

# Education Legislative Report

April 30, 2015 – Issue #9

## ***Senate Finance Committee Begins Work on H. 361***

On April 22<sup>nd</sup> the Senate Education Committee unanimously approved their [strike-all bill](#) to H.361, an act relating to making amendments to education funding, education spending and education governance. The Committee voted on the bill after approximately 50 people spoke at a public hearing in Room 11. Much of the testimony at the hearing was general in nature with sentiment toward the bill fairly evenly split between those in support and those opposed.

The bill has been altered somewhat since our previous [legislative report](#), although the changes are not substantive in nature. An [information sheet](#) was prepared by the committee for the evening of the hearing, which highlights the committee's interpretation of what the bill is designed to do and not do.

This week the Senate Finance Committee has been going through the bill as passed by the Education Committee, with a focus on the incentives, small schools grants, and ADM hold-harmless provisions of the bill. The committee is also expected to include one or more provisions designed to contain costs in the short-term, since any savings achieved through governance changes will not materialize for several years. To date, Finance Committee discussions have focused on staff-student ratios, the excess spending penalty and a revised version of the spending cap. The committee is expected to continue deliberations on these issues through the end of this week.

## ***Paid Sick Leave Bill Passes House; President Obama Encourages Senate Passage***

April 23, after extended debate and a close vote of 72 to 63, the House passed the paid sick days bill, [H.187](#). The bill would require employers to provide at least three days of paid leave for employees who have worked at least 1,400 hours. Two years after passage, the days of leave per 1,400 hours will increase to five. Temporary or seasonal employees are exempt, and an employee must work for one year or 1,400 hours before using sick days.

Employees would be allowed to use earned sick time when they are ill or injured, to obtain medical care, to care for a sick family member, or to obtain legal or social services for themselves or a family member. Unused hours from the previous year roll over to the next year, and employees can be paid for their unused hours on termination of employment, subject to agreement by the employer. The bill applies to employees of school districts and supervisory unions, but not to temporary employees or substitutes who do not work more than 30 consecutive days on the same assignment. The bill also allows for collective bargaining agreements to include provisions that differ from the proposed requirements, so long as those agreements bestow equal or more generous sick leave benefits to employees.

Now the measure sits in the Senate Rules Committee, which has the discretion whether to allow it to be introduced in that chamber. Senate President *Pro Tempore* John Campbell has stated he believes that there is not enough time remaining in the legislative session for Senate consideration of the bill. He has held firm in that belief despite getting a high profile phone call from White House Director of Intergovernmental Affairs Jerry Abramson, urging Campbell to bring the bill forward. President Obama urged state legislatures to take action to pass paid sick leave measure in his State of The Union Address in January. The bill will be a live issue for potential action in the 2016 session, even if it remains in Senate Rules for the duration of this session.

### ***Child Protection Bill Passes to Third Reading in the House***

After weeks of work S.9 finally made it to the House floor on April 30. Among its many child protection reforms, the revised bill updates 33 V.S.A § 4913, the mandated reporter statute, to make the reporting requirements more clear. First, the bill removes language that would allow a mandated reporter to "cause a report to be made" and instead requires each reporter to make a report personally.

Second, the bill changes the reporting threshold in § 4913 from any reporter who "has reasonable cause to believe that any child has been abused or neglected" to any reporter who "reasonably suspects abuse or neglect of a child." The bill also reformats the statute to make it easier to read. Finally, the House Judiciary Committee decided to remove the sections of the bill dealing with criminal penalties for non-reporting and child cruelty, in order to more carefully consider those issues in preparation for conference committee with the Senate.

### ***Senate Eliminates the Philosophical Exemption for Vaccinations***

On Wednesday, April 22<sup>nd</sup>, the Senate approved an [amendment](#) to H.98 that would eliminate the philosophical exemption to the requirement (per 18 V.S.A. 1121) for children to be vaccinated in order to attend schools and child care facilities in Vermont. After eliminating the philosophical exemption, the sole exemptions to the vaccination requirement are for health-related reasons and religious beliefs.

