

# House Calendar

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Wednesday, March 10, 2021

64th DAY OF THE BIENNIAL SESSION

House Convenes at 1:15 PM

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Third Reading**

**H. 108**

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification

**H. 127**

An act relating to approval of amendments to the charter of the Town of Barre

**Favorable with Amendment**

**H. 128**

An act relating to limiting criminal defenses based on victim identity

**Rep. Colburn of Burlington**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

(a) In a prosecution for any criminal offense, evidence of the defendant's discovery of, knowledge about, or the potential disclosure of the crime victim's actual or perceived sexual orientation or gender identity shall not be used:

(1) as a defense to defendant's criminal conduct;

(2) to establish a finding that defendant suffered from diminished capacity; or

(3) to justify defendant's use of force against another.

(b) The following shall not be used to mitigate the severity of an offense:

(1) evidence of a nonviolent romantic or sexual advance by a crime victim towards the defendant; or

(2) evidence of defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 11-0-0)**

**H. 195**

An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping

**Rep. Rachelson of Burlington**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. USE OF FACIAL RECOGNITION TECHNOLOGY BY LAW  
ENFORCEMENT IN CASES INVOLVING SEXUAL  
EXPLOITATION OF CHILDREN, SEXUAL ASSAULT,  
HOMICIDE, OR KIDNAPPING

(a) Notwithstanding 2020 Acts and Resolves No. 166, Sec. 14, the General Assembly authorizes the use of facial recognition technology by law enforcement during a criminal investigation into sexual exploitation of children under 13 V.S.A. chapter 64.

(b) Use of facial recognition technology authorized by subsection (a) of this section shall be utilized only where law enforcement is in possession of an image of an individual they believe to be a victim, potential victim, or identified suspect in the investigation, and the search is solely confined to locating images, including videos, of that individual within electronic media legally seized by law enforcement in relation to the specific investigation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to use of facial recognition technology by law enforcement in cases related to sexual exploitation of children”

**( Committee Vote: 11-0-0)**

**Favorable**

**H. 177**

An act relating to approval of an amendment to the charter of the City of Montpelier

**Rep. Gannon of Wilmington**, for the Committee on Government Operations, recommends the bill ought to pass.

( **Committee Vote: 8-3-0**)

**H. 289**

An act relating to professions and occupations regulated by the Office of Professional Regulation.

(**Rep. Colston of Winooski** will speak for the Committee on Government Operations.)

**Rep. Durfee of Shaftsbury**, for the Committee on Ways and Means, recommends the bill ought to pass.

(**Committee Vote: 11-0-0**)

**Rep. Townsend of South Burlington**, for the Committee on Appropriations, recommends the bill ought to pass.

(**Committee Vote: 11-0-0**)

**NOTICE CALENDAR**

**Committee Bill for Second Reading**

**H. 420**

An act relating to miscellaneous agricultural subjects.

(**Rep. O'Brien of Tunbridge** will speak for the Committee on Agriculture and Forestry.)

**H. 421**

An act relating to animal cruelty investigation response and training.

(**Rep. Graham of Williamstown** will speak for the Committee on Agriculture and Forestry.)

**Favorable with Amendment**

**H. 101**

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes

**Rep. Webb of Shelburne**, for the Committee on Education, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

by striking out all after the enacting clause and inserting in lieu thereof the following:

## Sec. 1. PURPOSE

The purpose of this act is to provide assistance to supervisory unions in their implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes.

## Sec. 2. FINDINGS

(a) In 2016 Acts and Resolves No. 148, the General Assembly directed the Agency of Education to contract with a consulting firm to review current practices and recommend best practices for the delivery of special education services in school districts. The Agency of Education contracted with the District Management Group, which issued in November 2017 its report entitled “Expanding and Strengthening Best-Practice Supports for Students who Struggle” (Report).

(b) This Report made the following five recommendations on best practices for the delivery of special education services:

(1) ensure core instruction meets most needs of most students;

(2) provide additional instructional time outside core subjects to students who struggle rather than providing interventions instead of core instruction;

(3) ensure students who struggle receive all instruction from highly skilled teachers;

(4) create or strengthen a systems-wide approach to supporting positive student behaviors based on expert support; and

(5) provide specialized instruction from skilled and trained experts to students with more intensive needs.

(c) In enacting 2018 Acts and Resolves No. 173, the General Assembly’s goal was to enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont’s school districts, recognizing that changing the models for delivery of services and funding for students who require additional support is a significant change for school systems and their constituencies and that they will require time and assistance in making necessary accommodations.

(d) In Act 173, the General Assembly provided additional staff and resources to the Agency of Education to support its work with supervisory unions and schools that are transitioning to the best practices recommended in the Report.

(e) Further support for supervisory unions and schools that are transitioning to the best practices recommended in the Report are necessary, particularly in the area of teaching literacy to students in prekindergarten through grade 3, given that proficiency in reading is an essential foundational skill for educational success.

(f) According to the 2019 assessment of reading proficiency by the National Assessment of Educational Progress, only 37 percent of Vermont students in fourth grade were proficient in reading, and that percentage has declined from 2002 (39 percent) and 2017 (43 percent).

(g) Ensuring that students in prekindergarten through grade 3 learn to read at a proficient level advances the best practices recommended in the Report, in particular ensuring core instruction meets most needs of most students and ensuring that students who struggle receive all instruction from highly skilled teachers.

### Sec. 3. LITERACY GRANT PROGRAM

(a) Definitions. As used in this section:

(1) “Eligible applicant” means a supervisory union, or, if multiple supervisory unions choose to collaborate in applying together for the grant funding, those supervisory unions.

(2) “Grant” means a grant provided under this section.

(3) “Participating supervisory union” means each supervisory union that applies for the grant funding under the same application.

(4) “Participating supervisory union leadership team” means the superintendent or designee of each participating supervisory union and two representatives of schools within each participating supervisory union appointed by its superintendent.

(5) “Program” means the Literacy Grant Program created by this section.

(b) Program creation and grant authorization.

(1) The Literacy Grant Program is created to enable supervisory unions to adopt best practices in teaching literacy instruction to students in prekindergarten through grade 3.

