

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 224
3 entitled “An act relating to evidence-based structured literacy instruction for
4 students in kindergarten–grade 3 and students with dyslexia and to teacher
5 preparation programs” respectfully reports that it has considered the same and
6 recommends that the bill be amended by striking out all after the enacting
7 clause and inserting in lieu thereof the following:

8 * * * Postsecondary Educational Institutions; Closing * * *

9 Sec. 1. 16 V.S.A. § 175 is amended to read:

10 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

11 (a)(1) The Association of Vermont Independent Colleges (AVIC) shall
12 maintain a memorandum of understanding with each covered college, which
13 are its member colleges and each college that was a member of AVIC within
14 the prior year, under which each covered college agrees to:

15 (A) upon the request of AVIC, properly administer the student
16 academic records of a covered college that fails to comply with the
17 requirements of this subsection; and

18 (B) contribute on an equitable basis and in a manner determined in
19 the sole discretion of AVIC to the costs of another covered college or other
20 entity selected by AVIC maintaining the records of a covered college that fails
21 to comply with the requirements of this subsection.

1 (2)(A) If an institution of higher education is placed on probation by its
2 accrediting agency, the institution shall:

3 (i) not later than five business days after learning that it has been
4 placed on probation, inform the Secretary of Education of its status, and

5 (ii) not later than 60 days after being placed on probation, submit
6 an academic record plan for students to the Secretary for approval.

7 (B) The academic record plan shall include an agreement with an
8 institution of higher education or other entity to act as a repository for the
9 institution’s records, with funds set aside, if necessary, for the permanent
10 maintenance of the academic records.

11 (C) If the Secretary does not approve the plan, the State may take
12 action under subsections (d) and (e) of this section.

13 (3) When an institution of higher education, whether or not chartered in
14 this State, proposes to discontinue the regular course of instruction, either
15 permanently or for a temporary period other than a customary vacation period,
16 the institution shall:

17 ~~(1)~~(A) promptly inform the ~~State Board~~ Secretary;

18 ~~(2)~~(B) prepare the academic record of each current and former student in
19 a form satisfactory to the ~~State Board~~ Secretary and including interpretive
20 information required by the ~~Board~~ Secretary; and

1 ~~(3)(C)~~ deliver the records to a person designated by the ~~State Board~~
2 Secretary to act as permanent repository for the institution's records, together
3 with the reasonable cost of entering and maintaining the records.

4 (b) Persons acting as a repository may microfilm records received under
5 this section.

6 (c) Students and former students of the discontinuing institution shall be
7 entitled to verified copies of their academic records upon payment of a
8 reasonable fee.

9 (d) When an institution of higher education is unable or unwilling to
10 comply substantially with the record preparation and delivery requirements of
11 subsection (a) of this section, the ~~State Board~~ Secretary shall bring an action in
12 Superior Court to compel compliance with this section, and may in a proper
13 case obtain temporary custody of the records.

14 (e) When an institution of higher education is unable or unwilling to
15 comply with the requirements of subsection (a) of this section, the ~~State Board~~
16 Secretary may expend State funds necessary to ensure the proper storage and
17 availability of the institution's records. The Attorney General shall then seek
18 recovery under this subsection, in the name of the State, of all of the State's
19 incurred costs and expenses, including attorney's fees, arising from the failure
20 to comply. Claims under this subsection shall be a lien on all the property of a
21 defaulting institution, until all claims under this subsection are satisfied. The

1 lien shall take effect from the date of filing notice thereof in the records of the
2 town or towns where property of the defaulting institution is located.

3 (f) The State Board shall adopt rules under this section for its proper
4 administration. The rules may include provisions for preparing and
5 maintaining transferred records. Persons acting as a repository of records are
6 bound only by maintenance provisions to which they agreed before receiving
7 transferred records.

