

Senate Calendar

WEDNESDAY, MAY 12, 2021

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ACTION CALENDAR

UNFINISHED BUSINESS OF TUESDAY, MAY 11, 2021

House Proposals of Amendment

S. 16

An act relating to the creation of the Task Force on School Exclusionary Discipline Reform.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Nationally, millions of students are removed from the classroom each year for disciplinary reasons.

(2) U.S. Department of Education data reveals that in the 2013–2014 school year, of the 50 million students nationally enrolled in schools:

(A) 2.7 million received in-school suspensions;

(B) 1.6 million received one out-of-school suspension;

(C) 1.1 million received more than one out-of-school suspension; and

(D) 111,215 were expelled.

(3) Exclusionary discipline is used mostly in middle and high schools, and mostly for minor misconduct, according to the Council on State Governments' Justice Center.

(4) Students who are suspended are at significantly higher risk of academic failure, of dropping out of school, and of entering the juvenile justice system according to the Council on State Governments' Justice Center.

(5) Nationally, students of certain racial and ethnic groups and students with disabilities are disciplined at higher rates than their peers, beginning in preschool, as evidenced by 2013–2014 data from the U.S. Department of Education's Office for Civil Rights.

(A) Black students, representing approximately 15 percent of the U.S. student population, are suspended and expelled at a rate two times greater than White students, representing approximately 50 percent of the U.S. student population.

(B) Students with disabilities who have individualized education plans (IEPs) are more likely to be suspended than students without disabilities.

(6) According to the 2016 study “Educational Exclusion” published by the Gay, Lesbian, and Straight Education Network, which is a national education organization focused on ensuring safe and affirming schools for all students, students who are lesbian, gay, bisexual, transgender, or queer face disproportionately high rates of school discipline, including detention, suspension, and expulsion from school.

(7)(A) According to the Agency of Education’s Report on Exclusionary Discipline Response, January 2017, for the 2015–2016 school year, 3,616 Vermont public school students were excluded, representing 4.7 percent of total enrollment.

(B) The Agency of Education found that students who are non-Caucasian, participate in the free and reduced lunch program, have Section 504 or IEP plans, male, or are English Learners are over-represented in terms of the number who experience exclusion and the number of incidents resulting in exclusion.

(C) Use of school discipline strategies, such as exclusionary discipline, restraint, seclusion, referral to law enforcement, and school-related arrest, varies widely throughout the State.

(8) The Agency of Education publishes data on school discipline in Vermont annually, however:

(A) some data can be challenging to find or understand;

(B) consistent with federal student privacy laws and regulations, certain data may not be publicly reportable due to Vermont’s extremely small size conditions, such as data with very few reported cases, data on specific incidents or actions, and data disaggregated by student demographics or grade level characteristics;

(C) even when available and reportable, care must be taken when using data to inform practice in order to ensure they are applied in a coherent and methodologically defensible manner; and

(D) while the Agency of Education and Vermont supervisory unions are currently working to improve data collection, stewardship, reporting processes, and infrastructure, this work is in the context of enhancing data quality, data literacy, and the technical infrastructure to support these enhancements.

(9) More data on school discipline practices in Vermont is necessary to understand what strategies are effective and to encourage the adoption of these strategies at the local level.

Sec. 2. TASK FORCE ON EQUITABLE AND INCLUSIVE SCHOOL ENVIRONMENTS; REPORT

(a) Creation. There is created the Task Force on Equitable and Inclusive School Environments. The Task Force shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and compile data regarding school discipline in Vermont public and approved independent schools in order to inform strategic planning, guide statewide and local decision making and resource allocation, and measure the effectiveness of statewide and local policies and practices.

(b) Membership.

(1) The Task Force shall be composed of the following 16 members:

(A) the Secretary of Education or designee;

(B) the Commissioner of Mental Health or designee;

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

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

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

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

(G) the Executive Director of the Vermont Superintendents Association;

(H) one member, appointed by the Legal Aid Disability Law Project;

(I) one member, appointed by the Vermont Family Network;

(J) one member, appointed by the Building Effective Strategies for Teaching Students Project at the University of Vermont;

(K) one member, appointed by the Vermont Restorative Collaborative;

(L) one teacher, appointed by the Vermont-National Education Association;

(M) one member of a therapeutic school, appointed by the Vermont Independent Schools Association;

(N) one school counselor, appointed by the Vermont School Counselor Association; and

(O) two high school students, appointed by the Vermont Principals' Association in consultation with UP for Learning.

(2) The appointing authorities shall seek racial diversity in membership in making appointments to the Task Force.

(c) Powers and duties.

(1) The Task Force shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and, taking into account the Vermont Youth Risk Behavior Survey issued by the Department of Health and relevant data reported by the Agency of Education, shall perform the following tasks:

(A) review current behavioral supports and in-school services and availability of these services in various supervisory unions, approved independent schools, and regions of the State that are available to support students who would otherwise face exclusionary discipline;

(B) recommend additional or more uniform in-school services that should be available to:

(i) students who are under eight years of age where expulsion is not permitted under 16 V.S.A. § 1162 as amended by this act; and

(ii) other students who would otherwise face exclusionary discipline;

(C) define the most serious behaviors that, after considering all other alternatives and supports, should remain eligible for suspension or expulsion;

(D) review school professional development programs and make recommendations on how educator practices, such as positive behavioral interventions and support, trauma informed practices, and restorative practices, and related training for these practices can increase educators' awareness of students' needs in a manner to reduce behaviors that lead to possible out-of-school disciplinary measures;

(E) identify best practice procedures for students facing in-school or exclusionary discipline that:

(i) minimize law enforcement contacts;

(ii) are trauma-responsive; and

(iii) maximize relational and restorative actions that support the social, emotional, and mental health needs of these students;

(F) subject to federal and State privacy laws, review, on a school-district and approved independent schools basis, the readily available data and the data collection processes regarding suspensions and expulsions and review additional data necessary to inform the work of the Task Force, including:

(i) the total number of instances of expulsions and suspensions in each grade operated by the district or approved independent school;

(ii) the total number of students in each grade operated by the district or approved independent school who were expelled or suspended and the number of instances of expulsion or suspension, or both, for each student;

(iii) the duration of each instance of expulsion and suspension;

(iv) the infraction for which each expulsion and suspension was imposed;

(v) each instance of referral to local law enforcement authorities, the juvenile justice system, community justice center, State's Attorneys Offices, Department for Children and Families, or other juvenile justice-related authority;

(vi) each instance in which a civil, criminal, or juvenile citation was the consequence for a school-related infraction; and

(vii) each instance in which an excluded student received reeducational services, as well as the duration of reeducational services per day, per week, and per month;

(G) recommend how to ensure that school staff who collect, process, or communicate data understand the importance of data quality, the context of their role, and the rules that govern data collection, processing, communication, and public disclosure; and

(H) review how other states address exclusionary discipline.

(2) All data specified in subdivision (1)(F) of this subsection shall be in disaggregated format by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available:

(A) White;

(B) Black;

- (C) Hispanic;
- (D) American Indian/Alaskan Native;
- (E) Asian, Pacific Islander/Hawaiian Native;
- (F) low-income/free or reduced lunch;
- (G) Limited English Proficient or English Language Learner;
- (H) migrant status;
- (I) students receiving special education services;
- (J) students on educational plans under Section 504 of the Rehabilitation Act of 1973;
- (K) gender;
- (L) sexual orientation;
- (M) foster care status;
- (N) homeless status; and
- (O) grade level.