(A) In recognition that literacy proficiency is a foundational learning skill, this Program is designed to assist supervisory unions implement 2018 Acts and Resolves No. 173 by providing students with the literacy skills necessary to ensure that core instruction meets most needs of most students

and that students who struggle receive all instruction from highly skilled teachers.

(B) Supervisory unions are encouraged to work together in a sustained and targeted manner to improve literacy outcomes by applying together for the grant funding or otherwise working collaboratively in a manner that uses resources in an effective and efficient manner.

(C) Subject to the terms of the Program, grants shall be awarded to eligible applicants for three consecutive years.

(2)(A) The Agency of Education shall inform supervisory unions of the availability of grants under this act and provide technical assistance to eligible applicants in applying for these funds.

(B) The Agency, in providing information and technical assistance, shall focus on eligible applicants that have a relative higher percentage of:

(i) students who have over recent years scored lower on literacy assessments;

(ii) students who come from families eligible for free or reduced-priced lunch; or

(iii) discrepancies in outcome data on literacy for students from historically underserved populations, including, to the extent that data is available in compliance with privacy laws, students who are Black, Indigenous, and People of Color; students who are English language learners; and students on individualized education programs.

(C) The Agency of Education shall also advise supervisory unions of other sources of funding that may be available to advance the purpose of this act.

(c) Application for, and approval of, grant funding.

(1) On or before July 15, 2021, the Agency of Education shall develop the application for the grant program and post the application on the Agency's website.

(2) The application for the grant shall include:

(A) the members of the participating supervisory union leadership team and a description of its governance structure;

(B) the person or persons who will disperse the grant funds among the participating supervisory unions, a description of the fiscal controls to ensure proper accounting of these funds, and the eligible applicant's Program budget;



(C) the literacy indicators and outcomes the eligible applicant seeks to improve, which shall include each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, and may include any other areas of current best practices in teaching literacy;

(D) the priority problems of practice in teaching and improving literacy outcomes, including shared problems of practice across the participating supervisory unions;

(E) the eligible applicant's plan for improving literacy teaching and outcomes, including how the proposed plan will strengthen the applicant's process towards ensuring that:

(i) core literacy instruction meets most needs of most students;  
and

(ii) students who struggle with literacy proficiency receive all instruction from highly skilled teachers;

(F) how the eligible applicant will implement its plan for literacy teaching and outcomes and a description of how it will achieve the purpose of this act;

(G) how literacy results and outcomes will be measured and reported;

(H) how the eligible applicant will improve its Tier 1 education under 16 V.S.A. § 2902 through this process; and

(I) how systems and processes developed through the grant funding will be sustained.

(3) The Agency shall develop application scoring criteria that incorporate the factors under subdivision (b)(2)(B) of this section and are consistent with subdivisions (2)(A)–(I) of this subsection (c). On or before July 31, 2021, the Agency shall send a copy of the grant application and scoring criteria, review process, and selection criteria to the House and Senate Committees on Education.

(4) Eligible applicants shall submit applications for grant funding to the Agency of Education, which shall review those applications. Following the application review process, the Agency shall recommend applications to the Secretary for funding based on the review scores, funding dollars available, and the Agency's view of the applicant's need for literacy instructional support as compared with other applicants. The Secretary shall make the final grant funding determination.

(5) Based on the Secretary's determination, the Agency of Education shall, on or before September 1, 2021, award the first year of grant funding, up to \$100,000.00 per application, to successful applicants. The amount of this funding shall be based on the applicant's proposed budget, total availability of funds, and the applicant's need for literacy instructional support as compared with other applicants. If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(6) The Agency of Education shall, on or before each of September 1, 2022 and 2023, award the second year and third year of grant funding, respectively, of up to \$100,000.00 per eligible applicant per year. The amount of this funding shall be based on the applicant's proposed budget, total availability of funds, and the Secretary's assessment of the eligible applicant's progress towards implementing its action plan to improve literacy teaching and outcomes under subdivision (2)(F) of this subsection. The Secretary may deny or reduce second- or third-year grant funding if the Secretary finds that the applicant has made insufficient progress towards implementing its action plan. If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(d) Use of grant funds.

(1) Grant funds shall be used to:

(A) establish the participating supervisory union leadership team and its governance structure;

(B) implement the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section; and

(C) measure the literacy results and outcomes under subdivision (c)(2)(G) of this section.

(2) Grant funds may be used to:

(A) build literacy instructional leadership capacity to lead the improvement of the quality of literacy teaching and for the improvement of student learning;

(B) implement an instructional coaching model, as described in the guidelines for implementing effective coaching systems issued by the Agency of Education in March 2016 (Coaching Guidelines);

(C) implement a systems' coaching model, as described in the Coaching Guidelines;

(D) support educators in using collaborative data systems to promote continuous improvement of literacy teaching and outcomes;

(E) provide focused training on the literacy indicators and outcomes the eligible applicant seeks to improve, which, if offered, shall include each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, and any other areas of focus in teaching literacy;

(F) employ universal design for literacy learning, which is a framework to improve teaching and learning for all students based on scientific research on how people learn;

(G) employ evidence-based structured literacy instruction, including for students at risk for dyslexia or diagnosed with dyslexia; and

(H) employ any other proven method that builds sustainable systemwide improvement in literacy delivery and outcomes.

(3) Required activities shall not be duplicative of existing programs and activities.

(4) Grant funds may be used for hiring additional staff, providing additional compensation to existing staff, or contracting with another entity or entities to aid in the implementation activities under subdivision (1) of this subsection.

(e) Evaluation and reporting.

(1) Not later than 30 calendar days after the one-year anniversary of receiving a grant award under this section, the eligible applicant shall submit to the Agency of Education a report that describes progress and concerns with the implementation of the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section.

(2) On or before January 15, 2025, the Agency of Education shall report to the General Assembly and the Governor on the impact of the grant program. The report shall be made publicly available on the Agency of Education's website.

