

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 257
3 entitled “An act relating to miscellaneous changes to education law”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Out-of-State Independent Schools * * *

8 Sec. 1. 16 V.S.A. § 822 is amended to read:

9 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
10 PAY TUITION

11 (a) Each school district shall maintain one or more approved high schools
12 in which high school education is provided for its resident students unless:

13 (1) the electorate authorizes the school board to close an existing high
14 school and to provide for the high school education of its students by paying
15 tuition to a public high school, an approved independent high school, or an
16 independent school meeting education quality standards, to be selected by the
17 parents or guardians of the student, ~~within or outside the State~~; or

18 * * *

19 Sec. 2. 16 V.S.A. § 828 is amended to read:

20 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

21 (a) A school district shall not pay the tuition of a student except to:

1 (1) a public school;

2 (2) an approved independent school; in Vermont;

3 (3) an independent school in Vermont meeting education quality
4 standards;

5 (4) a tutorial program approved by the State Board;

6 (5) an approved education program; ~~or;~~

7 (6) an independent school in another state ~~or country~~ that is approved
8 under the laws of that state or country, nor shall payment; provided, however,
9 that the state is contiguous to Vermont;

10 (7) a public or independent school in the Province of Quebec approved
11 under the laws of Canada; or

12 (8) a school to which a student on an individualized education plan has
13 been referred or placed by the student's individualized education plan team or
14 local education agency.

15 (b) Payment of tuition on behalf of a person shall not be denied on account
16 of age.

17 (c) Unless otherwise provided, a person who is aggrieved by a decision of a
18 school board relating to eligibility for tuition payments, the amount of tuition
19 payable, or the school he or she may attend, may appeal to the State Board and
20 its decision shall be final.

1 Sec. 3. TRANSITION

2 Notwithstanding any provision to the contrary in Sec. 2 of this act, a school
3 district may pay tuition on behalf of a student to a school located in another
4 country or to an approved independent school that is located in a state that is
5 not contiguous to Vermont if, during the 2017–2018 school year, the student
6 attended that school; provided, however, that tuition shall be paid for not more
7 than four years after enactment of this act.

8 * * * Elections * * *

9 Sec. 4. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

10 (a) Notwithstanding any provision of law to the contrary, the election of a
11 director on the board of a unified union school district who is to serve on the
12 board after expiration of the term for an initial director shall be held at the
13 unified union school district’s annual meeting unless otherwise provided in the
14 district’s articles of agreement.

15 (b) Notwithstanding any provision of law to the contrary, if a vacancy
16 occurs on the board of a unified union school district and the vacancy is in a
17 seat that is allocated to a specific town, the clerk of the unified union district
18 shall immediately notify the selectboard of the town. Within 30 days after the
19 receipt of that notice, the unified union school district board, in consultation
20 with the selectboard, shall appoint a person who is otherwise eligible to serve
21 as a member of the unified union school district board to fill the vacancy until

1 an election is held at an annual or special meeting, unless otherwise provided
2 in accordance with the unified union school district's articles of agreement.

3 (c) Notwithstanding any provision of law to the contrary, the clerk,
4 treasurer, and moderator of a unified union school district elected at an annual
5 meeting shall enter upon their duties on July 1 following their election and
6 shall serve a term of up to three years or until their successors are elected and
7 qualified, except that if the voters at an annual meeting so vote, moderators
8 elected at an annual meeting shall assume office upon election and shall serve
9 for a term of up to three years or until their successors are elected and
10 qualified.

11 (d) This section is repealed on July 1, 2020.

12 Sec. 5. 16 V.S.A. § 706k is amended to read:

13 § 706k. ELECTION OF DISTRICT OFFICERS

14 (a)(1) A school director representing a member district who is to serve on
15 the union school district board after the expiration of the terms provided for
16 school directors in the final report shall be elected by that member district at an
17 annual or special meeting. ~~Such~~ The election shall be by Australian ballot in
18 those member districts that so elect their town school district directors. School
19 directors elected at an annual meeting shall assume office upon election and
20 shall serve a term of three years or until their successors are elected and
21 qualified.

1 (2) Union district officers, except the clerk, treasurer, and moderator,
2 elected at an annual meeting shall enter upon their duties on July 1 following
3 their election and shall serve a term of one year or until their successors are
4 elected and qualified. The clerk, treasurer, and moderator elected at an annual
5 meeting shall enter upon their duties on July 1 following their election and
6 shall serve a term of up to three years or until their successors are elected and
7 qualified, except that if the voters at an annual meeting so vote, moderators
8 elected at an annual meeting shall assume office upon election and shall serve
9 for a term of ~~one year~~ up to three years or until their successors are elected and
10 qualified. ~~School directors elected at an annual meeting shall assume office~~
11 ~~upon election and shall serve a term of three years or until their successors are~~
12 ~~elected and qualified.~~

13 (3) The clerk of the union district shall, within ten days after the election
14 or appointment of any officer or director, give notice of the results to the
15 Secretary of State.

16 * * *

17 * * * School Radon Mitigation * * *

18 Sec. 6. SCHOOL RADON MITIGATION; FUNDING OPPORTUNITIES

19 The Secretaries of Education and of Administration and the Commissioner
20 of Health shall explore funding opportunities for testing and mitigating
21 elevated radon concentrations in schools and contingency plans for the loss of

1 related federal funding. On or before December 1, 2018, the Secretaries and
2 the Commissioner shall jointly submit a written report to the House
3 Committees on Corrections and Institutions and on Education and to the Senate
4 Committees on Education and on Institutions with viable options for testing all
5 schools for radon and for funding the mitigation of elevated radon
6 concentrations in schools.

7 Sec. 7. PILOT; RADON TESTING IN SCHOOLS

8 The Commissioner of Health shall establish a pilot program to test schools
9 in five supervisory unions for elevated concentrations of radon during the
10 2018–2019 school year with the goal of testing 30 schools. Schools that have
11 been tested for radon within the previous five years need not be retested. The
12 Agency of Education, in collaboration with the Department of Health, shall
13 seek supervisory unions to volunteer for the pilot program.

14 * * * Technical Correction * * *

15 Sec. 8. 16 V.S.A. § 4015 is amended to read:

16 § 4015. SMALL SCHOOL SUPPORT

17 (a) In this section:

18 * * *

19 (2) “Enrollment” means the number of students who are enrolled in a
20 school operated by the district on October 1. A student shall be counted as one

1 whether the student is enrolled as a full-time or part-time student. Students
2 enrolled in prekindergarten programs shall not be counted.

