

Education Legislative Report

VERMONT
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Issue #6 – March 21, 2013

Education Bills Pass Before Crossover

Committees scrambled last week to finish work on legislation before the crossover deadline on Friday. A number of education bills—on universal prekindergarten access and flexible pathways, among other topics—successfully made it out; others, including the childcare provider unionization bill, did not. Generally speaking, bills that are not passed out of their first committee before this deadline are not dealt with that year; exceptions sometimes are made, however, and bills also can be tacked on to other bills as amendments. Because this is the first half of a biennium, legislation can be revisited next year as well.

House Education Committee

The House Committee on Education has passed three bills so far this session—on free school lunch, prekindergarten education, and a program to make college more affordable. (H. 60, the school lunch bill, was passed a month and a half ago; a brief update is further below.) The committee also has introduced two of its own bills—a miscellaneous education bill and a technical corrections bill—that propose a variety of changes and corrections to education law.

Universal Pre-K Access (H. 270)

With the strong support of a 9-0-2 vote, the committee passed [H. 270](#), “an act relating to providing access to publicly funded prekindergarten education.” The bill, which we described in our [February 18th](#) and [March 8th](#) reports, seeks to create statewide access to 10 hours per week, 35 weeks per year of publicly funded pre-k education. Parents would be able to send their children to any public or prequalified private providers, regardless of whether or not their school district operates a program. A statewide payment rate, which may be adjusted regionally, would be established for the 10 hours per week. A process for setting annually this rate and for determining prequalification of providers would be established jointly by the Secretaries of Education and of Human Services.

School districts would continue to include the costs of operating pre-k education programs and anticipated tuition payments in their annual school budgets; they also would include “any administrative, quality assurance, quality improvement transition planning, or other prekindergarten-related costs.” The bill proposes three ways to alleviate potential added pressures on per pupil spending caused by higher participation rates or the creation of new public programs:

- Increase the prekindergarten student weight from 0.46 to 0.50 (in a district with 25 pre-k students, this would increase the equalized pupil count by one).
- Allow school districts to begin to count immediately in their average daily membership the number of pre-k children for whom they *anticipate* providing pre-k education or paying tuition.
- For FY16, 17, and 18, exclude the portion of school district budgets attributable to providing pre-k education or paying tuition for pre-k education from excess spending calculations.

The bill has been amended since its introduction to apply to enrollments on July 1, 2015 and after, instead of a year earlier. It has been referred to the House Committee on Ways and Means for further review.

Technical Corrections (H. 524)

A 287-page “technical corrections” bill, [H. 524](#), was introduced by House Ed. as a committee bill last week. The legislation was required as part of [Act 98 of 2012](#), which, along with creating an Agency and Secretary of Education, directed the legislative council to “prepare and submit a draft bill ... 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.” Besides changing “Department” to “Agency” and “Commissioner” to “Secretary,” the bill proposes nonsubstantive changes throughout Title 16 for organizational purposes, grammatical clarity, and stylistic consistency. All sections identified as needing substantive amendment were included in the miscellaneous education bill, below.

Miscellaneous Education Bill (H. 521)

The House Education committee also introduced the annual “miscellaneous education bill,” [H. 521](#). It proposes a variety of amendments to and clarifications of education law; the proposals of two other bills—[H. 461](#) on the creation of new independent schools and [H. 469](#) on teacher advisory groups—have been incorporated as well. The bill would:

- Designates the career technical education center for a student attending high school outside of his or her district of residence as the center serving that high school.
- Require approved independent schools to provide career tech. ed. centers with the names and addresses of enrolled, publicly-funded students, as public schools do.
- Have the Secretary of Education, in addition to requesting and obtaining information for any person for whom a criminal record check is required, obtain updated information for any person seeking renewal of a professional educator’s license.
- Require schools to maintain electronic systems for recording enrollment and attendance, as most if not all do.
- Require “the chairs of each school board within a supervisory union, the chair of the supervisory union board, and the superintendents” to participate jointly in at least eight hours of professional training annually. The training would include, at least, information on education leadership, supervisory union and school district board roles, Vermont Open Meeting Law, laws regarding access to public records, collective bargaining, and education finance and school funding laws. The VSA and

VSBA supported this provision in their joint education agenda presented earlier this year.

