

1 S.115

2 Introduced by Committee on Education

3 Date: March 10, 2021

4 Subject: Education; miscellaneous

5 Statement of purpose of bill as introduced: This bill proposes to make  
6 miscellaneous changes in education laws.

7 An act relating to making miscellaneous changes in education laws

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

9 \* \* \* Libraries in Vermont \* \* \*

10 Sec. 1. WORKING GROUP ON THE STATUS OF LIBRARIES IN  
11 VERMONT; REPORT

12 (a) Creation. There is created the Working Group on the Status of  
13 Libraries in Vermont to study and report on the statewide status of Vermont's  
14 libraries. The Working Group is formed with the intent of strengthening and  
15 supporting libraries of all sizes and improving library services for the public.

16 (b) Membership. The Working Group shall be composed of the following  
17 members:

18 (1) the State Librarian;

19 (2) the President of the Vermont Library Association or designee;

1           (3) the Executive Director of the Vermont Humanities Council or  
2           designee;

3           (4) three representatives of public libraries, who shall be from libraries  
4           of different sizes and from different regions of the State, appointed by the  
5           State Librarian;

6           (5) two representatives of public school libraries, who shall be from  
7           schools of different sizes and from different regions of the State, appointed by  
8           the Secretary of Education;

9           (6) two representatives of college and university libraries, appointed by  
10          the President of the College and Special Libraries Section of the Vermont  
11          Library Association; and

12          (7) one public library trustee, appointed by the President of the Friends  
13          and Trustees Section of the Vermont Library Association.

14          (c) Powers and duties. The Working Group shall study:

15               (1) library services for specific segments of the Vermont population,  
16               including senior citizens, individuals with disabilities, youths and children,  
17               immigrant and migrant communities, and people living in poverty;

18               (2) the role that libraries play in emergency preparedness, cultural  
19               diversity and inclusion, public health and safety, community identity and  
20               resiliency, economic development, and access to public programs and services;

1           (3) the impact of the COVID-19 pandemic on library operations and  
2           services; and

3           (4) the current overall status of Vermont libraries, which may include  
4           information related to programming, collections, facilities, technology, and  
5           staffing.

6           (A) Programming. The Working Group may study the types and  
7           frequency of library programs, attendance at library programs, and whether  
8           library programs are meeting community needs. The study of programming  
9           may include an assessment of public engagement and outreach surrounding  
10          library programming as well as the opportunities for nonlibrary programs and  
11          groups to access Vermont libraries.

12          (B) Collections. The Working Group may study the size and  
13          diversity of library holdings and assess the strengths and gaps in materials  
14          available to Vermonters. The study of collections may include an assessment  
15          of how libraries may best share resources across differing libraries and  
16          communities, whether libraries offer community-specific resources, and  
17          whether libraries maintain special collections or historical artifacts.

18          (C) Facilities. The Working Group may study whether library  
19          facilities and buildings could be improved with regard to energy efficiency,  
20          accessibility, flexibility, human health and safety, historic preservation, and  
21          intergenerational needs.

1           (D) Technology. The Working Group may study whether Vermont  
2           libraries have sufficient access to basic technological resources, cyber-security  
3           resources, high-speed Internet, electronic catalogs, interlibrary loan and other  
4           interoperable systems, and appropriate hardware and software.

5           (E) Staff. The Working Group may study staffing levels at Vermont  
6           libraries, whether staffing levels are sufficient to meet community needs,  
7           whether library staff compensation and benefits are sufficient, how libraries  
8           rely on volunteers, and what resources are available for workforce  
9           development and training of library staff.

10          (d) Public input. As part of the study and report, the Working Group shall  
11          solicit feedback from the general public and library users around the State.  
12          The Working Group may examine models for library management and  
13          organization in other states, including the formation of statewide service  
14          networks.

15          (e) Data to be used. The data used in the analysis of library services and  
16          operations may be from 2019, prior to the COVID-19 pandemic.  
17          Postpandemic data may also be used to assess the status of library services and  
18          operations.

19          (f) Consultation with the Board of Libraries. The Working Group may  
20          solicit feedback from the Board of Libraries.

1        (g) Assistance. The Working Group shall have the administrative,  
2        technical, and legal assistance of the Department of Libraries.

3        (h) Report. On or before November 1, 2023, the Working Group shall  
4        submit a report to the House and Senate Committees on Education. The report  
5        shall contain:

6            (1) specific and detailed findings and proposals concerning the issues set  
7            forth in subsection (c) of this section;

8            (2) recommendations for updating the statutes, rules, standards, and the  
9            governance structures of Vermont libraries to ensure equitable access for  
10          Vermont residents, efficient use of resources, and quality in the provision of  
11          services;

12          (3) recommendations related to the funding needs of Vermont libraries,  
13          including capital, ongoing, and special funding; and

14          (4) any other information or recommendations that the Working Group  
15          may deem necessary.

