

2023 Education Legislation

- [2023 Acts and Resolves No. 15*](#), *An act relating to access to legally protected health care activity and regulation of health care providers*
 - Sec. 12: Creates the Access to Reproductive and Gender-Affirming Health Care Services chapter in Title 16, which requires postsecondary schools to annually report to AHS on the current status of its gender-affirming health care and reproductive health care readiness, who is then required to report the same to the General Assembly
- [2023 Acts and Resolves No. 66](#), *An act relating to making miscellaneous changes in education laws*
 - Suspends implementation and requirement to use SSDDMS
 - Adds courses at non-Vermont approved postsecondary schools when the degree program is not available in VT as an allowable use of the National Guard Tuition Benefit Program
 - Amends home study program requirements
 - Pushes out dates for the Act 1 Ethnic and Social Equity Standards Advisory Working Group
 - Amends the number of signatures needed for a union school board nominating candidate petition to include 1% of legal voters in addition to the then current requirement of 60 voters
- [2023 Acts and Resolves No. 64*](#), *An act relating to school food programs and universal school meals*
 - Creates the universal meals supplement: Requires all public schools to provide free breakfast and lunch for all students and requires approved independent schools to do the same for their publicly tuitioned students if they operate a federal meals program
 - Expands eligibility for participation in the local foods incentive grant program by adding approved independent schools that qualify for the universal meals supplement as entities for participation in the grant program
- [2023 Acts and Resolves No. 29](#), *An act relating to school safety*
 - Requires school districts and approved independent schools to:
 - Adopt a policy to require options-based response drills twice a year
 - Adopt an all-hazards emergency operations plan
 - Adopt an access control and visitor management policy
 - Requires AOE to develop a model behavioral threat assessment team policy and procedures and each school district to implement a policy and procedures at least as comprehensive as the model
 - Creates the Working Group on Student Protections from Harassment and Discrimination in Schools to study and give recommendations for how to address harassment and discrimination experienced by students in schools

- [2023 Acts and Resolves No. 78 *](#), *An act relating to making appropriations for the support of government (budget)*
 - Sec. E.514.3: Amendments to Vermont Teachers' Retirement Fund
 - E.500.1: Creates the Afterschool and Summer Learning Programs grant program, composed of retail cannabis sales and use tax
 - E.511.1: Creates a moratorium on approval of new approved independent schools until further direction from the General Assembly.

- [2023 Acts and Resolves No. 76 *](#), *An act relating to child care, early education, workers' compensation, and unemployment insurance*
 - Sec. 2: Creates the Prekindergarten Education Implementation Committee to assist AOE in improving and expanding accessible, affordable, and high-quality prek education for children on a full-day basis on or before July 1, 2026
 - Sec. 2a: Requires AOE to develop a model contract for school districts to use for contracting with private providers for prek services
 - Sec. 2b: Requires AOE to analyze and issue a report to the GA regarding whether the cost of educating a prek student is the same as educating a kindergarten student in the context of a full school day
 - Sec. 2c: Requires AOE to submit certain data to JFO
 - Sec. 3 & 3a: Contingently amends the prek weight from negative 0.54 to 0; does not go into effect unless the GA enacts certain legislation
 - Sec. 4: Requires AOE to submit a plan to the GA related to the regulation of early education

2024 Education Legislation

- [2024 Acts and Resolves No. 87 *](#), *An act related to fiscal year 2024 budget adjustments*
 - Sec. 97: Amends the Universal Afterschool and Summer Special Fund for cannabis sales tax revenue to be used for afterschool programming through a grant program administered by AOE
 - Sec. 85: amendments to postretirement adjustments to retirement allowances, calculation of net percentage increase
 - Sec. 99: Repeals intent session law now that afterschool grant program is codified in Sec. 97
 - Sec. 74: amendment to ed fund statute to include costs of revenue collection as an allowable use of the ed fund

- [2024 Acts and Resolves No. 114](#), *An act relating to postsecondary schools and sexual misconduct protections*
 - Requires postsecondary schools to ensure students have access to confidential sexual misconduct support services
 - Requires postsecondary schools to create and adopt an amnesty policy
 - Requires postsecondary schools to offer annual sexual misconduct primary prevention and awareness programming to all students, staff, and faculty
 - Repeals sunset of the Intercollegiate Sexual Harm Prevention Council