- Increase the *base* salary for the now-Secretary of Education, from \$83,834 to \$90,745, so as to be in line with base salaries for secretaries of other state agencies.
- Prohibit a school district from ceasing the operation of an elementary or secondary school “with the intention, for the purpose, or with the result of having the school building or buildings reopen as an independent school serving essentially the same population of students” (H. 461).
- Direct the Secretary of Education to convene a working group to develop best practices guidelines for the creation and operation of teacher advisory systems designed to ensure that students have personal relationships with at least one adult in their schools (H. 469).

A number of other minor changes and clarifications are also included. The bill has been referred to the House Committee on Appropriations for further review.

VT Strong Scholars Program (H. 242)

After approving a strike-all amendment, the House Education committee also passed [H. 242](#), a bill that would create the “Vermont Strong Scholars Program” to encourage Vermont students to live and work in-state after graduating from college.

The bill in its original form proposed to provide partial tuition repayments to Vermonters who graduate from in-state postsecondary institutions with degrees in science, technology, engineering, or mathematics (STEM) fields and then work in Vermont in their area of study. As passed, however, individuals would need to earn a degree “in a field identified by the Secretary of Commerce and Community Development, the Secretary of Education, and the Commissioner of Labor in a collaborative process that determines current and projected industry trends and identifies current and future workforce needs.” They still would need to work in Vermont in a related field after graduating, and they would need to be first-time, full-time students, as originally proposed.

The tuition payments would equal either one semester or one year of tuition at the VSCs’ in-state tuition rate, depending on whether the individual earned a two-year associate’s degree or a four-year bachelor’s degree. (The VSC rate would be used regardless of the institution attended.) In the first case, students would be repaid over the course of three years; in the second case, over the course of five years; in both cases, they would need to work in Vermont while receiving payments. If necessary, the payments would be adjusted so as not to exceed the individual’s debt “arising solely from postsecondary tuition.”

Based on an earlier, less-expansive version of the bill, costs were projected to stabilize at approximately \$4 million annually in FY22. The bill would establish a special fund to cover these costs, consisting of appropriations of transfers from the General Fund by the General Assembly; interest earned on its balances; and any other money from any other source. The bill does *not*, however, mandate that the General Assembly make such appropriations—even if this legislation is enacted into law, the program would not be

funded unless the legislature decides to do so next year. It has been referred to the House Committee on Appropriations.

Senate Education Committee

The Senate Committee on Education has passed bills on the nonschool use of public school property, the payment of agency fees, and school lunch (see updates below). More recently, they introduced a flexible pathways committee bill and passed two others, on concussions in school athletic events and VSC state funding.

Flexible Pathways (S. 130)

[S. 130](#), the bill that would create the “Flexible Pathways Initiative” that Governor Shumlin proposed in his [inaugural address](#), passed out of the Senate Education and Appropriations committees 5-0-0 and 6-0-1, respectively. With both committees reporting favorably, the Senate passed the bill easily, sending it on to the House, where it will be referred to the Education committee.

The bill, among other things, would expand access to and funding for dual enrollment courses—for which students receive both high school and college credit—and early college programs, which allow high school seniors to complete their senior year of high school and freshman year of college simultaneously. It also would require primary and secondary students to have annually-updated personalized learning plans that “reflect the student’s emerging abilities, aptitude, and disposition” and that, beginning in seventh grade at the latest, “define the scope and rigor of academic and experiential opportunities necessary for the student to successfully complete secondary school and attain postsecondary readiness.” The Secretary of Education would convene a working group consisting of teachers, principals, and other interested parties to develop and support the implementation of PLPs in schools that do not already have them in place. Funding for dual enrollment would come from the Next Generation fund and local school districts; funding for early college would come from the Education Fund.

Our associations strongly support this legislation, which is designed to encourage creativity and flexibility within school districts, promote opportunities for students to achieve postsecondary readiness, and increase continuation rates beyond secondary school. For more details on the bill, please see our [February 18th](#) and [March 8th](#) reports.