(3) All data specified in subdivision (1)(F) of this subsection shall be cross-tabulated by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available:

- (A) school;
- (B) school district;
- (C) race;
- (D) low-income/free or reduced lunch;
- (E) Limited English Proficient or English Language Learner;
- (F) migrant status;
- (G) students receiving special education services;
- (H) students on educational plans under Section 504 of the Rehabilitation Act of 1973;
- (I) gender;
- (J) sexual orientation;
- (K) foster care status;
- (L) homeless status;

(M) grade level;

(N) behavior infraction code;

(O) intervention applied, including restraint and seclusion; and

(P) educational services provided.

(d) Report. On or before January 15, 2022, the Task Force shall submit an initial written report, and on or before March 15, 2022, the Task Force shall submit a final written report, to the House and Senate Committees on Education with its findings, addressing each of its duties under subsection (c) of this section, and any recommendations for legislative action. The Agency of Education shall share the report and any related insights and best practices with Vermont educators, school administrators, policymakers, agencies, and education and advocacy organizations, and shall post the report on its website.

(e) Meetings.

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

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

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

(4) The Task Force shall meet not more than six times.

(5) The Task Force shall cease to exist on April 15, 2022.

(f) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

(g) Compensation and reimbursement. Members of the Task Force 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 of the Task Force.

Sec. 3. APPROPRIATION

The sum of \$6,750.00 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 Task Force on Equitable and Inclusive School Environments created under Sec. 2 of this act and for expenses incurred by the Task Force in carrying out its duties.

Sec. 4. DATA COLLECTION; TRAINING; SECRETARY OF
EDUCATION

(a) On or before the first meeting of the Task Force on Equitable and Inclusive School Environments established in Sec. 2 of this act, the Secretary of Education shall collect and distribute to the members of the Task Force all readily available data on suspensions and expulsions from each Vermont public school and approved independent school in academic years 2013–2014 through 2018–2019, including the data specified in subdivision (e)(1)(F) of Sec. 2.

(b) At the first meeting of the Task Force, the Secretary of Education or designee shall provide an overview and training to the Task Force on how to navigate the Agency website and the readily available data collections that provide data on out-of-school suspensions and expulsions from each Vermont public school.

Sec. 5. OUTCOME ANALYSIS

On or before January 15 of each year from 2025 to 2030, the Secretary of Education shall submit a written report to the House and Senate Committees on Education on suspensions and expulsions from each Vermont public school and approved independent school in the prior school year, including the data specified in subdivision (c)(1)(F) of Sec. 2.

Sec. 6. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

* * *

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

Sec. 7. REFERRALS OF TRUANCY TO THE STATE'S ATTORNEYS

(a) On or before September 1, 2021, each school district shall report to the Agency of Education the number of cases referred by the district or its staff to a State's Attorney for truancy under 16 V.S.A. § 1127 or 33 V.S.A. § 5309, what mitigation techniques were used by the district to engage with families prior to each referral, and the result of each referral.

(b) On or before December 15, 2021, the Agency of Education shall collate the reports from school districts and report the results to the General Assembly.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of this bill be amended to read:

An act relating to the Task Force on Equitable and Inclusive School Environments.

S. 124

An act relating to miscellaneous utility subjects.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 5, 30 V.S.A. § 218, in subsection (e), by striking out “, and the Commission shall only set or change the eligibility level for any program created pursuant to this section after investigation, evidence, and hearing from the distribution utility sponsor of the program and other interested stakeholders.” and inserting in lieu thereof “.”

Second: By striking out Sec. 9, effective date, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Sec. 5 (30 V.S.A. § 218) shall take effect upon passage, except for an existing program under 30 V.S.A. § 218(e), for which it shall take effect upon a Commission decision following an investigation regarding tariff changes for the distribution utility sponsor of the program.

NEW BUSINESS

Third Reading

H. 360.

An act relating to accelerated community broadband deployment.

Proposal of amendment to H. 360 to be offered by Senators White, Clarkson, Collamore, Pollina and Ram before Third Reading

Senators White, Clarkson, Collamore, Pollina and Ram move to amend the Senate proposal of amendment in Sec. 11, 30 V.S.A. § 3084, by striking out the second sentence in its entirety.

H. 435.

An act relating to miscellaneous Department of Corrections-related amendments.

Second Reading

Favorable

H. 140.

An act relating to approval of amendments to the charter of the Town of Williston.

Reported favorably by Senator Collamore for the Committee on Government Operations.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of April 29, 2021, pages 747-748.)

H. 445.

An act relating to approval of an amendment to the charter of the Town of Underhill.

Reported favorably by Senator Collamore for the Committee on Government Operations.

(Committee vote: 5-0-0)

(No House amendments)

Favorable with Proposal of Amendment

H. 225.

An act relating to possession of a therapeutic dosage of buprenorphine.

Reported favorably with recommendation of proposal of amendment by Senator Sears for the Committee on Judiciary.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. INTENT

It is the intent of the General Assembly to remove criminal penalties for possession of 224 milligrams or less of buprenorphine. Persons under 21 years of age in possession of 224 milligrams or less of buprenorphine would be referred to the Court Diversion Program for the purpose of enrollment in the

Youth Substance Awareness Safety Program. Persons under 16 years of age in possession of 224 milligrams or less of buprenorphine would be subject to delinquency proceedings in the Family Division of the Superior Court. Knowing and unlawful possession of more than 224 milligrams of buprenorphine would continue to be criminal and penalized in the same manner as other narcotics pursuant to 18 V.S.A. § 4234.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1)(A) Except as provided by subdivision (B) of this subdivision (1), a person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both.

(B) A person knowingly and unlawfully possessing 224 milligrams or less of buprenorphine shall not be punished in accordance with subdivision (A) of this subdivision (1).

* * *

(c) Possession of buprenorphine by a person under 21 years of age.

(1) Except as provided in subdivision (2) of this subsection, a person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be subject to the provisions of section 4230b of this title.

(2) A person under 16 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a delinquent act and shall be subject to the provisions of section 4230j of this title.

Sec. 3. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

~~(1)(A) Except as provided by subdivision (B) of this subdivision (1), a~~
A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both.

~~(B) A person knowingly and unlawfully possessing 224 milligrams or less of buprenorphine shall not be punished in accordance with subdivision (A) of this subdivision (1).~~

* * *

~~(c) Possession of buprenorphine by a person under 21 years of age.~~

~~(1) Except as provided in subdivision (2) of this subsection, a person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be subject to the provisions of section 4230b of this title.~~

~~(2) A person under 16 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a delinquent act and shall be subject to the provisions of section 4230j of this title.~~

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 1 (intent) and 2 (buprenorphine exemption) shall take effect on passage.

(b) Sec. 3 (repeal of buprenorphine exemption) shall take effect July 1, 2023.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for April 8, 2021, pages 605-606.)

H. 313.

An act relating to miscellaneous amendments to alcoholic beverage laws.

Reported favorably with recommendation of proposal of amendment by Senator Clarkson for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 204 is amended to read:

§ 204. APPLICATION AND RENEWAL FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid when applying for a new license or permit or to renew a license or permit:

* * *

(6) For a third-class license, \$1,095.00 for an annual license and \$550.00 for a six-month license. For a stand-alone third-class license, the issuing municipality may assess an additional \$50.00 local processing fee.

* * *

(24) For a third-class license granted to the holder of a manufacturer's or rectifier's license, \$230.00.

(b) Except for fees collected for first-, second-, and third-class licenses, the fees collected pursuant to subsection (a) of this section shall be deposited in the Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

(1) Third-class license fees: 55 percent shall go to the Liquor Control Enterprise Fund; and 45 percent shall go to the General Fund and shall fund alcohol abuse prevention and treatment programs. The local processing fee for stand-alone third-class licenses shall be retained by the issuing municipality.

* * *

Sec. 2. 7 V.S.A. § 230 is added to read:

§ 230. SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

(a) The Board of Liquor and Lottery and the local control commissioners may authorize:

(1) First- and third-class licensees to sell malt beverages, vinous beverages, and spirits-based prepared drinks for off-premises consumption. All sales of alcoholic beverages for off-premises consumption must be accompanied by a food order.