3 * * *

4 * * * Prekindergarten Education * * *

5 Sec. 9. 16 V.S.A. § 829 is amended to read:

6 § 829. PREKINDERGARTEN EDUCATION

7 (a) Definitions. As used in this section:

8 (1) “Prekindergarten child” means a child who, as of the date
9 established by the district of residence for kindergarten eligibility, is:

10 (A) three or four years of age or is five years of age but is not yet
11 eligible to be enrolled in kindergarten; or

12 (B) five years of age but is not yet enrolled in kindergarten if the
13 child is on an individualized education program or a plan under Section 504 of
14 the Rehabilitation Act of 1973 and the child’s individualized education
15 program team or evaluation and planning team recommends that the child
16 receive prekindergarten education services.

17 (2) “Prekindergarten education” means services designed to provide to
18 prekindergarten children developmentally appropriate early development and
19 learning experiences based on Vermont’s early learning standards.

1 (3) “Prequalified private provider” means a private provider of
2 prekindergarten education that is qualified pursuant to subsection (c) of this
3 section.

4 (4)(A) “Prequalified public provider” means a provider of
5 prekindergarten education that is a school district that is qualified pursuant to
6 subsection (c) of this section.

7 (B) “Prequalified public provider” does not mean a school district
8 that contracts with a prequalified private provider for the provision of
9 prekindergarten education services.

10 (b) Access to publicly funded prekindergarten education.

11 (1) ~~No~~ Not fewer than ten hours per week of publicly funded
12 prekindergarten education shall be available for 35 weeks annually to each
13 prekindergarten child whom a parent or guardian wishes to enroll in an
14 available, prequalified program operated by a public school or a private
15 provider.

16 (2) If a parent or guardian chooses to enroll a prekindergarten child in an
17 available, prequalified program, then, pursuant to the parent or guardian’s
18 choice, the school district of residence shall:

19 (A) pay tuition pursuant to subsections (d) and (h) of this section
20 upon the request of the parent or guardian to:

21 (i) a prequalified private provider; or

1 (ii) a prequalified public school provider that operates a
2 prekindergarten program ~~that has been prequalified pursuant to subsection (e)~~
3 ~~of this section~~ located outside the district; or

4 (B) if the school district of residence is a prequalified public
5 provider, enroll the child in the prekindergarten education program that it
6 operates.

7 (3) If requested by the parent or guardian of a prekindergarten child, the
8 school district of residence shall pay tuition to a prequalified ~~program operated~~
9 ~~by a private provider or a public school in another district~~ private provider or a
10 prequalified public provider that operates a prekindergarten program located
11 outside the district even if the district of residence is a prequalified public
12 provider that operates a prekindergarten education program.

13 (4) ~~If the supply of prequalified private and public providers is~~
14 ~~insufficient to meet the demand for publicly funded prekindergarten education~~
15 ~~in any region of the State, nothing~~ Nothing in this section shall be construed to
16 require the State or a district to begin or expand a prekindergarten education
17 program to satisfy ~~that a demand; but rather, in collaboration with the Agencies~~
18 ~~of Education and of Human Services, the local Building Bright Futures~~
19 ~~Council shall meet with school districts and private providers in the region to~~
20 ~~develop a regional plan to expand capacity~~ for prekindergarten education.

1 (c) Prequalification. Pursuant to rules ~~jointly~~ developed and overseen by
2 the ~~Secretaries~~ Secretary of Education and of Human Services and adopted by
3 the State Board pursuant to 3 V.S.A. chapter 25, the ~~Agencies~~ Agency
4 of Education may determine that a private or public provider of
5 prekindergarten education is qualified for purposes of this section and include
6 the provider in a publicly accessible database of prequalified providers. At a
7 minimum, the rules shall define the process by which a provider applies for
8 and maintains prequalification status; and shall identify the minimum quality
9 standards for prequalification, ~~and shall include the following requirement.~~ In
10 order to be eligible for tuition payments:

11 (1) A ~~program of prekindergarten education, whether provided by a~~
12 ~~school district or a private provider, shall have received~~ private provider shall
13 meet minimum program quality by:

14 (A) Having:

15 (i) National Association for the Education of Young Children
16 (NAEYC) accreditation; ~~or~~

17 ~~(B)(ii)~~ at least four stars in the Department for Children and
18 Families' STARS system ~~with a plan to get to at least two points in each of the~~
19 ~~five arenas; or~~

20 ~~(C)(iii)~~ three stars in the STARS system if the provider has
21 developed a plan, approved by the Commissioner for Children and Families

1 ~~and the Secretary of Education~~, to achieve four or more stars with at least two
2 points in each of the five arenas in no more than three years, and the provider
3 has met intermediate milestones.

4 (B) For a:

5 (i) private provider that is regulated as a center-based child care
6 program, employing or contracting for the services of at least one licensed
7 professional educator with an endorsement in early childhood education or in
8 early childhood special education under chapter 51 of this title who is present
9 at the private provider's program site during the hours that are publicly
10 funded; or

11 (ii) private provider that is regulated as a family child care home
12 that is not licensed and endorsed in early childhood education or early
13 childhood special education, employing or contracting for the services of at
14 least one licensed professional educator with an endorsement in early
15 childhood education or in early childhood special education under chapter 51
16 of this title for at least three hours per week during each of the 35 weeks per
17 year in which prekindergarten education is paid for with publicly funded
18 tuition to provide regular, active supervision and training of the private
19 provider's staff.

20 (2) A ~~licensed public~~ provider shall ~~employ or contract~~ meet minimum
21 program quality by:

1 (A) employing or contracting for the services of at least one teacher
2 ~~who is licensed and endorsed~~ licensed professional educator with an
3 endorsement in early childhood education or in early childhood special
4 education under chapter 51 of this title to provide direct instruction during the
5 hours that are publicly funded; and

6 (B)(i) until the date upon which the State Board of Education
7 implements safety and quality rules under subdivision (e)(12) of this section,
8 meeting safety and quality rules adopted by the Department for Children and
9 Families; and

10 (ii) on and after the date upon which the State Board of Education
11 implements safety and quality rules under subdivision (e)(12) of this section,
12 meeting safety and quality rules adopted by the State Board of Education.

13 ~~(3) A registered home provider that is not licensed and endorsed in early~~
14 ~~childhood education or early childhood special education shall receive regular,~~
15 ~~active supervision and training from a teacher who is licensed and endorsed in~~
16 ~~early childhood education or in early childhood special education under~~
17 ~~chapter 51 of this title.~~

18 (d) Tuition, budgets, and average daily membership.

19 (1) On behalf of a resident prekindergarten child, a district shall pay
20 tuition for prekindergarten education for ten hours per week for 35 weeks
21 annually to a prequalified private provider or to a ~~public school~~ prequalified

1 public provider that is outside the district ~~that is prequalified pursuant to~~
2 ~~subsection (e) of this section~~; provided, however, that the district shall pay
3 tuition for weeks that are within the district's academic year. Tuition paid
4 under this section shall be at a statewide rate, which may be adjusted
5 regionally, that is established annually through a process jointly developed and
6 implemented by the ~~Agencies~~ Agency of Education and of Human Services. A
7 district shall pay tuition upon:

8 (A) receiving notice from the child's parent or guardian that the child
9 is or will be admitted to the prekindergarten education program operated by the
10 prequalified private provider or the other district; and

11 (B) concurrent enrollment of the prekindergarten child in the district
12 of residence for purposes of budgeting and determining average daily
13 membership.

