

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:

* * * 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

that terminates its membership with AVIC continue to comply with the terms 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 * * *

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

5 * * *

6 * * * School Wellness * * *

7 Sec. 5. 16 V.S.A. § 136 is amended to read:

8 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
9 AND COMPREHENSIVE HEALTH

10 (a) As used in this section:

11 * * *

(5) "Wellness program" means a program that includes comprehensive health education as defined in section 131 of this title, fitness, and nutrition.

1 encourage wellness and comprehensive health programs in the public schools,
2 and shall meet not less than twice a year.

3 (c) The Secretary shall collaborate with other agencies and councils
4 working on childhood wellness to:

5 (1) Supervise the preparation of appropriate ~~nutrition and fitness~~
6 wellness program curricula for use in the public schools, promote programs for
7 the preparation of teachers to teach these curricula, and assist in the
8 development of wellness programs.

9 * * *

10 (5) Create a process for schools to share with the Department of Health
11 ~~any data collected about the height and weight of students in kindergarten~~
12 ~~through grade six. The Commissioner of Health may report any data compiled~~
13 ~~under this subdivision on a countywide basis. Any reporting of data must~~
14 ~~protect the privacy of individual students and the identity of participating~~
15 ~~schools.~~

16 * * *

17 Sec. 6. SCHOOL WELLNESS POLICY

18 On or before January 15, 2021, the Agency of Education, in collaboration
19 with the Advisory Council on Wellness and Comprehensive Health created
20 under 16 V.S.A. § 136, shall update and distribute to school districts a model

wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child Model.

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

9 Sec. 7. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

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

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

1 the vacancy until an election is held at an annual or special meeting, unless
2 otherwise provided in accordance with the unified union school district's
3 articles of agreement.

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

5 Sec. 8. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;

6 MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL
7 DISTRICT

8 (a) If a union elementary or union high school district has a member district
9 that is also a union school district, then the legislative body or appropriate
10 officer of each city, town, or incorporated village within the member union
11 school district shall perform electoral functions on behalf of the union
12 elementary or union high school district, including accepting nominations,
13 warning meetings, and conducting elections and the voting process on other
14 matters, when those functions are ordinarily performed by and in member town
15 districts on behalf of a union school district.

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

17 * * * Menstrual Hygiene Products * * *

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

§ 1432. MENSTRUAL HYGIENE PRODUCTS

20 (a) By enacting this statute, the General Assembly intends to ensure that a
21 female student attending a public school or an approved independent school

1 has access to menstrual hygiene products at no cost and without the
2 embarrassment of having to request them.

3 (b) A school district and an approved independent school shall make
4 menstrual hygiene products available at no cost in a majority of gender-neutral
5 bathrooms and bathrooms designated for females that are generally used by
6 females in any of grades five through 12 in each school within the district or
7 under the jurisdiction of the board of the independent school. The school
8 district or independent school, in consultation with the school nurse who
9 provides services to the school, shall determine which of the gender-neutral
10 bathrooms and bathrooms designated for females to stock with menstrual
11 hygiene products and which brands to use.

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

* * * Special Education; Technical Changes * * *

16 Sec. 10. 16 V.S.A. § 2961 is amended to read:

17 § 2961. CENSUS GRANT

18 (a) As used in this section:

* * *

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

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

5 (A) dividing an amount:

6 (i) equal to the average State appropriation for fiscal years 2018,
7 2019, and 2020 for special education under sections 2961 (standard
8 mainstream block grants), 2963 (special education expenditures
9 reimbursement), and 2963a (exceptional circumstances) of this title; and

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

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

16 * * *

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

19 (i) the average amount it received for fiscal years 2017, 2018, and
20 2019 from the State for special education under sections 2961 (standard
21 mainstream block grants), 2963 (special education expenditures

1 reimbursement), and 2963a (exceptional circumstances) of this title; increased

2 by

3 (ii) the annual change in the National Income and Product

4 Accounts (NIPA) Implicit Price Deflator for State and Local Government

5 Consumption Expenditures and Gross Investment as reported by the U.S.

6 Department of Commerce, Bureau of Economic Analysis.

7 (B) The amount determined under subdivision (A) of this subdivision

8 (1) shall be divided by the supervisory union's long-term membership, to

9 determine the base amount of the census grant, which is the amount of the

10 census grant calculated on a per student basis.

11 (2) For fiscal year 2025 2026 and subsequent fiscal years, the amount of

12 the census grant for a supervisory union shall be the uniform base amount

13 multiplied by the supervisory union's long-term membership.