(2) Second-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed premises pursuant to section 222 of this subchapter.

(3) Fourth-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed location pursuant to section 224 of this subchapter.

(b) For any alcoholic beverage sold pursuant to subdivision (a)(1) of this section, the first- or third-class licensee shall provide the alcoholic beverage in a container:

(1) with a securely affixed tamper-evident seal; and

(2) bearing a label that:

(A) states that the beverage contains alcohol; and

(B) lists the ingredients and serving size.

(c) A licensee may sell alcoholic beverages pursuant to this section between 10:00 a.m. and 11:00 p.m.

(d) The Board of Liquor and Lottery may adopt rules and forms necessary to implement this section.

Sec. 3. 7 V.S.A. § 253 is amended to read:

§ 253. FESTIVAL PERMITS

* * *

(b)(1) A festival required to be permitted under this section is any event that is open to the public for which the primary purpose is to serve one or more of the following: malt beverages, vinous beverages, fortified wines, or spirits.

(c) A festival permit holder is permitted to conduct an event that is open to the public at which one or more of the following are served: malt beverages, vinous beverages, fortified wines, or spirits.

(d) The permit holder shall ensure the following:

(1) Attendees at the festival shall be required to pay an entry fee of not less than \$5.00.

(2)(A) Malt beverages for sampling shall be offered in glasses that contain not more than 12 ounces with not more than 60 ounces served to any patron at one event.

(B) Vinous beverages for sampling shall be offered in glasses that contain not more than five ounces with not more than 25 ounces served to any patron at one event.

(C) Fortified wines for sampling shall be offered in glasses that contain not more than three ounces with not more than 15 ounces served to any patron at one event.

(D) Spirits for sampling shall be offered in glasses that contain not more than one ounce with not more than five ounces served to any patron at one event.

(E) Patrons attending a festival where combinations of malt, vinous, fortified wines, or spirits are mutually sampled shall not be served more than a combined total of six U.S. standard drinks containing 3.6 fluid ounces or 84 grams of pure ethyl alcohol.

(3) The event shall be conducted in compliance with all the requirements of this title.

(e)(1) A festival permit holder may purchase invoiced volumes of malt or vinous beverages directly from a manufacturer or packager licensed in Vermont, or a manufacturer or packager that holds a federal Basic Permit or Brewers Notice or evidence of licensure in a foreign country that is satisfactory to the Board.

(2) The invoiced volumes of malt or vinous beverages may be transported to the site and sold by the glass to the public by the permit holder or its employees and volunteers only during the event.

(e)(f) A festival permit holder shall be subject to the provisions of this title, including section 214 of this title, and the rules of the Board regarding the sale of the alcoholic beverages and shall pay the tax on the malt or vinous beverages pursuant to section 421 of this title.

(d)(g) A person shall be granted ~~no~~ not more than four festival permits per year, and each permit shall be valid for ~~no~~ not more than four consecutive days.

Sec. 4. 7 V.S.A. § 256 is amended to read:

§ 256. PROMOTIONAL TASTINGS FOR LICENSEES

(a)(1) At the request of a first- or second-class licensee, a holder of a manufacturer's, rectifier's, or wholesale dealer's license may distribute without charge to the first- or second-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, two ounces per person of vinous or malt beverages for the purpose of promoting the beverage.

(2) At the request of a holder of a third-class license, a manufacturer or rectifier of spirits or fortified wines may distribute without charge to the third-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, one-quarter ounce of each beverage and ~~no~~ not more than a total of one ounce to each individual for the purpose of promoting the beverage.

(3) No permit is required for a tasting pursuant to this subsection, ~~but written notice of the event shall be provided to the Division of Liquor Control at least two days prior to the date of the tasting.~~

* * *

Sec. 5. FEE REDUCTION FOR RENEWAL OF FIRST- AND THIRD-CLASS LICENSES BY CLUBS; TEMPORARY PROVISION

Notwithstanding 7 V.S.A. § 204(a)(4) and (6), in the year 2021, the first- and third-class license renewal fees shall be waived for any club as defined in 7 V.S.A. § 2.

Sec. 6. REPORTS; SPORTS BETTING STUDY; IMPACTS OF SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

(a) On or before October 15, 2021, the Office of Legislative Counsel and the Joint Fiscal Office shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs concerning the current state of the regulated sports betting market in the United States. In particular, the report shall examine and analyze:

(1) the sports betting laws in each state that has an active or proposed sports betting market;

(2) studies carried out by other states concerning the legalization, taxation, and regulation of sports betting;

(3) the models for regulation of sports betting that are currently operating in other states, including a summary of the tax or revenue sharing structures used in each state;

(4) for each state with an active sports betting market, the state revenue resulting from sports betting; and

(5) any reports or information concerning impacts on problem gaming in the states with regulated sports betting markets.

(b) In the preparation of the report, the Office of Legislative Counsel and the Joint Fiscal Office shall solicit input from the Department of Liquor and Lottery, the Department of Taxes, the Office of the Attorney General, and other stakeholders.

(c) On or before January 15, 2023, the Department of Liquor and Lottery shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on General, Housing, and Military Affairs concerning the sale of alcoholic beverages for delivery and curbside pickup by first-, second-, third-, and fourth-class licensees. The report shall include an analysis of:

(1) the economic impact on the licensees that were approved to sell alcoholic beverages pursuant to 7 V.S.A. § 230; and

(2) the impact on public safety and compliance with the State's alcoholic beverage laws.

(d) The Department shall collect data from licensees that is sufficient to demonstrate the economic impact of the authority granted to the licensees pursuant to 7 V.S.A. § 230.

Sec. 7. REPEAL

7 V.S.A. § 230 is repealed on July 1, 2023.

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that this section and Sec. 5 (fee reduction for first- and third-class licenses) shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 19, 2021, pages 397-401.)

Reported favorably by Senator Sirotkin for the Committee on Finance.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Economic Development, Housing and General Affairs.

(Committee vote: 6-0-1)

J.R.H. 2.

Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices.

Reported favorably with recommendation of proposal of amendment by Senator Collamore for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the joint resolution by striking out all the Whereas and Resolved clauses and inserting in lieu thereof the following:

Whereas, starting in the early 1900s, laws and associated policies were adopted to promote the eugenics movement, and the title of the book *Breeding Better Vermonters* by Nancy L. Gallagher accurately describes the movement's purported intent, and

Whereas, this movement targeted for elimination those it deemed currently or potentially delinquent, defective, and dependent persons through sterilizations, primarily of women, to prevent individuals from having children, and

Whereas, in 1912, the Vermont General Assembly passed S.79, "An act to authorize and provide for the sterilization of imbeciles, feeble-minded, and insane persons, rapists, confirmed criminals and other defectives," however, Governor Allen M. Fletcher vetoed the bill, citing constitutional concerns that Attorney General Rufus E. Brown had raised, and

Whereas, nevertheless, State agencies and institutions adopted policies and procedures to carry out the intent of the vetoed legislation and the beliefs of the eugenics movement, and

Whereas, in 1925, University of Vermont zoology professor Henry F. Perkins, who established the Eugenics Survey of Vermont and served as President of the American Eugenics Society, collaborated with leaders of Vermont State government to collect evidence of Vermonters' alleged delinquency, dependency, and deficiency, and

Whereas, these State-sanctioned policies targeted the poor and persons with mental and physical disabilities, and

Whereas, these same policies also targeted individuals, families, and communities whose heritage was documented as French Canadian, French-Indian, or of other mixed ethnic or racial composition and persons whose extended families' successor generations now identify as Abenaki or as members of other indigenous bands or tribes, and

Whereas, in 1927, S.59, "An act relating to Voluntary Eugenic Sterilization" passed the Senate but was defeated in the House, and