14 (2) In addition to any direct costs of operating a prekindergarten
15 education program, a district of residence shall include anticipated tuition
16 payments and any administrative, quality assurance, quality improvement,
17 transition planning, or other prekindergarten-related costs in its annual budget
18 presented to the voters.

19 (3) Pursuant to subdivision 4001(1)(C) of this title, the district of
20 residence may include within its average daily membership any

1 prekindergarten child for whom it has provided prekindergarten education or
2 on whose behalf it has paid tuition pursuant to this section.

3 (4) A prequalified private provider may receive additional payment
4 directly from the parent or guardian only for prekindergarten education in
5 excess of the hours paid for by the district pursuant to this section or for child
6 care services, or both. The prequalified private provider is not bound by the
7 statewide rate established in this subsection when determining the rates it will
8 charge the parent or guardian for these excess hours. A prequalified private
9 provider shall not impose additional fees for the publicly funded hours.

10 (e) Rules. The Secretary of Education ~~and the Commissioner for Children~~
11 ~~and Families~~ shall jointly develop ~~and agree to~~ rules and present them to the
12 State Board for adoption under 3 V.S.A. chapter 25 as follows:

13 (1) To permit private providers that are not prequalified pursuant to
14 subsection (c) of this section to create new or continue existing partnerships
15 with school districts through which the school district provides supports that
16 enable the provider to fulfill the requirements of subdivision (c)(2) ~~or (3)~~
17 (1)(B), and through which the district may or may not make in-kind payments
18 as a component of the statewide tuition established under this section.

19 (2) ~~To authorize a district to begin or expand a school-based~~
20 ~~prekindergarten education program only upon prior approval obtained through~~
21 ~~a process jointly overseen by the Secretaries of Education and of Human~~

1 ~~Services, which shall be based upon analysis of the number of prekindergarten~~
2 ~~children residing in the district and the availability of enrollment opportunities~~
3 ~~with prequalified private providers in the region. Where the data are not clear~~
4 ~~or there are other complex considerations, the Secretaries may choose to~~
5 ~~conduct a community needs assessment. [Repealed.]~~

6 (3) To require that the school district provides opportunities for effective
7 parental participation in the prekindergarten education program.

8 (4) To establish a process by which:

9 (A) a parent or guardian notifies the district that the prekindergarten
10 child is or will be admitted to a prekindergarten education program not
11 operated by the district and concurrently enrolls the child in the district
12 pursuant to subdivision (d)(1) of this section;

13 (B) a district:

14 (i) pays tuition pursuant to a schedule that does not inhibit the
15 ability of a parent or guardian to enroll a prekindergarten child in a
16 prekindergarten education program or the ability of a prequalified private
17 provider to maintain financial stability; and

18 (ii) enters into an agreement with any provider to which it will pay
19 tuition regarding quality assurance, transition, and any other matters;
20 agreements entered into on or after August 1, 2018 shall be in a form
21 prescribed by the Secretary of Education; and

1 (C) a provider that has received tuition payments under this section
2 on behalf of a prekindergarten child notifies a district that the child is no longer
3 enrolled.

4 (5) To establish a process to calculate an annual statewide tuition rate
5 that is based upon the actual cost of delivering ten hours per week of
6 prekindergarten education that meets all ~~established~~ required quality standards
7 and to allow for regional adjustments to the rate.

8 (6) [Repealed.]

9 (7) To require a district to include identifiable costs for prekindergarten
10 programs and essential early education services in its annual budgets and
11 reports to the community.

12 (8) To require a district to report to the Agency of Education annual
13 expenditures made in support of prekindergarten education, with distinct
14 figures provided for expenditures made from the General Fund, from the
15 Education Fund, and from all other sources, which shall be specified.

16 (9) To provide an administrative process for:

17 (A) a parent, guardian, or provider to challenge an action of a school
18 district or the State when the complainant believes that the district or State is in
19 violation of State statute or rules regarding prekindergarten education; and

1 (B) a school district to challenge an action of a provider or the State
2 when the district believes that the provider or the State is in violation of State
3 statute or rules regarding prekindergarten education.

4 (10) To establish a system by which the Agency of Education ~~and~~
5 ~~Department for Children and Families~~ shall jointly monitor and evaluate
6 prekindergarten education programs to promote optimal results for children
7 that support the relevant population-level outcomes set forth in 3 V.S.A.
8 § 2311 and to collect data that will inform future decisions. The Agency ~~and~~
9 ~~Department~~ shall be required to report annually to the General Assembly in
10 January. At a minimum, the system shall monitor and evaluate:

11 (A) programmatic details, including the number of children served,
12 the number of private and public programs operated, and the public financial
13 investment made to ensure access to quality prekindergarten education;

14 (B) the quality of public and private prekindergarten education
15 programs and efforts to ensure continuous quality improvements through
16 mentoring, training, technical assistance, and otherwise; and

17 (C) the results for children, including school readiness and
18 proficiency in numeracy and literacy.

19 (11) To establish a process for documenting the progress of children
20 enrolled in prekindergarten education programs and to require public and
21 private providers to use the process to:

1 (A) help individualize instruction and improve program practice; and

2 (B) collect and report child progress data to the Secretary of

3 Education on an annual basis.

4 (12) To establish safety and quality requirements for prequalified public
5 providers.

6 (f) Other provisions of law. Section 836 of this title shall not apply to this
7 section.

8 (g) Limitations. Nothing in this section shall be construed to permit or
9 require payment of public funds to a private provider of prekindergarten
10 education in violation of Chapter I, Article 3 of the Vermont Constitution or in
11 violation of the Establishment Clause of the U.S. Constitution.

12 (h) Geographic limitations.

13 (1) Notwithstanding the requirement that a district pay tuition to any
14 prequalified public or private provider in the State, a school board may choose
15 to limit the geographic boundaries within which the district shall pay tuition by
16 paying tuition solely to those prequalified providers in which parents and
17 guardians choose to enroll resident prekindergarten children that are located
18 within the district's "prekindergarten region" as determined in subdivision (2)
19 of this subsection.

