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Legislative Update for the State Board of Education

This update was current as of April 17, 2018.

S.257 – Miscellaneous Education Bill

This bill is currently in the House Education committee with drafts changing almost daily.

[Draft 12.1](#) starts with a section of the bill that focuses on **tuition portability for secondary education**. The language limits it to:

(1) a public school,; (2) an approved independent school, in Vermont; (3) an independent school in Vermont meeting education quality standards,; (4) a tutorial program approved by the State Board,; (5) an approved education program, or; (6) an independent school in another state or country that is approved under the laws of that state or country, nor shall payment; provided, however, that the state is contiguous to Vermont; (7) a public or independent school in the Province of Quebec approved under the laws of Canada; or (8) a school to which a student on an individualized education plan has been referred or placed by the student's individualized education plan team or local education agency.

The second section of the bill is about **school board elections to unified union school districts**.

Next, the bill establishes a **School Radon Mitigation Study Committee**. The language has been updated to have the Department of Health taking the lead on this committee, including providing administrative and legal support to the committee.

On Tuesday, the committee decided they would like to have VDH test all of the schools before having a committee decide how to fund mitigation. The committee will also be shrunk down to the Secretary of Education, the Commissioner of Health and BGS, to review how to pay for mitigation.

There may be some emergency school construction money to help with funds. Note: These funds are used frequently when things like pipes burst or furnaces fail.

A technical correction for **small school support** remains in the bill

Section 9 of the bill is about **PreK**. The language mirrors what the Senate passed, but has fewer changes to the current system. Current language eliminates the joint administration of PreK by the AOE and AHS, and designates AOE as the lead agency. The accounting functions will remain at the SU level, and the AOE will be asked to create a model contract for all SUs to use with providers.

Public providers must have a licensed teacher to provide direct instruction during the hours that are publicly funded and meet safety and quality rules adopted by the State Board of Education.

To establish safety and quality requirements for public providers, the Secretary of Education will have to consult with AHS and recommend to the State Board safety and quality requirements that align with the requirements for private providers, unless the Secretary can outline compelling reasons that are unique to the public school environment that justify applying different requirements.

The bill also requires districts to annually report expenditures to the AOE.

There is a new section 10 regarding weighted membership. PreK students should be counted as 0.46, but if the PreK program is offered in the district of residence for seven or more hours, then PreK students can be counted as 1.0. If a PreK program offers more than 10 hours, PreK students can be counted as 1.3.

Elementary students, excluding PreK, are counted as 1.0. Secondary students are counted as 1.13.

In the bill, five-year-olds will continue to be eligible for publically funded PreK if they are not eligible to be enrolled in Kindergarten, or if the child is on an IEP.

The bill also creates a Prekindergarten Advisory Committee and Report to study the funding and delivery of PreK education in Vermont. That committee will start in July 2018 and issue a report by December 15, 2018. The committee will also be asked to review whether PreK regions should be established.

The bill also includes a new section on **CTE Teacher Licensing** that says teachers employed by a regional CTE center shall not be required to obtain a license to provide instruction in that regional CTE center if the center has adopted a school-based teacher quality and performance measurement program adopted by the New England Association of Schools and Colleges (NEASC).

On Tuesday, the committee decided to open this up to all educator licensure.

Section 15 of the bill establishes an **Ethnic and Social Equity Standards Advisory Working Group**. This language was originally H.794.

The group will have 16 members including the Secretary of Education or designee. The group will meet until July 1, 2021.

The working group will review statewide curriculum standards adopted by the SBE and on or before June 30, 2020, recommend to the State Board additional standards to recognize fully the history, contribution, and perspectives of ethnic groups and social groups. Specifics are laid out in the draft language.

Section 16 of the bill is about **the State Board’s general powers and duties**. It states that the SBE must include “to the extent consistent with state and federal privacy laws and regulations, data on student performance and hazing, harassment, or bullying incidents shall be disaggregated by student groups, including ethnic and racial groups, poverty status, disability status, English language learner status, and gender.”

