

Education Legislative *Report*

VERMONT
SCHOOL
BOARDS
ASSOCIATION



Issue #1 – January 8, 2013

2013 Legislative Session to Commence Tomorrow, January 9th

The Vermont General Assembly will meet tomorrow morning to kick-off the 2013-2014 biennial session. After a flurry of staff appointments by Governor Peter Shumlin in the first days of the new year—including the naming of Armando Vilaseca as Vermont’s first secretary of education—the session will get underway with the usual committee assignments, officer elections, and organizational business. After that, we can expect another busy five months.

November’s elections saw Governor Shumlin reelected easily; Lieutenant Governor Phil Scott, Secretary of State Jim Condos, and Attorney General Bill Sorrell also reclaimed their positions in statewide races. Beth Pearce was elected Treasurer in a hard-fought battle after being appointed by Governor Shumlin in 2011, while Doug Hoffer won a close auditor’s race. Meanwhile, Democrats maintained strong majorities in both the 150-member House and the 30-member Senate.

Last month, Senate Democrats selected Senate President Pro Tem John Campbell once again as their nominee for the position. In the House, Democrats selected Rep. Shap Smith as their nominee for Speaker; Smith ran uncontested and has served in that role since 2009. Last Saturday, the caucus unanimously elected Sen. Phillip Baruth to replace Sen. Bill Carris—who resigned recently for health reasons—as majority leader. Sen. Claire Ayer, who dropped out of the running for that position, was elected assistant majority leader, also unanimously.

Governor Shumlin appointed Lucy Leriche as deputy secretary of Commerce and Community Development; Susan Minter as deputy secretary of the Agency of Transportation; and Vilaseca, the commissioner of education since 2009, as the secretary of the newly-formed Agency of Education (more on that below). The governor also moved his special assistant Susan Bartlett to the Agency of Human Services and named his press secretary Susan Allen as deputy chief of staff, though she will continue in her communications role as well.

As in past years, the Vermont Principals' Association, Vermont Superintendents Association, and Vermont School Boards Association will work together to produce regular reports on education-related legislative activity. These *Education Legislative Reports* will provide pertinent and timely information on action at the State House to Vermont's principals, superintendents, school board members, and other school administrators. Through legislative tracking, research, and analysis, we hope to keep informed and up-to-date those for whom Vermont's public schools and children's educations are most important.

We also know from experience that the most effective advocacy must come from well-informed constituents. In addition to sending out these reports via email and posting them on our associations' websites, we will be providing an updated list of legislators with contact information, organized by supervisory union. We encourage you, as always, to contact your legislators and voice your opinions throughout the session.

The executive directors of the VPA, VSA, and VSBA will be working with Legislative/Policy Analyst Charlie Enscoe* to prepare these reports. We hope they prove to be useful not only in updating you on action at the State House, but in helping you to update your legislators on action affecting Vermont's schools. Please feel free to contact us with any questions or comments. We look forward to hearing from you.

Education Legislation Recap, 2012

The 2011-2012 session included a considerable amount of education-related activity in the state legislature. While bills from last session at this point have either become law or else are no longer up for debate, many of the topics will carry over to 2013. Some of the more significant bills to pass in the second half of the biennium involved issues such as incentives for voluntary mergers (Act 156), public school choice (Act 129), property tax rates (Act 143), and the creation of a secretary and agency of education (Act 98).

As in the last few years, legislators took up the issue of school mergers. Act 153 in 2010 offered financial and other incentives for voluntary mergers by school districts. Act 156 in 2012 increased those incentives and expanded them to cover supervisory union mergers as well.

Effective for the 2013-2014 school year, Vermont high school students will have the option of applying to attend any public high school in the state. Act 129 dissolved

high school choice regions and made unambiguous the number of students who may transfer out of a given school (varying by school size).

Sections 38 and 39 of Act 143 set base property tax rates and the education base amount for 2013. The base homestead tax rate increased by two cents, to \$0.89 per \$100 of assessed value; the nonresidential property tax rate increased by the same amount, to \$1.38 per \$100. The education base amount also was increased, from \$8,544 to \$8,723. Section 40 of the act did not change education funding or tax rates, but requires the commissioner of the Department of Taxes to calculate “how much spending a [base homestead] tax rate of \$1.00 could support” for purposes of illustration. For FY13, the “dollar equivalent” is \$9,801 per pupil.

Act 98 replaces the commissioner and department of education with a secretary and agency of education, respectively, and clarifies the purpose of the State Board of Education. It will be discussed at greater length below.

A number of other bills were developed but not in the end enacted, including one that would have provided unemployment benefits to school-year-only employees during summer months, and one that would have created statewide dual enrollment programs for 11th and 12th graders. We can expect dual enrollment legislation in particular to come up again in 2013.

For a more detailed review and analysis of all education-related legislation from 2012, see the “[VSA 2012 Education Legislative Review](#)” on the Vermont Superintendents Association website, <http://vtvsa.org/>.

Reexamining Act 98

Act 98 was first introduced in 2011 but not signed into law until May of last year. The act replaces the commissioner of education with a governor-appointed, cabinet-level secretary of education, and elevates the Department of Education to the level of an agency. The secretary and the agency assume all the powers, duties, rights, and responsibilities of the commissioner and the department, respectively.

