

Education Legislative Report

July 10, 2017 – Issue # 14

Annually, our Associations provide a Legislative Wrap-Up Issue to inform you about the bills that passed into law, and the bills that were passed in one chamber, with the expectation that they will be further considered in the second year of the biennium.

Introduction

The 2017 legislative session came to an abrupt halt on May 19th shortly after midnight, when Governor Scott and legislative leadership did not reach agreement on school employees' health insurance. Prior to recessing in anticipation of a veto session, the General Assembly passed a set of Act 46 amendments, a miscellaneous education bill, a bill guaranteeing First Amendment protections for student journalists, a bill legalizing possession and use of marijuana for recreational purposes, and a new statewide racial justice oversight panel.

The following education-related bills passed in 2017:

Act 85	Budget Bill (includes tax rates, yields and VEHI transition provisions)
Act 49	Omnibus Education Bill (includes Act 46 amendments)
Act 80	Workers Compensation Expansion
Act 63	Farm-to-School
Act 43	Study of Trauma-Informed Systems
Act 79	State Ethics Commission and Standard of Governmental Conduct
Act 54	Racial Justice Oversight Panel
Act 2	Technical Correction Related to Average Daily Membership

Veto Session Produces Tax Rates, Yields and State Budget

The 2017 legislative session began with a call from Governor Scott to reduce K-12 expenditures by close to \$50 million in order to resolve General Fund budget gaps and direct new funds to higher education and child care. The governor's budget included sweeping changes that would have moved General Fund expenditures such as teachers' retirement liabilities and retired teachers' healthcare to the Education Fund. The governor also asked the General Assembly to mandate a minimum 20% employee contribution towards health insurance premiums.

By mid-February, the Senate Education Committee and the House of Representatives voted against requiring school districts to delay their annual meetings so that school boards could have time to level fund FY 2018 budgets. The governor continued to publicly state that he believed savings could be found in the transition to new VEHI plans.

At the end of March, the House passed a state budget that did not increase taxes or fees and closed a \$35 million General Fund budget gap without moving new obligations to the Education Fund. The Senate's budget sought to fund more initiatives, including increasing the state's support for child care subsidies and the Vermont State Colleges. To pay for these programs, the Senate budget moved the \$7.9 million normal cost of state teachers' retirement into the Education Fund. Despite pushback, the Senate unanimously passed its version of the budget, along with a yield that would have increased property taxes to pay for the retirement shift.

The Senate's budget vote coincided with the governor announcing a plan to save \$26 million in health care costs by requiring a single, statewide negotiation of health insurance plans for all school employees. House and senate leaders were strongly opposed to the governor's proposal because it impacted collective bargaining for school employees.

As the session ran out, house and senate leaders were unable to reach a compromise with the governor on negotiating school employees' health insurance. Instead, the legislature recessed after passing yield and budget bills that the governor vetoed.

During a one-day veto session on June 21, the House and Senate approved an [amendment to the budget bill](#) that addresses school employee health insurance and sets the FY 2018 yields and nonresidential tax rates. This compromise between the House, Senate and Scott Administration was reached after two weeks of closed door negotiations.

The amendment states that all supervisory unions (SUs) and school districts (SDs) should be able to achieve savings to their budgets through the transition to new health plans and establishes a mechanism to return those savings to property taxpayers.

The mechanism for returning savings to taxpayers is as follows. By August 15, 2017, the Agency of Education, in consultation with the Department of Taxes and VEHI, will calculate the amount by which each SU/SD's education payments will be reduced in FY18 and FY19.

The reduction is based on the difference between a SU/SD's total FY17 health care spending and the SU/SD's "projected health care spending" in FY 18. FY18 "projected health care spending" is based on 105% of the value of a "target plan."

The "target plan" applies to all categories of school employees (teachers, support staff, and administrators), and includes several elements, clearly defined in the law as:

- **Premium Contribution** - An employer contribution of 80 percent of the premium for the VEHI Gold CDHP, with school employees responsible for the balance of the premium for the VEHI plan they select.
- **Out-of-Pocket Costs** - The target plan includes employer contributions toward school employees' out-of-pocket expenses in the amounts of \$2,100.00 per individual plan, \$4,200.00 per two-person or parent-child plan, and \$3,800.00 per family plan in a health reimbursement arrangement (HRA) or health savings account (HSA). If using an HRA, school employees pay the full first dollar of their out-of-pocket expenses before the employer's contribution kicks in.
- **HRA vs HSA** – The target plan assumes 75% of employees will enroll in an HRA and 25% will enroll in an HSA.

