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Legislative Session Enters Final Stretch

Rumors circulating in the Statehouse hallways suggest that the 2011 Legislative will adjourn sometime in the next three to four weeks, although the exact date is always difficult to predict. Also unpredictable is the final rundown of bills that will be enacted and those that will be left “on the wall.” Although this *Legislative Report* is relatively thin, there are a handful of other bills and provisions within bills that may suddenly move as committees wrap up their work. We will do our best to update our members during these fast-moving final weeks, but we also urge you to contact your representatives and your association if you are unsure of the prospects for a particular piece of legislation. To that end, at the conclusion of this report we have listed education-related bills that are still under active consideration in the Legislature, although that does not mean that we expect that all of the bills listed will pass this session.

Principal and Teacher Mentoring Bill Approved by Senate Committee

[H.430](#), a bill that would require school districts to provide mentoring services for new principals and technical center directors, has been approved by the Senate Education Committee by a unanimous vote. H.430 would also direct a study to be completed on mentoring services for new teachers.

H.430 would require that when a school district hires a principal or technical center director who has not previously worked in that capacity in his or her career, that the superintendent ensure that the person receives mentoring support for at least two years. (The bill would neither prohibit nor require mentoring for experienced school administrators.) Appropriate mentoring services would be defined as being research based, best practices, or another model identified jointly by the VPA and the VSA. The district would be required to allocate sufficient funds for mentoring from professional development funds, grant funds, or other sources. The bill would be applicable beginning with employment contracts for the 2012-2013 academic year.

The second part of H.430 would require a new committee to study how Vermont “inducts and mentors” new teachers and to recommend legislative changes that would increase teacher skills and improve retention within the profession. The committee would be comprised of members of the Vermont Standards Board for Professional Educators, the Vermont-NEA, our Associations, and persons working in educator preparation programs. The Commissioner of Education would convene the committee’s first meeting no later than August 1,

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2011 and the committee would be directed to submit a report to the Legislature by January 1, 2012.

The VPA and VSA testified in support of the bill. H.430 is scheduled to be considered by the Senate this week. An earlier version of the bill has already been approved by the House, so if the bill is approved by the Senate, the discrepancies between the House- and Senate-passed versions would be resolved in a Committee of Conference.

Government Operations Committee Hears Testimony on H.440

[H.440](#), a bill that would replace the Commissioner and Department of Education with a Secretary and Agency of Education, respectively, is under active consideration in the House Government Operations Committee. The Committee has taken testimony from our Associations and many other interested parties. As can be expected from such a sweeping bill, testimony has varied both its subject matter (i.e., gubernatorial appointment, configuration of the State Board, term length, etc.) and perspective on the issues. As of this writing, it is unclear what the outcome of the Committee's deliberation will be. Government Operations is scheduled to meet with the House Education Committee on Tuesday afternoon, the originators of the bill, and, later in the week, to continue its hearings and discussion. We expect to be able to report more definitively on the outcome of these deliberations in our next *Report*.

For a detailed description of H.440 as it passed the House Education Committee, see our [Education Legislative Report Issue 8](#).

Sports Concussion Bill Amended

[H.46](#), a bill that related to identification and management of concussions afflicting school sports team athletes, has been amended and approved by the Senate Education Committee. It is scheduled to be considered on the Senate floor this week. Sen. Sears, chair of the Judiciary Committee, and Sen. Mullin, chair of the Education Committee, are jointly expected to offer an amendment to the bill on the floor of the Senate.

H.46 is a bill that would require K-12 school athletic team coaches to be trained in recognizing the symptoms of concussions, and would require coaches to remove a student athlete from any practice or game if the student has likely suffered a concussion or head injury. The student would have to be evaluated and cleared by a licensed healthcare provider prior to returning to school-sponsored sports activities. The bill is only applicable to school-sponsored athletic teams; non-school teams that use school property are excluded from the requirements of H.46.

H.46 would also instruct the Commissioner of Education, in consultation with the VPA, to develop concussion-symptom training materials. Schools would be responsible for distributing the materials to coaches, youth athletes, and parents.

The Senate Education Committee amended the bill to include chiropractors within the definition of "licensed healthcare provider." The definition now can include physicians, advanced practice registered nurses, physician's assistants, athletic trainers, physical therapists, or chiropractors as a class;

individually, these professionals must also be “trained in the evaluation and management of concussions and other head injuries.”

