



Vermont  
Superintendents  
Association



Vermont Principals' Association



## **Final Legislative Report of the 2008 Session**

**Vermont Superintendents Association  
Vermont Principals' Association  
Vermont School Boards Association**

**May 14, 2008**



# Table of Contents

<b>INTRODUCTION.....</b>	<b>1</b>
<b>PREKINDERGARTEN EDUCATION.....</b>	<b>1</b>
<b>TEEN PARENT EDUCATION PROGRAMS.....</b>	<b>3</b>
<b>SCHOOL BREAKFAST FOR LOW-INCOME STUDENTS.....</b>	<b>4</b>
<b>PERMITTING STUDENTS TO CARRY MEDICATION.....</b>	<b>5</b>
<b>NURSING MOTHERS IN THE WORKPLACE .....</b>	<b>5</b>
<b>CAPITAL CONSTRUCTION.....</b>	<b>6</b>
MORATORIUM ON STATE AID FOR SCHOOL CONSTRUCTION .....	6
ENERGY ENGINEERING ANALYSIS GRANTS.....	6
MISCELLANEOUS .....	6
<b>REPORTS OF CHILD ABUSE OR NEGLECT .....</b>	<b>7</b>
<b>ANIMAL DISSECTION.....</b>	<b>7</b>
<b>MISCELLANEOUS EDUCATION LEGISLATION .....</b>	<b>8</b>
FISCAL LEGISLATION .....	8
POLICY LEGISLATION .....	9
GOVERNANCE LEGISLATION .....	9
REPEAL OF NONESSENTIAL REPORTS.....	9
<b>LEGISLATIVE STUDIES COMMISSIONED IN 2008 .....</b>	<b>10</b>
SPECIAL EDUCATION REIMBURSEMENT AUDITS .....	10
DESIGNATION OF PUBLIC SCHOOLS AS THE PUBLIC SCHOOL OF A DISTRICT .....	10
ALTERNATIVE EDUCATION PROGRAMS.....	10
COLLABORATION INCENTIVE FUND .....	10
HARASSMENT IN SCHOOLS .....	11
AGRICULTURAL, FORESTRY, AND HORTICULTURAL EDUCATION NEEDS ASSESSMENT ...	11
<b>NOTABLE EDUCATION BILLS THAT DID NOT PASS IN 2008.....</b>	<b>11</b>
REPEAL OF THE TWO-VOTE MANDATE .....	11
RE-ORGANIZING THE DEPARTMENT & ELIMINATING THE STATE BOARD.....	12
EDUCATION & WORKFORCE TRAINING FOR AGES 16-18 .....	13
SCHOOL CALENDAR.....	13
SOLICITING OF ARCHITECT PROPOSALS.....	14

## Introduction

The 2008 legislative session was, in part, more notable for the issues that were not resolved than the issues that were. State level governance changes, including gubernatorial appointment of the Commissioner of Education, were extensively discussed in both the House and Senate. The Senate approved a gubernatorial appointment bill but the House Education Committee, after two weeks of hearings and discussion, decided not to make changes. Separately, the House voted to repeal the two-vote requirement that the legislature passed last year, but Senators worked staunchly to avoid any vote on the matter, preferring to let the House repeal expire with the biennium.

These examples demonstrated how the two chambers were largely unable to agree on priorities for state level education policy. Perhaps the best evidence of this phenomenon was school calendars; each chamber passed a bill that would have repealed last year's statewide calendar bill, but no consensus – and no law – emerged from the two similar bills. The result is uncertainty as to how future school calendars will be developed.

Much of the significant legislation that was approved by the General Assembly was an extension of work begun in 2007, including a prekindergarten bill and a bill on financing teen parent education. Some new mandatory procedures for schools were enacted in the self-administering medication, animal dissection, and nursing mothers bills.