Whereas, the General Assembly adopted 1931 Acts and Resolves No. 174 (Act 174), "An Act for Human Betterment by Voluntary Sterilization," for the purpose of eliminating from the future Vermont genetic pool persons deemed mentally unfit to procreate, and

Whereas, this State-sanctioned eugenics policy was not an isolated example of oppression but reflected the historic marginalization, discriminatory treatment, and displacement of these targeted groups in Vermont, and

Whereas, eugenics advocates promoted sterilization for the protection of Vermont's "old stock" and to preserve the physical and social environment of Vermont for their children, and

Whereas, the Eugenics Survey received assistance from State and municipal officials, individuals, and private organizations, and the resulting sterilization, institutionalization, and separation policies intruded on the lives of its victims and had devastating and irreversible impacts that still persist in the lives of the targeted groups and especially the descendants of those who were directly impacted, and

Whereas, in conducting the Eugenics Survey, the surveyors were granted access to case files from State agencies and institutions, and the files were made available to persons of authority, including police departments, social workers, educators, and town officials, and

Whereas, as a result of the opening of these files, children and adults were removed from families, individuals were institutionalized or incarcerated, family connections were severed, and the sense of kinship, continuity and community was lost, and

Whereas, the legacy of the eugenics movement continues to influence some of Vermont's current policies and legislation, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly sincerely apologizes and expresses sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices, and be it further

Resolved: That the General Assembly continues to work to eradicate the lasting legacy of its prior actions by listening to and working with the affected individuals and communities, and be it further

Resolved: That the General Assembly recognizes that further legislative action should be taken to address the continuing impact of State-sanctioned eugenics policies and related practices of disenfranchisement, ethnocide, and genocide.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 31, 2021, pages 531-533.)

House Proposal of Amendment

S. 115

An act relating to making miscellaneous changes in education laws.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Libraries in Vermont * * *

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

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

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

- (1) the State Librarian;
- (2) the President of the Vermont Library Association or designee;
- (3) the Executive Director of the Vermont Humanities Council or designee;
- (4) three representatives of public libraries, who shall be from libraries of different sizes and from different regions of the State, appointed by the State Librarian;
- (5) two representatives of public school libraries, who shall be from schools of different sizes and from different regions of the State, appointed by the Vermont School Library Association;
- (6) two representatives of college and university libraries, appointed by the President of the College and Special Libraries Section of the Vermont Library Association; and
- (7) one public library trustee, appointed by the President of the Friends and Trustees Section of the Vermont Library Association.

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

- (1) library services for specific segments of the Vermont population, including senior citizens, individuals with disabilities, youths and children, immigrant and migrant communities, and people living in poverty;
- (2) the role that libraries play in emergency preparedness, cultural diversity and inclusion, public health and safety, community identity and resiliency, economic development, and access to public programs and services;
- (3) the impact of the COVID-19 pandemic on library operations and services; and
- (4) the current overall status of Vermont libraries, which may include information related to programming, collections, facilities, technology, and staffing.

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

(B) Collections. The Working Group may study the size and diversity of library holdings and assess the strengths and gaps in materials available to Vermonters. The study of collections may include an assessment

of how libraries may best share resources across differing libraries and communities, whether libraries offer community-specific resources, and whether libraries maintain special collections or historical artifacts.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Meetings.

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

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

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

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

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

(k) Appropriation. The sum of \$12,000.00 is appropriated to the Department of Libraries from the General Fund in fiscal year 2022 for per diem compensation and reimbursement of expenses for members of the Working Group.

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

§ 260. LOCATION OF OFFICES

* * *

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

* * *

Sec. 3. [Deleted.]

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

§ 212. SECRETARY'S DUTIES GENERALLY

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

* * *

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

* * *

Sec. 5. [Deleted.]

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

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

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

Sec. 7. REPEALS

The following are repealed:

- (1) 4 V.S.A. § 16 (briefs and other papers kept in State Library);
- (2) 29 V.S.A. § 1156 (distribution of documents by State Librarian); and
- (3) 29 V.S.A. § 1161 (distribution of documents to schools).

* * * Cultural Liaisons * * *

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

§ 4029. USE OF FUNDS FOR EDUCATION

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

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

* * *

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

* * * Wellness Program * * *

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

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

(a) As used in this section:

* * *

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

(b) ~~The Secretary with the approval of the State Board shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members associated with the health services field~~ with expertise in health services, health education, or health policy, at least one member who is a school counselor, and at least one member who is a school social worker. ~~The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs.~~ The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools and shall meet not less than twice a year. ~~The Council shall also examine and coordinate state health wellness polices and federal wellness policies to identify and, if possible, eliminate any redundancies.~~

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

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

* * *

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

* * *

Sec. 10. SCHOOL WELLNESS POLICY

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

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

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

* * * Menstrual Products * * *

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

§ 1432. MENSTRUAL PRODUCTS

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

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

(A) a majority of gender-neutral bathrooms and bathrooms designated for female students that are generally used by students who are eight years old or older; and

(B) the school nurse's office.

(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.

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

* * * Vermont Ethnic and Social Equity Standards Advisory Working Group * * *

Sec. 12. 2019 Acts and Resolves No. 1 is amended to read:

* * *

(c) Creation and composition. The Ethnic and Social Equity Standards Advisory Working Group is established. The Working Group shall comprise the following ~~20~~ 23 members:

(1) ~~10~~ 13 members who are members of, and represent the interests of, ethnic groups and social groups, ~~two~~ four of whom shall be high school students and two of whom shall be members of Vermont's Indigenous community;

* * *

(d) Appointment and operation.

(1) The Vermont Coalition for Ethnic and Social Equity in Schools (Coalition) shall appoint the ~~10~~ 13 members who represent ethnic groups and social groups and the member identified under subdivision (c)(2) of this section. Appointments of members to fill vacancies to these positions shall be made by the Coalition.

* * *

(3)(A) The Secretary of Education or designee shall call the first meeting of the Working Group to occur on or before September 1, 2019.

* * *

(E) ~~The Working Group shall have the assistance of the Agency of Education for the purposes of scheduling meetings and processing compensation and reimbursement pursuant to subsection (e) of this section~~ administrative, technical, and legal assistance of the Agency of Education. If the Agency is unable to provide the Working Group with adequate support to assist it with developing recommendations for updating educational standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups, then the Agency, in collaboration with the Working Group, is authorized to retain a contractor with expertise in this area to assist the Working Group.

* * *

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or before ~~June 30, 2021~~ December 31, 2021, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

* * *

(h) Reports.

(3) The Working Group shall, on or before ~~July 1, 2022~~ December 31, 2022, submit a report to the General Assembly that includes:

* * *

(i) Duties of the State Board of Education. The Board of Education shall, on or before ~~June 30, 2022~~ December 31, 2022, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. 13. APPROPRIATIONS; VERMONT ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY WORKING GROUP

(a) The sum of \$3,700.00 is appropriated from the General Fund to the Vermont Ethnic and Social Equity Standards Advisory Working Group (Working Group) in fiscal year 2022 to cover per diem and reimbursement for the three members of the Working Group added under Sec. 12 of this act.

(b) The sum of \$50,000.00 is appropriated from the General Fund to the Agency of Education in fiscal year 2022 for the cost of the contractor under Sec. 12 of this act.

(c) Any unused portion of these appropriation shall, as of July 1, 2022, revert to the General Fund.

* * * Shared School District Data Management System * * *

Sec. 14. FINDINGS AND PURPOSE

(a) Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, requires that not later than July 1, 2022 all Vermont supervisory unions, supervisory districts, school districts, and independent technical center districts utilize the same shared school district data management system (eFinancePlus), which shall be selected by the Agency of Education per State procurement guidelines.