8 ~~(g) The Association of Vermont Independent Colleges (AVIC) shall~~
9 ~~maintain a memorandum of understanding with each of its member colleges~~
10 ~~under which each member college agrees to:~~

11 ~~(1) upon the request of AVIC, properly administer the student records of~~
12 ~~a member college that fails to comply with the requirements of subsection (a)~~
13 ~~of this section; and~~

14 ~~(2) contribute on an equitable basis and in a manner determined in the~~
15 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~
16 ~~selected by AVIC maintaining the records of a member college that fails to~~
17 ~~comply with the requirements of subsection (a) of this section.~~

18 Sec. 2. TRANSITION

19 On or before August 1, 2020, the Association of Vermont Independent
20 Colleges (AVIC) shall amend its memorandum of understanding with its
21 member colleges under 16 V.S.A. § 175 to require that each member college

1 that terminates its membership with AVIC continue to comply with the terms
2 of the memorandum for a period of one year after the date of termination.

3 * * * Oath; Repeal * * *

4 Sec. 3. 16 V.S.A. § 12 is amended to read:

5 § 12. OATH

6 ~~A superintendent, a principal or teacher in a public school of the State, a~~
7 ~~professor, instructor, or teacher who will be employed by a university or~~
8 ~~college in the State that is supported in whole or in part by public funds, or a~~
9 ~~headmaster or teacher who will be employed by an independent school or other~~
10 ~~educational institution accepted by the Agency as furnishing equivalent~~
11 ~~education, before entering upon the discharge of his or her duties, shall~~
12 ~~subscribe to an oath or affirmation to support the U.S. Constitution, the~~
13 ~~Vermont Constitution, and all State and federal laws; provided, however, that~~
14 ~~an oath shall not be required of any person who is a citizen of a foreign~~
15 ~~country. [Repealed.]~~

16 * * * Small School Support * * *

17 Sec. 4. 16 V.S.A. § 4015 is amended to read:

18 § 4015. SMALL SCHOOL SUPPORT

19 (a) ~~In~~ As used in this section:

20 * * *

1 (2) “Enrollment” means the number of students who are enrolled in a
2 school operated by the district on October 1. A student shall be counted as one
3 whether the student is enrolled as a full-time or part-time student. Students
4 enrolled in prekindergarten programs shall not be counted.

5 * * *

6 * * * School Wellness Policy * * *

7 Sec. 5. SCHOOL WELLNESS POLICY

8 On or before August 31, 2020, the Agency of Education, in collaboration
9 with the Advisory Council on Wellness and Comprehensive Health created
10 under 16 V.S.A. § 136, shall develop and distribute to school districts a model
11 school wellness policy that shall be in compliance with all relevant state and
12 federal laws including the federal Child Nutrition and WIC Reauthorization
13 Act of 2004 and the federal Healthy, Hunger-Free Kids Act of 2010, and
14 represent best practices and guidance from the Centers for Disease Control and
15 Prevention’s Whole School, Whole Community, Whole Child Model (WSCC),
16 which is designed to achieve a score of at least 85 percent on the Wellness
17 School Assessment WSCC Tool sponsored by the University of Connecticut.
18 The Agency shall establish and maintain online a publicly available database
19 of every local education agency’s most recently reviewed wellness policy and
20 triennial assessment.

21 * * * Electoral Functions; Unified Union School District * * *

1 Sec. 6. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

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

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

16 (c) This section is repealed on July 1, 2021.

17 Sec. 7. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;

18 MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL

19 DISTRICT

20 (a) If a union elementary or union high school district has a member district
21 that is also a union school district, then the legislative body or appropriate

1 officer of each city, town, or incorporated village within the member union
2 school district shall perform electoral functions on behalf of the union
3 elementary or union high school district, including accepting nominations,
4 warning meetings, and conducting elections and the voting process on other
5 matters, when those functions are ordinarily performed by and in member town
6 districts on behalf of a union school district.

7 (b) This section is repealed on July 1, 2021.

8 * * * Menstrual Hygiene Products * * *

9 Sec. 8. 16 V.S.A. § 1432 is added to read:

10 § 1432. MENSTRUAL HYGIENE PRODUCTS

11 (a) By enacting this statute, the General Assembly intends to ensure that a
12 female student attending a public school or an approved independent school
13 has access to menstrual hygiene products at no cost and without the
14 embarrassment of having to request them.

15 (b) A school district and an approved independent school shall make
16 menstrual hygiene products available at no cost in a majority of gender-neutral
17 bathrooms and bathrooms designated for females that are generally used by
18 females in any of grades five through 12 in each school within the district or
19 under the jurisdiction of the board of the independent school. The school
20 district or independent school, in consultation with the school nurse who
21 provides services to the school, shall determine which of the gender-neutral

1 bathrooms and bathrooms designated for females to stock with menstrual
2 hygiene products and which brands to use.