- [2024 Acts and Resolves No. 168](#), *An act relating to improving access to high-quality education through community collaboration*
 - Creates the process for forming, governing, and the duties of a board of cooperative education services: two or more SUs enter into a proposed agreement to form an association to deliver shared programs and services to complement the educational programs of the member supervisory unions in a cost-effective manner
 - Requires a report from AOE on or before November 1, 2028 regarding the status of BOCES that have formed and recommendations
 - Creates a start-up grant program for SUs who have formed a BOCES: \$10k per BOCES
 - Amends the community schools program from a 3 year pilot to an open ended program and appropriates \$1,000,000.00 from the Ed Fund to provide funding for school districts to create community schools

- [2024 Acts and Resolves No. 149](#), *An act relating to the development of an updated State aid to school construction program*
 - Creates the Facilities Master Plan Grant Program to support the development of educational facilities master plans
 - Creates the State Aid for School Construction Working Group to study and design a recommended plan for a statewide school construction aid program
 - Raises the threshold for what is considered a “high-cost construction contract” from \$500,000.00 to \$2,000,000.00

- [2024 Acts and Resolves No. 183 *](#), *An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation*
 - Creates the Commission on the Future of Public Education
 - Sets the yields
 - Makes prewritten software accessed remotely subject to sales tax
 - Imposes a 3% surcharge on rent of each occupancy of a short-term rental, revenue to Ed Fund
 - Requires AOE to update DQS to include recommended reserve fund account standards
 - Amends school district budget ballot language requirement, to be used starting FY 2026 vote
 - Creates the Ed Fund Advisory Committee as a standing committee to monitor the education financing system and make recommendations to the GA, sunsets 3034
 - Creates statewide adjustment when factoring CLA into school district tax rates
 - Reactivates excess spending penalties for districts that spend more than 118% of the statewide average per pupil ed spending
 - Removes statutory exemptions for the calculation of excess spending but creates a new exemption for payments towards bonds that were approved prior to July 1, 2024

- Requires Dept. of Taxes to report on potential improvements to property tax credit claims
- Conforming amendments replacing term “adjusted education payment” with “education spending payment” to reflect changes made in Act 127
- 11 separate transfers to 11 separate towns to compensate for education tax overpayments in FY 24 due to erroneous accounting of certain students in ADM calculations
- [2024 Acts and Resolves No. 113 *](#), *An act relating to making appropriations for the support of government (budget)*
 - Sec. E.504.6, E.504.3, E.504.5, E.504.2, E.504.4:
 - Amends the Adult Education and Secondary Credential Program; lowers the age eligibility for participation from 20 to 16
 - Repeals the High School Completion Program
 - Requires 40 % of payment for Adult Ed Program to come from the Ed Fund and 60 % to come from the General Fund
- [2024 Acts and Resolves No. 98*](#), *An act relating to student application of sunscreen*
 - Requires public and approved independent schools to permit students, with written permission from parents, to possess and apply sunscreen on school property
- [2024 Acts and Resolves No. 150 *](#), *An act relating to Vermont’s public libraries*
 - Adds a policy statement that states it is necessary for the governing bodies/managers of free public libraries to adopt policies that comply with the 1st Amendment and State and federal civil rights and antidiscrimination laws
 - Requires public libraries to adopt material selection policies and procedures for the reconsideration and retention of library materials that comply with the 1st Amendment, the Civil Rights Act of 1964, State antidiscrimination laws and that reflect the diversity of Vermont
 - Amends the age up to which custodial parents or guardians have access to their child’s library records from age 16 to 12
 - Amends the criminal threatening statute in Title 13 to include public libraries to the list of places where, if conduct that constitutes criminal threatening occurs, the criminal penalty for such conduct is augmented
 - Amends the general powers and duties for public and municipal libraries and their governing bodies
 - Amends the duties and functions of the State Department of Libraries
 - Requires each school board and each approved independent school to adopt a library material selection policy and procedures for the reconsideration and retention of materials guided by the 1st Amendment, the Civil Rights of Act of 1964, State antidiscrimination laws and that reflect Vermont’s diversity
- [2024 Acts and Resolves No. 139](#), *An act relating to supporting Vermont’s young readers through evidence-based literacy instruction*