(b) The purpose of Secs. 15-17 of this act is to:

(1) extend the deadline to December 31, 2022 for state-wide adoption of eFinancePlus;

(2) pause until January 1, 2022 the further implementation of eFinancePlus to provide time for further evaluation of the system, provided that:

(A) the Agency of Education and its contractor for implementation of the system shall continue to support users of the system; and

(B) a supervisory union, supervisory district, school district, or independent technical center district that does not use the system may join an implementation round offered by the Agency of Education during the pause period upon approval by its governing body; and

(3) require the Agency of Education to issue status reports to the General Assembly.

Sec. 15. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, as amended by 2019 Acts and Resolves No. 72, Sec. E.500.5, is further amended to read:

Sec. E.500.1. SCHOOL FINANCE AND SHARED SCHOOL DISTRICT FINANCIAL DATA MANAGEMENT SYSTEM

(a) Not later than July 1 December 31, 2022, all Vermont supervisory unions, supervisory districts, school districts, and independent technical center districts shall utilize the same school finance and financial data management system. The system shall be selected by the Agency of Education per State procurement guidelines.

* * *

Sec. 16. PAUSE OF IMPLEMENTATION OF SHARED SCHOOL
DISTRICT FINANCIAL DATA MANAGEMENT SYSTEM

Notwithstanding Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, the implementation of the Shared School District Data Management System shall be paused until January 1, 2022, provided that:

(1) the Agency of Education and its contractor for implementation of the system shall continue to support users, as of the date of enactment of this act, of the system; and

(2) a supervisory union, supervisory district, school district, or independent technical center district that does not use the system may join an implementation round offered by the Agency of Education during the pause period upon approval by its governing body.

Sec. 17. AGENCY OF EDUCATION; REPORTS

(a) On or before June 30, 2021 and quarterly thereafter until March 31, 2023, the Agency of Education shall provide a written report to the General Assembly and the Vermont Association of School Business Officials on the status of improving and implementing the Shared School District Data Management System, including the status of:

- (1) system outages;
- (2) bank reconciliations;
- (3) reporting enhancements;
- (4) systems enhancements; and
- (5) user training.

(b) In preparing the quarterly reports, the Agency shall collect input from the Vermont Association of School Business Officials and professional accounting firms engaged in the process of conducting school district audits in Vermont.

* * * State Board of Education; Agency of Education; Roles and
Responsibilities * * *

Sec. 18. STATE BOARD OF EDUCATION; AGENCY OF EDUCATION;
ROLES AND RESPONSIBILITIES

(a) On or before December 15, 2021, the State Board of Education and the Agency of Education shall jointly report to the House and Senate Committees on Education on how the roles and responsibilities of the State Board and the Agency should be restructured to ensure that:

(1) the prekindergarten through grade 12 educational system meets the needs of all students on a fair and equitable basis;

(2) federal and State statutory mandates are carried out in a professional and timely manner, including the updating of rules;

(3) the State Board and the Agency have the resources necessary to fulfill their roles and responsibilities, including an adequate number of qualified and properly trained staff; and

(4) the State Board and the Agency maximize operational and administrative efficiencies.

(b) As part of this process, the State Board and the Agency shall identify and document all federal and State statutory mandates and rules for which they are responsible and assess whether they are being carried out in a professional and timely manner. The results of this analysis shall be included in the report required under subsection (a) of this section.

(c) If the State Board and the Agency cannot agree on how the roles and responsibilities of the State Board and the Agency should be restructured to meet the goals under subsection (a) of this section, then they shall each identify in the report the areas of agreement and disagreement and explain why its proposal best achieves these goals. The report shall not include legislative language, which shall be developed after the Committees have considered the report.

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES

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

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 106.

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

Reported favorably with recommendation of proposal of amendment by Senator Champion for the Committee on Education.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Short Title * * *

Sec. 1. SHORT TITLE

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

* * * Findings and Purpose * * *

Sec. 2. FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds that:

(1) Every child should be provided with an equitable education, as defined by the Agency of Education as access to the resources, opportunities, and educational rigor they need at the right moment in their education, whatever their race, gender identity, sexual orientation, ethnicity, religion, language, disability, family background, or family income may be. Every child should be able to grow up with the opportunity to achieve their dreams and contribute to the well-being of society. Our public schools must be designed and equipped to fully deliver 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. Recognizing that students need fresh and nutritional foods to enable them to focus on their education and that many students come to school hungry, providing universal school meals offered at no cost to students or their families advances the goals that community school programs seek to achieve.

(3) Community schools facilitate the coordination of comprehensive programs and services that are carefully selected to meet the unique needs of students and families and build on the assets they bring to their schools and communities. Community schools combine challenging and culturally inclusive learning opportunities with the academic and social supports every student needs to reach their potential.

(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. Research additionally supports the necessity of safe, inclusive, and equitable learning environments to reinforce student success and well-being. These elements do not function independently, but are instead part of a unified and interconnected approach.

(5) This research also shows that community school interventions can result in improvements in a variety of student and family outcomes, including attendance, academic achievement, reducing systemic racial and economic injustices and inequities, 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. These schools, at their core, are about investing in children, through quality teaching; challenging, engaging, and culturally responsive curricula; wrap around supports; safe, just, and equitable school

climate; strong ties to family and community; and a clear focus on student achievement and well-being.

(8) Community schools are important centers for building community connection and resilience. When learning extends beyond the walls of the school through active engagement with community partners as with place-based learning, relationships expand and deepen, community strengths are highlighted, and opportunities for building vitality surface through shared learning.

(9) 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.

(10) Recognizing that literacy proficiency is a foundational learning skill, community schools can advance the State goal of improving literacy for all students in the State. Achieving this goal will require a multiyear and multidimensional effort requiring continued focus by the General Assembly, the Administration, and school leaders, and community schools are an important component of that effort.

(b) Purpose. This act provides funding for the implementation of community school programs that provide students with equitable access to a high-quality education and creates the Task Force on Universal School Lunch.

* * * Community School Programs * * *

Sec. 3. COMMUNITY SCHOOLS; FUNDING

(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 community school programs, subject to the operational and reporting structure of the community school coordinator’s employer.

(2) “Community school programs” mean programs offered at a public elementary or secondary school that include all five 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, and include what young people bring with them to the classroom and the ways that schools and communities working together can enhance and embrace the knowledge and capacity that students and families can offer their schools. This could include educational strategies like universal design for learning, recognition and respect for cultural and linguistic diversity, and practices that focus on building and supporting relationships such as restorative practices.

(B) Expanded and enriched learning time and opportunities, which may include before-school, afterschool, weekend, summer programs, and during the school day, 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, where all students and their families feel a sense of belonging and engagement. This shall include broad student and community participation, with a diversity of income, race, gender, newcomer status, language, and ability represented in the design, implementation, and evaluation of all activities, that is embraced by the leaders and decision-makers in schools and communities. This also provides adults with a facility to access educational opportunities they want, which shall include access to evidence-based literacy instruction and 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.

(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 an integrated school and community leadership team that include youth and family representatives, and may include other leadership or governance teams; teacher learning communities; and other staff to manage the multiple, complex, joint work of school and community organizations.

(E) Safe, inclusive, and equitable learning environments.

(3) “Eligible recipient” means:

(A) a school district with one or more eligible schools;

(B) a supervisory union with one or more eligible schools;

(C) two or more school districts, each with one or more eligible schools that seek to work collaboratively to provide community school programs; or

(D) two or more supervisory unions, each with one or more eligible schools that seek to work collaboratively to provide community school programs.

(4) “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 of the Elementary and Secondary Education Act of 1965, Pub. L. 89-10, as amended, or otherwise identified by the State as in need of additional support.