School officials and taxpayers did receive some good news from Montpelier this year. Districts that do not operate schools will no longer be required to pay an excess spending penalty for tuition costs they had little capacity to control. It will now be easier for school districts to explore the benefits and drawbacks of union school district formation. The state will begin awarding energy analysis grants to districts with an eye towards reducing fuel costs.

What follows is a summary of education legislation that passed in 2008 with a focus on the expected effects for school districts and officials.

## Prekindergarten Education

**Bill #:** H.884

**Effective Date:** See bill summary below

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/passed/H-884.HTM>

As school districts and state agencies worked to understand and implement [Act 62 of 2007](#), the prekindergarten bill from last year, it became clear that several clarifications and updates were necessary. As the 2008 session evolved, H.884 became the vehicle to apply these changes. Act 62 required prekindergarten programs to receive either NAEYC accreditation or at least three-star approval in the Department of Children and Families' "STARS" system as a prerequisite for counting pre-k students in a school district's average daily membership. This year, it was determined that the NAEYC accreditation process was prohibitively expensive for many districts, and the STARS program is applicable primarily to private programs and is not currently appropriate for public school programs. Therefore, H.884 directs the Department of Children and Families (DCF) and the Department of Education (DOE) to jointly develop and approve rules for STARS standards applicable to both public and private prekindergarten settings. DCF will adopt the approved rules no later than April 1, 2009, to be effective for the 2009-2010 school year.

**For the 2008-09 school year only, H.884 also grants "presumptive eligibility at a three star level" for all public and private programs that are in "good regulatory standing" with DCF.**

In addition, H.884 clarifies that public and private prekindergarten programs will have one full year from the effective date of the rules required by [Section 3 of Act 62](#), which the State Board is expected to approve at its May meeting, to achieve full compliance regarding provisions in the rules related to conducting child development assessments and governing the manner in which school districts and private providers establish and negotiate contract payments.

Finally, H.884 updates and clarifies the number of prekindergarten students a district may count in its average daily membership (ADM). These limits would apply to both public school programs and private programs operated on behalf of districts. The ADM cap is designed to approximate the larger of 10 children or the number of resident four year-olds. Each year, the DOE will notify districts of their most advantageous cap number.

The "grandfather" clause in Act 62, which will remain applicable, allows districts to count in their ADM as many prekindergarten students as they previously counted in any of the following three school years: 2004-05, 2005-06, 2006-07. School districts can continue to count all students receiving essential early education (EEE) services in their ADM as well as the following.

**ADM Limits (district may choose largest of the following four options):**

- 1) 10 children

- 2) One + the average annual increase/decrease in the district's 1<sup>st</sup> grade ADM for the past five years \* the district's most immediate first grade ADM
- 3) The total number of resident prekindergarten students eligible to enter kindergarten the following year. (For a district to use this number, it must notify the DOE of its intention to do so, because this information is not readily available at the Department.)
- 4) One-fifth of the district's ADM for grades 1-5 in the prior year

## Teen Parent Education Programs

**Bill #:** H.891, Section 5.304.1  
(Appropriations Bill)

**Effective Date:** July 1, 2008 – July 1, 2009

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/journal/hj080503.htm>

Paying the costs of educational services at teen parent programs was an issue for the third consecutive legislative year and, once again, the assembly has legislated a temporary funding mechanism to last for one year. **For the 2008-09 school year, districts will be required to pay 83% of the prior year's statewide average net cost per pupil (minus debt service) to teen parent education programs for each student who attends, pro rated for the length of stay.**

This will increase the amount of per pupil education funding available to teen parent education programs when compared with fiscal year 2008 by approximately 40% (this year, districts were required to pay 83% of the base education payment). In 2007, 171 students enrolled in one of 10 recognized teen parent programs in Vermont. These students were not all year-round enrollees; the full time equivalency enrollment for 2007 was 108. Some of these students were older than age 19.

In fiscal year 2007, statewide average net cost per pupil minus debt service for high school students was \$10,286; if the new law had been in place this year, school districts would have been required to pay 83% of this amount (\$8,537) for each pupil attending a teen parent program for a full year.

