

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; COVID-19; miscellaneous

4 Statement of purpose of bill as introduced: This bill proposes to make

5 miscellaneous changes in education law to address the COVID-19 pandemic.

6 An act relating to making miscellaneous changes in education law to
7 address the COVID-19 pandemic

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 Sec. 1. LENGTH OF 2020–2021 SCHOOL YEAR

10 Notwithstanding 16 V.S.A. § 1071(a), for the 2020–2021 school year, each
11 public school shall be maintained and operated for not less than 170 student
12 attendance days, except as provided in subsection (g) of that section, which
13 allows for waivers of this requirement.

14 Sec. 2. ADM ADJUSTMENT; DECLINE IN STUDENT ENROLLMENT
15 DUE TO HOME STUDY

16 (a) If a student was counted in a school district’s average daily membership
17 (ADM) for the 2019–2020 school year and would not be counted in the school
18 district’s ADM for the 2020–2021 school year due to the student’s enrollment
19 in a home study program, then, notwithstanding 16 V.S.A. § 4001(1)
20 (definition of “average daily membership”), the student shall be counted

1 toward the school district’s average daily membership for the 2020–2021
2 school year.

3 (b) As used in this section, “school district” means a school district, as
4 defined in 16 V.S.A. § 11(11), or a regional career technical center school
5 district, as defined in 16 V.S.A. § 1571.

6 Sec. 3. 2020–2021 SCHOOL YEAR; AUSTRALIAN BALLOT

7 (a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A.
8 § 711e that require the voters of a school district to vote to apply the provisions
9 of the Australian ballot system to its annual meeting or special meetings, any
10 school district may apply the Australian ballot system to any or all of its annual
11 meeting and special meetings held in the 2020–2021 school year by vote of its
12 school board.

13 (b) The Secretary of State may waive statutory deadlines or other statutory
14 provisions, or provisions set forth in a school district’s articles of agreement,
15 related to a municipal election as necessary in order for a municipality to apply
16 the Australian ballot system in accordance with subsection (a) of this section.
17 This waiver authority applies to statutory provisions set forth in a municipal
18 charter or provisions set forth in a school district’s articles of agreement if the
19 waiver is requested by that municipality.

1 (c) As used in this section, “school district” means a school district, as
2 defined in 16 V.S.A. § 11(11), or a regional career technical center school
3 district, as defined in 16 V.S.A. § 1571.

4 Sec. 4. 2020–2021 SCHOOL YEAR; WAIVER OF ONLINE TEACHING
5 ENDORSEMENT

6 Notwithstanding 16 V.S.A. § 1694, for the 2020–2021 school year, the
7 Standards Board for Professional Educators (SBPE) shall waive its
8 requirement for a teacher to hold an endorsement for online teaching in order
9 to teach online or implement remote learning.

10 Sec. 5. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

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

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

1 person who is otherwise eligible to serve as a member of the unified
2 union school district board to fill the vacancy until an election is held at an
3 annual or special meeting unless otherwise provided in accordance with the
4 unified union school district’s articles of agreement.

5 (c) This section is repealed on July 1, 2022.

6 Sec. 6. SUPPLIES AND EQUIPMENT FOR MEALS TO CHILDREN

7 (a) 2020 Acts and Resolves No. 120, Sec. 50, as amended by this act,
8 appropriates \$68,000,000.00 to the Agency of Education for CARES Act
9 expenditures incurred by prekindergarten-12 schools. 2020 Acts and Resolves
10 No. 136, Sec. 12, allocated up to \$12,000,000.00 of this funding for the
11 purpose of reimbursing costs of providing summer meals to children during the
12 months of June, July, and August, 2020.

13 (b) Not all of the allocation for summer meals was used prior to the end of
14 August 2020. Therefore, up to \$4,000,000.00 of the funds remaining from
15 Section 12 of Act 136 may be distributed by the Agency of Education to
16 School Food Authorities and other Child Nutrition Program sponsors for the
17 purchase of CARES Act eligible supplies and equipment, including vehicles,
18 freezers and other capital assets, necessary to provide meals to children using
19 the federal child nutrition programs during the COVID-19 state of
20 emergency. These funds are restricted to costs that exceed the federal per-meal
21 reimbursement received for meals provided through these programs.

1 (c) If the Agency determines that the \$4,000,000.00 allocation under
2 subsection (b) of this section is likely not to be fully used by December 30,
3 2020, it shall reallocate the unused portion of that funding to eligible CARES
4 Act expenditures incurred by school districts under 2020 Acts and Resolves
5 No. 120, Sec. 50, as amended by this act. Any reallocation shall be reported
6 to the Joint Fiscal Committee, the Commissioner of Finance and Management,
7 and the Joint Fiscal Office.

8 Sec. 7. 2020 Acts and Resolves No. 120, Sec. A.50 is amended to read:

9 Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS: CORONAVIRUS

10 RELIEF FUND APPROPRIATIONS

11 (a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal
12 year 2020, and the sum of \$32,000,000.00 is appropriated in fiscal year 2021,
13 to the Agency of Education to fund eligible fiscal years 2020 and 2021
14 expenditures of Vermont prekindergarten–grade 12 public schools and
15 approved independent schools. Eligible expenditures shall conform with the
16 requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and
17 related guidance, and shall be determined by the Secretary of Education.

18 (1) This funding is allocated under subsections (b), (c), and (d) of this
19 section. If the Agency determines that any allocation under these subsections
20 is likely not to be fully used by December 30, 2020, it shall reallocate the
21 unused portion of that funding to one or more of the categories under the other

1 subsections that it believes has or will have eligible CARES Act expenses. Any
2 reallocation shall be reported to the Joint Fiscal Committee, the Commissioner
3 of Finance and Management, and the Joint Fiscal Office.

4 (2) Any unused portion of this funding shall carry over into fiscal year
5 2021.

6 (b) Efficiency Vermont. The amount of ~~\$6,500,000~~ \$11,500,000.00 shall
7 be granted to Efficiency Vermont for the air quality improvement program in
8 Sec. A.51 of this act.

9 (c) Prekindergarten-12 schools.

10 (1) Public schools. The sum of ~~\$41,000,000~~ \$68,000,000.00 shall be
11 granted for the purpose of reimbursing COVID-19 costs incurred by school
12 districts. As used in this section, “school district” means a school district, as
13 defined in 16 V.S.A. § 11(11), or a regional career technical center school
14 district, as defined in 16 V.S.A. § 1571.

15 * * *

16 (2) Approved independent schools. The sum of up to \$1,500,000 shall
17 be granted for the purpose of reimbursing COVID-19 costs incurred by
18 approved independent schools that, as of March 27, 2020 (the date of
19 enactment of the CARES Act), had one or more students enrolled whose
20 tuition was funded by the student’s sending school district (publicly funded
21 student).

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(d) Accounting and technical assistance. Up to \$1,000,000 shall be available to provide accounting and technical assistance to the supervisory unions and school districts to fully identify COVID-19 expenses and accurately process these within the statewide accounting system.

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Sec. 8. 2020 Acts and Resolves No. 120, Sec. A.51 is amended to read:

Sec. A.51. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;

CORONAVIRUS RELIEF FUND; APPROPRIATION

(a) Appropriation. The sum of ~~\$6,500,000~~ \$11,500,000.00 appropriated in Sec.A.50(b) of this act from the Coronavirus Relief Fund for Efficiency Vermont in fiscal year 2021 is for purposes of providing grants to Vermont K–12 covered schools to upgrade heating, ventilation, and air conditioning (HVAC) systems, and filtration and other methods of air treatment, in response to the COVID-19 emergency.

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Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.