(5) “Site-based leadership team” means an interdisciplinary, school-based leadership team that may include the school principal, the community school coordinator, teachers, other school employees, students, families, community partners, nonprofit organizations, unions, and neighboring community residents that supports collaborative planning, implementation, and oversight of community school programs by the eligible recipient.

(b) Funding authorization. The Secretary of Education is authorized to provide annual funding for a period of three years to an eligible recipient to use as required under subsection (d) of this section.

(c) Funding administration.

(1) Subject to subdivision (2) of this subsection, the Secretary of Education shall determine, using the Agency of Education's equity lens tool, which eligible recipients shall receive funding and the amount of funding, and the Secretary shall provide the funding on or before September 1 of each of 2021, 2022, and 2023 to recipients. The Secretary may deny or reduce second- and third-year funding if the Secretary finds that the recipient has made insufficient progress towards developing and implementing community school programs. In determining which eligible recipients shall receive funding, the Secretary shall take into account relative need, based on the extent to which community school program services are needed and the extent to which the eligible recipient seeks to offer them.

(2) In determining which eligible recipients shall receive funding and the amount of funding and to advance the principles for Vermont's trauma-informed system of care under 33 V.S.A. § 3401, the Secretary of Education shall collaborate with the Director of Trauma Prevention and Resilience Development and the Vermont Child and Family Trauma Work Group.

(3) The Agency of Education shall inform all eligible recipients of the availability of funding under this act and, for those eligible recipients most in need of this funding, shall educate these eligible recipients on community school programs and their benefits. The Agency of Education shall also advise all eligible recipients of other sources of funding that may be available to advance the purpose of this act.

(d) Use of funding.

(1) A recipient of funding under this act shall use the funding to:

(A) if a needs and assets assessment has not been conducted within the prior three years that substantially conforms with the requirements in this subdivision, then, in collaboration with the site-based leadership team, conduct a needs and assets assessment that includes:

(i) where available, and where applicable, student demographic, academic achievement, and school climate data, disaggregated by major demographic groups, including race, ethnicity, English language proficiency, students with individualized education plans, and students eligible for free or reduced-price lunch status;

(ii) access to and need for integrated student supports;

(iii) access to and need for expanded and enriched learning time and opportunities;

(iv) school funding information, including federal, State, local, and private education funding and per-pupil spending, based on actual salaries of personnel assigned to the eligible school;

(v) information on the number, qualifications, and stability of school staff, including the number and percentage of fully certified teachers and rates of teacher turnover; and

(vi) active family and community engagement information, including:

(I) family and community needs based on surveys, information from public meetings, or information gathered by other means;

(II) measures of family and community engagement in the eligible schools, including volunteering in schools, attendance at back-to-school nights, and parent-teacher conferences;

(III) efforts to provide culturally and linguistically relevant communication between schools and families; and

(IV) access to and need for family and community engagement activities;

(B) hire a community school coordinator to, in collaboration with the site-based leadership team, develop and implement community school programs or designate a community school coordinator from existing personnel and, in collaboration with the site-based leadership team, augment work already being performed to develop and implement community school programs; and

(C) if the recipient has not fully implemented positive behavioral integrated supports under 16 V.S.A. § 2902, provide professional development to staff on positive behavioral integrated supports and implement those supports.

(2) A recipient of funding under this act may use the funding to, in collaboration with the site-based leadership team, develop and implement a plan to improve literacy outcomes and objectively assess those outcomes.

(3) If a needs and assets assessment has not been conducted under subdivision (1)(A) of this subsection within the prior three years, the first year of funding shall be used to conduct the needs and assets assessment of the school to determine what is necessary to develop community school programs and an action plan to implement community school programs. During the second and third years of the funding, the community school coordinator shall, in collaboration with the site-based leadership team, oversee the implementation of community school programs.

(e) Evaluation.

(1) At the end of each year of funding, each recipient shall undergo an evaluation designed by the Agency of Education using its equity lens tool.

(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 funding under this act. The report shall be made publicly available on the Agency of Education's website.

(f) Ability to operate as a community school. Any school district or school, regardless of whether it receives funding under this act, may function as a community school as defined in this section.

Sec. 4. APPROPRIATION OF FUNDS

(a) The Secretary of Education shall use \$3,399,000.00 of the amount allocated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), 2021, Pub. L. No. 117-2 for the funding under this act 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 the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for informational and technical assistance, such as the availability and use of funding for eligible recipients as defined under Sec. 3 of this act; and

(2) not more than two percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for the evaluations required under Sec. 3 of this act.

* * * Locally Produced Foods * * *

Sec. 5. 16 V.S.A. § 1262a is amended to read:

§ 1262a. AWARD OF GRANTS

* * *

(d) The Agency shall, from funds appropriated for this subsection to the Agency, award grants to supervisory unions and supervisory districts in accordance with section 1264a of this title (locally produced foods). 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.

* * *

Sec. 6. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

* * *

~~(d) It is a goal of the State that by the year 2022 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers. [Repealed.]~~

~~(e)(1) On or before December 31, 2020 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of locally produced foods that were purchased by the school board for those programs.~~

~~(2) On or before January 31, 2021 and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form the information received from school boards regarding the percentage of locally produced foods that are purchased as part of a school lunch, breakfast, or summer meals program. The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the report required by this subdivision. [Repealed.]~~

Sec. 7. 16 V.S.A. § 1264a is added to read:

§ 1264a. LOCALLY PRODUCED FOODS

(a) It is a goal of the State that by the year 2023, at least 20 percent of all foods purchased by supervisory unions and supervisory districts, together referred to in this section as “supervisory unions,” be locally produced foods. School boards have the discretion to define what foods are included within the definition of “locally produced foods” for the purposes of this subsection and subsection (b) of this section.

(b) On or before December 31, 2021 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall report to the Agency of Education an estimate of the percentage of the cost of all foods purchased by the school board for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

(c)(1) Beginning with the 2021–22 school year and thereafter, supervisory unions shall be eligible for a local foods incentive grant (grant) from funds appropriated to the Agency of Education for this purpose.

(2) A supervisory union may apply for the grant if it has:

(A) developed a locally produced foods purchasing plan that describes the supervisory union's goals for purchasing locally produced foods and its plan to achieve those goals;

(B) designated an individual as the food coordinator for locally produced foods who shall be responsible for implementing the locally produced foods purchasing plan;

(C) developed a process for tracking the purchase of locally produced foods; and

(D) complied with the reporting requirement under subsection (b) of this section.

(3) A supervisory union that has satisfied the conditions under subdivision (2) of this subsection may, on or before January 15, 2022 or on or before January 15 of any year thereafter, apply to the Agency for the grant by submitting a certification, signed by the business manager for the supervisory union, that the supervisory union satisfies the conditions under subdivision (2) of this subsection.

(4) If a supervisory union is eligible for a grant under subdivision (3) of this subsection, then the Agency shall make the grant payment, subject to appropriation, on or before the following March 31 after submission of the supervisory union's application, which is due on or before January 15 of that year, which shall be equal to \$0.15 per reimbursable school lunch served by the supervisory union in the prior school year through the National School Lunch Program. A supervisory union may apply for this grant and receive this grant funding only once.

(5)(A) A supervisory union that has received a grant under subdivision (4) of this subsection (c) may, on or before January 15, 2023 or on or before January 15 of any year thereafter, apply for a further grant by submitting to the Agency of Education information that demonstrates that at least 15 percent of the cost of all foods purchased or grown, raised, or produced by the supervisory union during the one-year period ending on June 30 of the previous year were local to Vermont as defined in 9 V.S.A. § 2465a(b), excluding:

(i) foods purchased or grown, raised, or produced by the supervisory union that were used to provide catering services for which the supervisory union received compensation; and

(ii) fluid milk.

(B) If a supervisory union grows, raises, or produces food, it shall assign a fair market value to that food for the purpose of reporting its cost.