Disputes related to TPEP enrollment are to be resolved by the Commissioner of Education, whose decision will be final.

The TPEP bill speaks briefly to the quality of educational programming expected of the teen parent programs. It says, "As determined by the [enrolling school], the pupil must be taking classes ... that are the substantial equivalent of courses

required ... to obtain a high school diploma." This bill also specifies that, "it is the intent of the general assembly that, after June 30, 2010, any education funds paid to teen parent education programs ... shall be available only to those programs that the state board of education has determined to be 'approved education programs' under Title 16." This requirement may require additional legislation because 'approved education program' is not defined in Title 16, **and the State Board is in the absence of authorization to regulate programs without specific statutory authority.**

Currently law allows pregnant or post-partum pupils to attend any school district or educational program in Vermont. In this event, the enrolling district or program may count the student in its state-placed average daily membership.

This section of H.891 has an automatic repeal date of July 1, 2009. During the course of the legislative session, the education committees considered several different concepts for paying these costs and the final arrangement was not determined until late in the session. For all of these reasons, we expect the legislature will revisit this issue in the next biennium.

## **School Breakfast for Low-income Students**

**Bill #:** H.891, sections 6.027 & 6.028  
(Appropriations Bill)

**Effective Date:** July 1, 2008

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/journal/hj080503.htm>

The legislature has approved a section of H.891 that makes the state responsible for paying the student's share of reduced price school breakfast costs (approximately 30¢ per breakfast), when that student is eligible for federally funded reduced price breakfasts. Section 6.028 of the appropriations bill amends 16 VSA § 1264 to state that this cost is now a state responsibility, and section 6.027 directs the commissioner of education to reimburse school districts for these expenses quarterly.

**We presume the Department of Education will soon be notifying school districts regarding procedures necessary to implement this subsidy.**

The legislature appropriated \$170,000 from the general fund to cover the estimated cost of this subsidy.

## Permitting Students to Carry Medication

**Bill #:** H.748

**Effective Date:** 2008-09 school year

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/passed/H-748.HTM>

H.748 is a bill that allows students with life threatening allergies or illnesses to carry medications at school. The bill requires collaboration between school officials, parents, and physicians, and allows qualified students to carry their medications anywhere in school and to all school functions.

In order for his or her child to be granted this responsibility, a parent will be required to submit a detailed physician's authorization. The authorization must give the names and dosages of all medications, as well as certify that the child is knowledgeable and capable of administering the medicine. The parent will then work with the school nurse to develop a plan of action for responding to the child's life threatening condition.

The parent will also be required to sign a statement releasing the school and school employees from liability concerning the child's medicine, except when the conduct of the school or school employee would constitute gross negligence, recklessness, or intentional misconduct.

## Nursing Mothers in the Workplace

**Bill #:** H.641

**Effective Date:** July 1, 2008

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/senate/H-641.HTM>

This bill will require employers to accommodate nursing mothers for up to three years after childbirth. Specifically, an employer must provide reasonable time throughout the day to express breast milk for her nursing child. The employer must make "reasonable accommodation to provide an appropriate private space that is not a bathroom stall."

The bill does exempt employers from these provisions if providing time or an appropriate space would, "substantially disrupt the employer's operations." The employer will have sole discretion as to whether the employee is compensated for her time.

## Capital Construction

Bill #: S.365

Effective Date: July 1, 2008

Link to Bill Text:

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/journal/sj080503.htm>

### Moratorium on State Aid for School Construction

- The moratorium on state aid for school construction is extended for at least one more year.
- **If a school district declares its intent to pay for a school construction project without state aid, the district will be allowed to submit the project to the department of education for approval.** If the Commissioner approves the project, the district may deduct the portion of education spending that is approved from the calculation of excess spending. Note that this approval process does not mean that if the moratorium is lifted, the project will be eligible for construction aid. In order to receive state aid, a separate approval decision will be required after the moratorium is lifted.
- To help districts accommodate the school construction moratorium, the state has suspended enforcement of a particular tax penalty, pursuant to 24 VSA § 2804(b). Districts that deposit money in a construction reserve fund must spend the money within five years or face a tax penalty. Until the school construction moratorium is repealed, the state will not punish districts for holding money in a construction reserve fund indefinitely.

