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## MEMORANDUM

TO: Vermont State Board of Education  
FROM: Robert Stirewalt, Director of Policy, Regulations and Legislative Affairs  
SUBJECT: Legislative Update  
DATE: February 26, 2017

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### Overview

The Agency of Education has addressed how students are counted for tax purposes, how fingerprint background checks are conducted for educators and childcare providers, education finance, career and technical education (CTE), the Every Students Succeeds Act (ESSA), and Education Quality Standards upon request by Legislative Committees in the House and Senate.

The Agency has aligned testimony with Gov. Phil Scott's three priorities affordability, growing the economy, protecting our vulnerable populations.

### Miscellaneous Education Bill:

The Agency of Education (AOE) worked with the Department of Children and Families (DCF) to address statutory requirements associated with mandatory fingerprint background checks for anyone who has contact with students in a public school, an approved independent school, or a prekindergarten program. AOE and DCF combed through the statutory language and proposed a three-pronged approach. AOE is responsible for the background checks of teachers, superintendents and headmasters are responsible for non-teachers such as paraprofessionals and contractors, and DCF is responsible for all private providers. The intent is to standardize criminal record checks across all school settings and eliminate overlapping requirements.

The Agency also worked with DCF on federal Every Student Succeed Act (ESSA) requirements associated with state-placed students. AOE also addressed ESSA requirements to determine if Vermont public schools are providing services equitably across all schools on an annual basis, rather than every two years as required by No Child Left Behind.

### Act 46 Adjustments:

Both House and Senate Education heard testimony proposing amendments to Act 46 to facilitate the approval of alternative governance structures and extend time frames. The primary driver of the proposals are to provide more flexibility for those communities who do not easily fit into a merger structure. The State Board of Education will reach a final determination based on criteria such as equity and affordability by 2019. Many communities testified they have worked hard in study committees and requested the current system allow for more flexibility, deliberation and consideration.

### **State Board of Education Rule-Making**

Senate Education heard testimony from a number of independent schools about the State Board of Education proposed rule regarding standards for institutions that benefit from public funds. Independent schools testified that while the authority of the State Board of Education to make rules was affirmed by the Vermont Attorney General's Office, the ability of the schools to operate independently would be jeopardized.

### **Pre-Kindergarten Education**

House Education has heard extensive pre-kindergarten testimony. Discussion has focused on the possible expansion beyond Act 166 of high-quality care 10 hours a week for 35 weeks. One concern is if the vouchers are being utilized equitably, and if the law is reaching those most in need. Another concern is that children are being disrupted too many times during their day transitioning from the home to a school setting and then to a second setting and then back home again, with many families in Vermont having two working parents. Most providers affirmed, in their opinion, that reaching children as early as possible, and being responsive to their needs, helps them to thrive as they advance into the public school system.

### **Career and Technical Education**

AOE has testified about workforce development, career and technical education, and the value of flexible pathways. House Education is exploring ways to expand career and technical education in order to bridge the gap between the high graduation rates in Vermont, and the relatively low rates of college graduation. This is a priority for Governor Scott and the Administration. Vermont's ability to bolster and support Vermont students after they graduate from high school was also a concern for Sue Minter, a former legislator and candidate for Governor, who testified recently in Senate Education about the importance of expanding career pathways. She discussed the value of a collaborative approach where business leaders in need of qualified workers, mentors, and postsecondary institutions come together with a common purpose.

### **Special Education**

The focus of special education testimony has been threefold: 1. If Vermont is spending too much as reported in the PICUS report. 2. The disparity in terms of special education identification geographically. 3. What can be done in relation to escalations in behavioral issues and how the state can provide better services to those teachers, students and their families. Both the House and Senate Education Committees want more data on this topic so they can make informed decisions on how to proceed.