16          (i) Meetings.

17            (1) The State Librarian shall be the Chair of the Working Group.

18            (2) The Chair shall call the first meeting of the Working Group to occur  
19            within 45 days after the effective date of this act.

20            (3) A majority of the membership shall constitute a quorum.

21            (4) The Working Group shall cease to exist on December 1, 2023.

1       (j) Compensation and reimbursement. Members of the Working Group  
2       shall be entitled to per diem compensation and reimbursement of expenses as  
3       permitted under 32 V.S.A. § 1010 for not more than 12 meetings. These  
4       payments shall be made from monies appropriated to the Department of  
5       Libraries.

6       (k) Appropriation. The sum of \$4,000.00 is appropriated to the  
7       Department of Libraries from the General Fund in fiscal year 2022 for per  
8       diem compensation and reimbursement of expenses for members of the  
9       Working Group.

10      Sec. 2. 3 V.S.A. § 260 is amended to read:

11      § 260. LOCATION OF OFFICES

12    \* \* \*

13      (c) ~~The principal office of each of the following boards and divisions shall~~  
14      ~~be located in Montpelier: Division for Historic Preservation and Board of~~  
15      ~~Libraries. [Repealed.]~~

16    \* \* \*

17      Sec. 3. 12 V.S.A. § 1699 is amended to read:

18      § 1699. FOREIGN LAWS AND DECISIONS; DETERMINATION BY  
19                      COURT

20              The statutes, laws, and decisions of another state may be evidenced, prima  
21      facie, in the courts of this State by a printed copy thereof, which purports to be

1 published by the authority of ~~such~~ the other state, or which is kept in the State  
2 Library ~~at Montpelier~~. The determination of ~~such~~ the laws shall be made by  
3 the court and not by the jury, and shall be reviewable.

4 Sec. 4. 16 V.S.A. § 212 is amended to read:

5 § 212. SECRETARY'S DUTIES GENERALLY

6 The Secretary shall execute those policies adopted by the State Board in the  
7 legal exercise of its powers and shall:

8 \* \* \*

9 (7) Arrange conferences and summer schools for superintendents and  
10 teachers and employ suitable speakers, lecturers, and instructors for the same;  
11 fix the amount of tuition for the instruction; provide for educational  
12 gatherings, institutes, summer schools, and other supplementary educational  
13 activities; and provide for cooperation with the Board of Libraries established  
14 by 22 V.S.A. § 602 or the State Librarian.

15 \* \* \*

16 Sec. 5. 22 V.S.A. § 605 is amended to read:

17 § 605. DUTIES AND FUNCTIONS OF THE DEPARTMENT OF  
18 LIBRARIES

19 The duties and functions of the Department of Libraries shall be to provide,  
20 administer, and maintain:

21 \* \* \*

1 (2) A collection of ~~State documents and of documents relating to other~~  
2 ~~states and local and federal governments~~ documents. It shall arrange for and  
3 designate depositories of State documents which designation is to include  
4 Bailey Howe Library at the University of Vermont. The Department may  
5 acquire reports and documents published by federal agencies and by other  
6 states and countries, and may arrange for the exchange of official reports and  
7 publications with federal agencies, and with governmental agencies in other  
8 states and countries.

9 \* \* \*

10 (4) A general library collection of a sufficient size and scope to  
11 reinforce and supplement the resources of local ~~and regional~~ libraries. All  
12 materials of the Department of Libraries shall be available for free circulation  
13 to all citizens, institutions, and organizations under regulations of the State  
14 Librarian except that the State Librarian may restrict rare or reference-type  
15 materials to one location. The Department shall arrange, classify, and catalog  
16 all materials in its custody and provide for their safekeeping and shall rebind  
17 books as needed. The Department shall provide service to other libraries in  
18 the State, schools, and individuals and may provide service by mail or book  
19 wagon or otherwise.

20 \* \* \*



1 Sec. 6. 29 V.S.A. § 1108 is amended to read:

2 § 1108. ACCEPTANCE OR REJECTION OF BIDS; CONDITIONS OF  
3 CONTRACTS

4 The Commissioner of Buildings and General Services may require  
5 satisfactory bonds from bidders and contractors, ~~and shall specify in each~~  
6 ~~contract for printing that, in case the matter contracted for is not delivered to~~  
7 ~~the State Librarian or in accordance with his or her written order to such other~~  
8 ~~person as may be specified in the contract, on or before the date specified in~~  
9 ~~the contract for such delivery, \$25.00 of the contract price shall be deducted~~  
10 ~~for every day such delivery is delayed, and, in case the delay exceeds 10 days,~~  
11 ~~there shall be deducted in addition to the above amount \$10.00 for each day's~~  
12 ~~delay over 10 days; and he or she shall also specify in each contract that all~~  
13 ~~public documents and printed matter shall be delivered to the State Librarian at~~  
14 ~~the State Library unless otherwise directed in writing by him or her or the~~  
15 ~~State Librarian. The provisions of this section and section 1107 of this title~~  
16 ~~relating to advertising and bids shall not apply to a contract for printing where~~  
17 ~~the amount of the contract does not exceed \$50.00.~~

18 Sec. 7. REPEALS

19 The following are repealed:

20 (1) 4 V.S.A. § 16 (briefs and other papers kept in State Library);

21 (2) 29 V.S.A. § 1156 (distribution of documents by State Librarian); and

1           (3) 29 V.S.A. § 1161 (distribution of documents to schools).