### Energy Engineering Analysis Grants

S.365 establishes a grant program to be developed and administered by the Department of Education. Grants of up to \$10,000 will be awarded to pay 100% of the cost of a comprehensive energy engineering analysis of school buildings by qualified engineers. The criteria for awarding grants will be developed by the Commissioner of Education, and the program was appropriated \$50,000 to begin pilot projects this year.

The Vermont Superintendents Association school energy management director, Norm Etkind, has been asked to help the Department of Education establish the process to be used for schools to utilize this State grant program along with the requirements of the engineering analysis to be performed.

### Miscellaneous

- \$10,000,000 for previously approved school construction aid
- \$6750 for roof repairs at the Walden school
- \$50,000 for repairs at the Austine School

- When seeking state board approval for construction projects, if the total estimated cost of the proposed project is less than \$50,000, no performance bond or irrevocable letter of credit shall be required.

## Reports of Child Abuse or Neglect

**Bill #:** H.635

**Effective Date:** January 1, 2009

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/passed/H-635.HTM>

**This bill expands the list of professionals who are required to report suspected child abuse or neglect, pursuant to 33 VSA § 4914.** School teachers and administrators are among the many professionals that are currently required to report abuse or neglect. H.635 expands the list of mandatory reporters to include, “any other individual who is regularly employed by a school district, or who is contracted and paid by a school district to provide student services for five or more hours per week during the school year.”

33 VSA § 4913 states, “[Any required child abuse or neglect reporter] who has reasonable cause to believe that any child who has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours.” The maximum penalty for violating this provision is a \$500 fine.

An abused or neglected child is defined as, “a child whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child’s welfare. An ‘abused or neglected child’ also means a child who is sexually abused or at substantial risk of sexual abuse by any person.”

## Animal Dissection

**Bill #:** H.711

**Effective Date:** July 1, 2008

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/passed/H-711.HTM>

As part of the catchall education bill, H.711, the legislature established a right on the part of students to be excused from participating in or observing animal dissection as a part of a course of study. The bill requires all school districts to

adopt and implement policies governing dissection, including the procedure by which a student may be excused. The policies must also specify how the school will notify students and parents in advance of dissection lessons, and detail alternative education methods through which a student can learn and be assessed on the course material. **Districts must develop dissection procedures by August 15<sup>th</sup> and adopt those procedures as policy by November 1<sup>st</sup> of this year.**

The VSBA is preparing a model policy on animal dissection for distribution this summer.

## Miscellaneous Education Legislation

### Fiscal Legislation

- Section 38 of [H.711](#) exempts school districts that do not operate schools for any grades K-12 (“tuitioning towns”) from the calculation of excess spending, and therefore the excess spending penalty.
- Section 6.024 of the appropriations bill increases the maximum amount of Medicaid reimbursement funds that the Agency of Human Services and the Department of Education would have available, pursuant to 16 VSA § 2959a(f). The maximum is raised from 20% to 30% of all reimbursements (i.e. approximately \$2 million in additional money available). Initially, this increase will be to allow reimbursement funds to flow to special education services provided by the Community High School of Vermont (See section 2.243 of the appropriations bill). In prior years, general fund dollars paid for these services. **We expect the net effect to be an increase in education property taxes of \$500,000 in fiscal year 2009, and there is potential for additional cost shifts in the future.**
- Section 6.004.1 of the appropriations bill adjusts state funding for adult service coordinators in technical centers. Previously, the State reimbursed technical centers for 50% of the actual salary and benefits costs for this position; the new language says the state shall pay *up to* 50% of the *statewide average* salary and benefits costs for the adult service coordinators statewide. If fully funded, this provision should provide additional funding to technical centers with relatively lower salary costs. The bill also changes the title of “Adult Service Coordinator” to “Assistant Director for Adult Education.”
- S.354 is a bill that addresses new IRS regulations pertaining to section 403(b) deferred compensation plans. S.354 directs the state teacher’s retirement board to create an investment program that will be available to school districts and will satisfy the new IRS regulations. The investment program will be optional for school districts, but presumably will ease districts’ administrative obligations in the new regulatory environment.