#### Sec. 4. APPROPRIATION OF FUNDS

(a) Notwithstanding any provision of law to the contrary, \$2,000,000.00 is appropriated from federal funds to the Agency of Education for fiscal year 2022 for the literacy grants to be funded on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than \$16,000.00 for informational and technical assistance for eligible applicants as defined under Sec. 3(a)(2) of this act; and

(2) not more than \$16,000.00 for the evaluations required under Sec. 3(e)(1) of this act.

#### Sec. 5. AGENCY OF EDUCATION; STAFFING

The following position is created in the Agency of Education: one full-time, director level, classified position to serve as the Statewide Literacy Coordinator in the Office of the Secretary. The person hired as the Statewide Literacy Coordinator shall hold a masters' level degree, or have equivalent expertise based on work experience, in the field of evidenced-based literacy instruction. There is appropriated to the Agency of Education from the General Fund for fiscal year 2022 the amount of \$150,000.00 for salary, benefits, and operating expenses for this position.

Sec. 6. 16 V.S.A. § 2903a is added to read:

#### § 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following 14 members:

(1) eight members who shall serve as ex officio members:

(A) the Statewide Literacy Coordinator at the Agency of Education;

(B) a member appointed of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee;

(2) six members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three; and

(C) two community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, appointed by the Agency of Education in consultation with the Vermont Family Network.

(c) Members with two-year terms.

(1) A member with a term limit shall serve a term of two years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of these members shall be staggered so that not all terms expire at the same time.

(2) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(3) A member with a term limit shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision.

(d) Powers and duties. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the State Board of Education on how to update section 2903 of this title and the statewide literacy plan required by that section and how to maintain that plan;

(2) advise the Agency of Education on what services the Agency should provide to school districts to support implementation of the plan and on staffing levels and resources needed at the Agency to support the Statewide Literacy Coordinator;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and

(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

(e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, the Council shall submit a written report to the House and Senate Committees on Education with its findings, any recommendations for legislative action, and progress toward outcomes identified in this section. The report shall contain an executive summary, which shall not exceed two pages.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Statewide Literacy Coordinator at the Agency of Education shall chair the Council, provided that until that position is filled, the Council shall select a chair from among its members.

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

(4) The Council shall meet not more than eight times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings of the Council per year.

Sec. 7. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$6,000.00 is appropriated from the General Fund in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 6 of this act.

Sec. 8. AGENCY OF EDUCATION; ANNUAL BUDGET REQUEST

The Agency of Education shall, in its annual budget request to the General Assembly, include the amount of \$6,000.00 for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 6 of this act.

Sec. 9. IMPLEMENTATION OF THE ADVISORY COUNCIL ON  
LITERACY

(a) The Advisory Council on Literacy, created in Sec. 6 of this act, is established on August 1, 2021.

(b) Members of the Council shall be appointed on or before August 1, 2021 and, for members with a term limit, their service on the Council from the date of appointment through December 31, 2021 shall not be counted toward their term limit.

(c)(1) In order to stagger the terms of the members of the Council, the initial terms of the following members shall be for one year:

(A) two of the teachers appointed under subdivision (b)(2)(B) of this section; and

(B) the two community members appointed under subdivision (b)(2)(C) of this section.

(2) After the expiration of the initial term set forth in subdivision (1) of this subsection, Council member terms shall be as set forth in 16 V.S.A. § 2903a(c) in Sec. 6 of this act.

Sec. 10. AGENCY OF EDUCATION; LITERACY PLAN

Notwithstanding 16 V.S.A. § 2903(b), on or before December 1, 2021, the Agency of Education shall, in collaboration with the Advisory Council on

Literacy created by Sec. 6 of this act, update the statewide literacy plan required under 16 V.S.A. § 2903(b).

#### Sec. 11. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before December 1, 2021, the Agency of Education in collaboration with the Standards Board for Professional Educators shall review:

(1) teacher preparation programs to assess to what extent these programs prepare teacher candidates to use “evidence-based literacy instruction”; and

(2) licensing and re-licensing criteria as it pertains to literacy instruction.

(b) “Evidence-based literacy instruction” means reading, writing, and spelling instruction that is supported by high-quality research that meets rigorous standards and is proven to translate effectively to classroom practices.

#### Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 11-0-0)**

### **H. 106**

An act relating to equitable access to a high-quality education through community schools

**Rep. James of Manchester**, for the Committee on Education, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. SHORT TITLE

This act shall be called the “Community Schools Act.”

#### Sec. 2. FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds that:

(1) Every child should be able to grow up and have the opportunity to achieve their dreams and contribute to the well-being of society. Every child deserves a public school that fully delivers on that promise.

(2) According to the National Center for Education Statistics, more than half of the nation’s schoolchildren live in low-income households, meaning they qualify for free or reduced-price lunch, a percentage that has risen steadily in recent decades. According to the Vermont Agency of Education, an average of 38 percent of students across all supervisory unions during the



2019–2020 school year qualified for free or reduced-price lunch. As a result, some schoolchildren face more challenges than others in succeeding in school and in life.

(3) Community schools facilitate the coordination of comprehensive programs and services that are carefully selected to meet the unique needs of students and families, such as substance misuse, lack of stable housing, inadequate medical and dental care, hunger, trauma, and exposure to violence, so students can do their best.

(4) According to research reports from the Learning Policy Institute, the four key pillars of the community schools approach, which are integrated student supports, expanded and enriched learning time and opportunities, active family and community engagement, and collaborative leadership and practices, promote conditions and practices found in high-quality schools as well as address out-of-school barriers to learning.

(5) This research also shows that community school interventions can result in improvements in a variety of student outcomes, including attendance, academic achievement (including reducing racial and economic achievement gaps), and high school graduation rates, and can meet the Every Student Succeeds Act standard of “evidence-based” approaches to support schools identified for comprehensive and targeted support and intervention.

(6) Research also shows that these programs offer a strong return on investment. According to impact studies, each dollar invested in a community coordinator position returns approximately \$7.00 in net benefits to the school (Return on Investment of a Community School Coordinator: A Case Study; APEX and Community School Partnership; 2019). Every dollar invested in programs and support (including medical, dental, and social services; afterschool and summer enrichment; parent engagement; and early childhood services) can yield up to \$15.00 in return (Community Schools as an Effective School Improvement Strategy: A Review of the Evidence; Anna Maier, Julia Daniel, Jeannie Oakes, and Livia Lam; 2017).

