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Item H

## MEMORANDUM

TO: Daniel M. French, Ed.D., Secretary of Education  
FROM: Ted Fisher, Director, Communications and Legislative Affairs  
SUBJECT: Summary of the 2019 Legislative Session  
DATE: June 18, 2019

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This overview of legislative activity from the 2019 Session of the Vermont General Assembly is intended to guide policy implementation at the Agency of Education (AOE). It should be used in conjunction with the 2019 End of Session Tracker.

The following sections are laid out similarly to the tracker, with major policies, related policies, work groups, reports, etc. laid out briefly.

### **Broad Takeaways from the Session**

The session yielded relatively few major policy initiatives for implementation. Aside from the School and Child Care Lead Testing and Remediation Project and the Ethnic and Social Equity Standards Advisory Working Group, other major legislative actions mostly concern making changes of varied scope to existing education policy initiatives. Many of the big policy initiatives (both in terms of scope and legislative time devoted) failed prior to adjournment. Several major policy initiatives that are already in implementation were considered for delay during the session. In the end, the legislature passed limited delays of implementation of certain provisions of Act 173 and the Shared School District Data Management System (SSDDMS) for statewide school financial data. Additionally, the legislature considered, but did not ultimately pass, several flavors of a delay of implementation of the State Board of Education's Final Report and Order under Act 46.

### **Major Policy Initiatives**

The following are major education policy changes passed this year:

- **Ethnic and Social Equity Studies, Act 1 (H.3):** This act establishes the "Ethnic and Social Equity Standards Advisory Working Group, to review standards for student performance and make recommendations to the State Board of Education (SBE) for updates or additional standards to "recognize fully the history contributions, and perspectives of ethnic groups and social groups." The Act requires three reports to the legislature with additional recommendations for statutory changes, training and appropriations to support ethnic studies standards. The Act empowers the SBE to review and make recommendations for

proposed legislation (“may”), and requires the SBE to, on or before June 30, 2022, consider adopting ethnic and social equity standards. Finally, the Act requires the AOE to report Harassment, Hazing and Bullying data disaggregated by incident type and ethnic or social group.

- **Lead Testing in Schools and Childcares Project, S.40:** This act requires all Vermont schools and child care facilities to test for lead and remediate to an Action Level of 4 parts per billion (ppb). The Vermont Department of Health leads the project with the assistance of the Agency of Education, the Agency of Natural Resources (Department of Environmental Conservation) and the Department of Children and Families. Schools and childcares will test for lead according to a schedule created by the Department of Health. There are various public notice requirements for communities, including notice of testing, notice of results and post-remediation notice. The state will also reimburse the actual cost, up to a certain limit per fixture type, for remediation costs associated with the project. (signed by Governor, Act number outstanding)
- **Changes to Shared School District Data Management System (SSDDMS), H.542:** The legislature made several changes to the SSDDMS in the big bill. Firstly, they extended the implementation date to July 1, 2022, allowing the AOE to add two implementation rounds. They appropriated an additional \$600,000 for additional SSDDMS support. Finally, they eliminated the “Education Financial Systems Fund,” transferred the balance to the Education Fund, and moved costs for SSDDMS to the Education Fund. (Not signed by Governor).
- **Changes to Act 173 of 2018, H.542:** The legislature made two significant changes to Act 173 of 2018 in the budget bill. They changed the grant effective dates for the section covering census block grants for special education funding from July 1, 2020 to July 1, 2021. This moves the first year of transition to the census block grant from FY2021 to FY2022. Second, the date for SBE rulemaking was changed from “shall adopt rules” by November 1, 2019 to “shall initiate rules” on or before August 1, 2020. (Not signed by Governor).