Concussions (S. 4)

[S. 4](#), a bill relating to concussions in school athletic activities, was passed first by Senate Committees on Judiciary and Education and then by the Senate. The bill would direct the Secretary of Education to develop statewide guidelines to educate coaches, athletes, and parents on concussions; require that coaches and referees receive training every two years on how to recognize concussions; prohibit coaches or health care providers from permitting an athlete who has sustained a concussion to continue participating; and direct principals to create concussion management action plans. It also would require an athletic trainer or health care provider to be present at all high school football, hockey, lacrosse,

and wrestling (“collision sport”) competitions. These athletic trainers and health care providers would need to have been “trained in the evaluation and management of concussions and other head injuries” within the last five years, and the training would include materials and guidelines for practicing physicians provided by the Centers for Disease Control and Prevention. The bill has been referred to House Ed.

VSC Funding (S. 40)

The committee also passed [S. 40](#) with a strike-all amendment. As passed, it proposes to create a “higher education subcommittee” within the Prekindergarten-16 Council to “study and develop policies to make the State Colleges and [UVM] more affordable for Vermont residents by lowering costs and restoring the 1980 ratio of state funding to tuition costs.” The bill’s first section consists of five findings on Vermont’s support for public colleges, one of which states that in 1980, 51 percent of VSC revenue came from state appropriations, with only 49 percent coming from student tuition; today, state appropriations provide less than 20 percent. The committee would report its findings to the General Assembly next November. The bill also was approved unanimously by the Senate Appropriations committee. It is on the Senate floor for final approval.

Updates on Other Bills

Requirements for Independent Schools Receiving Public Funding (S. 91)

The Senate Committee on Education, after taking extensive testimony on a bill dealing with public funding of independent schools, decided not to vote the bill forward this year. The committee members decided instead to continue discussing and taking testimony on the legislation later this session and possibly this summer and fall, with the goal of revisiting the issue next year with a stronger understanding of its potential effects.

The bill, [S. 91](#), would have required “general education” independent schools serving at least one-third publicly-funded students to comply with a number of public school regulations in order to receive state funding. Fourteen independent schools statewide would have been affected. Five requirements were included in the bill as drafted, regarding blind admissions, special education, standardized testing, school lunch, and teacher and administrator licensing. In the coming months, the committee plans to examine the relationship between public schools and approved independent schools that receive public tuition dollars. Specifically, they will look into whether or not there exist any inherent inequities or disadvantages between the two types of institutions caused by the many differences in standards and requirements between them.

Child Care Provider Unionization (S. 52)

The Senate Committee on Economic Development, Housing, and General Affairs voted 3-2 against [S. 52](#), “an act relating to child care providers.” The bill would have allowed child care providers receiving subsidies to vote to join a union and collectively bargain with the state over child care subsidy rates. Our associations were concerned with the impact this legislation might have had on the delivery of high-quality prekindergarten education

statewide. It is possible, however, that proponents will attempt to have the bill appended to another piece of legislation this session.

Public School Property Use (S. 13)

[S. 13](#), “an act relating to nonschool recreational use of public school property,” passed the Senate Education committee unanimously before stalling in Senate Judiciary. The bill proposed to “encourage school districts to make school property available to community members outside the school day for nonschool recreational activities by ... limiting a school district’s liability for loss or injury occurring during such use.” The bill—supported by all five members of Senate Ed. and two members of Senate Judiciary—may be taken up again next year.

School Lunch (S. 26)

[S. 26](#), the Senate bill that would allow low-income students currently eligible for reduced-price school lunch to receive free school lunch, passed the Senate Appropriations committee with unanimous support. The bill proposes to appropriate \$322,250 annually from the general fund for this purpose. This represents a small portion of overall school lunch funding—in 2012, the state received \$14.5 million in federal funding for the lunch program. The Senate Education committee already passed the bill, also unanimously; it now awaits approval from the full Senate. An identical bill, [H. 60](#), was introduced in the House earlier this session and passed by the Education committee, but remains in House Appropriations.

Agency Fees (S. 14)

[S. 14](#), which would require non-union members to pay agency fees, is still in the House Committee on General, Housing, and Military Affairs, having already passed the Senate. The committee has yet to take any testimony.

Property Taxes (H. 265)

[H. 265](#), which sets the education property tax rates and base education amount for FY14, is still in the Senate Committee on Finance, where it was referred after passing the House. The base homestead property tax rate would be set at \$0.94; the nonresidential property tax rate at \$1.44; the base household income tax rate at 1.80%; and the base education amount at \$9,151. See our most recent reports for more information.

Many education-related bills were introduced over the last two months but not taken up for consideration. See [our past reports](#) for brief summaries of those bills.