20 (2) For purposes of this subsection, upon application from the school
21 board, a district's prekindergarten region shall be determined jointly by the

1 ~~Agencies~~ Agency of Education ~~and of Human Services~~ in consultation with the
2 school board, private providers of prekindergarten education, parents and
3 guardians of prekindergarten children, and other interested parties pursuant to a
4 process adopted by rule under subsection (e) of this section. A prekindergarten
5 region:

6 (A) shall not be smaller than the geographic boundaries of the school
7 district;

8 (B) shall be based in part upon the estimated number of
9 prekindergarten children residing in the district and in surrounding districts, the
10 availability of prequalified private and public providers of prekindergarten
11 education, commuting patterns, and other region-specific criteria; and

12 (C) shall be designed to support existing partnerships between the
13 school district and private providers of prekindergarten education.

14 (3) If a school board chooses to pay tuition to providers solely within its
15 prekindergarten region, and if a resident prekindergarten child is unable to
16 access publicly funded prekindergarten education within that region, then the
17 child's parent or guardian may request and in its discretion the district may pay
18 tuition at the statewide rate for a prekindergarten education program operated
19 by a prequalified provider located outside the prekindergarten region.

1 Sec. 12. 16 V.S.A. § 11 is amended to read:

2 § 11. CLASSIFICATIONS AND DEFINITIONS

3 (a) As used in this title, unless the context otherwise clearly requires:

4 * * *

5 (31) “Early childhood education,” “early education,” or
6 “prekindergarten education” means services designed to provide
7 developmentally appropriate early development and learning experiences
8 based on Vermont’s early learning standards to ~~children~~ a child who ~~are three~~
9 ~~to four years of age and to five-year-old children who are not eligible for or~~
10 ~~enrolled in kindergarten~~ is:

11 (A) three or four years of age or is five years of age but is not yet
12 eligible to be enrolled in kindergarten; or

13 (B) five years of age but is not yet enrolled in kindergarten if the
14 child is on an individualized education program or a plan under Section 504 of
15 the Rehabilitation Act of 1973 and the child’s individualized education
16 program team or evaluation and planning team recommends that the child
17 receive prekindergarten education services.

18 * * *

19 Sec. 13. PREKINDERGARTEN ADVISORY COMMITTEE; REPORT

1 (a) Creation. There is created the Prekindergarten Advisory Committee to
2 make recommendations on how to improve the funding and delivery models
3 for prekindergarten education in Vermont.

4 (b) Membership. The Committee shall be composed of the following five
5 members:

6 (1) two current members of the House of Representatives, not from the
7 same political party, who shall be appointed by the Speaker of the House;

8 (2) two current members of the Senate, not from the same political
9 party, who shall be appointed by the Committee on Committees; and

10 (3) one member appointed by the Governor, which member shall serve
11 as the Committee's Chair.

12 (c) Powers and duties. The Committee shall study the funding and delivery
13 of prekindergarten education in Vermont, including the following issues:

14 (1) whether the current delivery and funding models are working
15 effectively to provide prekindergarten educational services, and if not, the
16 issues with the current models and proposals to enhance the quality and
17 effectiveness of these models;

18 (2) whether the statutory changes in Secs. 9–12 of this act adequately
19 address concerns with the current delivery and funding models for
20 prekindergarten educational services;

1 (3) whether to extend the publicly funded entitlement to prekindergarten
2 education beyond the 10 hours per week for 35 weeks a year that is currently
3 required by requiring public elementary schools to offer prekindergarten
4 education either directly or by contract;

5 (4) whether to extend kindergarten education to include children who
6 are four years of age;

7 (5) how to simplify regulatory oversight and administration of
8 prekindergarten education;

9 (6) how to ensure that funding for prekindergarten education is equitable
10 and does not create undesirable outcomes for prekindergarten students, their
11 parents or guardians, or providers of prekindergarten educational services or
12 child care services; and

13 (7) whether prekindergarten regions established under 16 V.S.A. § 829
14 serve the purpose for which they were designed and allow reasonable and
15 equitable access to prekindergarten education, and whether the authority to
16 create prekindergarten regions should continue.

17 (d) Assistance. The Committee shall have the administrative, technical,
18 and legal assistance of the Office of Legislative Council and the Joint Fiscal
19 Office.

20 (e) Report. On or before December 15, 2018, the Committee shall submit a
21 written report to the House and Senate Committees on Education, the House

1 Committee on Human Services, and the Senate Committee on Health and
2 Welfare with its findings and any recommendations for legislative action.

3 (f) Meetings.

4 (1) The Chair shall call the first meeting of the Committee to occur on or
5 before July 15, 2018.

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

7 (3) The Committee shall cease to exist on December 16, 2018.

8 (g) Compensation, reimbursement, and appropriations.

9 (1) For attendance at meetings during adjournment of the General
10 Assembly, a legislative member of the Committee shall be entitled to per diem
11 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
12 not more than six meetings. The sum of \$5,256.00 is appropriated to the
13 General Assembly from the General Fund in fiscal year 2019 for the per diem
14 compensation and expense reimbursements authorized by this section to be
15 paid to the members of the Committee who are members of the General
16 Assembly.

17 (2) If the other member of the Committee is not an employee of the
18 State of Vermont and is not otherwise compensated or reimbursed for his or
19 her attendance, he or she shall be entitled to per diem compensation and
20 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six
21 meetings. The sum of \$732.00 is appropriated to the Governor's office from

1 the General Fund in fiscal year 2019 for per diem compensation and
2 reimbursement of expenses for the member of the Committee appointed by the
3 Governor.

4 * * * Educator Licensing Requirements * * *

5 Sec. 14. EDUCATOR LICENSING REQUIREMENTS

6 The Vermont Standards Board for Professional Educators shall consider
7 whether the educator licensing requirements are appropriate or should be
8 updated. As part of its review, the Board shall consider whether educator
9 licensing should be required for schools that have adopted a school-based
10 teacher quality and performance measurement program approved by the New
11 England Association of Schools and Colleges and whether other examination
12 options, other than the Praxis examination, should be available for educator
13 licensure, such as examinations offered by the Smarter Balanced Assessment
14 Consortium. On or before December 1, 2018, the Board shall report its
15 findings and recommendations to the House and Senate Committees on
16 Education.

17 * * * Ethnic and Social Equity Standards Advisory

18 Working Group * * *

19 Sec. 15. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY

20 WORKING GROUP

21 (a) Findings.

1 (1) In 1999, the Vermont Advisory Committee to the U.S. Commission
2 on Civil Rights published a report titled Racial Harassment in Vermont Public
3 Schools and described the state of racism in public schools. The Committee
4 held various hearings and received reports from stakeholders and concluded
5 that “racial harassment” appeared “pervasive in and around the State’s public
6 schools,” and observed that “the elimination of this harassment” was “not a
7 priority among school administrators, school boards, elected officials, and
8 State agencies charged with civil rights enforcement.”