## Requirements on the State Board of Education

Several new requirements or duties of the State Board of Education resulted from legislation this year:

- **Act 1:** The SBE shall receive recommendations from the Ethnic and Social Equity Standards Advisory Working Group for updated or additional standards covering ethnic and social equity studies in Vermont schools. The SBE shall consider, on or before June 30, 2022, whether standards need to be adopted. Finally, the SBE “may” make recommendations to the General Assembly for proposed statutory changes to ensure that schools adequately include study of the contributions of ethnic groups and social groups, allow students to meaningfully engage with identity and create welcoming environments for all students, and ensure families are engaged and able to raise concerns about student experiences in the area of race, ethnic or social group identity.
- **H.542:** The legislature provided additional time for the State Board’s rulemaking process for Act 173-associated rules changes. Language in the budget bill was amended from a requirement that the State Board complete rulemaking by November 1, 2019 to a requirement to initiate rulemaking on or before August 1, 2020. This change is reflective of

the Administrative Procedure Act's requirement that rules be adopted no later than 8 months following the initiation of rules with ICAR, meaning that a start date for rulemaking is more instructive than an end date. (Not signed by Governor).

## Additional Policy

The legislature also adopted several other education-related initiatives:

- **Act 34 (H.79):** This Act makes changes to the farm-to-school program to promote local food producers. It expands local food grant eligibility to organizations that assist in development of farm-to-school programs. It adds a data reporting requirement (effective December 31, 2020) for School Food Authorities to estimate and report the percentage of local food purchased to AOE. The AOE is required to submit aggregated data to the legislature (on or before January 31, 2021). The law also includes a provision requiring the Tax Department to study ways to use existing tax department data to qualify families for Free and Reduced Lunch.
- **S.95:** This act exempts school districts producing solar energy from the 500KW customer cap under Public Utility Commission Rule 5.129(D), to a 1MW cap. It also exempts school districts created by merger from unintentionally exceeding 1MW limit due to previous qualifying solar infrastructure installation. (Act number outstanding)
- **S.146:** This act establishes the Substance Misuse Prevention Oversight and Advisory Council, replacing the Alcohol and Drug Abuse Council. The Secretary of Education (or designee) is a member, and new in this version of the council. The duties of the council include reviewing and making recommendations on how "to assist...schools to significantly reduce the demand for substances through prevention and education" and looking at ways to reduce barriers to a coordinated statewide prevention system. (Act number outstanding)

## New Committees and Working Groups

The legislature established the following commissions, task forces, committees, or working groups that are relevant to education policymaking:

- **Act 1:** The Ethnic and Social Equity Standards Advisory Working Group, (membership: Secretary of Education or Designee)
- **S.146:** The Substance Misuse Prevention Oversight and Advisory Council, (membership: Secretary of Education or Designee)

## New Legislative Reports

The legislature established the following legislative reports, status updates, or testimony, binding on the AOE, the SBE or other related or partner agencies:

- **Act 1:** Three legislative reports
  - Due **March 1, 2020**, by the Ethnic and Social Equity Standards Advisory Working Group, on its membership and work plan.
  - Due **December 15, 2020**, on its membership and schedule of meetings, any recommended statutory changes, findings from its review of SBE rules and SD/SU policies, and recommendations for training and appropriations.

- Due **March 1, 2020**, by the Ethnic and Social Equity Standards Advisory Working Group, further recommended statutory changes, findings from its review of SBE rules and SD/SU policies, and recommendations for training and appropriations.
- **S.40:** One “written testimony” by the Vermont Department of Health
  - Due **December 15, 2019**, by the Vermont Department of Health, a status update on the lead testing program, implementation, schedule, administration, financing and recommendations.
- **Act 30:** Two legislative reports
  - Due **January 15, 2020**, by the Secretary of State’s Office of Professional Regulation, on whether current statewide professional regulatory structures would be more effective if transferred to another state agency.
  - Due **January 15, 2020**, by the Secretary of State’s Office of Professional Regulation, including a list of all professions licensed by various entities (including the AOE), identifying whether professions have apprenticeship pathways and if they should.
- **H.542:** One legislative report
  - Due **January 15, 2020**, by the Secretary of Human Services, on how to evaluate Success Beyond Six against competing priorities in Medicaid Funding.
- **H.533:** Two reports (and a pilot)
  - Due **January 15, 2020**: by the Department of Labor, on the design, implementation and costs of an integrated postsecondary CTE Education System.
  - Due **December 15, 2019**, by the Vermont State Colleges, on how to best deliver VTC associate degree programs at CTE centers.
    - **N.B.** this report is also due to the SBE.
    - **N.B. (2)** if they decide it is feasible, Vermont State Colleges may pilot the program at up to two centers in the Fall 2020 semester, and follow up with a report by January 15, 2021.