Section 17 of the bill is dedicated to **Expanded Learning Opportunities (ELO)**.

The language established an Expanded Learning Opportunities Review Committee, including the Secretary of Education or designee, that will recommend to the AOE grants to be awarded from the ELO Special Fund, and work with philanthropic and business communities in Vermont to raise funds for the ELO Special Fund.

The fund is already established, but it doesn’t have any money.

The committee would be staffed by Legislative Council. It would issue a report including recommendations to improve access to expanded learning opportunities for children and youths from families with low income. The committee will be extending this language to include families in rural areas with limited transportation.

Section 19 is the **effective dates for the bill**. The small school support technical correction will take effect July 1, 2019. All other sections will take effect upon passage.

This draft removed the H.793 language about the civics test.

H.897 - Special Education Funding

[Draft 8.1 of H.897](#), an act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support, is currently in Senate Education.

The House version was passed by the House unanimously.

This bill is a result of the report from the District Management Group entitled “Expanding and Strengthening Best-Practice Supports for Students who Struggle” and the report from the University of Vermont entitled, “Study of Vermont State Funding for Special Education.”

The bill proposes to support the delivery of special education services, and changes the funding model for special education from a reimbursement model to a census-based model in FY 2021. The per ADM grant goes into effect in 2021, with the same grant statewide by 2025. This will provide more flexibility in how funding can be used. The bill will also provide three additional staff and additional resources to the AOE to support its work with Supervisory Unions and schools that are transitioning to new ways of delivering services.

The extraordinary special education expenditure threshold was increased from \$50,000 to \$60,000 beginning in fiscal year 2020. Starting in FY 2020 Supervisory Unions/Districts will

received reimbursement for 95% of the costs over \$60,000 plus the lesser of its excess expenditures or 60% times \$60,000 minus the educational support grant.

All supervisory unions will move to the census based funding model in FY 2021. The first year, each supervisory union will receive an educational support grant calculated by taking the average actual special education spending in FY 2017, FY 2018, and FY 2019 divided by the average ADM in FY 2017, FY 2018 and FY 2019. Over the following years, each supervisory union will transition to a uniform educational support grant in FY 2025.

As the law is currently written, the Agency of Education shall establish the uniform base amount for the educational support grant. The bill now includes the calculations to determine the rate. The bill no longer requires the state board to adopt the formula.

The bill also creates a census-based funding advisory group of 17 members, including three representatives from the AOE and the Secretary of Education. The group will submit a written report with its findings and recommendations to the General Assembly as well as provide feedback to the state board in the rulemaking process.

The bill also tasks the AOE to contract for an education weighting report and to consult with AHS, the Vermont Superintendents Association, Vermont School Boards Association and the VT-NEA. The bill as passed by the House included a weight for poverty in the special education formula. The senate version remove the special education poverty weight and charges the weighting study to present finding on the need for a poverty weight in the census grant.

Major changes to the bill since its initial introduction, include the House Appropriations Committee addition of a statement that recognizes the savings this bill will create. The committee also extended the deadline for the AOE to complete the weighting study from February 15, 2019 to March 15, 2019. The current senate version does not include this language.

The draft language includes tiered systems of support shall provide students with “positive behavioral practices that promote social and emotional learning, including trauma-sensitive programming, that are both school-wide and focused on specific students or groups of students,” and “provide professional development, as needed, to support all staff in full implementation of the multi-tiered system of support.”

The Secretary will be required to develop and provide supervisory unions information to share with parents of children suspected of having a disability that describes the differences between the tiered system of academic and behavioral supports required in state and federal law.

Tiered system of supports cannot be used to deny a timely initial comprehensive special education evaluation for children suspected of having a disability.

The Senate Education committee tacked on the **language from S.229** to this bill as well.

The Senate Education committee will vote on this bill on Wednesday afternoon.