- **Education property tax rates for fiscal year 2009 will be 87¢ for homestead property and \$1.36 for non-residential property.** These rates are the same as they were in fiscal year 2008.

### Policy Legislation

- **Section 18 of [H.711](#) directs the Department of Education not to perform any special education reimbursement audits regarding claims from the current school year (2007-08).** As described in the “Legislative Studies” section of this report, the Department will also be instructed to study the special education reimbursement audit process and make efficiency recommendations.
- **S.45 allows students who are of voting age to attend a town meeting without being penalized or reported as truant.**
- Section 8 of [H.711](#) addresses the drug and alcohol abuse training that is required of Vermont educators pursuant to 16 VSA § 909(b). Section 8 specifies that at least one of the training programs offered by the Department of Education must be a computer-based training. Also, superintendents will, “determine the content, duration, and frequency of training...” in their supervisory unions.

### Governance Legislation

- [H.711](#) also contains several provisions related to union school district formation and dissolution. The language is intended to clarify and streamline the union school district formation process, and to provide a clearer process to dissolve or reconfigure existing union schools. **One of the most significant changes allows for the formation of a union school district planning committee without a vote of the electorate, if the total budget for the committee is less than \$25,000.**
- Section 5.304.1 of the appropriations bill (H.891) allows Guildhall to join a group of five other Vermont school districts that have the option of tuitioning elementary students to New Hampshire public schools.

### Repeal of Nonessential Reports

- **Section 7 of [H.711](#) repeals some of the public reporting requirements that were implemented as part of the school quality standards pursuant to 16 VSA § 165(a) (2).** Districts would no longer be asked to report on the health and well being of children in the district, or early reading activities, or early education opportunities, or community support available, or participation among secondary students in technical education and postsecondary activities.

- Section 6 of [H.711](#) repeals certain reports now made annually or biannually to the legislature on education related topics. Section 6 lists 16 specific reports and repeals the provisions of law that require those reports to be presented regularly in the State House.

## **Legislative Studies Commissioned in 2008**

### **Special Education Reimbursement Audits**

Section 18 of [H.711](#) directs the Commissioner of Education, in consultation with the Vermont Superintendents Association, the Vermont Council on Special Education Administrators and the Vermont Association for School Business Officials, to examine the special education reimbursement audit process and make recommendations to improve its efficiency. As part of the study, the Commissioner is required to examine whether certified public accountants are qualified to perform special education audits.

*Commissioner is required to report his findings to the legislature by January 15, 2009.*

### **Designation of Public Schools as the Public School of a District**

Section 36 of [H.711](#) directs the Commissioner of Education to study the potential effects of allowing a public school district that does not operate schools at all grade levels to designate a Vermont public school as the school of the district. Current law allows the designation of independent schools but not public schools. The Commissioner is directed to recommend a policy regarding designation to the legislature.

*Commissioner is directed to report to the legislature by January 15, 2009.*

### **Alternative Education Programs**

Section 37 of [H.711](#) directs the Commissioner of Education to study alternative education programs available to secondary students, particularly programs designed for students who otherwise would be in danger of dropping out of school. The Commissioner is directed to catalog these programs, identify processes to ensure academic continuity and quality in alternative programs, and identify methods to pay the costs of such programs with public funds. One concern with this directive is that the term “alternative education programs” is not defined or recognized in law, and neither the Commissioner nor the State Board has the authority to define such programs.