The Senate amendment is similar to language the Senate passed several years ago, but which was ultimately rejected by the House. H.98 as amended has been sent back to the House for further action; the House Health Care Committee is expected to take up the amendment early next week. This issue has arisen late in the session. Our Associations are gathering information about possible implementation challenges for schools and will be prepared to work with the committee to ensure they are adequately addressed if the bill moves forward.

### ***Miscellaneous Education Bill Headed to Senate Floor Next Week***

The Senate this week has been working on the education law clean up bill sent over from the House. The bill makes no policy changes in the law, but corrects provisions to align them with current practice. The following is taken from a section-by-section summary of the bill prepared by legislative counsel.

**Sec. 1.** Adds “prekindergarten” to the definition of “elementary education” for federal grant purposes. Specifically, this will allow school districts to include the average daily membership of prekindergarten children for the purposes of receiving additional federal E-rate technology funds.

**Secs. 2–3.** [Deleted from House version, would have repealed inactive divided budget vote language in statute. Senate Education members wished to avoid the potential for floor action in the Senate resulting in reviving the divided vote.]

**Sec. 4.** Repeals a lingering inaccurate reference to the inability to designate a public school. The General Assembly explicitly authorized public school designation in 2009 in amendments to 16 V.S.A. § 827.

**Sec. 5.** Repeals 16 V.S.A. § 1421 regarding equipment for testing sight and hearing. The language is outdated and the concept is inherent in more expansive language of § 1422.

**Sec. 6.** 16 V.S.A. § 2902 currently requires all public schools to “develop and maintain an educational support system for students who require additional assistance in order to succeed or be challenged in the general education environment.” At the time the law was originally enacted, the statute referenced aspects of what would be included in an educational support system because those aspects were not addressed anywhere else. Since that time, the State Board of Education and the Agency have adopted detailed rules and policies that reflect best practices.

Section 6 makes numerous amendments to § 2902 to update the language and the required actions to reflect current best practice and the newly adopted rules for Education Quality Standards. For example, instead of an “educational support system for students who require additional assistance,” the bill would require “a tiered system of academic and behavioral supports” for the students.” Section 6 also substitutes the term “tiered system of support” for “educational support system,” which aligns with the language in the recently adopted Education Quality Standards and reflects current understanding of support systems. In addition, this section removes many of the references to what should be included in a support system because the details are now provided in detail in other places. The requirement that every school have an educational support team remains intact.

**Sec. 7.** Repeals subsection (d) in 16 V.S.A. § 4015. The first sentence refers to a process used prior to enactment of Act 68 and the current process is addressed elsewhere in law. The second sentence refers to a repealed portion of a statute.

**Sec. 8.** Repeals a reference in 16 V.S.A. § 4025(a)(4) to 32V.S.A. § 5402a. Section 5402a was repealed in 2012.

**Sec. 9.** [Deleted before passage by the House.]

**Secs. 10–11.** [Deleted from House version to reflect RED incentives in H.361. Current law provides RED incentives to REDs and the three RED variations if they are fully operational by July 1, 2107. The current section authorizing the incentives is mistakenly repealed on that same date. Sec. 10 extends RED incentives to districts that receive final approval of the electorate in

all “necessary districts” by November 30, 2017. Sec. 11 replaces the repeal date with a reference to the dates determining eligibility.]

The Committee is anticipated to vote on H.440 by the end of this week, with the full bill headed to the Senate floor next week.

### ***Children’s Savings Accounts Bill Still Under Consideration***

House Education has continued its work on [H.448](#), which would create a Universal Children's Savings Account to be used by Vermont-born children toward college costs. The money, \$250 for each child born a resident of Vermont after July 1, 2015, will come from the Vermont Student Assistance Corporation and private donations. An additional \$500 and a yearly match of up to \$250 will be available to children in families with income less than 250% of the federal poverty level. The bill is expected to go to the House floor in the coming week.