- Requires AOE to review and publish guidance on universal reading screeners for public and approved independent schools that are eligible to receive public tuition to use those universal reading screeners to screen all students in grades K through 3, at least annually, and provide supplementary evidence-based reading instruction and ongoing monitoring of progress for students with screening results significantly below relevant benchmarks.
 - Requires the reporting of certain data related to the use of universal reading screeners to AOE, which is then required to annually report to the Education Committees and the Governor regarding the status of the State's progress in improving literacy learning and the data collected
 - Requires AOE to issue recommendations for the form and substance of parental notification for students with a screening result that is significantly below relevant benchmarks
 - Requires AOE to submit a list to the Education Committees of the universal reading screeners it has reviewed and published guidance on by Jan 25, 2025
 - Requires approved independent schools that are eligible to receive public tuition to develop grade-level appropriate school literacy plans that are informed by student needs and assessment data
 - Requires SUs and approved independent schools that are eligible to receive public tuition to provide professional learning activities to K through 3
 - Requires AOE to make recommendations to the Vermont Standards Board for Professional Educators on how to strengthen educator preparation programs' teaching of evidence-based literacy practices as well as whether additional educator exams are needed to assess skills in math and English language arts; Standards Board to consider and update applicable rules by July 1, 2026
 - Adds members to the Advisory Council on Literacy and extends the prospective repeal/sunset of the Council from June 2024 to June 2027
 - Converts one limited service position within AOE and one classified permanent status position to support AOE in its evidence-based literacy work
 - Requires the Dept. of Libraries to submit a report to the Education Committees with recommendations for expanding access to early childhood literacy resources
- [2024 Acts and Resolves No. 117*](#), *An act relating to expanding employment protections and collective bargaining rights*
 - Sec. 5: Amends the referendum procedure for representation section in the teacher and administrator labor relations chapter
 - [2024 Acts and Resolves No. 136](#), *An act relating to New American educational grant opportunities*
 - Exempts persons with certain immigration statuses from the one-year residency requirement for Advancement Grants administered through VSAC
 - Exempts persons with certain immigration statuses from the one-year residency requirement for the Incentive Grant Program administered through VSAC, through July 1, 2027

- Establishes that a VT resident who is otherwise eligible for State-funded financial aid administered through VSAC shall not be ineligible solely on the basis of such resident’s immigration status
- Prevents BOT of the Vermont State Colleges Corporation from adopting in-state tuition policies that would discriminate against or exclude a person based solely on the person’s immigration status if the person would otherwise qualify for and meet requirements for residency for in-state tuition purposes
- Prevents BOT of UVM from adopting an in-state tuition policy that would discriminate against or exclude a person based solely on the person’s immigration status if the person would otherwise qualify for and meet requirements for residency for in-state tuition purposes
- [2024 Acts and Resolves No. 85*](#), *An act relating to technical corrections for the 2024 legislative session*
 - Sec. 34: Amends the definition of “Armed Forces” in the armed Services Scholarships section to include the Space Force

Often referenced past legislation

- [2018 Acts and Resolves No. 173](#), An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support
 - Delivery of services changes
 - Adds definition of “student who requires additional support,” which includes:
 - Students with an individualized education program (IEP);
 - Students with a section 504 plan under the Rehabilitation Act of 1973;
 - Students on neither of the above two plans but whose ability to learn is negatively impacted by a disability or by social, emotional, or behavioral needs, or whose ability to learn is negatively impacted because the student is otherwise at risk;
 - Students for whom English is not the primary language; or
 - Students who read below grade level
 - Prohibits the use of the tiered system of academic and behavioral support system to deny a timely initial comprehensive special education evaluation for children suspected of having a disability; AOE to adopt policies and procedures to ensure no such denials
 - Requires AOE to provide professional development and support to implement the changes in delivery of services
 - Creates 3 new positions in AOE to support special education
 - Funding changes
 - Changes special education funding from a reimbursement model, where the State funds 60% of all special education costs through a combination

