

**Side-by-Side of H.969; House v. Senate Proposal of Amendment
Pre-K–12 Education Amendments**

**Jim DesMarais
9/21/20**

**Blue—in one but not the other
Green—same in both
Yellow—differences**

HOUSE	SENATE POA (unedited)
<p>Sec. B.1111 2020 Acts and Resolves No. 120, Sec. A.50 is amended to read:</p> <p>Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS: CORONAVIRUS RELIEF FUND APPROPRIATIONS</p> <p>(a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal year 2020, and the sum of \$32,400,000 is appropriated in fiscal year 2021, to the Agency of Education to fund eligible fiscal years 2020 and 2021 expenditures of Vermont prekindergarten–grade 12 public schools and approved independent schools. Eligible expenditures shall conform with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and related guidance, and shall be determined by the Secretary of Education.</p> <p>(1) This funding is allocated to the categories under subsections (b), (c), and (d) of this section.</p> <p>(A) If the Agency determines that any allocation to a category is likely not to be fully used by December 20, 2020 or, based on its view of relative priority, should be reallocated to another category, it may reallocate that</p>	<p>Sec. B.1112 2020 Acts and Resolves No. 120, Sec. A.50 is amended to read:</p> <p>Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS: CORONAVIRUS RELIEF FUND APPROPRIATIONS</p> <p>(a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal year 2020, and the sum of \$53,000,000 is appropriated in fiscal year 2021, to the Agency of Education to fund eligible fiscal years 2020 and 2021 expenditures of Vermont prekindergarten–grade 12 public schools and approved independent schools. Eligible expenditures shall conform with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and [shall be determined by the Secretary of Education.]</p> <p>(1) This funding is allocated to the categories under subsections (b); and (c); and (d) of this section. It is the intent of the General Assembly that CARES Act funding appropriated to the Agency of Education under this section be used to ensure the safe opening and operation of public schools during the COVID-19 state of</p>

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<p>funding to one or more of the other categories that it believes has or will have eligible CARES Act expenses.</p> <p>(B) If the Agency expects that during the period from December 20, 2020 to December 30, 2020 a recipient of funding under this section will have eligible CARES Act expenses, then it shall provide funding for those expenses to the extent funding is available, unless the Agency has reprioritized that funding to another category under subdivision (A) of this subdivision (1).</p> <p>(C) Any reallocation under this subdivision (1) shall be reported to the Joint Fiscal Committee, the Commissioner of Finance and Management, and the Joint Fiscal Office.</p> <p>(2) Any unused portion of this funding shall carry over into fiscal year 2021.</p> <p>(b) Efficiency Vermont. The amount of \$6,500,000 \$11,500,000 shall be granted to Efficiency Vermont for the air quality improvement program in Sec. A.51 of this act.</p> <p>(c) Prekindergarten-12 schools.</p> <p>(1) Public schools. The sum of \$41,000,000 \$68,400,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by school districts. As used in this section, “school district” means a school district, as defined in 16 V.S.A. § 11(11), or a regional career technical center school district, as defined in 16 V.S.A. § 1571.</p>	<p>emergency and that public schools use these funds to the maximum extent permitted by law.</p> <p>(2) Any unused portion of this funding shall carry over into fiscal year 2021.</p> <p>(b) Efficiency Vermont. The amount of \$6,500,000 \$13,500,000 shall be granted to Efficiency Vermont for the air quality improvement program in Sec. A.51 of this act.</p> <p>(c) Prekindergarten-12 schools.</p> <p>(1) Public schools. The sum of \$41,000,000 \$88,300,000 shall be granted for the purpose of reimbursing COVID-19 costs incurred by school districts. As used in this section, “school district” means a school district, as defined in 16 V.S.A. § 11(11), or a regional career technical center school district, as defined in 16 V.S.A. § 1571. Of these funds, up to \$4,000,000 of the funds remaining from 2020 Acts and Resolves No. 136, Sec. 12 may be distributed by the Agency of Education to School Food Authorities and other Child Nutrition Program sponsors for the purchase of CARES Act eligible supplies and equipment, including vehicles, freezers, and</p>