(C) A vendor that contracts with a supervisory union to supply food products shall certify to the supervisory union which of the food products supplied meet the definition of local to Vermont, taking into account the exclusions under subdivision 5(A) of this subsection (c).

(6) If a supervisory union is eligible for a grant under subdivision (5) of this subsection, the Agency shall, on or before the following April 30 after submission of the supervisory union's application, which is due on or before January 15 of that year, make the grant payment, subject to appropriation, which shall be determined as follows:

(A) \$0.15 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 15 percent locally produced foods;

(B) \$0.20 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 20 percent locally produced foods; or

(C) \$0.25 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 25 percent locally produced foods.

(7) A supervisory union may apply for and receive grant funding under subdivisions (5) and (6) of this subsection for each year that it qualifies for this grant funding. For applications covering the 2020–2021 school year, meals served through the Summer Food Service Program shall also be counted for this grant payment.

(8) The Agency of Education may perform sample audits for any year that grant funds are paid to supervisory unions under subdivision (6) of this subsection to verify that information provided to the Agency under subdivision (5) of this subsection is accurate. If the Agency makes a grant payment under subdivision (6) of this subsection to a supervisory union that was based on inaccurate information reported by the supervisory union, the Agency may seek reimbursement from the supervisory union for an overpayment or reimburse the supervisory union for an underpayment or may adjust future grant amounts under this section to reflect the over- or underpayment.

(d)(1) On or before January 31, 2022 and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form:

(A) the information received from supervisory unions regarding the percentage of locally produced foods, as the supervisory unions define them, that were reported under subsection (b) of this section; and

(B) the percentage of locally produced foods, using the grant funding definition, that were reported under subdivision (c)(5) of this section and the amount of grant funding paid to supervisory unions under subdivision (c)(6) of this section in the prior school year.

(2) The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the reports required by this subsection.

Sec. 8. AGENCY OF EDUCATION; STAFFING

The following position is created in the Agency of Education: one full-time, classified position specializing in the administration of school food programs. The position established in this section shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the General Fund in fiscal year 2022 the amount of \$100,000.00 for salary, benefits, and operating expenses.

* * * Task Force on Universal School Lunch * * *

Sec. 9. TASK FORCE ON UNIVERSAL SCHOOL LUNCH; REPORT

(a) Creation. There is created the Task Force on Universal School Lunch. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families.

(b) Membership. The Task Force shall be composed of the:

- (1) Secretary of Education or designee;
- (2) Secretary of Human Services or designee; and
- (3) Secretary of Agriculture or designee.

(c) Powers and duties. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families and shall perform the following tasks:

- (1) recommend funding sources for universal school lunch;
- (2) recommend what data should be collected by local education agencies, school districts, and schools to qualify for federal funds based on student poverty, the means by which the data should be collected, the

frequency of collection, and how this data should be reported to the Agency of Education and the frequency of this reporting;

(3) consider how other states offer and fund universal school meals at no cost to students or their families; and

(4) meet with Vermont's federal delegation to discuss what changes could be made to federal law and regulations to more readily facilitate universal school meals.

(d) Collaboration. In performing its duties under this section, the Task Force shall collaborate with Hunger Free Vermont, the School Nutrition Association of Vermont, the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Council of Special Education Administrators, the Vermont Principals' Association, and the Vermont-National Education Association.

(e) Report. On or before January 15, 2022, the Task Force shall submit a written report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Task Force to occur on or before October 10, 2021.

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

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

(4) The Task Force shall meet not more than eight times.

(5) The Task Force shall expire on January 16, 2022.

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

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-1-0)

(For House amendments, see House Journal for March 18, 2021, pages 387-392.)

H. 183.

An act relating to sexual violence.

Reported favorably with recommendation of proposal of amendment by Senator Sears for the Committee on Judiciary.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

* * *

(3) ~~“Consent” means words or actions by a person indicating a voluntary agreement to engage in a sexual act~~ the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.

* * *

(10) “Incapable of consenting” means the person:

(A) is incapable of understanding the nature of the conduct at issue;

(B) is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or

(C) lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

Sec. 2. 13 V.S.A. § 3252 is amended to read:

§ 3252. SEXUAL ASSAULT

(a) No person shall engage in a sexual act with another person ~~and compel the other person to participate in a sexual act:~~

(1) without the consent of the other person; ~~or~~

(2) by threatening or coercing the other person; ~~or~~

(3) by placing the other person in fear that any person will suffer imminent bodily injury; or

(4) when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

~~(b)(1) No person shall engage in a sexual act with another person and impair substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person administer any alcohol, drugs, or other intoxicants to another person without the person's knowledge or against the person's will and, while the person is impaired by the alcohol, drugs, or intoxicants, engage in a sexual act with that person.~~

(2) No person shall engage in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

* * *

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section shall be imprisoned not less than three years and for a maximum term of life; and, in addition, may be fined not more than \$25,000.00.

* * *

(g) A person convicted of violating subsection (a), (b), (d), or (e) of this section shall be sentenced under section 3271 of this title.

Sec. 3. 13 V.S.A. § 3254 is amended to read:

§ 3254. TRIAL PROCEDURE; CONSENT

In a prosecution for a crime defined in this chapter or section 2601 of this title:

(1) ~~lack~~ Lack of consent may be shown without proof of resistance;

(2) Submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.

(3) Consent shall not be demonstrated by evidence prohibited under section 3255 of this title.

(4) A sleeping or unconscious person cannot consent.

(5) a A person shall be deemed to have acted without the consent of the other person where the actor:

(A) ~~knows~~ knew or reasonably should have known that the other person is ~~was~~ mentally incapable of ~~understanding the nature of~~ consenting to the sexual act or lewd and lascivious conduct; ~~or~~

(B) ~~knows that the other person is not physically capable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct; or~~

~~(C)~~ knows knew or reasonably should have known that the other person is was unaware that a sexual act or lewd and lascivious conduct is was being committed; or

~~(D)~~(C) knows that the other person is mentally incapable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct, due to a mental condition or a psychiatric or developmental disability as defined in 14 V.S.A. § 3061 knew or reasonably should have known that the other person was incapable of consenting to the sexual act or lewd and lascivious conduct with the actor because the person was substantially impaired by alcohol, drugs, or other intoxicants.

Sec. 4. VERMONT SENTENCING COMMISSION

The Vermont Sentencing Commission shall examine whether the application of 13 V.S.A. § 3254 (trial procedure; consent) to 13 V.S.A. § 2601 (lewd and lascivious conduct) continues to be appropriate given recent amendments to 13 V.S.A. chapter 59 (lewdness and prostitution).

Sec. 5. DATA COLLECTION AND REPORTING

(a)(1) On or before September 1, 2024 and bi-annually thereafter, the Department of Public Safety shall provide a statistical report to the General Assembly based on data from the National Incident Based Reporting System and the Vermont Judiciary on the following:

(A) the number of sexual violence cases reported to State, county, and municipal law enforcement agencies and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with 20 V.S.A. § 2358;

(B) the number of civil sexual assault or stalking orders granted;

(C) the number of sexual violence cases referred by law enforcement to a State's Attorney or the Attorney General for potential charges; and

(D) the number of sexual violence cases charged, the nature of the charge, and the disposition of the charges.

(2) The data identified in subdivision (a)(1) of this section shall be organized and reported to the General Assembly by county.

(b) The Department of Public Safety shall make a reasonable effort to protect victim confidentiality when statistical information may be identifying.

(c) The Department of Public Safety shall post the data collected pursuant to subsection (a) of this section on its website in a manner that is clear, understandable, and accessible to the public.

Sec. 6. EFFECTIVE DATE

This act shall take effect July 1, 2021.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2021, pages 475-482 and March 25, 2021, page 499.)

Reported favorably by Senator Sears for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Judiciary.

