

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. REGIONAL CAREER TECHNICAL CENTER SCHOOL

15 DISTRICTS; ELIGIBILITY FOR CARES FUNDING

16 A regional career technical center school district, as defined in 16 V.S.A.  
17 § 1571, shall be considered a “school district” for purposes of 2020 Acts and  
18 Resolves No. 120 (Pre-K–12 education pandemic costs: Coronavirus Relief  
19 Fund appropriations), Sec. A.50(c), and shall therefore be eligible for CARES  
20 Act funding under that subsection on the same basis as other school districts.

1       Sec. 3. ADM ADJUSTMENT; DECLINE IN STUDENT ENROLLMENT

2                   DUE TO HOME STUDY

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

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

13       Sec. 4. 2020–2021 SCHOOL YEAR; AUSTRALIAN BALLOT

14          (a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A.  
15          § 711e that require the voters of a school district to vote to apply the provisions  
16          of the Australian ballot system to its annual meeting or special meetings, any  
17          school district may apply the Australian ballot system to any or all of its annual  
18          meeting and special meetings held in the 2020–2021 school year by vote of its  
19          school board.

20          (b) The Secretary of State may waive statutory deadlines or other statutory  
21          provisions, or provisions set forth in a school district’s articles of agreement,

1 related to a municipal election as necessary in order for a municipality to apply  
2 the Australian ballot system in accordance with subsection (a) of this section.  
3 This waiver authority applies to statutory provisions set forth in a municipal  
4 charter or provisions set forth in a school district’s articles of agreement if the  
5 waiver is requested by that municipality.

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

9 Sec. 5. 2021–2022 [2020–2021? per AOE recommendation] SCHOOL  
10 YEAR; WAIVER OF ONLINE TEACHING ENDORSEMENT

11 Notwithstanding 16 V.S.A. § 1694, for the 2021–2022 [2020–2021?] school  
12 year, the Standards Board for Professional Educators (SBPE) shall waive its  
13 requirement for a teacher to hold an endorsement for online teaching in order  
14 to teach online or implement remote learning.

15 Sec. 6. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

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

1        (b) Notwithstanding any provision of law to the contrary, if  
2        a vacancy occurs on the board of a unified union school district and  
3        the vacancy is in a seat that is allocated to a specific town, the clerk of the  
4        unified union school district shall immediately notify the selectboard of the  
5        town. Within 30 days after the receipt of that notice, the unified  
6        union school district board, in consultation with the selectboard, shall appoint a  
7        person who is otherwise eligible to serve as a member of the unified  
8        union school district board to fill the vacancy until an election is held at an  
9        annual or special meeting unless otherwise provided in accordance with the  
10       unified union school district’s articles of agreement.

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

12       Sec. 7. SUPPLIES AND EQUIPMENT FOR MEALS TO CHILDREN

13       (a) 2020 Acts and Resolves No. 120, Sec. 50 appropriated \$41,000,000.00  
14       to the Agency of Education for CARES Act expenditures incurred by  
15       prekindergarten-12 schools. 2020 Acts and Resolves No. 136, Sec. 12,  
16       allocated up to \$12,000,000.00 of this funding for the purpose of reimbursing  
17       costs of providing summer meals to children during the months of June, July,  
18       and August, 2020.

19       (b) Not all of the allocation for summer meals was used prior to the end of  
20       August 2020. Therefore, up to \$4,000,000.00 of the funds remaining from  
21       Section 12 of Act 136 may be distributed by the Agency of Education to

1 School Food Authorities and other Child Nutrition Program sponsors for the  
2 purchase of CARES Act eligible supplies and equipment, including vehicles,  
3 freezers and other capital assets, necessary to provide meals to children using  
4 the federal child nutrition programs during the COVID-19 state of  
5 emergency. These funds are restricted to costs that exceed the federal per-meal  
6 reimbursement received for meals provided through these programs.

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

8 Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS: CORONAVIRUS  
9 RELIEF FUND APPROPRIATIONS

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

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

1 reallocation shall be reported to the Joint Fiscal Committee, the Commissioner  
2 of Finance and Management, and the Joint Fiscal Office.

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

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

8 (c) Prekindergarten-12 schools.

9 (1) Public schools. The sum of ~~\$41,000,000~~ \$69,000,000.00 shall be  
10 granted for the purpose of reimbursing COVID-19 costs incurred by school  
11 districts.

12 \* \* \*

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

19 \* \* \*

20 (d) Accounting and technical assistance. Up to \$1,000,000 shall be  
21 available to provide accounting and technical assistance to the supervisory

1 unions and school districts to fully identify COVID-19 expenses and  
2 accurately process these within the statewide accounting system.

3 \* \* \*

4 Sec. 9. 2020 Acts and Resolves No. 120, Sec. A.51 is amended to read:

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

6 CORONAVIRUS RELIEF FUND; APPROPRIATION

7 (a) Appropriation. The sum of ~~\$6,500,000~~ \$11,500,000.00 appropriated in  
8 Sec.A.50(b) of this act from the Coronavirus Relief Fund for Efficiency  
9 Vermont in fiscal year 2021 is for purposes of providing grants to Vermont K–  
10 12 covered schools to upgrade heating, ventilation, and air conditioning  
11 (HVAC) systems, and filtration and other methods of air treatment, in response  
12 to the COVID-19 emergency.

13 \* \* \*

14 Sec. 10. EFFECTIVE DATE

15 This act shall take effect on passage.