9 (2) In 2003, the Commission released a follow-up report concluding
10 that, although some positive efforts had been made since the original report
11 was published, the problem persisted. One of the many problems highlighted
12 was the “curriculum issues in the State’s public schools. In some instances,
13 teachers employ curriculum materials and lesson plans that promote racial
14 stereotypes.” One of the conclusions was that there was a need for a bias-free
15 curriculum.

16 (3) On December 2017, the Act 54 report on Racial Disparities in State
17 Systems, issued by the Attorney General and Human Rights Commission Task
18 Force, was released. According to the report, education is one of the five State
19 systems in which racial disparities persist and need to be addressed. The
20 Attorney General and Human Rights Commission held three stakeholder
21 meetings and found “a surprising amount of coalescence around the most

1 important issues” and “the primary over-arching theme was that we will be
2 able to reduce racial disparities by changing the underlying culture of our state
3 with regard to race.” One of the main suggestions for accomplishing this was
4 to “teach children from an integrated curriculum that fairly represents both the
5 contributions of People of Color (as well as indigenous people, women, people
6 with disabilities, etc.), while fairly and accurately representing our history of
7 oppression of these groups.” The other suggestions were to educate State
8 employees about implicit bias, white privilege, white fragility, and white
9 supremacy, and increase the representation of people of color in the State and
10 school labor forces by focusing on recruitment, hiring, and retention, as well as
11 promotion of people of color into positions of authority and responsibility on
12 boards and commissions.

13 (4) The harassment of lesbian, gay, bisexual, transgender, queer,
14 questioning, intersex, asexual, and nonbinary communities; other students of
15 color; and students with disabilities and the lack of understanding of people in
16 power about the magnitude of the systemic impacts of harassment and bias
17 damage the whole community.

18 (b) Definitions. As used in this act:

19 (1) “Ethnic groups” means nondominant racial and ethnic groups in the
20 United States, including people who are indigenous and people of African,
21 Asian, Pacific Island, Chicax, Latinx, or Middle Eastern descent.

1 (2) “Ethnic studies” means the instruction of students in prekindergarten
2 through grade 12 in the historical contributions and perspectives of ethnic
3 groups and social groups.

4 (3) “Social groups” means females, people with disabilities, immigrants,
5 refugees, and individuals who are lesbian, gay, bisexual, transgender, queer,
6 questioning, intersex, asexual, or nonbinary.

7 (c) Creation and composition. The Ethnic and Social Equity Standards
8 Advisory Working Group is established. The Working Group shall comprise
9 the following 17 members:

10 (1) eight members who are members of, and represent the interests of,
11 ethnic groups and social groups;

12 (2) a Vermont-based, college-level faculty expert in ethnic studies;

13 (3) the Secretary of Education or designee;

14 (4) the Executive Director of the Vermont-National Education
15 Association or designee;

16 (5) an Assistant Attorney General in the Office of the Vermont Attorney
17 General with experience working with the Agency of Education on racial and
18 social justice issues in schools;

19 (6) the Executive Director of the Vermont School Boards Association or
20 designee;

1 (7) a representative for the Vermont Principals' Association with
2 expertise in the development of school curriculum;

3 (8) a representative for the Vermont Curriculum Leaders Association;

4 (9) the Executive Director of the Vermont Superintendents Association
5 or designee; and

6 (10) the Executive Director of the Vermont Independent Schools'
7 Association or designee.

8 (d) Appointment and operation.

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

14 (2) As a group, the Working Group shall represent the breadth of
15 geographic areas within the State and shall have experience in the areas of
16 ethnic standards or studies, social justice, inclusivity, and advocacy for the
17 groups they represent.

18 (3)(A) The Secretary of Education or designee shall call the first
19 meeting of the Working Group to occur on or before September 1, 2018.

20 (B) The Working Group shall select a chair from among its members
21 at the first meeting.

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

2 (D) The Working Group shall cease to exist on July 1, 2021.

3 (e) Compensation and reimbursement. Members of the Committee who are
4 not employees of the State of Vermont and who are not otherwise compensated
5 or reimbursed for their attendance shall be entitled to per diem compensation
6 and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than
7 ten meetings per year. These payments shall be made from monies
8 appropriated to the Agency of Education.

9 (f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of
10 Education from the General Fund for fiscal year 2019 for the per diem
11 compensation and expense reimbursements authorized by this section to be
12 paid to the members of the Ethnic and Social Equity Standards Advisory
13 Working Group. The Agency shall include in its budget request to the General
14 Assembly for fiscal years 2020 and 2021 the amount of \$13,420.00 for the per
15 diem compensation and expense reimbursements authorized by this section to
16 be paid to members of the Working Group.

17 (g) Duties of the Working Group.

18 (1) The Working Group shall review statewide curriculum standards
19 adopted by the State Board of Education and, on or before June 30, 2020,
20 recommend to the State Board updates and additional standards to recognize

1 fully the history, contribution, and perspectives of ethnic groups and social
2 groups. These recommended additional standards shall be designed to:

3 (A) increase cultural competency of students in prekindergarten
4 through grade 12;

5 (B) increase attention to the history, contribution, and perspectives of
6 ethnic groups and social groups;

7 (C) promote critical thinking regarding the history, contribution, and
8 perspectives of ethnic groups and social groups;

9 (D) commit the school to eradicating any racial bias in its curriculum;

10 (E) provide, across its curriculum, content and methods that enable
11 students to explore safely questions of identity, race equality, and racism; and

12 (F) ensure the basic curriculum and extracurricular programs are
13 welcoming to all students and take into account parental concerns about
14 religion or culture.

15 (2) The Working Group may review all existing State statutes regarding
16 school policies and recommend to the General Assembly proposed statutory
17 changes with the following goals:

18 (A) Ensuring that the school curriculum:

19 (i) promotes critical thinking regarding the history, contribution,
20 and perspectives of ethnic groups and social groups;

1 (ii) includes content and related instructional materials and
2 methods that enable students to explore safely questions of identity and
3 membership in ethnic groups and social groups, race equality, and racism; and

4 (iii) facilitates a welcoming environment for all students while
5 taking into account parental concerns about bias or exclusion of ethnic groups
6 or social groups.

7 (B) Ensuring engagement opportunities that provide families a
8 welcoming means of raising any concern about their child’s experience as it
9 bears on race or ethnic or social group identity at school.

10 (3) The Working Group shall include in its report to the General
11 Assembly under subdivisions (h)(2) and (3) of this section any statute, State
12 Board rule, or school district policy that it has identified as needing review or
13 amendment in order to:

14 (A) promote an overarching focus on preparing all students to
15 participate effectively in an increasingly racially, culturally, and socially
16 diverse Vermont and in global communities;

17 (B) ensure every student is in a safe, secure, and welcoming learning
18 and social environment in which bias, whether implicit or explicit, toward
19 others based on their membership in ethnic or social groups is acknowledged
20 and addressed appropriately;

1 (C) challenge racist, sexist, gender, or ability-based bias or bias based
2 on socioeconomic status when it occurs, using principles aligned with
3 restorative practice;

4 (D) specify prohibited conduct as it relates to racism, sexism,
5 ableism, and other social biases and refers to the process through which alleged
6 misconduct will be addressed, including disciplinary action as appropriate;

7 (E) establish disciplinary responses to racial or ethnic and social
8 group incidents that include the utilization of restorative practices where
9 appropriate; and

10 (F) ensure that the school provides all its personnel training in how
11 best to address bias incidents.