(7) According to the Learning Policy Institute, “establishing community schools” is one of 10 recommended strategies for restarting and rethinking the role of public education in the wake of the COVID-19 pandemic. Community schools serve as resource hubs that provide a broad range of easily accessed, well-coordinated supports and services that help students and families with increasingly complex needs.

(8) Community schools have been established in many states and settings, from New York City to Chicago and Los Angeles. But the approach has also been successful in rural communities. In McDowell County, West

Virginia (population 22,000), community schools are part of a public-private partnership, a collaboration between state government, nonprofit agencies, businesses, and philanthropic foundations, that aims to “make educational improvement the route to a brighter economic future.” The national nonprofit Rural School and Community Trust is an active advocate for expanding this model in rural areas, calling the relationship between good schools and thriving communities “crucial.” In Vermont, a growing number of schools are implementing or exploring the model, from Molly Stark Elementary in Bennington, which offers school-based health services, extended hours, summer school, and family learning activities, to the school-based health center in Winooski.

(b) Purpose. This law is enacted to support a demonstration grant program for the implementation of community school programs that provide students with equitable access to a high-quality education.

### Sec. 3. COMMUNITY SCHOOLS; DEMONSTRATION GRANT PROGRAM

(a) Definitions. As used in this section:

(1) “Community school coordinator” means a person who:

(A) is a full-time or part-time staff member serving in an eligible school or in a school district or supervisory union with an eligible school and appointed in accordance with Vermont law; and

(B) is responsible for the identification, implementation, and coordination of a community school program, subject to the operational and reporting structure of the community school coordinator’s employer.

(2) “Community school program” means a program offered at a public elementary or secondary school that includes all four of the following:

(A) integrated student supports, which address out-of-school barriers to learning through partnerships with social and health service agencies and providers, coordinated by a community school coordinator, which may include access to services such as medical, dental, vision care, and mental health services, or access to counselors to assist with housing, transportation, nutrition, immigration, or criminal justice issues;

(B) expanded and enriched learning time and opportunities, which may include before-school, afterschool, weekend, and summer programs, that provide additional academic instruction, individualized academic support, enrichment activities, and learning opportunities that emphasize real-world learning and community problem-solving and that may include art, music,

drama, creative writing, hands-on experience with engineering or science, tutoring and homework help, and recreational programs that enhance and are consistent with the school's curriculum;

(C) active family and community engagement, which brings students' families and the community into the school as partners in children's education and makes the school a community hub, providing adults with a facility to access educational opportunities they want, which may include coordinating services with outside providers to offer English as a second language classes, green card or citizenship preparation, computer skills, art, financial literacy, career counseling, job skills training, services for substance misuse, and other programs that bring community members into the building for meetings or events; and

(D) collaborative leadership and practices, which build a culture of professional learning, collective trust, and shared responsibility using strategies that shall, at a minimum, leverage the multitiered system of supports and include a community school coordinator and a representative of families in the community, and may include school, school district, and other leadership or governance teams; teacher learning communities; and other staff to manage the multiple, complex, joint work of school and community organizations.

(3) "Demonstration grant" means a grant provided to an eligible applicant under this section.

(4) "Eligible applicant" means either a school district with an eligible school or supervisory union with an eligible school.

(5) "Eligible school" means a public elementary or secondary school that:

(A) has a student body where at least 40 percent of students are eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act, 42 U.S.C. § 1751 et seq.; or

(B) has been identified for comprehensive or equity support and intervention under Section 1111(c)(4)(D) of the Elementary and Secondary Education Act of 1965 or otherwise identified by the State as in need of additional support.

(b) Demonstration grant authorization. The Secretary of Education is authorized to provide annual demonstration grants of up to \$110,000.00 a year for a period of three years for each eligible applicant to:

(1) hire a community school coordinator to develop and implement a community school program; or

(2) designate a community school coordinator from existing personnel and augment work already being performed to develop and implement a community school program.

(c) Grant administration.

(1) The Secretary of Education shall administer the demonstration grant program under this section. The Secretary shall develop the demonstration grant application, determine grant amounts, and provide grant funding on or before September 1 of each of 2021, 2022, and 2023 to successful applicants. The Secretary may deny or reduce second- and third-year grant funding if the Secretary finds that the applicant has made insufficient progress towards developing and implementing a community school program.

(2) The Agency of Education shall inform supervisory unions of the availability of demonstration grants under this act and provide technical assistance to eligible applicants in applying for these funds. The Agency of Education shall also advise eligible applicants of other sources of funding that may be available to advance the purpose of this act.

(d) Use of grant funding.

(1) An eligible applicant shall use the demonstration grant funding to hire a community school coordinator to develop and implement a community school program or to designate a community school coordinator from existing personnel and augment work already being performed to develop and implement a community school program.

(2) If the funding is used to hire a community school coordinator, then during the first year of demonstration grant funding, the community school coordinator shall conduct a needs and assets assessment of the school to determine what is necessary to develop a community school program and an action plan to implement the community school program. During the second and third years of demonstration grant funding, the community school coordinator shall oversee the implementation of the community school program.

(e) Evaluation.

(1) At the end of each year of grant funding, each eligible applicant that received grant funding shall undergo an evaluation designed by the Agency of Education.

(2) On or before each of December 15, 2022 and 2024, the Agency of Education shall report to the General Assembly and the Governor on the impact of the demonstration grant program. The report shall be made publicly available on the Agency of Education's website.

Sec. 4. APPROPRIATION OF FUNDS

(a) The Secretary of Education shall use \$1,529,000.00 of the amount allocated to the Agency of Education from the Elementary and Secondary School Emergency Relief Fund pursuant to Section 313 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 for the demonstration grants to be funded on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than one percent of funds for informational assistance and technical assistance, such as assistance with applying for grant funding and use of grant funding, for eligible applicants under Sec. 3 of this act; and

(2) not more than two percent of funds for the evaluations required under Sec. 3 of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

( **Committee Vote: 9-2-0** )

**H. 133**

An act relating to emergency relief from abuse orders and relinquishment of firearms

**Rep. Notte of Rutland City**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff's personal liberty or the personal liberty of the plaintiff's children, or both;

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment; ~~and~~

(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication; or

(E) to immediately relinquish, until the expiration of the order, all firearms that are in the defendant's possession, ownership, or control, and to refrain from acquiring or possessing any firearms while the order is in effect.