The amendment to be offered by Senators Sears and Mullin would amend the standard for when coaches must remove an athlete from play. Currently, H.46 says that a coach must act if he has “reason to believe” the student suffered a concussion or head injury; the amendment would change the standard to “clear and convincing evidence” that the student suffered a concussion or head injury.

The VPA has testified in support of the bill. Last fall, the VPA adopted the major tenets of this legislation as policy, so H.46 would be codifying rules that are already applicable to VPA member schools. However, H.46 would also be applicable to many elementary and middle school teams that are not currently under the jurisdiction of VPA athletic policies.

House Education Takes Testimony on Miscellaneous Bill

The House Education Committee has been examining the Senate-passed version of [S.100](#), a bill making miscellaneous changes to education law. As of this writing, it is unclear what precise form the bill will take, but it appears likely that S.100 will pass out of the Committee in some form. In particular, the Committee is hearing testimony on the dual enrollment provision of S.100. In the bill, dual enrollment is defined and a statement is made that Vermont should continue to “encourage and support” dual enrollment opportunities. The bill states that secondary schools would be required to accept credit for students who successfully complete dual enrollment courses, but that the nature and scope of these credits would be defined by each school.

House Education Takes Testimony on “Green” Cleaning Bill

The House Education Committee is also in the midst of taking testimony on [S.92](#), the “green” cleaning bill for public schools and approved independent schools. The Senate-passed bill would require schools to use only environmentally preferable cleaning products when they are available (disinfectants and floor finishers being notable exceptions to the requirements). The VSA and VPA are scheduled to testify on the bill later this week; we expect to testify that we are generally supportive of green cleaning practices but have a few procedural comments regarding language in the bill.

Senate Government Operations Takes Testimony on Public Records

[H.73](#), a bill that would make amendments to Vermont’s public records law, has passed the House and is under consideration in the Senate Government Operations Committee. We reported on the details of the House-passed version of H.73 in our [prior Education Legislative Report](#).

VSBA testified in conjunction with the Vermont League of Cities and Towns, and the two entities made three suggested changes to the bill. 1) Allow local municipalities to continue charging the public for costs associated with complying with public records requests after 30 minutes of staff time (the current law standard), not two hours as proposed in the bill. 2) Allow courts to continue to decide whether

municipalities must pay attorney’s fees after losing public records-related suits (H.73 would mandate that municipalities always pay). 3) Allow for the mandate that each municipality appoint a public records officer to become permissive (whether a records officer is appointed or not, public records statutes will apply to all municipalities).

Testimony on the bill is ongoing; some advocates of government transparency believe the bill as written does not go far enough. Look for an update on any action the Committee might take in our next *Report*.

House Government Operations Takes Testimony on Open Meetings

S.67, a bill that would amend Vermont’s open meeting law, has passed the Senate and is currently under consideration in the House Government Operations Committee. We described the bill in detail in our [prior *Education Legislative Report*](#). Testimony on the bill is ongoing and we will monitor and report on any developments.

Bill Status Updates

A number of education-related bills that we have previously reported on have not seen significant formal action since our last *Report* but are under consideration in various committees and could be acted on during these final weeks of the session. What follows is a brief description of the location of these bills; however, inclusion on this list should not be interpreted as indicating that the bill is likely or unlikely to pass this year.

[H.38](#) Accommodating Children of Active-duty Military Personnel: *Senate Education Committee*.

[H.41](#) Mandatory 30-minute Work Break: *Senate Economic Development, Housing, and General Affairs Committee*.

[H.45](#) Exemptions from the Excess Spending Threshold for Tuitioning School Districts: *Senate Finance Committee*.

[H.170](#) Obligations of Approved Independent Schools: *House Education Committee*.

[H.299](#) Repeal of the “Two-vote” School Budget Provision: *Senate Education Committee*.

[H.412](#) Bullying and Harassment Off-campus: *House Education Committee*.

[H.428](#) Delaying the Implementation Date for Sections of Act 153 of 2010: *Senate Education Committee*.

[H.436](#) Miscellaneous Tax Bill: *Senate Finance Committee*.

[H.446](#) Capital Bill: *Senate Institutions Committee*.

[H.450](#) Immunity for Certain “Job Performance” Disclosures: *Senate Rules Committee*.

[S.53](#) Prekindergarten ADM Cap Repeal: *House Education Committee*.

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