(Committee vote: 7-0-0)

Amendment to proposal of amendment of the Committee on Judiciary to H. 183 to be offered by Senators Lyons, Campion, Chittenden, Hooker, Perchlik and Terenzini

Senators Lyons, Campion, Chittenden, Hooker, Perchlik and Terenzini move to amend the proposal of amendment of the Committee on Judiciary by striking out Sec. 6, effective date, in its entirety and inserting in lieu thereof four new sections to be Secs. 6–9 to read as follows:

Sec. 6. 16 V.S.A. § 2187 is added to read:

§ 2187. INTERCOLLEGIATE SEXUAL HARM PREVENTION COUNCIL

(a) Creation. There is created the Intercollegiate Sexual Harm Prevention Council to create a coordinated response to campus sexual harm across institutions of higher learning in Vermont.

(b) Membership.

(1) The Council shall be composed of the following members:

(A) a Title IX coordinator and a campus-based sexual harm prevention/education coordinator from an institution of higher learning, appointed by the Chancellor of the Vermont State Colleges;

(B) a Title IX coordinator and a campus-based sexual harm prevention/education coordinator from an institution of higher learning, appointed by the President of the University of Vermont;

(C) a Title IX coordinator and a campus-based sexual harm prevention/education coordinator from an institution of higher learning, appointed by the President of the Association of Vermont Independent Colleges;

(D) two community-based sexual violence advocates, appointed by the Network Against Domestic and Sexual Violence;

(E) two law enforcement or public safety representatives with experience responding to and investigating campus sexual violence, appointed by the Commissioner of Public Safety;

(F) three college students, at least one of whom has lived experience as a sexual violence survivor and one who represents a campus-based racial justice organization, appointed by the Center for Crime Victim Services;

(G) a person with expertise in sexual violence responses within the lesbian, gay, bisexual, transgender, and queer community, appointed by the Center for Crime Victim Services;

(H) a sexual assault nurse examiner, appointed by the Network Against Domestic and Sexual Violence;

(I) a prosecutor with experience in prosecuting sexual violence cases from either the Department of State's Attorneys and Sheriffs or the Office of the Attorney General, appointed by the Attorney General; and

(J) an attorney with experience in sexual violence cases, appointed by the Defender General.

(2) To ensure a council that is reflective of Vermont's college campuses, appointing authorities shall consider diversity when making appointments to the Council.

(c) Duties. The Council shall:

(1) Review the recommendations from the Report of the Vermont Campus Sexual Harm Task Force and develop prevention solutions to sexual harm based on those recommendations.

(2) Implement interdisciplinary planning and information sharing to support sexual violence prevention programs on every college campus in Vermont.

(3) Undertake an annual review of trends in aggregate data collected by institutions of higher learning regarding sexual violence on college campuses in Vermont.

(4) Identify and share effective practices on violence prevention, sexual health education, and strategies for mitigating sexual harm and secondary impacts of sexual harm on college campuses in Vermont.

(5) Identify campus-wide activities, publications, and services that promote a campus culture of respect to support the prevention of sexual harm.

(6) Recommend statutory protections to the General Assembly not later than November 1, 2021 to ensure that survivors of sexual harm are not punished for reporting an incident of sexual violence due to alcohol, drug use, or other minor conduct violations occurring at or around the time of an assault.

(d) Assistance. The Council shall have the administrative and technical assistance of the Network Against Domestic and Sexual Violence.

(e) Report. On or before December 1, 2022 and annually thereafter, the Council shall submit a written report to the General Assembly with a summary of activities and any recommendations for legislative action.

(f) Meetings.

(1) The Network Against Domestic and Sexual Violence shall call the first meeting of the Council to occur on or before July 15, 2021.

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

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

(4) The Council shall meet quarterly.

(5) Members who are not otherwise compensated by the member's employer for attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Network Against Domestic and Sexual Violence for such purposes.

Sec. 7. REPEAL

16 V.S.A. § 2187 (Intercollegiate Sexual Harm Prevention Council) is repealed on July 1, 2025.

Sec. 8. APPROPRIATIONS

(a) In fiscal year 2022, \$11,990.00 is appropriated to the Center for Crime Victim Services to provide a grant for the purpose of staffing the Intercollegiate Sexual Harm Prevention Council.

(b) In fiscal year 2022, \$1,010.00 is appropriated to the Center for Crime Victim Services to provide for per diem compensation and reimbursement of expenses for members who are not otherwise compensated by the member's employer for attendance at meetings.

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 6 (Intercollegiate Sexual Harm Prevention Council) and 8 (Appropriations) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2021.

House Proposal of Amendment to Senate Proposal of Amendment

H. 434

An act relating to establishing the Agricultural Innovation Board

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

In Sec. 1, 6 V.S.A. chapter 215, subchapter 7A, in section 4964, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) Seed review. The Agricultural Innovation Board shall advise the Secretary regarding the sale, distribution, or use of genetically engineered seed in the State and may recommend to the Secretary limits or conditions on the sale, distribution, or use of a genetically engineered seed or seeds or recommend a limited period of time for sale of a genetically engineered seed or seeds.

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Margaret Cheney of Norwich, Member, Public Utility Commission – By Sen. Hardy for the Committee on Finance. (5/12/21)

Daniel M. French of Manchester Center, Secretary, Agency of Education – By Sen. Campion for the Committee on Education. (5/12/21)

Peter Walke of Montpelier, Commissioner, Department of Environmental Conservation – By Sen. Campion for the Committee on Natural Resources and Energy. (5/12/21)

Maria Mercedes Avila of Burlington, Member, Children and Family Council for Prevention Programs – By Sen. Hooker for the Committee on Health and Welfare. (5/13/21)

Stuart Berry of Belmont, Member, Children and Family Council for Prevention Programs – By Sen. Hooker for the Committee on Health and Welfare. (5/13/21)

JFO 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 #3045 - 48 (forty-eight) limited-service positions to carry out the ongoing work for an effective public health response to COVID-19. *[NOTE: Positions to be funded through ongoing CDC grants #2254 (Immunization) and #2478 (Epidemiology and Laboratory Capacity) previously approved in 2006 and 2010, respectively.]*

[JFO received 4/13/2021]

JFO #3046 – One (1) limited service position, Grants Program Manager, to the VT Dept. of Economic Development to provide management, oversight and technical assistance to grantees. This position is funded through the Norther Border Regional Commission Capacity Grants through previously approved JFO Grant #2971. Position is for one year with expected approval for a second year.

[JFO received 4/21/2021]

JFO #3047 – \$1,000,000 to the VT Department of Public Service from the Norther Border Regional Commission. Funds will be used to build out infrastructure and expand broadband throughout Vermont. This grant includes a \$1.75M match as follows: \$1.5M from Act 154 (2020), \$60,000K from Act 79 (2019) and the rest from an existing position – Rural Broadband Technical Assistant.

[JFO received 4/21/2021]

JFO #3048 – One (1) limited-service position, Recreation Vehicle Equipment Technician, to the VT Department of Public Safety from the United States Coast Guard Recreational Boating Safety Grant to service the Dept. of Public Safety and Dept. of Fish and Wildlife recreational vehicle fleet.

[JFO received 5/3/2021]

JFO #3049 – \$1,250,000.00 to the VT Dept. of Public Service from the Northern Border Regional Commission. Funds will be used as the award to the VT Dept. of Public Service’s request for proposals to promote a public-private partnership between one of Vermont’s Communications Union Districts and a broadband provider. The successful proposal will provide service to the greatest quantity of eligible locations.

[JFO received 5/3/2021]

JFO #3050 – \$49,490.00 to the VT Dept. for Children and Families from the VT Community Foundation. Funds will be used for subgrants to Weatherization Agencies to fund low-income weatherization projects not covered by current funding streams.

[JFO received 5/3/2021]