(2) Upon a finding that the plaintiff, ~~or his or her~~ the plaintiff's children, or both, have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

\* \* \*

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 7-4-0)**

## H. 171

An act relating to the governance and financing of Vermont's child care system

**Rep. Brumsted of Shelburne**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Legislative Intent \* \* \*

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly:

(1) that immediate investments are necessary to support Vermont's economy, ensure that all families with young children have affordable access to high-quality child care and early education, and that Vermont's early childhood educators are fairly compensated and well supported; and

(2) to continue and build upon the five-year redesign of the Child Care Financial Assistance Program that began in fiscal year 2020.

\* \* \* Child Care Financial Assistance Program \* \* \*

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) ~~The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the current federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 150 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including 350 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection.~~ The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

\* \* \*

Sec. 3. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

\* \* \*

(c)(1) The payment schedule established by the Commissioner shall reimburse providers in accordance with the results of the most recent Vermont Child Care Market Rate Survey and be adjusted following the release of each new Vermont Child Care Market Rate Survey.

(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program and the results of the most recent Vermont Child Care Market Rate Survey. The lower limit of the reimbursement rate caps shall be not less than the 50th percentile of all reported rates for the same provider setting in each rate category.

Sec. 4. APPROPRIATION AND LEGISLATIVE INTENT; CHILD CARE

FINANCIAL ASSISTANCE PROGRAM

(a) In fiscal year 2022, \$5,529,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of implementing Secs. 2 and 3 of this act.

(b) It is the intent of the General Assembly that:

(1) an appropriation that meets or exceeds the amount distributed in fiscal year 2022 be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year;

(2) by fiscal year 2023, the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income; and

(3) by fiscal year 2026, a family shall spend not more than 10 percent of the family's gross annual income on child care.

\* \* \* Bright Futures Information System \* \* \*

Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;

MODERNIZATION PLAN

(a) In fiscal year 2022, \$4,500,000.00 is appropriated to the Agency of Digital Services for the purpose of completing the implementation of the Bright Futures Information System modernization plan.



(b)(1) On or before October 1, 2021, the Department for Children and Families' Child Development Division shall make every reasonable effort to achieve full functionality of the first module of the modernized Bright Futures Information System.

(2) On or before August 1, 2021, the Department for Children and Families' Child Development Division shall convene and consult with a Bright Futures Information System end-user group, composed of child care providers, eligibility specialists from community child care support agencies, families participating in the Child Care Financial Assistance Program, and any other relevant stakeholders. The Division shall provide periodic updates to the end-user group regarding the Division's progress in completing the modernization project and any successes or challenges identified once the modernized Bright Futures Information System is operational. The Division shall actively seek advice and feedback from the end-user group regarding the modernized Bright Futures Information System. The end-user group shall be dissolved following full functionality of all components of the modernized Bright Futures Information System.

\* \* \* Workforce Supports \* \* \*

Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

Subchapter 5. Workforce

§ 3541. SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD

PROVIDERS

(a) There is established a need-based scholarship program for individuals employed by a regulated, privately operated center-based child care program or family child care home while acquiring credits in early childhood development or that are related directly to working with children from birth through eight years of age.

(b) The Division may contract for the administration of the program set forth in subsection (a) of this section and adopt policies, procedures, and guidelines necessary for its implementation.

(c) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3542. SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD

## PROVIDERS

(a)(1) There is established a need-based scholarship program for individuals pursuing a college degree in early childhood education or early childhood special education. The scholarship program shall provide financial assistance up to the full cost of tuition for an eligible individual.

(2) An eligible individual shall:

(A) attend a Vermont college or university at least part-time;

(B) be pursuing an associates or bachelor's degree in early childhood education or early childhood special education; and

(C) commit to working in a regulated, privately operated center-based child care program or family child care home in Vermont for years equal to those in which scholarship monies are sought under this section.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary for implementation of the program described in subsection (a) of this section.

(2) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c)(1) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(2) An eligible individual who does not work the required number of years in a regulated, privately operated center-based child care program or family child care home in Vermont after completion of the individual's degree program shall repay scholarship monies received under this section commensurate with the balance of the eligible individual's time commitment.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

## § 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year;

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

(2) Student loan repayments shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(3) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c) An individual shall not simultaneously participate in the student loan repayment assistance program set forth in this section and either of the scholarship programs set forth in section 3541 or 3542 of this title.

Sec. 7. APPROPRIATION, LEGISLATIVE INTENT, AND EVALUATION;  
EARLY CHILDHOOD WORKFORCE PROGRAMS

(a)(1) In fiscal year 2022, \$300,000.00 is appropriated to the Department for Children and Families' Child Development Division for the Current Early Childhood Provider Scholarship Program established pursuant to 33 V.S.A. § 3541.

(2) In fiscal year 2022, \$400,000.00 is appropriated to the Department for Children and Families for the Prospective Early Childhood Provider Scholarship Program established pursuant to 33 V.S.A. § 3542.

(3) In fiscal year 2022, \$1,800,000.00 is appropriated to the Department for Children and Families for the student loan repayment assistance program established pursuant to 33 V.S.A. § 3543.

(b) It is the intent of the General Assembly that appropriations that meet or exceed each of the amounts appropriated in fiscal year 2022 pursuant to subdivisions (a)(1) through (3) of this section be made in fiscal years 2023 through 2026.

(c) On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current state, or retained with amendment.

#### Sec. 8. REPEALS

(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.

(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026.

(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.