12 (h) Reports.

13 (1) The Working Group shall, on or before March 1, 2019, submit a
14 report to the General Assembly that includes:

15 (A) the membership of the Working Group and its meeting schedule;

16 (B) its plan to accomplish the work described in subdivision (g)(1) of
17 this section, including the timeline for reviewing all statewide curriculum
18 standards and for its recommendation to the State Board of additional
19 standards to recognize fully the history, contribution, and perspectives of
20 ethnic groups and social groups; and

1 (C) its plan to accomplish the work described in subdivisions (g)(2)
2 and (3) of this section, including the timeline for reviewing all existing State
3 statutes regarding school policies and drafting proposed legislation.

4 (2) The Working Group shall, on or before December 15, 2019, submit a
5 report to the General Assembly, including:

6 (A) the membership of the Working Group and its meeting schedule;

7 (B) recommended statutory changes under subdivisions (g)(2) and (3)
8 of this section; and

9 (C) recommendations for training and appropriations to support
10 implementation of the recommended statutory changes.

11 (3) The Working Group shall, on or before July 1, 2021, submit a report
12 to the General Assembly, including:

13 (A) any further recommended statutory changes under subdivision
14 (g)(2) of this section; and

15 (B) recommendations for training and appropriations to support
16 implementation of the recommended changes.

17 (i) Duties of the State Board of Education. The Board of Education shall,
18 on or before June 30, 2021, consider adopting ethnic and social equity studies
19 standards into existing statewide curriculum standards for students in
20 prekindergarten through grade 12. The State Board shall consider the report

1 submitted by the Working Group under subdivision (g)(1) of this section when
2 determining the standards to adopt.

3 Sec. 16. 16 V.S.A. § 164 is amended to read:

4 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

5 The State Board shall evaluate education policy proposals, including timely
6 evaluation of policies presented by the Governor and Secretary; engage local
7 school board members and the broader education community; and establish
8 and advance education policy for the State of Vermont. In addition to other
9 specified duties, the Board shall:

10 * * *

11 (17) Report annually on the condition of education statewide and on a
12 ~~school-by-school~~ supervisory union and school district basis. The report shall
13 include information on attainment of standards for student performance
14 adopted under subdivision (9) of this section, number and types of complaints
15 of harassment, hazing, or bullying made pursuant to chapter 9, subchapter 5 of
16 this title and responses to the complaints, financial resources and expenditures,
17 and community social indicators. The report shall be organized and presented
18 in a way that is easily understandable by the general public and that enables
19 each school, school district, and supervisory union to determine its strengths
20 and weaknesses. To the extent consistent with State and federal privacy laws
21 and regulations, data on student performance and hazing, harassment, or

1 bullying incidents shall be disaggregated by student groups, including ethnic
2 and racial groups, poverty status, disability status, English language learner
3 status, and gender. The Secretary shall use the information in the report to
4 determine whether students in each school, school district, and supervisory
5 union are provided educational opportunities substantially equal to those
6 provided in other schools, school districts, and supervisory unions pursuant to
7 subsection 165(b) of this title.

8 * * *

9 * * * Expanded Learning Opportunities * * *

10 Sec. 17. 16 V.S.A. chapter 100 is added to read:

11 CHAPTER 100. EXPANDED LEARNING OPPORTUNITIES

12 § 2911. DEFINITIONS

13 As used in this title:

14 (1) “Expanded Learning Opportunity (ELO)” means a structured
15 program designed to serve prekindergarten through secondary school-aged
16 children and youths outside the school day and year on a regular basis,
17 including before and after school and during the summer, by providing
18 opportunities for personal, emotional, and academic growth for children and
19 youths.

20 (2) “ELO Committee” means the Expanded Learning Opportunities
21 Committee created by section 2912 of this chapter.

1 (3) “ELO Special Fund” means the Vermont Expanded Learning
2 Opportunities Special Fund, under section 2913 of this chapter.

3 § 2912. EXPANDED LEARNING OPPORTUNITIES COMMITTEE;

4 REPORT

5 (a) Creation; membership. There is created the Expanded Learning
6 Opportunities Committee, to be composed of the following 12 members:

7 (1) the Secretary of Education or designee;

8 (2) the Commissioner for Children and Families or designee;

9 (3) the Commissioner of Labor or designee;

10 (4) the Director of Vermont Afterschool, Inc. or designee;

11 (5) one current member of the House of Representatives, who shall be
12 appointed by the Speaker of the House;

13 (6) one current member of the Senate, who shall be appointed by the
14 Committee on Committees;

15 (7) one member representing private foundations or Vermont’s
16 philanthropic community, one member representing the business community,
17 and one member representing the education community, appointed by the
18 Prekindergarten-16 Council; and

19 (8) three members representing ELO programs that have been in
20 operation since at least July 1, 2017, with one member to be appointed each by
21 the Governor, the Speaker of the House, and the Committee on Committees.

1 (b) Duties. The Committee shall:

2 (1) recommend to the Agency of Education grants to be awarded from
3 the ELO Special Fund; and

4 (2) work with the philanthropic and business communities in Vermont
5 to pursue and accept grants or other funding from any public or private source
6 for the ELO Special Fund.

7 (c) Terms. ELO Committee members shall serve, commencing on
8 January 1, three-year terms or until the member's earlier resignation or
9 removal, except for legislative members, who shall be appointed to two-year
10 terms that mirror their legislative terms. A nonlegislative ELO Committee
11 member may be appointed prior to January 1, 2019, in which case the initial
12 term of that member shall extend to January 1, 2022. A legislative ELO
13 Committee member may be appointed after the beginning of the legislator's
14 legislative term and prior to January 1, 2019, in which case the initial term of
15 that member shall extend to the end of the legislator's next two-year legislative
16 term. The respective appointing authority shall fill a vacancy for the remainder
17 of any unexpired term. An appointed member shall not serve more than three
18 full consecutive terms. A legislator's service on the ELO Committee shall
19 terminate on the date that the legislator no longer serves as a member of the
20 General Assembly.

1 (d) Officers; subcommittees; rules. The ELO Committee shall elect a chair
2 from among its members. It may elect other officers, establish subcommittees,
3 and adopt procedural rules as it determines necessary and appropriate to
4 perform its work.