2   \* \* \* Cultural Liaisons \* \* \*

3           Sec. 8. 16 V.S.A. § 4029 is amended to read:

4           § 4029. USE OF FUNDS FOR EDUCATION

5           (a) Funds received by a school district may be used only for legitimate  
6 items of current education expense and shall not be used for municipal  
7 services.

8           (b) Funds received by a municipality other than a school district may not  
9 be used directly or indirectly for education expenses.

10   \* \* \*

11           (g) Notwithstanding anything to the contrary in this section or otherwise in  
12 law, a school district and the town or city municipality or municipalities in  
13 which the school district operates may jointly fund the services of one or more  
14 cultural liaisons to support students and families who have limited English  
15 proficiency (LEP). A cultural liaison provides language translation and  
16 interpretation services to help facilitate educational and municipal services for  
17 LEP students and families; facilitates communication among school and  
18 municipal staff, LEP students and families, and community organizations; and  
19 assists in reconciling differing cultural perspectives and understandings.

1 \* \* \* Wellness Program \* \* \*

2 Sec. 9. 16 V.S.A. § 136 is amended to read:

3 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS  
4 AND COMPREHENSIVE HEALTH

5 (a) As used in this section:

6 \* \* \*

7 (5) “Wellness program” means a program that includes physical fitness  
8 and ~~nutrition~~ comprehensive health education as defined in section 131 of this  
9 title.

10 (b) The Secretary ~~with the approval of the State Board~~ shall establish an  
11 Advisory Council on Wellness and Comprehensive Health that shall include at  
12 least three members ~~associated with the health services field~~ with expertise in  
13 health services, health education, or health policy. The members shall serve  
14 without compensation ~~but shall receive their actual expenses incurred in~~  
15 ~~connection with their duties relating to wellness and comprehensive health~~  
16 ~~programs.~~ The Council shall assist the Agency to plan, coordinate, and  
17 encourage wellness and comprehensive health programs in the public schools  
18 and shall meet not less than twice a year.

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

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

5 \* \* \*

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

12 \* \* \*

13 Sec. 10. SCHOOL WELLNESS POLICY

14 On or before January 15, 2022, the Agency of Education, in collaboration  
15 with the Advisory Council on Wellness and Comprehensive Health created  
16 under 16 V.S.A. § 136, shall update and distribute to school districts a model  
17 wellness program policy, using the expanded definition of “wellness program”  
18 under 16 V.S.A. § 136, as amended by this act, that shall:

19 (1) be in compliance with all relevant State and federal laws; and  
20 (2) reflect nationally accepted best practices for comprehensive health  
21 education and school wellness policies, such as guidance from the Centers for

1 Disease Control and Prevention’s Whole School, Whole Community, Whole  
2 Child Model.

3 \* \* \* Menstrual Products \* \* \*

4 Sec. 11. 16 V.S.A. § 1432 is added to read:

5 § 1432. MENSTRUAL PRODUCTS

6 (a) By enacting this statute, the General Assembly intends to ensure that all  
7 students attending a public school or an approved independent school have  
8 access to menstrual products at no cost and without ~~the embarrassment of~~  
9 having to request them.

10 (b)(1) A school district and an approved independent school shall make  
11 menstrual products available at no cost for each school within the district or  
12 under the jurisdiction of the board of the independent school in:

13 ~~(A) a majority of gender-neutral bathrooms and bathrooms~~  
14 ~~designated for females that are generally used by females in any of grades five~~  
15 ~~through 12, and~~

~~(A) a majority of gender-neutral bathrooms and bathrooms~~  
~~designated for female students that are generally used by students in any of~~  
~~grades five through 12; and~~

16 (B) the school nurse’s office.

17 ~~(2) The school district or independent school, in consultation with the~~  
18 ~~school nurse who provides services to the school, shall determine which of the~~  
19 ~~gender-neutral bathrooms and bathrooms designated for females to stock with~~  
20 ~~menstrual products and which brands to use.~~

*(2) The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for female students to stock with menstrual products and which brands to use.*

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

4                               \* \* \* Effective Dates \* \* \*

5       Sec. 12. EFFECTIVE DATES

6       This act shall take effect on passage, except that school districts and  
7       approved independent schools shall comply with the requirements of Sec. 11  
8       (menstrual products) for the 2022–2023 school year and thereafter.