\* \* \* Advisory Commission \* \* \*

#### Sec. 9. RECOMMENDATIONS; ADVISORY COMMITTEE

(a) Purpose. Building Bright Futures' Early Learning and Development Committee shall advise the Agency of Human Services, Department for Children and Families, and Child Development Division on all services pertaining to child care and early childhood education, including:

(1) child care and early childhood education licensing rules, policies, and procedures;

(2) administration of the child care and early childhood education system;

(3) Child Care Financial Assistance Program rules, policies, procedures, and plans;

(4) child care provider credentialing and compensation standards;

(5) the Vermont STARS quality rating and improvement system;

(6) child care and early childhood education curricula standards, including antiracist early childhood education practices and standards; and

(7) the child care and early childhood education systems analysis study pursuant to Sec. 10 of this act.

(b) Membership. The membership of the Committee shall be adjusted for the purposes of providing the recommendations required by this section to reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color, and to engage the following members:

(1) a parent or caregiver from a large town or city;

(2) a parent or caregiver from a rural community;

(3) a foster parent or person providing kinship care for a child under 12 years of age;

(4) a family child care home provider;

(5) a center-based child care and preschool program provider;

(6) a Head Start family policy advisory council member;

(7) a Head Start early childhood provider or program director;

(8) a representative of the Vermont Association for the Education of Young Children;

(9) a representative of the Vermont Early Childhood Education Higher Education Consortium;

(10) a representative of Vermont's Parent Child Center Network;

(11) a representative of a community child care resource agency;

(12) a provider of Children's Integrated Services;

(13) a provider of early childhood special education services;

(14) a regional Universal Pre-K Coordinator;

(15) a pediatrician;

(16) a representative of the National Federation of Independent Businesses;

(17) a representative of Vermont Businesses for Social Responsibility;

(18) a representative of the Vermont Business Roundtable;

(19) the Executive Director of the Office of Racial Equity or designee;

(20) an afterschool provider; and

(21) any other member that Building Bright Futures deems necessary to complete the work required by this section.

(c) Assistance. The Committee shall have the administrative assistance of Building Bright Futures and the technical and legal assistance of the Department for Children and Families' Child Development Division.

(d) Reports.

(1) On or before January 15, 2022, the Committee shall submit an interim written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with a summary of the Committee's efforts to organize and provide advice to the Department to date.

(2) On or before September 1, 2022 and 2023, the Committee shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with a summary of its annual activities, findings, and any recommendations for legislative action. All findings and recommendations provided pursuant to this subdivision shall be divided by birth through five years of age and six years of age through 12 years of age.

(e) Meetings.

(1) The Committee shall begin the work required by this section on or before September 1, 2021.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) The work required by this section shall be completed on or before January 15, 2024.

(f) Members of the Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not

more than six meetings annually. These payments shall be made from monies appropriated to the Department for Children and Families.

(g) Appropriation.

(1) In fiscal year 2022, \$33,000.00 is appropriated from the General Fund to the Department for Children and Families for the purpose of implementing this section.

(2) It is the intent of the General Assembly that \$33,000.00 is appropriated to the Department for Children and Families in fiscal year 2023 for the purpose of implementing this section.

(h) Definition. As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

\* \* \* Studies and Reports \* \* \*

## Sec. 10. CHILD CARE AND EARLY CHILDHOOD EDUCATION

### SYSTEMS ANALYSIS STUDY

(a) In order to ensure that Vermont’s systems for early childhood education effectively meet the needs of children, families, and providers, including child care and early childhood education programs’ ability to refer and connect families to needed services, Building Bright Futures shall undertake an analysis that evaluates and makes recommendations on the following:

(1) existing child care and early childhood education systems and administrative stakeholders and structures;

(2) child care and early childhood education systems and administrative functions that are currently not staffed or understaffed;

(3) emerging system needs;

(4) stakeholder engagement in decision-making processes and State plan development;

(5) mechanisms to strengthen system oversight and leverage current system strengths;

(6) identification of existing needs and challenges; and

(7) ensuring that an antiracist approach is utilized in modifying existing policies and procedures and creating new policies and procedures.

(b) On or before September 1, 2022, Building Bright Futures shall submit the analysis and recommendations required pursuant to this section to the General Assembly. All findings and recommendations provided pursuant to this subsection shall be divided by birth through five years of age and six years of age through 12 years of age.

(c) In preparing the analysis and recommendations required pursuant to this section, Building Bright Futures shall rely on the work and advice provided pursuant to Sec. 9 of this act.

(d)(1) In fiscal year 2022, \$200,000.00 is appropriated to the Department for Children and Families for the purpose of implementing this section.

(2) The Department may use appropriated funds to cover administrative needs associated with the study and to contract a consultant with experience in organizational or administrative systems, administration, or system management experience.

(e) As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

Sec. 11. REPORT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
ENROLLMENT MODEL; CO-PAYMENTS

On or before July 1, 2022, the Department for Children and Families’ Child Development Division shall submit to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare analyses addressing:

(1) the costs and policy implications associated with moving from an attendance-based model to an enrollment-based model in the Child Care Financial Assistance Program; and

(2) the costs and policy implications of requiring that co-payments at the upper limit of the income eligibility scale for families participating in the Child Care Financial Assistance Program does not exceed 10 percent of gross annual income.

Sec. 12. CHILD CARE AND EARLY CHILDHOOD EDUCATION  
FINANCING STUDY

(a) On or before September 1, 2021, the Joint Fiscal Office shall contract with an economist or independent consulting entity with expertise in the field of child care and early childhood education to evaluate the economic impacts



of and potential funding mechanisms to adjusting Vermont's existing child care system regulated pursuant to 33 V.S.A. chapter 35 for children from birth through five years of age with consideration given to the intersection of and impacts on child care for children from six years of age through 12 years of age in alignment with the recommendations of the Universal Afterschool Task Force established pursuant to 2020 Acts and Resolves No. 154, Sec. B.1120.1. The work of the economist or independent consulting entity shall be governed by the following goals:

(1) that a family does not spend more than 10 percent of its gross annual income on child care;

(2) that child care providers receive compensation that is commensurate with peers in other fields; and

(3) the utilization of a cost of care model versus a market rate model in the Child Care Financial Assistance Program.

(b)(1) In conducting this evaluation, the consultant shall consult with Building Bright Futures; the State Treasurer; the Commissioners of Finance and Management, of Taxes, and for Children and Families; the Secretary of Education; and any other State entity the consultant deems necessary.