14 (3) For fiscal years 2022, 2023, and 2024 2023, 2024, and 2025, the

15 amount of the census grant for a supervisory union shall be determined by

16 multiplying the supervisory union's long-term membership by a base amount

17 established under this subdivision. The base amounts for each supervisory

18 union for fiscal years 2022, 2023, and 2024 2023, 2024, and 2025 shall move

19 gradually the supervisory union's fiscal year 2021 2022 base amount to the

20 fiscal year 2025 2026 uniform base amount by prorating the change between

1 the supervisory union's fiscal year ~~2024~~ 2022 base amount and the fiscal year
2 ~~2025~~ 2026 uniform base amount over this three-fiscal-year period.

3 Sec. 11. 16 V.S.A. § 2967 is amended to read:

4 § 2967. AID PROJECTION

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

8 (b) As used in this section, State special education ~~expenditures~~ funding
9 shall include:

10 (1) ~~costs~~ funds eligible for grants and reimbursements under sections
11 2961 and 2962 of this title;

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

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

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

15 (5) funds expended for training and programs to meet the needs of
16 students with emotional or behavioral challenges under subsection 2969(c) of
17 this title; and

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

1 Sec. 12. 16 V.S.A. § 2975 is amended to read:

2 § 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL

3 ASSISTANCE

4 The Secretary may use ~~up to two percent of the funds appropriated for~~
5 ~~allowable special education expenditures, as that term is defined in State Board~~
6 ~~of Education rules, to directly assist supervisory unions with special education~~
7 ~~expenditures of an unusual or unexpected nature funds for allowable special~~
8 ~~education expenditures, as defined in State Board of Education rules, to~~
9 ~~directly assist supervisory unions with special education expenditures of an~~
10 ~~unusual or unexpected nature. These funds shall be appropriated in the amount~~
11 ~~of two percent times the Census Grant as defined in section 2961 of this title.~~

12 The Secretary's decision regarding a supervisory union's eligibility for and
13 amount of assistance shall be final.

14 Sec. 13. 2018 Acts and Resolves No. 173, Sec. 17 is amended to read:

15 Sec. 17. TRANSITION

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

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

(1) by the Secretary to estimate the supervisory union's projected fiscal year ~~2024~~ 2022 extraordinary special education reimbursement under Sec. 5 of this act; and

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

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

8 Sec. 14. 2018 Acts and Resolves No. 173, Sec. 18 is amended to read:

9 Sec. 18. TRANSITION FOR ALLOWABLE SPECIAL EDUCATION
10 COSTS

11 * * *

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

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

14 Sec. 15. GENDER BALANCE; UNIVERSITY OF VERMONT AND
15 VERMONT STATE COLLEGES BOARDS

16 (a) The Board of Trustees of the University of Vermont (UVM) currently is
17 composed of an overwhelming majority of men, with 20 men and five women.
18 The Board of Trustees of the Vermont State Colleges (VSC) currently has
19 gender balance on its Board

20 (b) The State goal is to have the UVM Board achieve gender balance by
21 2025 and maintain it thereafter and the VSC Board maintain gender balance.

1 Gender balance means, for the UVM Board, that the 25 member Board is
2 composed of 12 or 13 members who identify as women and for the VSC
3 Board, that the 15 member Board is composed of seven or eight members who
4 identify as women. The UVM self-perpetuating Board members have an
5 obligation to address the Board's gender imbalance in their appointment of
6 trustees.

7 (c) Given that the UVM and VSC Boards have four categories of trustees,
8 which include those appointed by the Governor, those appointed by the
9 General Assembly, and those appointed by the self-perpetuating trustees, as
10 well as student trustees, it is also incumbent on the Legislative and Executive
11 Branches to undertake efforts to further the State goal in achieving and
12 maintaining gender balance on these Boards.

13 (d) On or before January 31, 2021 and annually thereafter, as part of their
14 annual budget presentations to the General Assembly, UVM and VSC shall
15 provide, at a minimum, the most recent five years of information on the gender
16 composition of their respective Boards of Trustees. This information shall
17 include the appointing entity, initial appointment date, and length of service
18 and shall summarize recruitment and replacement strategies employed for
19 recently expired and imminently expiring Trustee positions.

* * * Proficiency-based Education; Appropriation * * *

Sec. 16. PROFICIENCY BASED EDUCATION; APPROPRIATION

(a) To support school districts in the implementation of proficiency-based education, the Agency of Education provides funding for projects that focus on school and systems-based proficiency efforts that are designed to:

(1) develop consistent frameworks, particularly for grading and reporting but also for instructional practices and coordinated curricula; and

(2) ensure all students graduate career and college ready.

(b) The sum of \$400,000.00 is appropriated to the Agency of Education from the Education Fund for fiscal year 2021 to support school districts that have faced challenges in the implementation of proficiency-based education, particularly with respect to grading and reporting.

* * * Effective Dates * * *

Sec. 17. EFFECTIVE DATES

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

and that after passage the title of the bill be amended to read: "An act relating to making miscellaneous changes to education laws"

1

2

3 (Committee vote: _____)

4 _____

5 Senator _____

6 FOR THE COMMITTEE