ordered

S. 11

Rep. Gardner of Richmond, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to limiting senatorial districts to a maximum of three members

Reported in favor of its passage in concurrence.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 3

The Senate proposed to the House to amend House bill, entitled

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

The Senate proposes to the House to amend the bill by striking out 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, of the 35 hate crimes reported in 2017, 51 percent were

based on a motivation involving racial bias, 23 percent were based on a motivation involving sexual orientation bias, 17 percent were based on a motivation involving religious bias, and 9 percent 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 women and girls, 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 20 members:

(1) 10 members who are members of, and represent the interests of, ethnic groups and social groups, two of whom shall be high school students;

(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 10 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) The Working Group shall have the assistance of the Agency of Education for the purposes of scheduling meetings and processing compensation and reimbursement pursuant to subsection (e) of this section.

(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 \$15,860.00 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 \$15,860.00 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 and supervisory union 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 or supervisory union 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 diversifies its workforce and 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) any 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 and supervisory union policies under subdivisions (g)(2) and (3) of this section; and

(D) any 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 and supervisory union policies under subdivisions (g)(2) and (3) of this section; and

(C) any 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 hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, 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.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Adjournment

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