(2) The consultant shall consult with the Auditor for the purpose of ensuring that the consultant's evaluation includes appropriate requirements for ongoing performance review, accountability, and outcomes tracking.

(3) The consultant may consult with the National Association for the Education of Young Children, the Vermont Advancing as a Recognized Profession Task Force, and the Center for the Study of Child Care Employment for determining models for compensation commensurate with peers in other fields. Public school salaries may serve as a relevant benchmark for comparable compensation, assuming comparable qualifications, experience, and job responsibilities.

(c) Taking into consideration the analysis completed as part of the Blue Ribbon Commission on Financing High Quality, Affordable Child Care and the report issued by the Universal Afterschool Task Force, the consultant's evaluation shall:

(1) take into consideration demographic and workforce impacts; and

(2) review potential indirect impacts and multiplier effects on parents and guardians who may utilize the Child Care Financial Assistance Program; child care providers; and entities providing care, supplies, and services; children participating in child care and early childhood education programs; and other impacts to Vermont's economy and communities.

(d)(1) On or before November 15, 2022, the consultant shall submit preliminary results to the Joint Fiscal Office and to the chairs of the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare.

(2) On or before January 15, 2023, the consultant shall submit to the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare results that:

(A) project the costs of expanding the State's child care benefit to more families in accordance with this section, requiring commensurate pay for providers, and utilizing cost of care in the Child Care Financial Assistance Program and the feasibility of implementing each policy in Vermont, both separately and jointly; and

(B) identify and determine the feasibility of implementing stable, long-term funding sources to finance an affordable, high-quality early child care system for children from birth through five years of age given child care's role in postpandemic stimulus and long-term economic development.

(e) The Joint Fiscal Office shall be allowed to accept philanthropic contributions to underwrite the cost of hiring economists and analysts to provide expertise specific to early care and childhood education in accordance with this section.

(f) In fiscal year 2022, \$500,000.00 shall be appropriated from the General Fund to the Joint Fiscal Office for the purpose of hiring a consultant pursuant to this section.

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

### Sec. 13. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Secs. 2 (Child Care Financial Assistance Program; eligibility) and 3 (Payment to Providers) shall take effect on October 1, 2022.

**( Committee Vote: 11-0-0)**

## H. 227

An act relating to approval of amendments to the charter of the City of Winooski

**Rep. Colston of Winooski**, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

### Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City of Winooski as set forth in this act. Voters approved the proposal of amendment on November 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 19 is amended to read:

### CHAPTER 19. CITY OF WINOOSKI

\* \* \*

#### § 105. POWER OVER WATER RESOURCES

(a) No ~~citizen person~~, association of ~~citizens persons~~, ~~domestic corporation~~ corporate entity, or municipality, or any combination thereof, may develop, conserve, or use in whole or in part the water resources of the Winooski River as it flows through the City of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the City Council of the City of Winooski in addition to any other necessary State or federal agency approvals.

\* \* \*

#### § 201. CITY MEETINGS

The annual City meeting shall occur on the first Tuesday in March, and shall be warned in the manner provided by general law. Special City meetings shall be called and warned as provided by general law. All elections, voter registration and qualifications, absentee voting, and the conduct of ~~such~~ City meetings shall be controlled by general law section 202 of this charter. All matters shall be considered by Australian ballot.

#### § 202. QUALIFIED VOTERS

(a) Voter registration, ~~qualification~~, absentee voting, and conduct of elections at all annual and special meetings shall be as provided by general law. The qualifications of voters in State and federal elections shall be as provided by general law. The qualifications of voters in ~~the~~ City meetings

~~shall be the same as those prescribed by law for voters in town meetings and all municipal elections shall be as set forth in subsection (b) of this section.~~

~~(b) Notwithstanding 17 V.S.A. § 2121(a)(1), any person, including persons who are non-U.S. citizens, may register to vote in any City meeting or municipal election who, on election day:~~

- ~~(1) is a legal resident of the City;~~
- ~~(2) has taken the Voter's Oath; and~~
- ~~(3) is 18 years of age or older.~~

~~(c) As used in subdivision (b)(1) of this section, "legal resident of the City" means any person who is a resident of the City and is a United States citizen or resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.~~

~~(d) The City Clerk shall maintain a voter checklist for City meetings and municipal elections, in accordance with subsection (b) of this section, and shall keep the City checklist separate and apart from the voter checklist maintained for State and federal elections.~~

~~(e) The voter checklists maintained by the City Clerk for municipal, State, and federal elections shall be subject to the protections given to the Statewide voter checklists pursuant to 17 V.S.A. § 2154.~~

\* \* \*

§ 205. NOMINATIONS IN GENERAL

~~Nominations for the office of Mayor and Councilor shall be made by petitions which shall be filed with the City Clerk not less than 30 days nor more than 40 days before an annual City election or a special City election called for that purpose. The petition shall state the name of the candidate, the candidate's residence, and the office sought, and shall be signed by at least 50 legal voters of the City qualified to vote at the time the petition is filed petition, prepared and filed in accordance with the provisions of 17 V.S.A. §§ 2681 and 2681a. The petitions shall contain no party designations. A person shall not sign more than one petition for each individual office to be filled. The City Clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname, and sample ballots shall be posted in at least three public places at least ten days before election.~~

\* \* \*

§ 304. GENERAL POWERS AND DUTIES

\* \* \*

(b) Additional powers. In addition to powers otherwise conferred upon it by law, the City, by the action of the Council or, if specifically required by law or this charter, by the action of its voters, has the following powers and rights, including:

\* \* \*

(7) To provide for ~~citizen~~ resident participation in appropriate departments.

\* \* \*

### § 305. PROHIBITIONS; CONFLICT OF INTEREST

(a) Holding other office. Except where authorized by law, no councilor shall hold any other City office or City employment during the term of election to the Council. ~~Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the Fire Department, other than an officer or member of the Department appointed directly by the City Manager, may serve as a member of the City Council.~~

\* \* \*

### § 506. CITY OFFICERS; APPOINTMENT OF

\* \* \*

(c) Officers. In accordance with the provisions of this section, the City Manager shall appoint the following, who shall hold office at the will of the City Manager:

\* \* \*

(10) an Emergency Management Coordinator; ~~and~~

(11) a Human Resources Director; and

~~(11)~~(12) other officers required by law.