The bill directs the State to reduce the final FY18 education payment to each SU/SD by 65% of the SU/SD's difference between FY17 health spending and the cost of the "target plan" based on the SU/SD's plan tier distribution for all covered school employees as of April 1, 2017. FY19 education payments to each SU/SD will be reduced by the remaining 35%. All SU/SD's will be subject to these payment reductions, regardless of whether they have concluded negotiations.

The bill also limits the duration of the health care provisions of a collective bargaining agreement by stating that those provisions must expire between July 1, 2019 and September 1, 2019. This limitation excludes collective bargaining agreements executed or tentatively settled prior to June 21, 2017.

For contract negotiations at impasse, if employee health care benefits are an unresolved issue, then within 30 days either party can ask to reopen negotiations. Negotiations must resume within 10 days of the request. The amendment specifies that it shall not be an unfair labor practice if either party withdraws and revises a new offer in light of the provisions of the bill. If

the parties are still unable to reach agreement on specific issues, they can return to the impasse resolution process.

Finally, the bill establishes a 9-member commission to determine whether and how to establish a single statewide health benefit plan for all school employees and related issues, including whether to establish standards for factfinders as well as to review the “composition and structure of the VEHI Board”. The members of the commission are: the Commissioner of Financial Regulation, the Commissioner of Taxes, the NEA, the VSBA, the VSA, one representative of another labor organization that represents school employees, a non-legislator appointed by the Speaker of the House, a non-legislator appointed by the President of the Senate, and one member appointed by the Governor, who will chair the commission. The commission’s report is due to the General Assembly by November 15.

The bill also sets the property dollar equivalent yield at \$10,160 and the income dollar equivalent yield at \$11,990, and sets the nonresidential property tax rate at \$1.535. These rates continue to rely on \$35 million in one-time surplus and reserve funds, in addition to \$8.5 million in “recaptured” health care savings. You can read the Education Fund balance sheet that clearly illustrates the use of one-time funds [here](#).

Our Associations believe that the use of \$35 million in one-time funds is poor fiscal policy that places taxpayers in a very difficult position for FY 2019. Unless school districts are able to reduce FY 2019 expenditures by \$35 million, property tax payers could face a substantial rate increase next year.

This compromise will affect school districts across the state differently. Districts that have already settled contracts will have the most difficulty realizing savings attributable to the “target plan,” because none of the settlements we have seen achieves the target. Districts that budgeted health care savings will also be disadvantaged by this deal, because their reduction will come on top of savings that were already accounted for in their budgets.

Act 49 - Amendments to Act 46

[Act 49](#) is the enacted legislation arising from H.513 and as S.122. It was signed into law on May 23. In previous Reports, linked [here](#), we have discussed the provisions of Act 49 in detail. The following is a summary of its Act 46-related provisions.

Section 1 of Act 49 includes findings and states that the bill is intended to make useful changes to the merger timelines and allowable governance structures under Act 46. It goes on to state explicitly that “nothing in the bill makes it acceptable for a district to fail to take reasonable and robust action to meet the goals of Act 46.”

Expanded Flexibility for “Side-by-Side” Structures

In Section 2, Act 49 removes the requirement that at least one “side” in a “side-by-side” structure operate PK-12. It extends the deadline for districts approving a “side-by-side” to November 30, 2017.

Section 3 enables the formation of a “three-by-one side-by-side.” It allows an existing, unmerged, district to form a supervisory union with at least three merging districts on the other “side.”

- Both sides of the “three-by-one side-by-side” would be exempt from the final statewide plan.
- The merged side would be eligible for Act 46 incentives, but the existing district would not.
- To qualify as an existing district, a district must be either geographically or structurally isolated. A district may qualify as structurally isolated even if it is next to a district with the same operating structure as the existing district if that district has otherwise merged or reached final agreement to merge.

Section 3 includes the procedure for forming a “three-by-one.” All districts must jointly submit a proposal to the State Board demonstrating the following: that the “three-by-one” structure is more suitable for those districts than a preferred structure and that it will meet the goals of Act 46; that each existing district qualifies as either geographically or structurally isolated; and, that each existing district will continue to improve its performance on each of the Act 46 goals.

Additionally, the merged districts must receive final voter approval of their merger by November 30, 2017. The existing district must obtain final voter approval to be an existing district in the “three-by-one” by November 30, 2017. Finally, the structure must become operational on or before July 1, 2019 with the same date of operation for both “sides.”