3 (c) School districts and approved independent schools shall bear the cost of
4 supplying menstrual hygiene products and may seek grants or partner with a
5 nonprofit or community-based organization to fulfill this obligation.

6 * * * Special Education; Technical Changes * * *

7 Sec. 9. 16 V.S.A. § 2961 is amended to read:

8 § 2961. CENSUS GRANT

9 (a) As used in this section:

10 * * *

11 (3) “Long-term membership” of a supervisory union in any school year
12 means the average of the supervisory union’s average daily membership over
13 the most recent three school years for which data are available.

14 (4) “Uniform base amount” means an amount determined by:

15 (A) dividing an amount:

16 (i) equal to the average State appropriation for fiscal years 2018,
17 2019, and 2020 for special education under sections 2961 (standard
18 mainstream block grants), 2963 (special education expenditures
19 reimbursement), and 2963a (exceptional circumstances) of this title; and

20 (ii) increased by the annual change in the National Income and
21 Product Accounts (NIPA) Implicit Price Deflator for State and Local

1 Government Consumption Expenditures and Gross Investment as reported by
2 the U.S. Department of Commerce, Bureau of Economic Analysis; by

3 (B) the statewide average daily membership for prekindergarten
4 through grade 12 for the 2019–2020 school year long-term membership.

5 * * *

6 (d)(1)(A) For fiscal year ~~2021~~ 2022, the amount of the census grant for a
7 supervisory union shall be:

8 (i) the average amount it received for fiscal years 2017, 2018, and
9 2019 from the State for special education under sections 2961 (standard
10 mainstream block grants), 2963 (special education expenditures
11 reimbursement), and 2963a (exceptional circumstances) of this title; increased
12 by

13 (ii) the annual change in the National Income and Product
14 Accounts (NIPA) Implicit Price Deflator for State and Local Government
15 Consumption Expenditures and Gross Investment as reported by the U.S.
16 Department of Commerce, Bureau of Economic Analysis.

17 (B) The amount determined under subdivision (A) of this subdivision
18 (1) shall be divided by the supervisory union's long-term membership, to
19 determine the base amount of the census grant, which is the amount of the
20 census grant calculated on a per student basis.

1 (2) For fiscal year ~~2025~~ 2026 and subsequent fiscal years, the amount of
2 the census grant for a supervisory union shall be the uniform base amount
3 multiplied by the supervisory union's long-term membership.

4 (3) For fiscal years ~~2022, 2023, and 2024~~ 2023, 2024, and 2025, the
5 amount of the census grant for a supervisory union shall be determined by
6 multiplying the supervisory union's long-term membership by a base amount
7 established under this subdivision. The base amounts for each supervisory
8 union for fiscal years ~~2022, 2023, and 2024~~ 2023, 2024, and 2025 shall move
9 gradually the supervisory union's fiscal year ~~2021~~ 2022 base amount to the
10 fiscal year ~~2025~~ 2026 uniform base amount by prorating the change between
11 the supervisory union's fiscal year ~~2021~~ 2022 base amount and the fiscal year
12 ~~2025~~ 2026 uniform base amount over this three-fiscal-year period.

13 Sec. 10. 16 V.S.A. § 2967 is amended to read:

14 § 2967. AID PROJECTION

15 (a) On or before December 15, the Secretary shall publish an estimate, by
16 each supervisory union, of its anticipated State special education expenditures
17 funding under this chapter for the ensuing school year.

18 (b) As used in this section, State special education expenditures funding
19 shall include:

20 (1) ~~costs~~ funds eligible for grants and reimbursements under sections
21 2961 and 2962 of this title;

1 (2) ~~costs funds~~ for services for persons who are visually impaired;

2 (3) ~~costs funds~~ for persons who are deaf or hard of hearing;

3 (4) ~~costs funds~~ for the interdisciplinary team program;

4 (5) funds expended for training and programs to meet the needs of

5 students with emotional or behavioral challenges under subsection 2969(c) of

6 this title; and

7 (6) funds expended for training under subsection 2969(d) of this title.