\* \* \*

### § 602. CITIZEN RESIDENT ENGAGEMENT

\* \* \*

(d) All unpaid appointments of ~~citizens~~ residents to the boards, committees, commissions, and agencies shall be for a term certain. ~~Citizens~~ Residents once appointed to a term may only be removed for cause or after unanimous vote by the City Council. If ad hoc committees are created, the appointment will cease upon completion of the Committee's task.

§ 603. PERSONNEL SYSTEM

\* \* \*

(b) ~~Personnel Director. There shall be a Personnel Director who shall administer the personnel system of the City. The Personnel Director shall be the City Manager. The Personnel Director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the City Council. [Repealed.]~~

(c) [Repealed.]

(d) Personnel policies. ~~The Personnel Director~~ City Manager shall prepare personnel policies. The personnel rules shall be proposed to the Council, and the Council may adopt them with or without amendment. These rules shall provide for:

\* \* \*

§ 717. TAX CLASSIFICATION

(a) Except for the property of utilities subject to regulation by the Vermont Public Utility Commission, all personal and real property set out in the grand list that is not used as residential property, farmland, and ~~vacant land zoned "recreation, conservation, and open space (RCO)"~~ public recreation, conservation, or open space lands shall be classified as nonresidential property and shall be ~~assessed at~~ taxed by applying the tax rate on 120 percent of ~~fair market~~ the assessed value of the property; and further provided that inventories shall no longer be set out in the grand list of the City as taxable personal estate. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments.

\* \* \*

§ 903. OATH OF OFFICE

All elective officials of the City shall, before assuming office, take, subscribe, and file with the City Clerk the following oath:

"I \_\_\_\_\_ solemnly swear or affirm, under penalty of law, that I will faithfully execute the Office of \_\_\_\_\_ of the City of Winooski to the best of my judgment and abilities, according to law, ~~so help me God or I so affirm.~~"

\* \* \*

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

( Committee Vote: 8-3-0)

**H. 366**

An act relating to 2021 technical corrections

**Rep. Hooper of Burlington**, for the Committee on Government Operations, recommends the bill be amended as follows:

First: By striking out Secs. 136 through 145 in their entireties and inserting in lieu thereof the following:

Sec. 136. [Deleted.]

Sec. 137. [Deleted.]

Sec. 138. [Deleted.]

Sec. 139. [Deleted.]

Sec. 140. [Deleted.]

Sec. 141. [Deleted.]

Sec. 142. [Deleted.]

Sec. 143. [Deleted.]

Sec. 144. [Deleted.]

Sec. 145. [Deleted.]

Second: In Sec. 146, 20 V.S.A. § 1543, by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) ~~the spouses of such service-connected disabled ex-servicemen or women as~~ ex-service personnel who have themselves been unable to qualify for any civil service appointment by reason of their disability;

Third: By striking out Sec. 177, 20 V.S.A. § 2861, in its entirety and inserting in lieu thereof a new Sec. 177 to read as follows:

§ 2861. GENERALLY

When it may seem to be for the public good, the ~~fire-marshal~~ Fire Marshal shall personally visit and investigate any fire in accordance with the provisions of this chapter and ~~he~~ shall be repaid ~~all~~ for any related expenses ~~incident thereto~~ out of the funds ~~provided for in section 2687 of this title~~ appropriated to the Division of Fire Safety.

Fourth: In Sec. 193, 20 V.S.A. § 3349, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) A person who owns or keeps a stallion over one year of age, between April 1 and December 1, in a private enclosure in ~~such a manner as to disturb and annoy~~ that disturbs and annoys the owner or occupant of adjoining premises shall be fined \$5.00 for each week ~~he so keeps such~~ that the owner or keeper keeps the stallion after he the owner or keeper has received three days' notice from an adjoining owner or occupant to remove ~~such~~ the stallion.

( Committee Vote: 11-0-0)

### Favorable

#### H. 10

An act relating to permitted candidate expenditures

**Rep. Gannon of Wilmington**, for the Committee on Government Operations, recommends the bill ought to pass.

( Committee Vote: 11-0-0)

#### H. 337

An act relating to the printing and distribution of State publications.

(**Rep. Lefebvre of Orange** will speak for the Committee on Government Operations.)

**Rep. Townsend of South Burlington**, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

### Information Notice

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)

**JFO #3036** - \$3,800,000 to the VT Dept of Health from the Center for Disease Control and Prevention to increase and sustain the public health approach to suicide prevention. This grant includes funding for three (3) limited service positions. Two (2) positions in the Dept of Health: Public Health Programs Administrator and Public Health Analyst II. One (1) position in the Dept of Mental Health: Marketing and Outreach Coordinator. Grant amount is \$760,000 per year for 5 years. *[JFO received 2/16/2021]*

**JFO #3037** - \$135,000 to the VT Dept of Mental Health from Vibrant Emotional Health for the development of the 988-implementation plan to ensure compliance with the federal mandate for universal access to suicide and



prevention services by July 16, 2022. *[Note: One (1) limited service position is included within JFO #3036]. [JFO received 2/16/2021]*

**JFO #3038** - \$40,000 to the VT Agency of Commerce and Community Development from the Chittenden County Regional Planning Commission. ACCD is a sub-grantee of the Chittenden County Regional Planning Commission and is awarded a maximum of \$40,000; original funds are from the U.S. Economic Development Administration. Funds will be used for work related to the West Central Vermont Comprehensive Economic Development Strategy project. *[JFO received 2/18/2021]*

**JFO #3039** - \$1,000,000 to the VT Dept of Public Safety from the U.S. Dept of Justice to develop and implement approaches to address a range of criminal justice system problems. The majority of funds will be awarded as sub-grants to organizations with expertise in this subject matter. *[JFO received 3/3/2021]*

#### **CROSSOVER DATES**

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2)) on or before **Friday, March 12, 2021**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day- Committee bills must be voted out of Committee by Friday, March 12, 2021.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 19, 2021**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills.**