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<p style="text-align: center;">* * *</p> <p>Sec. B.1112 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</p>	<p><u>other capital assets, necessary to provide meals to children using the federal child nutrition programs during the COVID-19 state of emergency. These funds are restricted to costs that exceed the federal per-meal reimbursement received for meals provided through these programs.</u></p> <p style="text-align: center;">* * *</p> <p>(2) Approved independent schools. The sum of up to \$1,500,000 <u>\$1,200,000</u> shall be granted for the purpose of reimbursing COVID-19 costs incurred by approved independent schools that, as of March 27, 2020 (the date of enactment of the CARES Act), had one or more students enrolled whose tuition was funded by the student’s sending school district (publicly funded student).</p> <p style="text-align: center;">* * *</p> <p>(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. If the appropriated CARES Act funding proves to be insufficient to cover all reimbursement requests, any costs for new pandemic expenses shall be fully covered to the extent that appropriated funds. If proration is necessary, it shall be on requests from school districts of repurposed expenses that freed up previously budgeted funds in fiscal year 2021.</p> <p style="text-align: center;">* * *</p> <p>Sec. B.1113 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</p>

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<p>(a) Appropriation. The sum of \$6,500,000 \$11,500,000 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.</p> <p style="text-align: center;">* * *</p> <p>Sec. B.1113 SUPPLIES AND EQUIPMENT FOR MEALS TO CHILDREN</p> <p>(a) 2020 Acts and Resolves No. 120, Sec. 50, as amended by this act, appropriates \$68,400,000.00 to the Agency of Education for CARES Act expenditures incurred by prekindergarten-12 schools. 2020 Acts and Resolves No. 136, Sec. 12, allocated up to \$12,000,000.00 of this funding for the purpose of reimbursing costs of providing summer meals to children during the months of June, July, and August 2020.</p> <p>(b) Not all of the allocation for summer meals was used prior to the end of August 2020. Therefore, up to \$4,000,000.00 of the funds remaining from 2020 Acts and Resolves No. 136, Sec. 12 may be distributed by the Agency of Education to School Food Authorities and other Child Nutrition Program sponsors for the purchase of CARES Act eligible supplies and equipment, including vehicles, freezers, and other capital assets, necessary to provide meals to children using the federal child nutrition programs during the COVID-19 state of emergency. These funds are restricted to costs that exceed the federal per-meal reimbursement received for meals provided through these programs.</p>	<p>(a) Appropriation. The sum of \$6,500,000 \$13,500,000 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.</p> <p style="text-align: center;">* * *</p> <p>Sec. B.1114 [Deleted]</p>

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<p data-bbox="283 235 1024 446">(c) If the Agency determines that the \$4,000,000.00 allocation under subsection (b) of this section is likely not to be fully used by December 20, 2020, it shall reallocate the unused portion of that funding to eligible CARES Act expenditures incurred by school districts under 2020 Acts and Resolves No. 120, Sec. 50, as amended by this act.</p> <p data-bbox="283 454 1024 738">(1) If the Agency expects that during the period from December 20, 2020 to December 30, 2020 a recipient of funding under this section will have eligible supplies and equipment food services CARES Act expenses, then it shall provide funding for those expenses to the extent funding is available, unless the Agency has reprioritized that funding under 2020 Acts and Resolves No. 120, Sec. 50, as amended by this act.</p> <p data-bbox="283 747 1024 852">(2) Any reallocation shall be reported to the Joint Fiscal Committee, the Commissioner of Finance and Management, and the Joint Fiscal Office.</p> <p data-bbox="235 860 1024 885">Sec. B.1114 LENGTH OF 2020–2021 SCHOOL YEAR</p> <p data-bbox="283 893 1024 1063">Notwithstanding 16 V.S.A. § 1071(a), for the 2020–2021 school year, each public school shall be maintained and operated for not less than 170 student attendance days, except as provided in subsection (g) of that section, which allows for waivers of this requirement.</p> <p data-bbox="235 1071 1024 1144">Sec. B.1115 2020–2021 SCHOOL YEAR; AUSTRALIAN BALLOT</p> <p data-bbox="283 1153 1024 1396">(a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A. § 711e that require the voters of a school district to vote to apply the provisions of the Australian ballot system to its annual meeting or special meetings, any school district may apply the Australian ballot system to any or all of its annual meeting and special meetings held in the 2020–2021 school year by</p>	<p data-bbox="1108 860 1919 1063">Sec. B.1115 LENGTH OF 2020–2021 SCHOOL YEAR Notwithstanding 16 V.S.A. § 1071(a), for the 2020–2021 school year, each public school shall be maintained and operated for not less than 170 student attendance days, except as provided in subsection (g) of that section, which allows for waivers of this requirement.</p>