Section 4 enables the formation of a “two-by-two-by-one side-by-side.” It allows one existing district to join a supervisory union with two merging “sides” each created by at least two unifying districts. The “two-by-two-by-one side-by-side” would be exempt from the final statewide plan and the merged sides would be eligible for incentives. As above, to qualify, the existing district must be either geographically or structurally isolated. A district may qualify as structurally isolated even if it is next to a district with the same operating structure as the existing district if that district has otherwise merged or reached final agreement to merge.

A “two-by-two-by-one side-by-side” must follow the same formation process as described in Section 3. All “sides” must obtain final voter approval by November 30, 2017 and become operational on the same date, on or before July 1, 2019.

Section 5 is written narrowly in order to allow the Vernon school district to withdraw from its union high school district without the approval of all remaining member districts. Vernon is the only school district in the state that is a member of a union high school and pays tuition for grades 7-12. Section 6 repeals the provision on the date that Vernon’s withdrawal becomes effective.

More Detailed Guidance for Alternative Structure Proposals

Section 7 amends current alternative structure guidelines. It adds new details the State Board of Education must consider in reviewing proposed alternative structures.

Under Act 46, the State Board may approve a supervisory union comprised of multiple member districts, if it is able to meet the goals of the Act. Under current law there are four factors that the State Board will consider in determining whether the goals could be met within a proposed alternative structure. Act 49 adds more detail to several existing factors.

First, an alternative structure may demonstrate that member districts consider themselves to be collectively responsible for the education of all prekindergarten through grade 12 students residing in the supervisory union (existing law.) Second, the supervisory union must operate in an efficient manner. Act 49 clarifies that the supervisory union does so by meeting its obligations under 16 V.S.A. 261a (centralization of functions such as special education, transportation, curriculum, etc), to maximize efficiencies with the goal of increasing the ratio of students to full-time equivalent staff, through means that may include a common personnel system.

Third, a consideration is added to the requirement that the supervisory union include as few member districts as is practicable. Act 49 allows the State Board to consider greatly differing levels of indebtedness between member districts as justification for them to remain separate districts within the supervisory union. Finally, the act lowers the average daily membership guideline for an alternative structure from 1,100 to 900.

Section 8 also modifies the State Board's process for approving alternative structure proposals. The State Board is granted the discretion to hear and consider alternative structure proposals at any time after October 1, 2017 and before November 30, 2018. Districts submitting proposals for alternative structures will have an opportunity to consult with AOE and/or the State Board and amend the proposal accordingly, before the State Board makes a final decision on the proposal. Section 8 also sets out a process that allows districts merged pursuant to the final statewide plan to develop their own Articles of Agreement to govern the newly formed district. Act 49 states that the State Board will include default articles in its publication of the final plan. Districts merging under the plan will be allowed to form committees, using the same process as 16 VSA 706, in order to amend the default articles. The committee will have 90 days, during which it must hold at least one public hearing, to complete its work. If the committee cannot come to agreement, or if the articles are not adopted, then the State Board's default articles will govern the district until the district amends them or adopts new articles. The VSBA, VSA and AOE are directed to work together to recommend legislation clarifying which articles must be amended by the electorate, and which may be amended by a vote of the unified union board. Current law was written to govern union high school district articles, leaving some ambiguity in application to unified union school districts. The education committees will seek to address these ambiguities in the 2018 legislative session.

Other Changes to Act 46

Section 8 provides a \$10,000 transition facilitation grant for districts that are not subject to the statewide plan, but whose voters approve a merger with an additional district(s) in their region at the request of the State Board pursuant to the final statewide plan, or at the district's own initiative. If the merger is initiated by the district rather than the State Board, the merger must become operational before November 30, 2018. The grant is available for each district that merges, so a unified union school district accepting three additional districts would receive a total of \$30,000.

Section 8 also exempts all supervisory districts with average daily membership of at least 900 from the final statewide plan.

Section 9 requires the State Board to publish a list of districts that would be considered “geographically isolated” on or before September 30, 2017. This list is necessary because Act 46 dictates that after July 1, 2019, small schools grants will either be converted into merger support grants for districts that will have merged by that time, or awarded only to qualifying school districts. Qualifying districts must either be geographically isolated or demonstrate that they meet the state board’s standards for academic excellence and operational efficiency in order to receive a small school grant after July 1, 2019.

