



TO: House Education Committee

FROM: Sue Ceglowski, Executive Director, Vermont School Boards Association

RE: Update and Requests for 2022 Legislative Session

DATE: October 27, 2021

Thank you for the opportunity to provide the Committee with an update. When the legislative session ended in May of 2021, we anticipated a return to school in the fall with a focus on recovery from the impacts of the pandemic. As with so many aspects of the COVID-19 pandemic, that plan has been overshadowed by the more immediate need to focus on health and safety. The Delta variant swept into Vermont over the summer and schools have experienced even more strain this fall than last year.

#### Report from the Field

You asked for a report on what is working and what is not. One school board chair (Jim Murphy, Chair of the Montpelier Roxbury School Board) wrote an insightful [commentary expressing his deep concern that Vermont's schools are at a breaking point](#).

In outlining the challenges of this particular school year compared to last year, the commentary points to the many hard choices that have been left to school boards and school administrators without clear support from the state, the cumulative effects of stress on teachers, administrators and staff who have been asked to go above and beyond with no clear end in sight; the constant anxiety of living with an unpredictable and potentially deadly virus; the increase in high level behavioral and social-emotional supports needed by students; and the deficiencies of our mental health system which is not equipped to keep pace with the mental health issues students are facing. I provided a link to Chairperson Murphy's piece in my testimony and I encourage all Committee members to read, if you have not seen it already.

The labor shortage is another compounding factor which is adding to the stress on school systems. Schools are unable to fill a range of positions from teachers to bus drivers to custodians to food service workers to paraeducators.

In addition to everything previously mentioned, many districts are navigating controversies around masking, critical race theory, and other issues that are dividing communities. School districts are receiving record numbers of public records requests on these topics which are time consuming and costly to address. Additionally, conflicts over mask mandates and other hot-button issues are affecting school board meetings.

School boards are the connection between communities and schools. As such, engaging the community is an essential aspect of the work of school boards. Lately, receiving community input has been a challenge. The refusal of community members to wear masks in a school has rendered at least one school board unable to hold duly warned meetings. Public comment periods have become difficult to manage at times, straying significantly from the type of civil discourse school boards strive to model for their students and communities. No matter where you stand on the issues, if board meetings are not productive, inclusive and safe, it ultimately does a disservice to the students.

In order to give school board members tools to navigate this challenging time, the VSBA is developing a webinar to be held in November on issues such as:

- The First Amendment and public comment
- How to structure the public comment period
- Rules to put in place that meet the requirements of the Open Meeting Law
- How to set expectations for decorum at board meetings
- How to de-escalate contentious situations
- How to build community consensus around an issue

Speakers on the webinar panel will include state legal, educational, behavioral, and public safety experts. The pressing need for this type of resource for board members is indicative of the current challenges they face.

#### 2022 Legislative Session Requests

After hearing the report from the field, it will be no surprise that we are asking the General Assembly not to tackle new education policy initiatives in the 2022 legislative session. The education system is struggling under the current strain of the Delta variant and the new initiatives the General Assembly advanced last session are significant (pupil weighting, pensions, equitable and inclusive school environments, literacy,

wellness and comprehensive health, school facilities, PCB testing in schools, indoor air quality grant program, community schools, local foods, cultural liaisons, provision of menstrual products at no cost, educator discipline, federal recovery funds, State Board roles, CTE incentives, summer school, school meals, after school).

We respectfully request that the General Assembly limit its focus to the following existing education related issues in the upcoming session:

- Implementing the Pupil Weighting Factors Report ([Act 59](#) of 2021)
- Reviewing and responding to the recommendations of the Pension Benefits, Design and Funding Task Force ([Act 75](#) of 2021)
- Developing programmatic details for testing for PCBs and remediation funding ([Act 74](#) of 2021)
- Supporting the implementation of [Act 173](#) of 2018 by providing resources
- Amending section 6 of [Act 35](#) of 2021 (prohibiting suspension or expulsion of a student enrolled in a public school who is under eight years of age unless the student poses an imminent threat of harm or danger to others in the school) to include private universal preK programs and independent schools
- Addressing the evaluation and future of eFinance ([Act 66](#) of 2021)

If the General Assembly considers any new education related issues, please consider prioritizing the following issues:

- Examining the Open Meeting Law to determine if any changes are necessary in light of experiences with meetings during during the pandemic
- Examining and addressing the equity and cost effects of public funding of vouchers for independent schools in light of *Espinoza v. Montana Department of Revenue* and emerging case law
- Developing public health powers absent a state of emergency (for example, yesterday the Massachusetts Commissioner of the Department of Elementary and Secondary Education extended an indoor mask requirement for public schools through at least January 15, 2022 and Massachusetts is not in a state of emergency)

Thank you for the opportunity to speak with the Committee today. I look forward to working with you in the upcoming legislative session.