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<p>vote of its school board.</p> <p>(b) The Secretary of State may waive statutory deadlines or other statutory provisions, or provisions set forth in a school district’s articles of agreement, related to a municipal election as necessary in order for a municipality to apply the Australian ballot system in accordance with subsection (a) of this section. This waiver authority applies to statutory provisions set forth in a municipal charter or provisions set forth in a school district’s articles of agreement if the waiver is requested by that municipality.</p> <p>(c) As used in this section, “school district” means a school district, as defined in 16 V.S.A. § 11(11), or a regional career technical center school district, as defined in 16 V.S.A. § 1571.</p> <p>Sec. B.1116 2020–2021 SCHOOL YEAR; WAIVER OF ONLINE TEACHING ENDORSEMENT</p> <p>Notwithstanding 16 V.S.A. § 1694, for the 2020–2021 school year, the Standards Board for Professional Educators (SBPE) shall waive its requirement for a teacher to hold an endorsement for online teaching in order to teach online or implement remote learning.</p> <p>Sec. B.1117 ELECTIONS; UNIFIED UNION SCHOOL DISTRICT</p> <p>(a) Notwithstanding any provision of law to the contrary, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district’s annual meeting unless otherwise provided in the district’s articles of agreement.</p>	<p>Sec. B.1116 2020–2021 SCHOOL YEAR; WAIVER OF ONLINE TEACHING ENDORSEMENT</p> <p>Notwithstanding 16 V.S.A. § 1694, for the 2020–2021 school year, the Standards Board for Professional Educators (SBPE) shall waive its requirement for a teacher to hold an endorsement for online teaching in order to teach online or implement remote learning.</p> <p>Sec. B.1117 ELECTIONS; UNIFIED UNION SCHOOL DISTRICT</p> <p>(a) Notwithstanding any provision of law to the contrary, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district’s annual meeting unless otherwise provided in the district’s articles of agreement.</p>

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<p>(b) Notwithstanding any provision of law to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union school district shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held at an annual or special meeting unless otherwise provided in accordance with the unified union school district's articles of agreement.</p> <p>(c) This section is repealed on July 1, 2022.</p>	<p>(b) Notwithstanding any provision of law to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union school district shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held at an annual or special meeting unless otherwise provided in accordance with the unified union school district's articles of agreement.</p> <p>(c) This section is repealed on July 1, 2022.</p> <p>Sec. B. 1118 ADM ADJUSTMENT; DECLINE IN STUDENT ENROLLMENT DUE TO HOME STUDY Notwithstanding 16 V.S.A. §§ 4001(1) and 4010(b), for the 2020–2021 school year, the Secretary of Education shall determine the average daily membership (ADM) for each school district at a count of not less than the district's 2019–2020 school year ADM.</p> <p>Sec. B.1119 REIMBURSEMENT OF TRANSPORTATION EXPENSES INCURRED DURING THE COVID-19 STATE OF EMERGENCY Notwithstanding 16 V.S.A. §§ 1222 and 4016, allowable transportation expenditures shall include the costs incurred by a school district or supervisory union for the transportation of food and other aid to students, families, and members of the community during the COVID-19 state of emergency, provided that if these expenditures were already reimbursed by federal or State</p>

