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State Board of Education Legislative Update

Education Funding

H.911

This tax legislation calls for an increase of 2.6 cents on the residential property tax and about 5 cents on the non-residential tax to pay for school budgets. The bill removes the general fund transfer to the education fund. Instead, the entire sales tax will be dedicated to the education fund along with 25% of the meals and rooms tax. Expenditures for Adult education and the community high school of Vermont, in addition to the renter rebate program were shifted to the general fund.

H.924

The legislature passed the \$5.86 billion budget late Saturday night. The bill has the Legislature using \$9.8 million in surplus tax receipts to fill the education fund reserve and raised property taxes.

The Governor has said he will veto the budget due to the increased property taxes.

Several pieces of education policy wound up in the budget including:

Interstate School District

The budget includes language supporting a study by the Stamford School Board of the formation of an interstate school district that would combine the Stamford school district with the Clarksburg, Massachusetts school district. The Stamford board will report its findings and recommendations to the General Assembly on or before December 15, 2018.

Educator Licensure Requirements

The General Assembly has asked the Vermont Standards Board for Professional Educators (VSBPE) to consider whether the educator licensure and endorsement requirements are appropriate and should be updated. The VSBPE shall consider whether the use of a school-based teacher quality and performance measurement program approved by NEASC, or examinations offered by the Smarter Balanced Assessment Consortium should be used as criteria to qualify for licensure and endorsement.

VSBPE will report its findings and recommendations to the House and Senate Committees on Education on or before December 1, 2018.

The VSBPE will also review whether the educator licensure and endorsement requirements for teachers in career technical education centers are appropriate or should be updated. Until the rules are updated and implemented, or until the report is issued, teachers employed by CTE centers who were hired before April 1, 2018 and who do not have the licensure or endorsement required shall be exempt from the rules and requirements to pursue licensure.

The language also includes an exemption for employees of CTE centers located in an approved independent school who was hired before April 1, 2018. St. Johnsbury Academy and Lyndon Institute are the only CTE centers who fall into this category.

An employee hired on or after April 1, 2018 shall be subject to these rules, and an employee hired before April 1, 2018 who complied with these rules shall maintain his or her licensure and endorsements as required by these rules.

Implementation of the Statewide School District Data Management System

To facilitate the implementation of the Uniform chart of accounts, the budget included language requiring that schools districts all implement the state wide school district data management system recently procured by the agency of education. The Goal of this system is to bring consistency to school financial data and reporting to inform school district financial decisions.

Restorative Justice Principles for Responding to School Discipline Problems

The Agency of Education is required to issue guidance to all public school boards and boards of approved independent schools that sets out restorative justice principles for responding to school discipline problems. Boards will consider this guidance and whether to adopt a policy.

Guidance will be designed to:

1. Decrease the use of exclusionary discipline
2. Ensure the disciplinary measures are applied fairly and do not target students based on race, ethnicity, gender, family income level, sexual orientation, immigration status, or disability status; and
3. Provide students with the opportunity to make academic progress while suspended or expelled.

Implementation of Restorative Justice Principles; Grant Program

The AOE will use funding to assist public and approved independent schools with the adoption and implementation of restorative justice principles for responding to school discipline problems.

The Secretary of Education will submit a report to the House and Senate Education and Judiciary Committees each December through 2020 describing the eligibility criteria for receiving a grant and for determining the grant amount, identifying the grant recipients and the amounts they received in grant monies, and the use of grant monies by the recipients.

Prekindergarten Education; Report

Since the miscellaneous education bill (which contained all of the PreK language) did not ultimately reach passage, the Legislature included PreK language in the budget bill. However, instead of immediate changes to the PreK system, this language calls for AOE and AHS to commission an independent study to recommend how to more effectively provide prekindergarten education.

The study will consider the following:

1. whether the current delivery and funding models are working effectively to provide prekindergarten education services, and if not, the issues with the current models and recommendations to enhance the quality and effectiveness of these models;
2. how Vermont families make early care and education arrangements for their children under six years of age, including what factors may constrain parental choices;
3. how well the prekindergarten system is operating to provide prekindergarten education to all eligible Vermont children and how to provide equitable access to prekindergarten education for children from economically deprived backgrounds;
4. how to identify ways that the prekindergarten education system may create undesirable outcomes for prekindergarten students, their parents or guardians, or providers of prekindergarten education services or child care services and steps to mitigate them; and
5. how to simplify regulatory oversight and administration of prekindergarten education.

The AOE will report the status of the independent study to the House Education and Human Services committees and the Senate Education and Health and Welfare committee on or before March 15, 2019.