- of grants and reimbursements, to a census-based model, where the State will provide a grant (categorical aid) to each SU based on historical special education spending per student
 - The calculation for the census-based funding grant is in statute, with a gradual transition to full implementation in FY27
 - Expands the allowable use of special education funds
 - Changes the threshold and calculation for extraordinary cost calculations
 - Independent schools
 - Requires an approved independent school that accepts public tuition to enroll any student with an IEP who is placed in the approved independent school by the student's local education agency (LEA/SU), except for an independent school that limits enrollment to students who are on an IEP (effective July 1, 2023/FY24)
 - Allows approved independent schools to bill LEAs for costs beyond general tuition rates if incurred pursuant to an IEP
 - Requires rulemaking to update independent school rules (2200 series) (effective July 1, 2023)
 - Requires updates to SBE rule series related to special education services and funding
- [2018 \(Sp. Session\) Acts and Resolves No. 11](#)
 - H.18: Added/created 16 V.S.A. chapter 61 Commission on Public School Employee Health Benefits
- [2019 Acts and Resolves No. 1](#), An act relating to ethnic and social equity studies standards for public schools
 - Creates the Ethnic and Social Equity Standards Advisory Working Group to:
 - Review standards for student performance adopted by the SBE and recommend updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic and social groups
 - Review statutes, SBE rules, and district/SU policies that concern or impact standards for student performance or curriculum and recommend changes to the GA
 - SBE required to consider adopting ethnic and social equity studies standards into standards for student performance, taking into account the recommendations for the Working Group
 - Rulemaking complete June 2024, rules effective July 1, 2025
- [2021 Acts and Resolves No. 28](#), An act relating to improving prekindergarten through grade 12 literacy within the State
 - Appropriated American Rescue Plan Act of 2021 (ARPA) money to AOE to:
 - Provide professional development learning modules for teachers in methods of teaching literacy
 - Assist SUs in implementing evidence-based systems-wide literacy approaches that address learning loss due to the pandemic

- Retain one or more contractors to provide technical assistance to SUs in using these funds, recommend evidence-based best practices in teaching literacy, recommend how to provide professional development in methods of teaching literacy, recommend policies, procedures, etc to ensure improvements in literacy outcomes are sustained
 - Creates the Advisory Council on Literacy to advise AOE, SBE, and the GA on how to improve and sustain proficiency outcomes in literacy for students in pk-12
- [2021 Acts and Resolves No. 72](#), An act relating to addressing the needs and conditions of public school facilities in the State
 - Requires AOE to conduct a school facilities inventory and conditions assessment of all public schools to inform AOE of the statewide school facilities needs/costs
 - Requires school districts and SUs to designate a person facilities manager and requires AOE to establish guidelines for the training and certification of such managers
 - Requires each school district to develop and maintain a 5-year capital operations and improvement plan, updated annually
 - Creates the Renewable and Efficiency Heating Systems Grant Program to award grants for renewable and efficient heating systems in schools
 - Requires all public and approved independent school to perform radon testing
- [2022 Acts and Resolves No. 127](#), An act relating to improving student equity by adjusting the school funding formula and providing education quality and funding oversight
 - Adjusts and adds pupil weights, which adjust student counts to account for the different costs associated with serving different student needs or circumstances
 - Caps homestead property tax rate increases at 5% for FY25-29 and subjects school districts with per pupil ed spending increases of more than 10% to a Tax Rate Review to determine if the increase is excessive and whether the tax rate should be capped
 - Repealed by [2024 Acts and Resolves No. 84](#) and replaced with a mechanism to provide tax rate decreases for school districts that lost taxing capacity due to the changes in Act 127, phased out over a five year period from FY25-29
 - Suspends excess spending penalty FY24-29; suspends hold harmless provision FY25-29; suspends ballot language requirement FY25-29
 - Ballot language requirement reinstated by 2024 yield bill
 - Excess spending reinstated by 2024 yield bill
 - Creates categorical aid for some districts with EL students based on number of EL students enrolled; requires districts to offer certain EL services and requires AOE to offer support and quality assurance
 - Adds positions to AOE
 - 1 FTE to provide support to districts re EL students
 - 2 FTE to develop and maintain a universal income declaration form and provide guidance to districts

- 2 FTE to provide financial and data analysis for AOE
- Creates requirements for school districts to meet district quality standards and requires AOE to adopt rules for those standards
- Commissioned report on CTE funding and governance structures
 - Funding report received March 2024
 - Governance report forthcoming