5 (e) Quorum; voting; meetings.

6 (1) A majority of all members shall constitute a quorum.

7 (2) Action is taken by the ELO Committee if authorized by a majority of
8 the members present and voting at any regular or special meeting at which a
9 quorum is present.

10 (3) The ELO Committee may permit any or all members to participate
11 in a regular or special meeting by, or conduct the meeting through the use of,
12 any means of electronic communication by which all members participating
13 may simultaneously or sequentially communicate with each other during the
14 meeting. A member participating in a meeting by this means is deemed to be
15 present in person at the meeting.

16 (4) On or before September 1, 2018, two legislative members shall
17 convene the first meeting of the ELO Committee.

18 (f) Administrative support. The Office of Legislative Council shall provide
19 administrative support to the ELO Committee.

20 (g) Compensation, reimbursement, and appropriations.

1 (1) For attendance at meetings during adjournment of the General
2 Assembly, legislative members of the ELO Committee shall be entitled to
3 compensation and reimbursement for expenses pursuant to 2 V.S.A. § 406 for
4 not more than 12 meetings per year. The sum of \$2,628.00 is appropriated to
5 the General Assembly from the General Fund in fiscal year 2019 for the per
6 diem compensation and expense reimbursements authorized by this section to
7 be paid to the members of the Committee who are members of the General
8 Assembly.

9 (2) Other members of the Committee who are not employees of the
10 State of Vermont and who are not otherwise compensated or reimbursed for
11 their attendance shall be entitled to per diem compensation and reimbursement
12 of expenses pursuant to 32 V.S.A. § 1010 for not more than 12 meetings per
13 year. The sum of \$8,784.00 is appropriated to the Agency of Education from
14 the General Fund in fiscal year 2019 for the per diem compensation and
15 expense reimbursements authorized by this section to be paid to these members
16 of the Committee. The Agency shall include in its budget request to the
17 General Assembly for each subsequent fiscal year the amount of \$8,784.00 for
18 the per diem compensation and expense reimbursements authorized by this
19 section to be paid to these members of the Committee.

20 (h) Report. Notwithstanding 2 V.S.A. § 20(d), the ELO Committee shall
21 report to the House and Senate Committees on Education and on

1 Appropriations on or before January 15 annually regarding the ELO

2 Committee’s activities, including:

3 (1) its recommendations to improve access to expanded learning
4 opportunities for children and youths from families with low income where
5 expanded learning opportunities are not readily available;

6 (2) its recommendations to build workforce readiness skills in the fields
7 of science, technology, engineering, and mathematics; and

8 (3) the extent to which transportation is a barrier to expanded learning
9 opportunities.

10 (i) Sunset. This section is repealed on July 1, 2023.

11 § 2913: VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL
12 FUND

13 (a) There is established the Vermont Expanded Learning Opportunities
14 Special Fund comprising grants, donations, and contributions from any private
15 or public source. Monies in the ELO Special Fund shall be available to the
16 Agency of Education for the purpose of increasing access to ELOs throughout
17 Vermont. The Commissioner of Finance and Management may draw warrants
18 for disbursements from the Fund in anticipation of receipts. The Fund shall be
19 administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest
20 earned and any remaining balance at the end of the fiscal year shall be retained
21 and carried forward in the Fund.

1 (b) The Agency of Education shall report annually in its budget presentation
2 to the House and Senate Committees on Education and on Appropriations on
3 the number and amount of ELO grants disbursed and the geographic locations
4 of the recipients.

5 Sec. 18. 16 V.S.A. § 2906 is amended to read:

6 § 2906. ~~VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL~~
7 ~~FUND ESTABLISHED~~

8 ~~(a) As used in this section, “Expanded Learning Opportunity” means a~~
9 ~~structured program designed to serve prekindergarten through secondary~~
10 ~~school-age children and youth outside the school day and year on a regular~~
11 ~~basis, including before and after school and during the summer, by providing~~
12 ~~opportunities for personal, emotional, and academic growth for children and~~
13 ~~youth.~~

14 ~~(b) There is established a Vermont Expanded Learning Opportunities~~
15 ~~Special Fund comprising grants, donations, and contributions from any private~~
16 ~~or public source. Monies in the Fund shall be available to the Agency for the~~
17 ~~purpose of increasing access to expanded learning opportunities throughout~~
18 ~~Vermont. The Commissioner of Finance and Management may draw warrants~~
19 ~~for disbursements from this Fund in anticipation of receipts. The Fund shall be~~
20 ~~administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest~~

1 ~~earned and any remaining balance at the end of the fiscal year shall be retained~~
2 ~~and carried forward in the Fund. [Repealed.]~~

3 * * * Postsecondary Educational Institutions; Closing * * *

4 Sec. 19. 16 V.S.A. § 175 is amended to read:

5 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

6 (a) When an institution of higher education, whether or not chartered in this
7 State, proposes to discontinue the regular course of instruction, either
8 permanently or for a temporary period other than a customary vacation period,
9 the institution shall:

10 (1) promptly inform the State Board;

11 (2) prepare the academic record of each current and former student in a
12 form satisfactory to the State Board and including interpretive information
13 required by the Board; and

14 (3) deliver the records to a person designated by the State Board to act
15 as permanent repository for the institution's records, together with the
16 reasonable cost of entering and maintaining the records.

17 * * *

18 (d) When an institution of higher education is unable or unwilling to
19 comply substantially with the record preparation and delivery requirements of
20 subsection (a) of this section, the State Board shall bring an action in Superior

1 Court to compel compliance with this section, and may in a proper case obtain
2 temporary custody of the records.

3 (e) When an institution of higher education is unable or unwilling to
4 comply with the requirements of subsection (a) of this section, the State Board
5 may expend State funds necessary to ensure the proper storage and availability
6 of the institution's records. The Attorney General shall then seek recovery
7 under this subsection, in the name of the State, of all of the State's incurred
8 costs and expenses, including attorney's fees, arising from the failure to
9 comply. Claims under this subsection shall be a lien on all the property of a
10 defaulting institution, until all claims under this subsection are satisfied. The
11 lien shall take effect from the date of filing notice thereof in the records of the
12 town or towns where property of the defaulting institution is located.

13 * * *

14 ~~(g)(1) The Association of Vermont Independent Colleges (AVIC) shall~~
15 ~~maintain a memorandum of understanding with each of its member colleges~~
16 ~~under which each member college agrees to:~~

17 ~~(1) upon the request of AVIC, properly administer the student records of~~
18 ~~a member college that fails to comply with the requirements of subsection (a)~~
19 ~~of this section; and~~

20 ~~(2) contribute on an equitable basis and in a manner determined in the~~
21 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~

1 ~~selected by AVIC maintaining the records of a member college that fails to~~
2 ~~comply with the requirements of subsection (a) of this section.~~ If an institution
3 of higher education is placed on probation for financial reasons by its
4 accrediting agency, the institution shall, not later than two days after learning
5 that it has been placed on probation, inform the State Board of Education of its
6 status, and not later than 90 days after being place on probation, shall submit a
7 student record plan to the State Board for approval.