Sections 10 and 11 are timeline extensions. Section 10 sets the due date for alternative structure proposals as either January 31, 2018 or the date that is six months after the effective date of the State Board’s rules on alternative structures, whichever is earlier. Section 11 is a blanket extension for districts seeking to merge and qualify for incentives under Acts 153 and 156. The deadline is moved from July 1, 2017 to November 30, 2017.

Section 12 clarifies that districts that form a preferred structure prior to July 1, 2019 will receive a \$150,000 transition facilitation grant. Section 13 allows study committees to expend up to thirty percent of their study committee grant funds toward community outreach prior to a unification vote. Section 14 requires the State Board to respond to a request for readjustment of supervisory union boundaries within 75 days of receipt.

Sections 15 – 18 are technical corrections. Section 19 clarifies that a unified union school district will be eligible for preferred structure incentives even if it is assigned to a supervisory union by the State Board pursuant to the final statewide plan.

Section 20, which was taken from H.15 and S.15, states that the State Board may adopt rules to assist districts in submitting alternative structure proposals, but it may not adopt more stringent requirements than provided for in Act 46.

Section 21 is an exemption for the Lemington school district from a provision of Acts 153/156/46 that would hold the district at very high property tax rates for five years if it joined the NEK Choice School District. Lemington pays tuition for all resident students and has

experienced volatility in its tax rates for many years. Lemington's current tax rate is more than 200% higher than the newly merged district's rate. This change will allow Lemington's tax rate to be the average tax rate of other towns within the merged district, provided that it re-votes to join NEK Choice School District.

Section 22 applies to MUUSDs. It states that a non-member district of a unified union district may not receive tax incentives related to the grades for which it is a member of the MUUSD.

Section 23 addresses the election of unified union school board members. Under current law, vacancies in certain seats on unified union boards must be filled by the selectboard in the corresponding town. This provision would allow the unified union school board to appoint a qualified person to the vacancy, after consultation with the selectboard. This change was made in response to a VSBA membership resolution passed at the 2016 annual meeting.

Act 49 - Freedom of Student Expression Provisions

Also, contained within Act 49 (sections 46 and 47), are provisions originally introduced as S.18, a bill relating to student expression in school-sponsored media. School-sponsored media is any material prepared, written, published, or broadcast as part of a school-supported program or activity by a student that is distributed or generally made available as part of a school-supported program or activity beyond the classroom in which the material is produced.

The bill prohibits schools from restricting content in school-sponsored media, except in cases of material that is libelous or slanderous, invades another individual's privacy, may be defined as harassment, hazing, or bullying, violates law, or creates an imminent danger of inciting students to violate law, school rules or substantially disrupt the school's operation.

The bill also directs districts to adopt a written policy consistent with its provisions. The VSBA will work with VSBIT to make a model policy available to districts this summer.

Act 49 - Miscellaneous Provisions

Act 49 contains several miscellaneous changes to education law that school leaders should be aware of. They are listed by section below.

- Section 24 requires that a school board give notice of renewal or non-renewal to a principal by February 1 in the year that the contract expires.

- Section 34 exempts superintendents from the requirement to conduct fingerprint-supported background checks for individuals operating or employed by child care facilities. Superintendents are allowed, but not required, to conduct an additional check as a condition of hiring an employee to work in a PreK program that is operated by the school.
- Section 34 also addresses background checks for Act 77 partners outside the school setting. Background check requirements will not apply to partners in Act 77 student placements or programs, but superintendents will not be prohibited from requiring a fingerprint-supported record check pursuant to a district policy for these partners.
- Section 35 requires the AOE, AHS, VSA, VSBA, and VT-NEA to consider and make recommendations on the criteria used for determining weighted long-term membership of a school district. The study must consider whether to add a new factor for school district population density, or to adjust the weights for poverty or English language learners. A report detailing the group’s recommendations is due to the legislature on or before December 15, 2017.
- Sections 40 - 41 require that one member of the Vermont Standards Board for Professional Educators must be a superintendent. There is a transition provision that requires the next open administrator seat on the board to be filled by a superintendent.
- Section 42 creates a legislative study committee to make recommendations for State Board rules governing independent school admissions processes, how special education will be provided in these schools, and what types of financial and other reports should be provided to the Agency of Education. The State Board must suspend further development of its current amendments to the independent school rules, and wait for the study committee’s report, which will issue on or before December 1, 2017.
- Section 44 excludes PreK students from the definition of “enrollment” used to determine small schools grant eligibility.

Act 80 Expands Workers’ Compensation to Cover Mental Health Conditions

[Act 80](#) (S.56) is an act relating to insurance and securities. It was signed by the governor on June 15. The education-related provisions were introduced as [H.197](#) at the beginning of the session. This bill was originally intended to expand workers’ compensation coverage to first responders, such as police and firefighters, who suffer mental health injuries on the job.

In its final form, the bill expands this mental health coverage to all employees in Vermont, with coverage for any mental health condition arising out of a work-related event or work-related stress. Work-related stress may be considered a personal injury for workers' compensation purposes if it is "extraordinary and unusual in comparison to pressures and tensions experienced by the average employee across all occupations."

Currently, the standard for work-related stress injuries requires a claimant to have experienced stress of a greater degree than other "similarly situated" employees. Act 80 lowers the standard by comparing a worker's stress to that experienced by an average employee across all occupations. These provisions could result in increased litigation and costs for Vermont schools. The bill directs the Secretary of Administration to study the impacts of these changes. Our Associations will encourage the Administration to include within that study an examination of any costs to school districts and their workers' compensation rates associated with the new standard. VSBIT will monitor this issue as well.

Farm-to-School Bill Includes Relaxed Bidding Requirement

[Act 63](#) (S.33) expands the Rozo McLaughlin Farm-to-School Program, which provides grants to school districts for farm-to-school endeavors. The act amends portions of the law that pertain only to the Agency of Agriculture, which administers the Farm-to-School program.

In its findings, Act 63 sets goals for the statewide farm-to-school initiative. The program will seek to engage 75% of Vermont schools in the program by 2025. Another new program goal is to see 50% of food served in schools is obtained through local or regional sources.

The act also amends the bidding requirements made from a district or school's nonprofit food services account. Under the bill's provisions, school districts would only be required to bid when these costs exceed \$25,000 rather than \$15,000, as is the case for other categories of purchases.

Working Group to Study Initiatives to Address Adverse Childhood Experiences

At the end of the legislative session, a bill that we reported on as S.90 was combined with a related bill, H.508 and passed. The governor signed the bill into law as [Act 43](#) on May 22. The legislation establishes a set of principles regarding Vermont's response to trauma and toxic stress occurring during childhood and creates a working group consisting of six legislators to study these issues. The working group is tasked with determining whether there are any

statewide or regional gaps in services that address early childhood trauma, considering a legislative proposal based upon the strengths and weaknesses of existing services, and determining the fiscal impact and staffing needs related to any changes to state services including those that affect public schools.

The act also calls for the Agency of Human Services and the Agency of Education to report to the working group on current services for prevention and treatment of childhood trauma, along with a summary of how the two agencies currently coordinate their work around childhood trauma prevention, screening and treatment.

The working group is to meet six times in the fall to gather information and formulate proposed legislation.

Act 79 Creates Ethics Commission and Includes Study of Municipal Ethics

[Act 79](#) (S.8) signed on June 14, creates a State Ethics Commission charged with creating and maintaining a State Code of Ethics that sets forth general principles of governmental ethical conduct. The State Ethics Commission will be responsible for receiving complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

Act 79 also prohibits the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, Attorney General, or, an agency secretary or deputy or a department commissioner or deputy from advocating for any private entity before any public body or the General Assembly regarding any particular matter in which the State is a party or has a direct and substantial interest and the individual had participated personally and substantively while in State employ. Act 79 also requires additional disclosures from individuals running for statewide office, senate, or state representative including financial information about the individual and his or her spouse.

The act also mandates that each town, city, and incorporated village adopt conflict of interest policies to govern elected and appointed officials. It also recommends that each town, city, and incorporated village adopt ethical conduct policies for its employees.

Finally, the bill directs the Secretary of State to receive complaints regarding municipal governmental ethical conduct. The Secretary of State is to report the complaints to the municipalities about which they are filed and annually, between now and December 15, 2020, to the executive director of the State Ethics Commission.

Act 54 Establishes Racial Justice Oversight Board

[Act 54](#) (H.308) was signed by the governor on May 31. It creates a racial justice advisory panel that will provide recommendations to address systemic racial disparities in the state criminal and juvenile criminal justice systems. The bill also empowers the Attorney General, together with the Human Rights Commission and interested stakeholders, to develop a strategy to address racial disparities within the systems of education, labor and employment, housing and health care and economic development. The Attorney General must deliver a report on proposed strategies to the Justice Oversight Committee on or before November 1, 2017.

The bill also directs the pre-existing Criminal Justice Training Council to review, modify and implement the fair and impartial policing policy statewide.

Act 2 Addressed PreK Student Count Early in the Session

Last fall, many private providers of prekindergarten did not complete their employees' required fingerprint-supported background checks in time for the start of the school year. As a result, the PreK students in these programs could not be included in the average daily membership count that the Agency of Education conducts each October. The artificially low count would have caused many districts to have higher per pupil expenditures, causing their tax rates to be artificially high for FY 2018.

The General Assembly approved a fix to this situation in January. [Act 2](#) allowed the Agency of Education to conduct a second count in February, capturing PreK students whose providers are now compliant with the background check requirements.

Education-Related Bills That Did Not Pass in 2017

Act 166 Implementation Adjustments – H.517

In March, the House Education Committee voted to approve [H.517](#), a bill to address implementation challenges associated with Act 166. H.517 would separate the provision of PreK

education to three and four year olds in public schools and the delivery of child development programs for three and four year olds in private settings.

Under the bill's provisions, parents retain the ability to access the state-provided benefit for 3 and 4 year olds in either a public school program or through a private provider. However,

school districts, and the Education Fund, would only be obligated to cover the costs associated with programs administered by the school district.

Parents who select private programs would be eligible, based on income, for a child care development subsidy to cover all or part of the cost of enrolling a qualified student in a high quality program. These programs, as well as the administration of the subsidy, would be regulated by the Child Development Division of the Agency of Human Services.

Families opting to enroll a student in a public school PreK program could continue to do so at no cost. Public schools operating a PreK program would count enrolled resident students in the district's average daily membership and fund the program through the district budget. Public schools could enroll nonresident PreK students on a space-available basis, by using a lottery system. The Agency of Education would have oversight of all public school PreK programs.

The bill as passed by the House Education Committee would also redirect the state lottery proceeds from the Education Fund to the General Fund in order to pay for the childcare subsidies. For FY 2018, the lottery proceeds total \$24 million. Our associations strongly oppose this move. Current costs of PreK in private providers total approximately \$13 million. This provision would divert another \$11 million from the Education Fund into the child care system, which would put greater pressure on property taxes.

Following the unanimous vote in the Education Committee, the bill was referred to the Human Services Committee on March 29. After its referral, the bill did not receive further testimony during the 2017 legislative session.

Gender Neutral Restrooms – H.333

[H.333](#) was approved by the House on April 25 and referred to the Senate Rules Committee. This bill would require all places of public accommodation, including schools, to make any existing “single user toilet facility” on the premises available as gender neutral restroom or to individuals of any gender. “Single user toilet facility” is defined as one with “no more than one water closet and one urinal with a locking mechanism controlled by the user.”

The bill would not require the construction of new single user or gender neutral restrooms and would not require new signs. Schools and other places of public accommodation may, but are not required, to post a gender neutral restroom sign with these facilities. Schools would be obligated to remove existing signs that conflict with the bill's provisions.

Marijuana Legalization – S.22

As passed by the General Assembly, [S.22](#) would legalize up to an ounce of marijuana or the possession of a small number of plants in a private home, effective June 2018. It also includes a commission that would be authorized to study a method of taxation and regulation of recreational marijuana in the future. Governor Scott vetoed S.22 on May 22, citing concerns about drugged driving and adults consuming marijuana in the presence of children. In the weeks leading up to the June 21 veto session, the Governor's office and legislative leaders developed compromise language that addressed some of the Governor's concerns. However, House Republicans did not vote to suspend rules for the consideration of the marijuana bill during the veto session, which prevented consideration of the compromise language this session.

In 2016, when the Vermont General Assembly began serious consideration of legalized marijuana, the [VSA](#), [VPA](#), [VSBA](#) and VCSEA adopted resolutions or position statements on the issue. The statements are very similar and call on the General Assembly to carefully consider a set of issues relating to education and child welfare under a marijuana regulation framework.

The compromise bill, expected to be acted upon in the 2018 session, will likely include the following elements: clearer and more severe penalties for the sale and dispensing of marijuana to minors and on school grounds; more aggressive penalties for driving under the influence of marijuana and using marijuana in the presence of a minor; elimination of impediments to the enforcement of remaining drug laws; and expanded membership of the Marijuana Regulatory Commission.