The State Board of Education continues to consist of ten members, two of whom are secondary students, appointed by the governor with the consent of the Senate. The secretary of education also serves on the board, but as a nonvoting member. The board’s duties are to “evaluate education policy proposals, including timely evaluation of policies presented by the governor and secretary; engage local school board members and the broader education community; and establish and advance education policy” for Vermont (Sec. 4). The board also reviews and comments on an

agency budget prepared by the secretary of education and the governor; and, as it did last fall, proposes at least three candidates for secretary of education from which the governor can choose.

The secretary, besides taking over the duties of the commissioner, will “prepare a budget for the agency and submit it to the governor after review by the state board” (Sec. 5). He or she also will “report annually to the governor and the general assembly on the progress the board has made on the development of education policy for the state” (Sec. 4), and, prior to September 1 of each year, will “present the governor’s education policy priorities to the state board” (Sec. 5), among other duties.

Within the next week we can expect a draft bill that essentially will rewrite Title 16 on education of the Vermont Statutes Annotated. Section 8 of Act 98 reads, “On or before January 15, 2013, the legislative council shall prepare and submit a draft bill to the house and senate committees on education that makes statutory amendments of a technical nature and identifies all statutory sections that the general assembly must amend substantively to effect the intent of this act.”

While technical amendments will consist of simple changes such as replacing “commissioner” with “secretary” and “department” with “agency,” which sections will be identified for more substantive amending, and how those sections will be interpreted, will necessitate close attention. Those changes are expected to relate to the future roles of and relationships between the governor, secretary, and board in establishing and implementing education policy. Note that it is only the technical amendments that will be completed by January 15; any more substantial or controversial changes likely will take longer and require more discussion. We plan to track those discussions as they develop.

Vilaseca Appointed Secretary of Education; Department of Education Transitions to Agency of Education

On January 4th of this year Governor Shumlin appointed Armando Vilaseca secretary of education from among three candidates proposed by the State Board of Education. The candidates, chosen by a four-person search committee appointed by the chairman of the board, Stephan Morse, were Daniel French (superintendent for the Bennington-Rutland Supervisory Union), Brent Kay (superintendent for the Orange Southwest Supervisory Union) and Commissioner Vilaseca.

Vilaseca was appointed for a term of up to one year. The governor has indicated his intention to begin a national search next summer.

Explaining his choice of Vilaseca over superintendents French and Kay for secretary, he said, “I was lucky to have three strong candidates ... , but with my expansive education agenda, making a change in leadership right now does not make sense.” Vilaseca has served as commissioner for the last four years.

Shumlin to Detail “Expansive Education Agenda” in State of the State Address

Governor Shumlin is set to give his inaugural State of the State address on Thursday, January 10, to the joint assembly. In a press conference last week, he said the speech would provide details on his education agenda for the coming year. Although he shied away from specifics, we can expect him to take up a number of the issues discussed above. Bob Kinzel, on VPR’s Morning Edition, commented that the governor “seems particularly interested in making sure all high schools in the state offer high level math and science courses, so I’d look for the governor to offer a comprehensive initiative to achieve that goal.” Such an emphasis on math and science has characterized Governor Shumlin and Vilaseca’s work together in the past, as when the two announced [plans to require geometry and algebra](#) for all high school students last March.

* * *

With rising school costs a perennial issue, the transition from a commissioner and department of education to a secretary and agency, an anticipated call for universal pre-K, and the customary assortment of education related legislation now emerging, the 2013 legislative session should be a busy and substantive one for our associations. As action at the State House picks up over the coming weeks, we expect to report on a number of new education-related bills, and will do our best to keep you informed as they progress.

*Charlie Enscoe was hired recently by the VPA, VSA, and VSBA as a Legislative/Policy Analyst. He will be helping the three organizations follow the 2013 legislative session, analyzing and researching education-related issues, and writing these reports. Charlie moved to Montpelier in 2012 from Berkeley, CA where he grew up and lived after graduating from Pomona College in 2011 with a B.A. in English. For the last year he served with AmeriCorps at Habitat for Humanity East Bay/Silicon Valley. He is interested in education and environmental issues, particularly within the public policy sphere.

New Bills in 2013

New bills are already being introduced to the House and the Senate, a number of which are education-related.

[S. 4](#) (introduced by Sen. Sears, Ashe, and Campbell) addresses concussion and head injury safety during school athletic activities. The bill proposes to require coaches and trainers to receive training on concussion prevention, and prohibits them from allowing athletes to participate if the coach/trainer knows or should know that the athlete has a concussion.

[S. 6](#) (introduced by Sen. White) “proposes to ensure that students are afforded freedom of expression within the public schools of the state,” as long as it does not cause disruption or disorder at the school.

[S. 10](#) (introduced by Sen. Hartwell) proposes to increase the voting requirement for school budgets that have education spending “in excess of the amount adopted in the previous year’s budget.” If passed, the bill would require such budgets to be passed by two-thirds by school boards.

[S. 13](#) (introduced by Sen. Mullin, Baruth, Benning, Collins, Doyle, and Sears) seeks “to encourage school districts to make school property available to community members outside the school day for nonschool recreational activities.” The stated purpose is to “support active living, reduce obesity, increase community safety, maximize community resources, and promote community support for public schools.” The bill would make school districts immune from civil liability for loss or injury resulting from such nonschool use, excluding cases of intentional or reckless misconduct on the district’s part.

[S. 14](#) (introduced by Sen. Mullin) would require teachers, school administrators, and municipal employees who are not members of a labor organization to pay an agency fee to the union. The bill would also “confirm explicitly that agency fees cannot be used for any purpose other than in connection with collective bargaining.”