The final results of the independent study will be reported to those committee on or before July 1, 2019.

Other bills that passed

H.919 – Workforce Development/CTE

Most relevant to the SBE are the bill's recommendations concerning CTE. The bill promotes introducing CTE to students earlier in their education (i.e. middle school), fosters career readiness for all students, also beginning in middle school, and allows for up to four local pilot programs that model unified funding or governance structures that are designed to streamline the delivery of educational experiences to both high school and CTE students.

The bill also identifies the Vermont Department of Labor (DOL) to provide oversight of the implementation of adult technical education. This is consistent with its current funding stream, which comes largely from Next Generation funds out of DOL.

H. 897 – Special Education Funding

This bill is a result of the report from the District Management Group entitled "Expanding and Strengthening Best-Practice Supports for Students who Struggle" and the report from the University of Vermont entitled, "Study of Vermont State Funding for Special Education."

The bill proposes to support the delivery of special education services, and changes the funding model for special education from a reimbursement model to a census-based model in FY 2021. The per ADM grant goes into effect in 2021, with the same grant statewide by 2025. This will provide more flexibility in how funding can be used. The bill will also provide three additional staff and additional resources to the AOE to support its work with Supervisory Unions and schools that are transitioning to new ways of delivering services.

The extraordinary special education expenditure threshold was increased from \$50,000 to \$60,000 beginning in fiscal year 2020. Starting in FY 2020 Supervisory Unions/Districts will receive reimbursement for 95% of the costs over \$60,000 plus the lesser of its excess expenditures or 60% times \$60,000 minus the educational support grant.

All supervisory unions will move to the census based funding model in FY 2021. The first year, each supervisory union will receive an educational support grant calculated by taking the average actual special education spending in FY 2017, FY 2018, and FY 2019 divided by the average ADM in FY 2017, FY 2018 and FY 2019. Over the following years, each supervisory union will transition to a uniform educational support grant in FY 2025.

As the law is currently written, the Agency of Education shall establish the uniform base amount for the educational support grant. The bill now includes the calculations to determine the rate. The bill no longer requires the state board to adopt the formula.

The bill also creates a census-based funding advisory group. The group will submit a written report with its findings and recommendations to the General Assembly as well as provide feedback to the state board in the rulemaking process.

The bill also tasks the AOE to contract for an education weighting report and to consult with AHS, the Vermont Superintendents Association, Vermont School Boards Association and the VT-NEA. The bill as passed by the House included a weight for poverty in the special education formula. The Senate version remove the special education poverty weight and charges the weighting study to present finding on the need for a poverty weight in the census grant.

The Senate Education committee tacked on the language from S.229 (independent schools) to this bill as well.

All of these provisions take effect July 1, 2022.

There is a provision that says in 2022 an independent school that intends to receive public tuition must accept any student who requires special education services and who is placed in the school by the IEP team or LEA.

However, an approved independent school is not required to demonstrate that it can serve every category of special education in order to retain its approval to accept public tuition funds.

When an approved independent school enrolls a student who requires special education services the school shall ensure that qualified personnel attend IEP meetings for the student and shall enter into written agreements with the LEA as they do under current law.

When a school described above certifies to the AOE that the school is unable to deliver the IEP services due to lack of qualified staff, then the LEA shall make another placement consistent with FAPE and least restrictive environment.

If the LEA and the school do not agree about the school's ability to retain qualified staff, the LEA and the school shall jointly contract with a hearing officer to hold a hearing to make a determination, which shall be final. The cost of this hearing is split evenly between the school and the LEA.

On or before November 1, 2020 the State Board is required to review its rules on approved independent schools specific special education categories and initiate rulemaking on this issue.

H.27 – Eliminating the Statute of Limitations on Prosecutions for Sexual Assault

This bill prevents a board member, superintendent or headmaster from entering into a confidential employment separation agreement that inhibits the disclosure to a prospective employer or responsible licensing agency 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.

Additionally, a board member, superintendent, or headmaster, and employees of a supervisory union, school district, or recognized or approved independent school shall provide factually correct information concerning a former employee's employment record with the prospective employer.

The bill also creates a Committee for Protecting Students from Sexual Exploitation.

S.261 – Toxic Stress and Childhood Trauma

This bill was passed by both Legislative bodies. The purpose is to ensure a consistent family support system by enhancing opportunities to build resilience among families throughout the state that are experiencing the causes or symptoms of childhood adversity.

The final version of this bill was not available at the time of the SBE meeting.