8 (2) The student record plan shall include an agreement with an
9 institution of higher education or other entity to act as a repository for the
10 institution's records with funds set aside, if necessary, for the permanent
11 maintenance of the student records.

12 (3) If the State Board does not approve the plan, the State may take
13 action under subsections (d) and (e) of this section.

14 * * * Statewide Negotiation of Health Care Benefits
15 for School Employees * * *

16 Sec. 20. STUDY COMMITTEE ON STATEWIDE NEGOTIATION OF
17 HEALTH CARE BENEFITS FOR SCHOOL EMPLOYEES

18 (a) The Study Committee on Statewide Negotiation of Health Care Benefits
19 for School Employee (Committee) is created to determine how to transition to
20 a single, statewide health benefit plan for all school employees of supervisory
21 unions and school districts.

1 (b)(1) The Committee shall comprise the following six members:

2 (A) three current members of the House of Representatives, not all
3 from the same political party, who shall be appointed by the Speaker of the
4 House of Representatives; and

5 (B) three current members of the Senate, not all from the same
6 political party, who shall be appointed by the Committee on Committees.

7 (2) If a member of the Committee ceases to serve as a member of the
8 General Assembly, a replacement appointee who is a member of the General
9 Assembly shall be appointed in the same manner as the initial appointment.

10 (c) The Committee shall propose draft legislation that addresses the
11 following matters concerning the transition to a single, statewide health benefit
12 plan for all school employees of supervisory unions and school districts:

13 (1) the structure and composition of parties to a statewide negotiation;

14 (2) a timeline for negotiations and impasse procedures;

15 (3) a process for statewide ratification of the agreement resulting from
16 the statewide negotiation; and

17 (4) how income sensitization will be decided as part of the negotiations.

18 (d) The Committee's draft legislation shall include a requirement that any
19 fact-finding required for impasse resolution shall give weight to:

20 (1) the financial capacity of the school district;

1 (2) the interest and welfare of the public and the financial ability of the
2 school board to pay for increased costs of public services, including the cost of
3 labor;

4 (3) comparisons of the wages, hours, and conditions of employment of
5 the employees involved in the dispute with the wages, hours, and conditions of
6 employment of State and municipal employees who are not employed by
7 supervisory unions or school districts;

8 (4) the overall compensation currently received by the employees,
9 including direct wages, fringe benefits, and continuity conditions and stability
10 of employment, and all other benefits received; and

11 (5) the rate of growth of the economy of the State of Vermont for the
12 year of negotiation as well as during the prior three-year period.

13 (e)(1) The Committee shall consult with the Secretary of Education and the
14 Vermont Education Health Initiative as necessary.

15 (2) The Committee shall have the administrative, technical, and legal
16 assistance of the Office of Legislative Council.

17 (f) On or before December 15, 2018, the Committee shall provide its
18 proposed legislation to the House Committees on Education, on General,
19 Housing, and Military Affairs, and on Ways and Means and the Senate
20 Committees on Education, on Economic Development, Housing and General
21 Affairs, and on Finance.

1 (g) The Speaker of the House shall call the first meeting of the Committee
2 to occur on or before July 1, 2018. The Committee shall select a chair from
3 among its members at the first meeting. A majority of the membership shall
4 constitute a quorum. The Committee shall cease to exist on December 16,
5 2018.

6 (h) For attendance at meetings during adjournment of the General
7 Assembly, members of the Committee shall be entitled to per diem
8 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
9 not more than ten meetings. The sum of \$13,140.00 is appropriated to the
10 General Assembly from the General Fund in fiscal year 2019 for the per diem
11 compensation and expense reimbursements authorized by this section to be
12 paid to the members of the Committee who are members of the General
13 Assembly.

14 (i) As used in this section, “supervisory union” and “school district” shall
15 have the same meanings as set forth in 16 V.S.A. § 11.

16 * * * Mitigating Trauma and Toxic Stress During Childhood * * *

17 Sec. 21. 16 V.S.A. § 2902 is amended to read:

18 § 2902. TIERED SYSTEM OF SUPPORTS AND EDUCATIONAL
19 SUPPORT TEAM

20 * * *

21 (b) The tiered system of supports shall:

- 1 (1) be aligned as appropriate with the general education curriculum;
- 2 (2) be designed to enhance the ability of the general education system to
3 meet the needs of all students;
- 4 (3) be designed to provide necessary supports promptly, regardless of an
5 individual student's eligibility for categorical programs;
- 6 (4) seek to identify and respond to students in need of support for at-risk
7 behaviors and to students in need of specialized, individualized behavior
8 supports; ~~and~~
- 9 (5) provide all students with a continuum of evidence-based and
10 research-based behavior practices, including trauma-sensitive programming,
11 that teach and encourage prosocial skills and behaviors schoolwide;
- 12 (6) promote collaboration with families, community supports, and the
13 system of health and human services; and
- 14 (7) provide professional development as needed to support all staff in
15 implementing the system.

16 (c) The educational support team for each public school in the district shall
17 be composed of staff from a variety of teaching and support positions and
18 shall:

- 19 (1) Determine which enrolled students require additional assistance to
20 be successful in school or to complete secondary school based on indicators set
21 forth in guidelines developed by the Secretary, such as academic progress,

1 attendance, behavior, or poverty. The educational support team shall pay
2 particular attention to students during times of academic or personal transition
3 and to those students who have been exposed to trauma.

4 * * *

5 Sec. 22. 16 V.S.A. § 2904 is amended to read:

6 § 2904. REPORTS

7 Annually, each superintendent shall report to the Secretary in a form
8 prescribed by the Secretary, on the status of the ~~educational support systems~~
9 multi-tiered system of supports in each school ~~in the supervisory union~~. The
10 report shall describe the services and supports that are a part of the ~~education~~
11 ~~support system~~ multi-tiered system of supports, how they are funded, and how
12 building the capacity of the ~~educational support system~~ multi-tiered system of
13 supports has been addressed in the ~~school action plans~~, school's continuous
14 improvement plan and professional development and shall be in addition to the
15 report required of the ~~educational support~~ multi-tiered system of supports team
16 in subdivision 2902(c)(6) of this chapter. The superintendent's report shall
17 include a description and justification of how funds received due to Medicaid
18 reimbursement under section 2959a of this title were used.

19 Sec. 23. ALIGNMENT OF DESIGNATED AND SPECIALIZED

20 SERVICE AGENCIES WITH SUPERVISORY UNIONS

1
2
3
4
5
6
7
8
9

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE