

Education Legislative Report

April 16, 2018 – Issue #8

Secretary Resigns, Union Proposes Statewide Health Insurance and Education Bills Advance in Legislature

Secretary of Education Rebecca Holcombe resigned effective April 1 and a search is underway for the next Secretary. The Vermont–NEA is proposing a statewide health insurance plan for public school employees. Several education bills covering an expansive array of issues remain under consideration.

As leaders of your school systems, you serve as a voice for public education. As your state associations, we work to strongly represent education officials' concerns. Yet, there is no substitute for contact by constituents with their legislators. We encourage you to read our *Reports*, keep abreast of issues, and stay in touch with your house members and senators. Here is a link to Legislators' contact information, organized by supervisory union/district.

http://docs.wixstatic.com/ugd/b44bfd_c9e309b3f77449bda14c5f3cf152c469.pdf

Throughout the session, you will receive regular issues of this *Education Legislative Report*. The *Report* is a collaboration of the Vermont School Boards Association (VSBA), the Vermont Superintendents Association (VSA), the Vermont Principals' Association (VPA), the Vermont Association of School Business Officials (VASBO), the Vermont Council of Special Education Administrators (VCSEA) and Vermont School Boards Insurance Trust (VSBIT).

If you have questions regarding the content, contact your Association's Executive Director or Katherine Hope, Legislative Analyst for the Education Legislative Collaborative and author of the *Report* at kwhope@gmail.com.

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Secretary of Education Resigns; Act 46 Implementation on Schedule

Secretary of Education Rebecca Holcombe surprised the education community by unexpectedly resigning effective April 1. You can read Rebecca's letter to education partners regarding her resignation [here](#). Governor Scott has appointed Deputy Secretary Heather Bouchey as the Acting Secretary.

In the days following Secretary Holcombe's resignation, several school boards contacted the Governor's office to express an interest in delaying Act 46 implementation until a new Secretary is appointed. The Governor, Speaker of the House, President of the Senate, Chair of the State Board of Education and the Chairs of the House and Senate Education Committees released the following [statement on Act 46 implementation](#):

We write to assure you of our commitment to the current schedule and process of Act 46 of 2015. This work is an important step forward for Vermont's system of education.

We appreciate the hard work of communities, school boards and school staff – and to all those who have successfully moved through the process – and we look forward to continuing this good work in accordance with the existing timeline and statutory requirements.

Please contact Donna Russo-Savage at the Agency of Education if you have questions about the schedule or process.

The State Board of Education has advertised the Secretary position with an application deadline of April 30, 2018. Information for candidates can be found [here](#). The Board, as required by statute, will propose no fewer than three candidates for the Governor's consideration.

Vermont-NEA Proposes Statewide Health Care Plan

In a significant shift from Vermont-NEA's prior position that eliminating health insurance from local negotiations would be an assault on collective bargaining, the union has put forth a statewide health insurance proposal that they say would save taxpayers money and ensure equity for employees. Delegates at the union's annual assembly voted unanimously on April 7 for a statewide benefit which would eliminate local level negotiations while increasing union representation in statewide health care discussions through the creation of a new oversight committee.

The proposed committee, with equal representation of union representatives and governor appointees, would replace VEHI as the body charged with creating and

overseeing the teachers' health care benefits. Currently, the executive director of Vermont-NEA has a seat on the five-member VEHI board; the union held two of the five seats until October 2016, when VEHI members petitioned a bylaws change to replace one NEA seat with the Executive Director of the VSBA.

In its press release announcing the proposal, Vermont-NEA cited the current composition of the VEHI board, with four management representatives and one NEA representative, as a reason we saw "this year's chaos with the implementation of new plans."

In fact, the transition to the new VEHI health plans on January 1, 2018 went smoothly for the vast majority of subscribers. Every one of the over 34,000 people had health coverage on January 1st, with their BCBSVT/VEHI ID card available to give to pharmacies or providers. BCBSVT/VEHI are processing and paying medical and pharmacy claims in a timely manner.

Recent issues experienced by some school employees are the direct result of the inability of Future Planning Associates (FPA) to successfully process employer HRA funds and/or employee FSA funds towards an employee's out of pocket cost responsibilities. According to labor attorneys representing school boards, FPA was the preferred vendor requested by Vermont-NEA locals during recent bargaining.

Under the union's proposal, the new committee would develop a single health care plan for all public school employees. Health insurance benefits would no longer be negotiated, but established by this committee. This is a significant departure from the issues examined by the Vermont Education Health Benefits Commission, which assumed the continued existence of VEHI and focused on how and whether a statewide benefit would be negotiated between the parties. The VT-NEA proposal would require the creation of a new, risk-bearing entity responsible for not only managing the health insurance program, but for establishing the costs to be borne by employers and employees.

Many questions are unanswered regarding how the union's proposal would work. For example, how will disagreements/impasse be dealt with if the committee cannot come to an agreement on plan selection and benefit levels? What protections are in place to ensure this body is able to make decisions in a timely manner? Why are school districts not afforded a seat on the new committee? If VEHI goes away, what will happen to VEHI's reserves which, according to the organizations' bylaws, must be returned to school districts?

The union wants lawmakers to consider the proposal this session. [Here](#) is a link to Vermont-NEA's summary of the proposal which was provided to the House Education Committee on April 12, 2018. Our associations will be working to ensure the Committee understands the importance of a thorough vetting of this Vermont-NEA proposal and to make certain that all questions and issues receive detailed responses.

Senate Finance Committee Considers Education Funding Bill

Since the full House passed [H.911](#), the Senate Finance Committee has received an overview of the bill. H.911 proposes to change two funding systems: 1) Vermont's personal income tax; and 2) the education financing system.

The bill includes personal income tax changes, a new school income tax surcharge, reallocation of Education Fund and General Fund sources, changes to the calculation of homestead property tax rates, changes to the calculation of property tax adjustments based on income sensitivity, repeal of the excess spending penalty, addition of teacher retirement to education spending and repeal of Act 46 tax rate limitations. A full analysis of the bill can be found [here](#).

Brad James of the Vermont Agency of Education provided testimony to the Senate Finance Committee on April 10, 2018, including a [chart](#) that compares Fiscal Year 2019 education tax rates for each municipality under current law with tax rates under H.911.

The Joint Fiscal Office prepared tables showing (1) The Tax Impacts From H.911 School Income Tax Surcharge and (2) The Tax Impacts From H.911, Both The Income Tax Proposals And The School Income Tax Surcharge. In a [Vermont Edition discussion](#) last week, the chair of the Finance Committee indicated that the Committee was uncertain about how or whether to modify H.911 or move it forward. The Committee is expected to take the bill up again later this week.

Senate Finance Committee Considers CLA Changes for Unified Districts

H.922 passed the House and is under consideration in the Senate Finance Committee. The bill contains numerous revenue changes, including several that respond to the recommendations of the Aggregate CLA Legislative Study Committee of 2016.

Act 132 of 2016 commissioned a study on the use of an aggregate common level of appraisal in a merged school district. The Committee submitted its report in December of 2016, making the following recommendations:

1. That the municipal Common Level of Appraisal (CLA) should be displayed on a municipal property tax bills; and

2. That legislation should be enacted to encourage municipalities to merge for assessment purposes in alignment with merged school districts.

Section 20 of H.922 allows a municipality to vote to merge with one or more other municipalities in the same unified union school district to create or join an assessment district for the purpose of standardized property valuation.

All municipalities merged into an assessment district must agree to implement standardized assessment procedures, which must be approved by the Tax Commissioner. A vote to merge with an assessment district is binding for five years. After five years, a municipality may vote to leave the district, unless the assessment district has consolidated all administrative functions.

H.922 requires all municipalities within an assessment district to be treated as a single municipality for purposes of the equalization process (Common Level of Appraisal). The municipalities are required, however, to maintain independent grand lists for municipal taxation as well as independent processes for grievances, property valuation appeals, abatements, grand list filing, use value appraisal parcel management, reappraisal and financial interaction with the Agency of Education, unless the Commissioner of Taxes authorizes the municipalities of an assessment district to consolidate all property valuation administrative functions.

Section 21 of the bill requires the Commissioner of Taxes to provide to municipalities the district homestead property tax rate before equalization, the nonresidential property tax rate before equalization, and the calculation process that creates the equalized homestead and nonresidential tax rates. This information would be required to be displayed on the front of property tax bills. For the back of the tax bill, H.922 requires the Commissioner to provide an explanation of the Common Level of Appraisal, including its origin and purpose.

Bill Advances Creating Different Special Education Funding Rules for Public and Private Schools

[H.897](#) a bill to enhance the effectiveness and equity of services provided to students who require additional support, passed the House on March 22. Since then, the Senate Education Committee has heard testimony and drafted amendments to the bill. The Senate Education Committee's most recent version of H.897 can be found [here](#). The committee is expected to vote on its version of H.897 on April 17.

H.897 proposes to enhance the effectiveness, availability and equity of services provided to all students who require additional support, including students receiving special

education services and students who need additional support but do not receive special education services. To support the delivery of these services, the bill changes the funding model for special education from a reimbursement model to a census-based model which provides more flexibility in how funding can be used, is aligned with the State's policy priorities of serving students who require additional support across the general and special education service-delivery systems, and simplifies administration.

The Senate Education Committee's amendments include adding a requirement that tiered systems of support provide professional development as needed to support all staff in full implementation of the multi-tiered system of support, adding a calculation for the "uniform base amount," (the bill as passed by the House required the State Board of Education to establish the uniform base amount) and providing more details on the calculation of the amount of the census grant for an SD/SU for the years 2021-2024, 2025 and subsequent years.

For fiscal year 2021, the amount of the census grant per student for a SD/SU is: (1) the average amount it received for fiscal years 2017, 2018 and 2019 from the State for special education (including standard mainstream block grants, special education expenditures reimbursement, and exceptional circumstances) (2) increased by the annual change in the NIPA Implicit Price Deflator, then (3) divided by the SD/SU's long term membership.

For fiscal year 2025 and subsequent fiscal years, the amount of the census grant for a SD/SU is the uniform base amount multiplied by the SD/SU's long term membership.

For fiscal years 2022, 2023, and 2024, the amount of the census grant for a supervisory union is determined by multiplying the SD/SU's long term membership by a base amount as follows: the base amounts for each SD/SU for fiscal years 2022, 2023 and 2024 move gradually the SD/SU's fiscal year 2021 base amount to the fiscal year 2025 uniform base amount by pro rating the change between the SD/SU's fiscal year 2021 base amount and the fiscal year 2025 uniform base amount over this three-fiscal-year period.

In addition, the Senate Education Committee added [S.229](#) to H.897. S.229 addresses the obligation of independent schools to serve students eligible for special education services. The language in S.229 treats special education excess costs in independent schools differently than such expenditures in the public school system.

Under the Senate Education Committee's latest version of the bill, if a local education agency places a student with an IEP in an approved independent school and that school is entitled to special education cost reimbursement, it may be reimbursed by the SD/SU

for excess special education costs beyond those covered by general tuition. While public schools would be moving to a census based model, which provides incentives to change delivery practices, independent schools would remain under the current system of reimbursement with no incentives to change.

If public schools receive a set amount of money per year, based on ADM, districts that pay tuition for large numbers of students to attend independent schools, could see a reduction in programming in public K-8 schools or an increase in tax rates in order to reimburse private schools for increasing special education costs.

The Senate Education Committee's version of H.897 also includes S.229's requirement that the local education agency provide additional staff and resources to a private school for up to nine academic months. This would be problematic for public systems which do not have the staff or resources to meet this requirement. Testimony from two Vermont Superintendents regarding the addition of S.229 to H.897 can be found [here](#) and [here](#). Vermont Council of Special Education Administrators testimony can be found [here](#).

House Education Committee Considers Changes to Pre-K Law and Establishment of Ethnic Studies Standards

The full Senate passed the miscellaneous education bill, [S.257](#). A full analysis of S.257 as passed by the Senate can be found [here](#). The bill is now in the House Education Committee, which is considering a number of amendments incorporated into its version of S.257 which can be found [here](#). It includes the following provisions:

Small School Support

Section 8 of the House Education Committee's version of the bill provides that students enrolled in prekindergarten programs shall not be counted in "enrollment." Enrollment means the number of students who are enrolled in a school operated by the district on October 1. This section is intended to make clear that prekindergarten enrollment is not counted for the purposes of the small schools grant eligibility calculation. This section of the bill takes effect July 1, 2019. The remaining sections take effect on passage.

Clarification on Elections/Vacancies of Unified Union School District Boards

Section 4 of S.257 extends a provision that was approved last year by two additional years. First, it provides that the election of a director of a unified union school district board who is to serve on the board after expiration of the term for an initial director shall be held at the district's annual meeting unless otherwise provided in the district's articles of agreement.

If a vacancy occurs on the board of a unified union district and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union district is required to immediately notify the selectboard of the town. Within 30 days after the receipt of notice, the unified union district board, in consultation with the selectboard, is required to appoint a person to fill the vacancy until an election is held at an annual or special meeting, unless otherwise provided in the unified union district's articles of agreement.

The bill provides that the clerk, treasurer and moderator of a unified union district elected at an annual meeting enter upon their duties on July 1 following their election and shall serve a term of up to three years or until their successors are elected and qualified, except that moderators assume office upon election (if approved by the voters) and shall serve for a term of up to three years or until their successors are elected and qualified.

This section is repealed on July 1, 2020.

School Radon Mitigation

Section 6 of the bill creates a School Radon Mitigation Study Committee to explore funding opportunities for the mitigation of elevated radon concentrations in schools. The seven member committee includes: (1) the Secretary of Education or designee, (2) the Commissioner of Health or designee, (3) a member appointed by the State School Boards Association, (4) a member appointed by the Vermont Superintendents Association, (5) a member appointed by the Vermont Independent Schools Association, (6) a radon mitigation professional, appointed by the Director of the Department of Labor's Worker's Compensation and Safety Division, and (7) a member appointed by the Vermont School Board Insurance Trust.

The bill requires the Study Committee to present to the House and Senate Committees on Education viable options for funding the mitigation of elevated radon concentrations in schools. The Study Committee ceases to exist on December 31, 2018.

All new public and approved independent school construction, including expansion of existing schools, is required to endeavor to employ radon-resistant new construction.

Prekindergarten Education

Sections 9-13 of the House Education Committee's version of the bill address Act 166 pre-K funding and administration. The Committee's proposal would require the school district of residence to pay tuition for 10 hours per week for 35 weeks annually if the child will be enrolled in a pre-kindergarten education program operated by a private provider located in Vermont or a Vermont public school located outside the district in

which the child resides, even if the district of residence operates a prekindergarten education program.

Tuition will be set at a statewide rate, which may be adjusted regionally. The rate is established annually through a process developed and implemented by the Agency of Education.

The district of residence may include within its average daily membership (ADM) any prekindergarten child for whom it has provided prekindergarten education or on whose behalf it has paid tuition.

The weighted membership of students in a district's ADM is set at: (1) 0.46 for prekindergarten except as otherwise provided, (2) 1.0 for prekindergarten program offered by district of residence for seven or more hours per school day up to 10 hours per school day, and (3) 1.3 for prekindergarten program offered by the district of residence for 10 or more hours per school day.

To be eligible for tuition payments, private providers are required to meet minimum program quality by: (1) having National Association for the Education of Young Children accreditation; or (2) at least four stars in the Department for Children and Families' STARS system; and:

- (a) for a private provider that is regulated as a center-based child care program, employing or contracting for the services of at least one licensed professional educator with an endorsement in early childhood education or in early childhood special education who is present at the private provider's program site during the hours that are publicly funded; or
- (b) for a private provider that is regulated as a family child care home that is not licensed and endorsed in early childhood education or early childhood special education, employing or contracting for the services of at least one licensed professional educator with an endorsement in early childhood education or in early childhood special education for at least three hours per week during each of the 35 weeks per year in which prekindergarten education is paid for with publicly funded tuition to provide regular, active supervision and training of the private provider's staff.

Public providers are required to meet minimum standards by: (1) employing or contracting for the services of at least one licensed professional educator with an endorsement in early childhood education or in early childhood special education to

provide direct instruction during the hours that are publicly funded; and (2) meeting safety and quality rules adopted by the State Board of Education.

The amended bill requires the Secretary of Education to propose rules to the State Board of Education for enrollment processes, payment of tuition, the form of agreements entered into between the district of residence and other providers, calculation of a statewide tuition rate, the processing of billing disputes, evaluation of programs, and collection of data, documenting progress of children enrolled in publicly funded prekindergarten programs, establishing safety and quality requirements for public providers that align with the requirements for private providers, requiring districts to include prekindergarten costs in annual budgets, and requiring districts to report to the AOE annual expenditures made in support of prekindergarten education, with distinct figures provided for expenditures made from the General Fund, from the Education Fund, and from all other sources.

Additionally, the Secretary of Education is required to evaluate and report annually to the General Assembly on: (1) programmatic details on enrollment, (2) quality criteria of public and private prekindergarten education programs, training and technical assistance, (3) results for children, including school readiness, proficiency in numeracy and literacy, and social and economic development.

Section 13 of the House Education Committee's proposal adds a Prekindergarten Advisory Committee to make recommendations on how to improve the funding and delivery models for prekindergarten education in Vermont. The five members of the committee are: (1) two current members of the House of Representatives, not from the same political party, appointed by the Speaker of the House, (2) two current members of the Senate, not from the same political party, appointed by the Committee on Committees, and (3) one member appointed by the Governor (will serve as the Committee Chair).

Licensing of Teachers Employed by Regional CTE Centers

Section 14 of the amended version of the bill states that 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 regional CTE center has adopted a school-based teacher quality and performance measurement program approved by the New England Association of Schools and Colleges.

Ethnic and Social Equity Standards

Section 15 adds an Ethnic and Social Equity Standards Advisory Working Group to S.257 with sixteen members: (1) eight members who are members of, and represent the interests of, ethnic groups and social groups, appointed by the Agency of Education, (2)

a Vermont based college-level faculty expert in ethnic studies, (3) the Secretary of Education or designee, (4) the Executive Director of the Vermont-NEA, (5) an Assistant Attorney General in the Office of the Vermont Attorney General with experience working with the Agency of Education on racial and social justice issues in schools, (6) the Executive Director of the Vermont School Boards Association, or designee, (7) a representative for the Vermont Principals' Association with expertise in the development of school curriculum, (8) a representative for the Vermont Curriculum Leaders Association, and (9) the Executive Director of the Vermont Superintendents' Association.

The Working Group is required to call its first meeting on or before October 1, 2018 and it will cease to exist on July 1, 2021. Its duties include: (1) review statewide curriculum standards and recommend additional standards to recognize fully the history, contribution and perspectives of ethnic groups and social groups, (2) review existing State statutes regarding school policies and identify those in need of review or amendment.

On or before June 30, 2021, the State Board is required to consider adopting ethnic and social equity standards into existing statewide curriculum standards for public school students and approved independent school students in prekindergarten through grade 12. The bill also requires the State Board to report annually on the number and type of complaints of harassment, hazing or bullying, disaggregated by student groups, including ethnic and racial groups, poverty status, disability status, English language learner status, and gender.

Expanded Learning Opportunities

Section 17 adds a 12 member Expanded Learning Opportunities Review Committee. Expanded Learning Opportunity means a structured program designed to serve prekindergarten through secondary school-aged children outside the school day and year on a regular basis. The committee is charged with (1) recommending grants to be awarded from the Expanded Learning Opportunities Special Fund which was established in 2015 and (2) working with philanthropic and business communities in Vermont to pursue and accept grants or other funding for the Expanded Learning Opportunities Special Fund.

Senate Government Operations Committee Examines Open Meeting & Public Records Act Changes

The Senate Government Operations Committee has heard testimony on [H.910](#), and its narrower cousin, [H.700](#). The committee will hear additional testimony on H.910 next week. H.700 would amend existing law on meeting minutes in open meetings.

Section one of H.910 would amend the definitions section of [1 V.S.A. § 310](#). The bill defines “business of a public body” as a public body’s governmental functions, including matters within its supervision, control, jurisdiction or advisory power.

Section one further clarifies that meetings shall not mean:

- (1) “written correspondence or an electronic communication between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act . . . ,”
- (2) “occasions when a quorum of a public body attend social gatherings, conventions, conferences, training programs, press conferences, media events, or otherwise gathers as long as the public body does not discuss specific business of the public body that, at the time of the exchange, the participating members expect to be business of the public body at a later time,” or
- (3) “a gathering of a quorum of a public body at a duly warned meeting of another public body as long as the attending public body does not take action on its business.”

The bill’s second section addresses serial communications by adding language to 1 V.S.A § 312(a)(3). This section prohibits a quorum of a public body from communicating in a series of less-than-a-quorum communications of any kind, directly or through intermediaries, intending to reach an agreement or take action on the business of the public body. The intention of this section is to keep public decisions from being made outside of public meetings. A number of groups have testified to this section, but the Committee has not decided if it will strike the section or not.

Section three of the bill begins the Public Records Act (“PRA”) component of the bill, and adds language on the importance of public records in the functioning of government to existing law ([1 V.S.A. § 315](#)). The fourth section expresses the intent of bill’s proposed changes to the PRA, stating that the bill aims to clarify the PRA’s existing language, and not enact any substantive changes to [1. V.S.A. § 318\(b\)-\(c\)](#).

The bill’s fifth section would make these clarifying changes. These changes mostly would affect how public records requests are made, denied, and appealed. This section

also adds a records officer, designated by the head of a State agency or department who would be accountable for the processing of public records requests.

Section six, the bill's last section, would establish an Executive Branch Public Records Request System. This section would require executive branch agencies to report certain information regarding all public records requests to the Public Records Request System, which would be hosted on the Agency of Administration's website.

Senate Approves Bill Mitigating Childhood Trauma and Toxic Stress

[S.261](#), passed the Senate on March 14, 2018 and was then referred to the House Committee on Human Services. The House Education Committee will be reviewing the bill, particularly the sections affecting education, during the week of April 16. The House Human Services Committee expects to vote on the bill by Friday, April 20. The effective date of the bill is July 1, 2018.

This bill intends to address trauma and toxic stress in childhood, build resilience into children and families, and improve support systems for people who experienced trauma and/or toxic stress. Generally, the bill would create a new Director position at the Agency of Human Services to manage and oversee the process as well as establish a handful of collaborations to achieve this goal.

Section 1 outlines the bill's purpose, which is to streamline redundancies and close gaps between upstream preventative services to minimize the need for downstream treatment services.

Sections 2-4 propose amendments to Title 33. Section 2 adds the following definitions to 33 V.S.A. § 3402: (1) "toxic stress" means strong, frequent, or prolonged experience of adversity without adequate support and (2) "trauma-informed" means a type of program, organization, or system that recognizes the widespread impact of trauma and potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved in a system; responds by fully integrating knowledge about trauma into policies, procedures and practices; and seeks actively to resist retraumatization and build resilience among the population served.

Section 3 adds a connection between pediatric primary care and DCF in 33 V.S.A. § 3403. This addition would require each county in the state to have a partnership between a pediatric primary care provider and a support service by January 1, 2023. Section 4 would allow DCF and the Department of Corrections to make joint referrals for children with incarcerated parents to existing programs within each child's community that address childhood trauma, toxic stress, and resilience building.

Director of Prevention and Health Improvement of AHS: Section 5 would establish a Director of Prevention and Health Improvement (“Director”) within the Agency of Human Services (“AHS”). This position would be funded by repurposing existing expenditures. The Director would be tasked with directing AHS’ response on behalf of people who experienced childhood trauma or toxic stress. The Director would have a range of responsibilities, including posting training information on toxic stress, childhood trauma and resilience building on AHS’ website for childcare providers, afterschool programs, educators and health care providers. The Director would report her progress to the House Committees on Health Care and Human Services and the Senate Committee on Health and Welfare (“the Committees”) in January of each year from 2019 through 2024, including any suggestions for legislative action. By January 15, 2024 the Director will present a Report on her findings to the Committees.

Judiciary & Executive Branch Collaboration: Section 6 outlines a plan for collaboration between AHS and Vermont’s judiciary. Vermont’s Chief Justice of the Supreme Court and the Director would be tasked with a reporting to the Committees by January 15, 2020 with an action plan to better coordinate the judicial and executive branch response to childhood trauma and toxic stress.

Training Plan: Section 7 would task the Director with developing a plan to promote access to and training on the use of trauma-informed practices that build resilience among children and students for employees of child care centers, home-based programs, preschool programs and afterschool programs. The Director would collaborate with stakeholders on this plan and report on the plan and its implementation to the House Committee on Health Care and Human Services and the Senate Committee on Health and Welfare by January 15, 2019.

Evaluation System: Sections 8 and 9 would create an evaluation system for child care and community-based family support systems, specifically the funding sources and the best entity to report on these sources. The Commissioner of Health would determine a framework to evaluate the effectiveness of AHS’ work addressing childhood trauma and toxic stress. The Commissioner will submit his report to the Director and the Committees by January 1, 2019.

Bright Futures Guidelines: Sections 10 through 12 lay out the intent for Bright Futures guidelines, and that Bright Futures should be used as a resource for individuals and organizations that provide care and support services to children and families. Section 11 tasks primary care providers with assessing trauma and toxic stress to ensure that a patient’s whole needs are addressed and community and individual resilience are maximized. Section 12 would provide for oversight of accountable care organizations,

specifically it would ensure that accountable care organizations would provide connections to existing community services that would establish quality-outcome measurements.

School Wellness: Section 13 would require the Director to coordinate with the Vermont State School Nurse Consultant and AOE to support LEAs, school administrators, and school nurses to make sure that students' health appraisal forms are completed annually and identify students' health related barriers to learning.

Opioid Prevention Programming: Section 14 would amend 33 V.S.A. § 2004a, which addresses Vermont's evidence-based education and advertising fund. The proposed changes to existing law would add to its prevention charge and require opioid-related programming for the benefit of families and children.

Education Components: Sections 15 through 17 propose changes to title 16. 16 V.S.A. § 136 would be amended to allow the AOE Secretary to survey students' experience with adverse childhood experiences through a website. The bill would also amend 16 V.S.A. § 2902, which requires tiered systems of support. The changes would allow the tiered system of support to include trauma-sensitive programming and to provide professional development for all staff to implement the system. Section 17 would require superintendents to report to the Secretary of the AOE on the status of the multi-tiered system of supports in each school, including the school's continuous improvement plan and professional development.

Resource Reallocations: Section 18 would reallocate existing resources to minimize duplicative efforts pertaining to childhood trauma. The Secretary of AHS would be tasked with reviewing existing initiatives to find overlapping services and working groups in order to find resources. The Secretary would produce a report by October 1, 2018 to the Committees.

Senate Considers Bill to Protect Students from Sexual Exploitation

Early this week the Senate will vote on [this version](#) of H.27, a bill that aims to protect students from sexual exploitation.

The bill as approved by the Senate Committees diverges from that [passed by the House](#). The House bill would amend existing law in Title 13, Vermont's criminal statutes. Specifically, it would broaden crimes within 13 V.S.A. § 4501(a) to include sexual assault and sexual abuse of a vulnerable adult as crimes that do not have a statute of limitations. The bill as passed by the House would also extend the statute of limitations to 40 years for sexual exploitation of children under 13 V.S.A. § 64.

In the Senate's version of the bill, section one states that it is the policy of the State of Vermont that no confidential employment separation agreement shall inhibit the disclosure to prospective employers or responsible licensing entities of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a vulnerable adult or minor.

Section two of the bill addresses confidential employment separation agreements. Specifically, the bill would prohibit board members, superintendents and headmasters from entering into confidential separation agreements if such agreements would inhibit the disclosure to prospective employers or responsible licensing entities of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor.

Section two goes on to require board members, superintendents, headmasters and employees of a SU/SD to provide factually correct information concerning a former employee's employment record. Notwithstanding any provision of law to the contrary, there is no civil or criminal liability for a person who is disclosing such information if the person was acting in good faith and reasonably believed at the time of disclosure that the information disclosed was factually correct.

Section three of the bill would establish a committee for protecting students from sexual exploitation ("Committee"). The Committee would include ten members: the Secretary of Education (or designee), the Executive Director of VSBA (or designee), the Executive Director of VT Independent Schools Association (or designee), the Executive Director of VT NEA (or designee), the Executive Director of Child Abuse Vermont (or designee), the Executive Director of Vermont Network Against Domestic and Sexual Violence (or designee), the Executive Director of the Dept. of State's Attorneys and Sheriffs (or designee), the Defender General (or designee), the Commissioner for Children and Families (or designee), and the Executive Director of VSA (or designee).

The Committee would, in consultation with school personnel, develop a model policy on electronic communication between school employees and students in order to deter inappropriate communications. The Committee would also recommend whether employee or contractor behaviors intending to establish a romantic or sexual relationship with a student, aka "grooming" behaviors should be unlawful. If the Committee determines "grooming" behavior should be unlawful, it would define such behaviors, and determine if all children and students in a school environment should be

covered. Further, the Committee would determine if “grooming” behavior would be a felony or misdemeanor, the related punishment, and the statute of limitations.

The Committee would have the administrative, technical and legal assistance of the AOE. The Committee would submit a written report with its findings and recommendations on or before October 15, 2019 to the House and Senate Committees on Education and Judiciary. The Secretary of Education would call the first meeting on or before the July 15, 2018. The Committee would select a chair during its first meeting, and a majority of the members would constitute a quorum. The Committee would cease to exist on October 16, 2019.

Senate Institutions Committee Considers School Safety in H.923

Over the past couple of weeks, the Senate Institutions Committee has worked on [H.923](#), a comprehensive bill that would alter a variety of Vermont capital construction and State bonding programs, and that includes a section devoted to school safety.

Section 17 of the bill would add a school safety and security grant program, which the Department of Public Safety (“DPS”) would administer. The goal would be to enhance safety and security in Vermont schools. Funds allocated would be used for enhancing building security through upgrades and new equipment as identified by threat assessment planning and surveys.

The bill would establish guidelines for the school safety and security grant program. Grants would be awarded competitively for capital-eligible expenses to put safety and security measures in place, as identified by a security assessment. Capital-eligible expenses could include, but would not be limited to, video monitoring and surveillance equipment, intercom systems, window coverings, exterior and interior doors, locks, and perimeter security measures.

