

# Education Legislative Report

**March 17, 2017 – Issue #8**

## ***Senate Education Committee Passes Act 46 Adjustment Bill***

On Wednesday, the Senate Education committee voted unanimously for [S.122](#), a committee bill to modify Act 46. The changes contemplated by the bill would give more flexibility to districts that, due to their operating/tuitioning structure or other specific circumstances, have not yet been able to craft or approve a merger proposal. The bill is expected to be debated in the Senate next week. A detailed section-by-section discussion is included below.

Section 1 contains findings, including that 96 towns have voted to merge 104 school districts into 20 new unified union school districts. It states that 60% of Vermont's students attend or soon will attend school in a unified district.

Section 2 would modify requirements for the creation of an Act 156 "side-by-side" by eliminating the requirement that one "side" operate grades PK-12.

Section 3 would create a new "side-by-side structure" with three merging districts on one "side" and one unmerged district as the other "side." The unmerged "side" must be a district that, as of Town Meeting Day 2017 is either geographically isolated, has an operating/tuitioning structure that is different from all adjoining school districts, or that has greatly differing levels of indebtedness from all adjoining districts. The two "sides" for this three-by-one structure must have different operating/tuitioning structures. Districts seeking to merge under this new structure must receive voter approval by November 30, 2017 and become operational by July 1, 2019.

Section 4 would create an additional "side-by-side" structure with three "sides". One "side" would be a single district meeting the criteria of geographic isolation, an operating/tuitioning structure different from all adjoining school districts, or greatly differing levels of indebtedness

from all adjoining districts. The other two “sides” must be formed by the merger of two or more districts, with each side comprised of districts with different operating/tuitioning structures. Districts seeking to merge under this new structure must receive voter approval by November 30, 2017 and become operational by July 1, 2019.

Section 5 would amend current law that conditions withdrawal from a union high school district upon approval of all other member districts of the union high school district. The bill would allow a member district to withdraw without approval of the other member districts if it meets certain criteria: the district operates grades PK-6 and pays tuition for grades 7 -12, more than one year has elapsed since the formation of the union high school district, and the withdrawing district receives the approval of its electorate and the approval of the State Board. Section 6 would cause this provision to sunset in 2019.

Sections 7 and 8 would extend timelines for districts in study committees that either had a merger proposal rejected by voters or that add a new district to a study committee after passage of the bill. In these instances, a study committee’s deadline for voter approval of a merger would be extended from July 1, 2017 until November 30, 2017. The bill would also extend the deadline for submitting an alternative structure, for those districts that meet the criteria above, from November 30, 2017 until January 31, 2018.

Section 9 would allow a district that forms a conventional merger prior to July 1, 2019 to receive a \$150,000 transition facilitation grant.

Section 10 would also allow a study committee to spend grant funds on community outreach and communication with voters in advance of a merger vote.

Section 11 would provide a \$10,000 transition facilitation grant for districts that are not subject to the statewide plan, but that agree to take on an “orphan” district in their region at the request of the State Board pursuant to the final statewide plan.

Section 12 would require the State Board to respond to a request for readjustment of supervisory union boundaries within 75 days of receipt.

Sections 13 – 15 are technical drafting corrections requested by the committee’s legislative draftsman.

### ***House Education Committee Bill Would Create Career Tech Pilot Program***

On Thursday, the House Education Committee approved [H.540](#), which provides \$1.6 million for a pilot that would fund career technical enrichment programs for 7<sup>th</sup> grade students. The grants would be capped at \$100,000 collectively for all schools in a single career technical district.

There are 16 of these districts in the state. For purposes of distributing grant funds, Essex Technical Center and Burlington Technical Center would be treated as separate districts. The grant funds would be used for programming to assist students in exploring whether to enroll in CTE courses. The grants will be administered and awarded by the Agency of Education.

Funding for the CTE grant program would come from a \$1.6 million reduction in the special education appropriation for FY 2018. The committee anticipates that these funds will be available based on prior year reversions from over-budgeted special education funds. For FY18, the fourth year of implementation, the Agency of Education has adjusted its method of estimating special education funding needs to avoid large reversions from special education in future years. As a result, savings are not likely to continue resulting in surplus funds at the state level.

### ***Senate Education Passes Miscellaneous Education Bill***

The Senate Education committee voted unanimously for a committee [bill](#) making miscellaneous changes to education law on Thursday. What follows is a detailed section-by-section summary of the bill. The Senate Appropriations Committee will review the bill before it is presented on the Senate floor next week.

Section 1 responds to the State Board of Education’s proposed Rule 2200 Series on the approval of independent private schools that accept public tuition dollars. The committee eliminated provisions that would: change the rulemaking authority of the Board, eliminate the Board’s role in nominating three candidates for Secretary of Education, and mandate that one member be a representative of independent schools.

Instead, the bill would create a legislative study committee to make recommendations for State Board rules governing independent school admissions processes, the provision of special education and what types of financial and other reports should be provided to the Agency of

Education. The committee would be made up of ten members: the chair of the State Board, the Secretary of Education, the Executive Directors of VSBA, VCSEA, VSA and the Vermont Independent Schools Association, two representatives of independent schools, one member of the Senate, and one member of the House of Representatives.

Section 2 creates an appropriation to the Vermont State Colleges to evaluate training programs for skilled trades such as plumbing and electrical. It would appropriate \$400,000 from the Next Generation Initiative Fund to resource that work.

Section 3 addresses the requirements for a district to be eligible for small schools grants. In some districts, the addition of prekindergarten students to the average daily membership caused the district to become ineligible for a small schools grant. The bill would exclude PreK students from the definition of “enrollment” used to determine small schools grant eligibility.

Sections 4 and 5 would change current law governing the Vermont Standards Board for Professional Educators to require that one member be a superintendent.

Sections 6 -8 would address the current requirements for licensing speech-language pathologists (SLPs). Currently, SLPs are subject to two sets of requirements and two fees for licensure by both the Agency of Education and the Office of Professional Regulation. The bill would create a new category of “educational speech-language pathologist” to be licensed only by the Agency of Education. Educational SLPs would be defined as those SLPs who are employed by a supervisory union or school district or an independent school approved for special education purposes. For these employees, this change would remove the dual licensing requirement and the dual fee.

Section 9 would require that a school district give notice of renewal or non-renewal to a principal by February 1 in the year that the contract expires.

Section 10 would remove Burlington College from the list of accredited postsecondary schools. Burlington College closed last year.

In sections 11 – 13 the bill makes several changes to conform Vermont statute to new federal requirements in the Every Student Succeeds Act (ESSA).

Sections 14 -17 move the provisions of law that apply to the early college program from one chapter of Title 16 to another.

Section 18 would increase the per diem compensation for members of the Advisory Council on Special Education to the same amount as is paid to other state advisory commissions and boards.

Section 19 would clarify that students participating in dual enrollment courses may not be charged fees by the post-secondary institution that are not directly related to the course.