*Commissioner is directed to report to the legislature by January 15, 2009.*

### **Collaboration Incentive Fund**

Section 5.302.1 of the appropriations bill directs the Commissioner of Education to join with the Vermont League of Cities and Towns, the Vermont-NEA, and our associations to develop a detailed plan to create an incentive fund to distribute grants and affordable loans to encourage collaborative efforts between

school districts, supervisory unions, and local governmental entities that will result in property tax savings.

*Group is directed to report to the legislature by January 15, 2009.*

### **Harassment in Schools**

Section 19 of S.357, a bill related to domestic violence, establishes a committee to study harassment and bullying in schools. The committee is to study current policies, laws and trainings related to harassment, including cyber bullying. The committee will be convened and staffed by the Human Rights Commission, and is directed to create a strategic plan to reduce harassment in schools. The committee will be comprised of our associations along with numerous advocacy organizations and public officials.

*Committee is directed to report to the legislature by December 15, 2009.*

### **Agricultural, Forestry, and Horticultural Education Needs Assessment**

Section 3 of [H.711](#) directs the Agency of Agriculture, Food and Markets and the Department of Education to jointly perform a needs assessment on agricultural, forestry and horticultural education in secondary schools and technical centers. The assessment must include an analysis of the effectiveness of our schools in providing AF&H education, make recommendations as to whether additional funding is needed.

*Agencies are directed to report to the legislature by January 15, 2009.*

## **Notable Education Bills That Did Not Pass in 2008**

### **Repeal of the Two-vote Mandate**

**Bill #:** H.864

**Effective Date:** N/A

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/house/H-864.HTM>

**An extensive effort to repeal the two-vote mandate that was enacted last year was unsuccessful this legislative session.** The prospects for repeal legislation appeared to seesaw all year but in the end, the Senate leadership was resolved not to, “go back on our promise to the Governor.”

The efforts of VSA, VSBA and VPA members and others to contact legislators and build support for the repeal of the two-vote requirement had a noticeable and demonstrated effect in Montpelier. The House voted in late February to repeal the provision, reversing course from a year ago. Senators Racine and McCormack also worked diligently to bring the issue to the Senate floor, but the administration and senatorial leadership thwarted those efforts. In one instance,

the Lieutenant Governor ruled that two-vote repeal language was not “germane” to a tax policy bill that set the education tax rates. By voice vote, the Senate almost unanimously upheld the ruling, thereby making use of a procedural rule to avoid publicly voting on an amendment that was divisive within its ranks.

Although it is inevitable that the two-vote mandate will take effect in some school districts during the next budget cycle, the law may still be revisited during the next legislative session. There appear to be significant numbers of lawmakers who now believe that the two-vote requirement is bad policy. We will have to wait and see how the elections play out in November, and who the legislative leadership will be in the next biennium, but it remains possible that two-vote will be a “one and done” statute, repealed in 2009.

### **Re-organizing the Department & Eliminating the State Board**

**Bill #:** S.371

**Effective Date:** N/A

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/senate/S-371.HTM>

**The legislature decided against creating an Agency of Education and eliminating the State Board of Education (SBE) as proposed in S.371. No change was made to the structure of state education governance this year.** Some members of the general assembly expressed a strong interest in making the Commissioner of Education a gubernatorial appointment, but this idea was also ultimately rejected.

S.371, which was approved in the Senate, would have elevated the Department of Education (DOE) to a cabinet-level agency, made the secretary of education a gubernatorial appointment, and eliminated the state board of education. Our associations joined others in opposing the change envisioned in S.371.

Before the Senate approved S.371 on a vote of [17-12-1](#), an amendment to delete all the provisions from the bill other than making the Commissioner a gubernatorial appointment was proposed. The amendment was defeated [11-18-1](#). In another push for gubernatorial appointment late in the session, the House Education committee considered amending S.371 in the same manner, but the members decided against that idea.