8 Sec. 11. 16 V.S.A. § 2975 is amended to read:

9 § 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL

10 ASSISTANCE

11 The Secretary may use ~~up to two percent of the funds appropriated for~~

12 ~~allowable special education expenditures, as that term is defined in State Board~~

13 ~~of Education rules, to directly assist supervisory unions with special education~~

14 ~~expenditures of an unusual or unexpected nature~~ funds for allowable special

15 ~~education expenditures, as defined in State Board of Education rules, to~~

16 ~~directly assist supervisory unions with special education expenditures of an~~

17 ~~unusual or unexpected nature. These funds shall be appropriated in the amount~~

18 ~~of two percent times the Census Grant as defined in section 2961 of this title.~~

19 The Secretary's decision regarding a supervisory union's eligibility for and

20 amount of assistance shall be final.

21 Sec. 12. 2018 Acts and Resolves No. 173, Sec. 17 is amended to read:

1 **Sec. 17. TRANSITION**

2 (a) Notwithstanding the requirement under 16 V.S.A. § 2964 for a
3 supervisory union to submit a service plan to the Secretary of Education, a
4 supervisory union shall not be required to submit a service plan for fiscal
5 year ~~2021~~ 2022.

6 (b) On or before November 1, ~~2019~~ 2020, a supervisory union shall submit
7 to the Secretary such information as required:

8 (1) by the Secretary to estimate the supervisory union's projected fiscal
9 year ~~2021~~ 2022 extraordinary special education reimbursement under Sec. 5 of
10 this act; and

11 (2) for IDEA reporting in a format specified by the Secretary.

12 (c) The Agency of Education shall assist supervisory unions as they
13 transition to the census-based funding model in satisfying their maintenance of
14 effort requirements under federal law.

15 Sec. 13. 2018 Acts and Resolves No. 173, Sec. 18 is amended to read:

16 **Sec. 18. TRANSITION FOR ALLOWABLE SPECIAL EDUCATION**
17 **COSTS**

18 * * *

19 (b) This section is repealed on July 1, ~~2020~~ 2021.

20

1 * * * Gender Balance; UVM and VSC Boards * * *

2 Sec. 14. GENDER BALANCE; UNIVERSITY OF VERMONT AND
3 VERMONT STATE COLLEGES BOARDS

4 (a) The Board of Trustees of the University of Vermont (UVM) currently is
5 composed of an overwhelming majority of men, with 19 men and 6 women.

6 The Board of Trustees of the Vermont State Colleges (VSC) currently has
7 gender balance on its Board.

8 (b) The State goal is to have the UVM Board achieve gender balance by
9 2025 and maintain it thereafter, and the VSC Board maintain gender balance.

10 Gender balance means, for the UVM Board, that the 25 member Board is
11 composed of 12 or 13 members who are women or people who identify as
12 women or nonbinary, and for the VSC Board, that the 15 member Board is
13 composed of seven or eight members who are women or people who identify
14 as women or nonbinary.

15 (c) Given that the UVM and VSC Boards have four categories trustees,
16 which include those appointed by the Governor, by the General Assembly, and
17 by representatives of the University, as well as student trustees, it is incumbent
18 on the legislative and executive branches to undertake efforts to further the
19 State goal in achieving and maintaining gender balance on these Boards.

20 (d) On or before January 31, 2021 and annually thereafter, as part of their
21 annual budget presentations to the General Assembly, UVM and VSC shall

1 provide, at a minimum, the most recent five years of information on the gender
2 composition of their respective Boards of Trustees. This information shall
3 include the appointing entity, initial appointment date, and length of service,
4 and shall summarize recruitment and replacement strategies employed for
5 recently expired and imminently expiring Trustee positions.

6 * * * Proficiency-based Education; Data Collection * * *

7 Sec. 15. [to come]

8 * * * Effective Date * * *

9 Sec. 16. EFFECTIVE DATE

10 This act shall take effect on passage, except that Secs. 9–11 shall take effect
11 on July 1, 2021, and school districts and approved independent schools shall
12 comply with the requirements of Sec. 8 of this act for the 2021–2022 school
13 year and thereafter.

14
15 and that after passage the title of the bill be amended to read: “An act
16 relating to making miscellaneous changes to education laws”

17
18
19 (Committee vote: _____)

20 _____

21 Senator _____

1

FOR THE COMMITTEE