Grants would be awarded after the AOE and DPS complete a security assessment. The program would award one-to-one matching grants of up to \$25,000 per school. Matching would be in dollars, not in-kind services. The Senate Institutions Committee is considering removing the matching aspect of the program so as not to create a hardship for schools with less available funds. The bill states that it intends that grants would be used to match federal monies from the Department of Homeland Security at a 4:1 ratio of state to federal dollars.

DPS would coordinate with AOE to administer and coordinate the program’s grants. DPS would report any grants awarded under the program to the chairs of the Senate

Institutions and House Corrections and Institutions Committees. The school safety and security grant program would sunset on July 1, 2019.

Section 17a of the bill would create a school safety advisory group (“Advisory Group”). The Advisory Group would develop statewide guidelines and best practices on school safety and preventing school shootings. The Advisory Group would consist of seven members: the Secretary of Administration (or designee), the Secretary of Education (or designee), the Commissioner of Public Safety (or designee), the Executive Director of VSBA (or designee), the President of VT NEA (or designee), a representative from VPA, and the Executive Director of VT Independent Schools Association. The Senate Institutions Committee heard testimony on the fact that this may be a redundant Advisory Group, considering the powers and duties of the [School Crisis Planning Team](#).

The Advisory Group would study how to improve school security within the buildings and on school grounds, ensure staff and students know how to respond in the case of an active shooter, train staff and students (including frequency of trainings), share information with parents and community if an event occurs, and gather information on security measures implemented from other states where school shootings have occurred.

The Secretary of Education would call the Advisory Group’s first meeting, and the Commissioner of Public Safety (or designee) would be the chair. The Advisory Group would have administrative, technical and legal assistance from the AOE and DPS. On or before July 18, 2018, the Advisory Group would submit a written report to the General Assembly with its finding, including best practices, specific guidelines, and recommendations for legislative action so that schools would be in compliance by the next school year.

The bill would appropriate funds to the Department of Public Safety for the School Safety and Security grant program and to the enhanced 911 program. Section thirteen would allocate \$11,423,000 for school safety and security. Section six would offer grants for building communities, including a grant for enhanced 911 compliance. The bill would allocate \$225,000 for schools who have yet to establish enhanced 911 access at their school building.

Section 33a would allow grants for equipment for adult CTE programs as a pilot grant program. The Department of Labor (“DOL”) would consult with the State Workforce Development Board to purchase necessary equipment for occupational training for postsecondary students in CTE centers. Grants would only be used for capital-eligible equipment, and not for curriculum development, program administration, or instruction. The DOL would develop and publish a grant application by July 15, 2018.

The DOL would consult with the AOE and State Workforce Development Board in reviewing applications and selecting grantees. The pilot program would sunset on July 1, 2019.

Senate Looks to Strengthen School Safety Laws and Mandate Restorative Justice Policy

The Senate Judiciary and Senate Education Committees are considering [H.675](#), a bill that would strengthen existing criminal statutes and mandate a policy of restorative justice principles for discipline problems in schools. The Judiciary Committee plans to vote the bill out in the next week, at which point it will go to the Education Committee. The House passed [this version](#) of the bill on March 2nd.

The first section of the Senate bill would explicitly criminalize threatening schools and their property with firearms or explosives if that threat places another person in reasonable fear of injury or death. This new crime would be a felony of up to five years of incarceration. Also, the bill's first section would expand the statutory category of people criminally threatened. Instead, the crime of threatening would expand from exclusively against a specific person to against a specific person and/or a group of people.

The second section of the bill addresses possession of a deadly weapon on school grounds or property, and would make a small change in language with a potentially large change in repercussions. The bill would change existing law, [13 V.S.A. § 4004](#), to allow law enforcement officers to possess deadly weapons on school property or grounds at all times, not just when engaged in their law enforcement duties.

Section three addresses existing law on school resource officers, [16 V.S.A. § 1167](#). This section would require school boards and relevant law enforcement to enter into memoranda of understanding ("MOU") before hiring a school resource officer. This MOU would identify what weapons may be used in a school and on its grounds as well as how and when they may be used. The MOU would also describe the nature and scope of the school resource officer's role.

The fourth section of the bill would mandate a restorative justice policy for school discipline problems to be adopted by each school board by July 1, 2020, with the expectation of the policy's implementation in the 2020-2021 school year. The AOE would be tasked with issuing a report that sets out restorative justice principles for responding to school discipline problems by July 1, 2019.

The restorative justice policies would be designed to: decrease exclusionary discipline; ensure the fair application of disciplinary measures and students are not targeted based on their “race, ethnicity, gender, family income level, sexual orientation, immigration status, or disability status;” and give students academic opportunities while suspended or expelled.