One alternative to S.371 was proposed by the Business-Education Alliance, a partnership of our associations with three business groups. The Alliance proposed a governance structure with an Agency of Education, with a Secretary appointed by the Governor with approval of the SBE. The Alliance’s proposal

also would restructure the SBE so that some of its members would be nominated from pools developed by education stakeholders (the governor would still make all of the appointments). In addition, the SBE would:

- Approve the appointment of the Secretary of Education.
- Consult with the Secretary of Education on the preparation of the Agency budget.
- Advise the Secretary and Governor on education legislation under consideration by the General Assembly.

The legislature did not have time to consider this proposal, but the Senate did approve a resolution on May 2<sup>nd</sup> encouraging the Alliance to, "...continue working for an effective organizational structure for state education governance." (*Note: Notwithstanding the Alliance's report, the VSBA's formal position remains opposed to gubernatorial appointment of the commissioner.*)

### **Education & Workforce Training for Ages 16-18**

**Bill #:** S.348

**Effective Date:** N/A

**Link to Bill Text:** <http://www.leg.state.vt.us/docs/2008/journal/SJ080326.htm>

The Senate Education Committee developed a bill this year that would have required youth ages 16 – 18 who have not graduated from high school to enroll in school or an alternative education or workforce development program. The Senate did not take up the issue for debate or a vote. Some members of the Senate Education Committee remain committed to increasing the variety of educational options available to potential dropouts and we expect more work on this issue in the next biennium. The Commissioner's report on alternative education (described above), due in December 2008, could fuel further legislation.

The version of the bill that passed out of the Senate committee would have required school districts to provide students of any age who are in danger of dropping out with individualized education services. Educational support teams would have been required to develop "personal education plans" that may have included mentoring, outreach services, and specialized literacy instruction. The Senate bill would have also allowed a student to petition the school board for a waiver from the requirement that he or she attend educational programs until age 18.

### **School Calendar**

**Bill #:** S.117, H.864

**Effective Date:** N/A

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/senate/S-117.HTM>

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/house/H-864.HTM>

Before the legislative session even began in January, it became apparent that the [school calendar law passed during the 2007](#) session was going to be difficult, if not impossible, to implement. Act 31 of 2007 directed a newly formed school calendar committee to present a statewide calendar to the State Board of Education for approval by January 30 of each year. Last fall, the Committee met several times and attempted to reach agreement on a uniform calendar that met the law's specifications, but was not successful in developing a final product. The committee found that schools and communities across Vermont have legitimate reasons for starting and ending the school year and vacation periods on different days and weeks.

Both the Senate and House worked to rectify the situation this year by passing separate bills that would have restored and potentially strengthened the existing regional calendar system. The only significant difference between the two bills was a requirement in the Senate bill that, in each official school day, a majority of students in each grade attend for a minimum of five and one-half hours. Considering that the House- and Senate- approved language was so similar, it is somewhat surprising that neither chamber took up the other body's bill, and no calendar legislation passed this year.

This means that both Act 31 and the regional calendar law, 16 VSA § 1071(e), are still on the books. The general rule is that, when two statutes conflict, the most recently adopted prevails. A formal determination of this issue will have to be made in time to develop school calendars for the 2009-2010 school year.

### **Soliciting of Architect Proposals**

**Bill #:** S.211

**Effective Date:** N/A

**Link to Bill Text:**

<http://www.leg.state.vt.us/docs/2008/calendar/SC080314.htm>

The Senate Education committee passed a bill that would have required districts to formally solicit and evaluate three architectural proposals for major construction or renovation projects. School boards would be required to adopt written criteria for judging architectural proposals. Then the board would have been required to rank order proposals received according to the adopted criteria and negotiate with the top ranked firm before any others. Immediately upon introduction on the Senate floor in April, S.211 was sent back to the Education Committee. The Committee considered making changes to the legislation, but the bill did not leave the Committee again for the remainder of the session.

**END**