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	<p data-bbox="1157 233 1818 298"><u>funds, they shall not also be reimbursed under these sections.</u></p> <p data-bbox="1110 305 1780 370">Sec. B.1120 PREKINDERGARTEN; TEACHERS; WAIVER</p> <p data-bbox="1157 376 1902 665"><u>Notwithstanding 16 V.S.A. § 829, if a private provider was prequalified on or before March 15, 2020, then the provider shall retain its prequalified status for the 2020–2021 school year despite the loss of services of a teacher who is licensed and endorsed in early childhood education or in early childhood special education under 16 V.S.A. chapter 51, provided that the private provider continues to meet all other qualification criteria.</u></p> <p data-bbox="1110 672 1755 737">Sec. B.1120.1 TASK FORCE FOR UNIVERSAL AFTERSCHOOL ACCESS; CREATION</p> <p data-bbox="1157 743 1885 922"><u>(a) Creation. There is created the Task Force for Universal Afterschool Access to consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.</u></p> <p data-bbox="1157 928 1877 993"><u>(b) Membership. The Task Force shall be composed of the following 15 members:</u></p> <ol style="list-style-type: none"> <li data-bbox="1157 1000 1902 1104"><u>(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;</u> <li data-bbox="1157 1110 1894 1175"><u>(2) one current member of the Senate, who shall be appointed by the Committee on Committees;</u> <li data-bbox="1234 1182 1789 1214"><u>(3) the Secretary of Education or designee;</u> <li data-bbox="1234 1221 1869 1253"><u>(4) the Secretary of Human Services or designee;</u> <li data-bbox="1157 1260 1780 1325"><u>(5) the Executive Director of the Vermont Superintendents Association or designee;</u> <li data-bbox="1157 1331 1877 1396"><u>(6) the Executive Director of the Vermont School Boards Association or designee;</u>

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	<p>(7) the Executive Director of the Vermont Council of Special Education Administrators or designee;</p> <p>(8) the Executive Director of the Vermont Principals' Association or designee;</p> <p>(9) the Chair of the Vermont Council of Independent Schools or designee;</p> <p>(10) a representative of Vermont home study programs, appointed by the Governor;</p> <p>(11) a representative of Vermont Boys and Girls Clubs, appointed by the Governor;</p> <p>(12) three representatives of afterschool programs who represent the breadth of geographic areas within the State, appointed by the Governor; and</p> <p>(13) the Executive Director of Vermont Afterschool, Inc. or designee.</p> <p>(c) Powers and duties. The Task Force shall consider and make recommendations on the framework for, the costs of, and related long-term funding sources for access to universal afterschool programs.</p> <p>(1) The Task Force shall map existing afterschool programs and highlight gaps in access and equity, including equity for Vermonters with disabilities.</p> <p>(2) The Task Force shall recommend, as part of the framework, best practices and key evidence-based strategies to maximize health and substance abuse prevention and shall consult with the Substance Misuse Prevention and Advisory Council.</p> <p>(3) The Task Force shall consider the report entitled "Closing the Gap in Vermont: The Expanded Learning Opportunities (ELO) Special Fund," dated November 2015, issued by the Working Group on Expanded Learning Opportunities of Vermont's PreK-16 Council.</p>

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	<p>(4) The Task Force shall review the status and results of the Afterschool for All Grant Program administered by the Department for Children and Families.</p> <p>(5) In exploring funding sources, the Task Force shall prefer solutions that do not draw upon the State's Education Fund and shall explore the possibility of using potential revenue from the taxation and regulation of cannabis.</p> <p>(6) The Task Force may recommend legislative language to enact its recommendations.</p> <p>(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.</p> <p>(e) Meetings.</p> <p>(1) The Governor shall call the first meeting of the Task Force to occur on or before October 15, 2020.</p> <p>(2) The Task Force shall select a chair from among its members at the first meeting.</p> <p>(3) A majority of the membership shall constitute a quorum.</p> <p>(4) The Task Force shall cease to exist on April 16, 2021.</p> <p>(f) Reports. On or before April 15, 2021, the Task Force shall submit a written report to the Governor and the House and Senate Committees on Education with its findings and recommendations.</p> <p>(g) Reimbursement.</p> <p>(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in his or her capacity as a legislator shall be entitled to</p>

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	<p><u>per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings.</u></p> <p><u>(2) Members of the Task Force 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 six meetings.</u></p> <p><u>(h) Appropriation. The sum of \$7,200.00 is appropriated for fiscal year 2021 from the General Fund to the Agency of Administration to provide funding for per diem compensation and reimbursement under subsection.</u></p>