

2023-2024 VSBA Resolutions Report to the Membership

According to the VSBA Bylaws, resolutions are "positions taken by the Association on issues of importance to Vermont school boards. They may include recommendations for action by the VSBA, local school boards, the Legislature, the Executive Branch ... or other decision-making bodies." Resolutions are guidance for staff and the VSBA Board when they are working in the public policy arena or developing programs and services for our members. Resolutions are not legislation.

Each year, the VSBA Resolutions Committee considers all resolutions submitted by a member school district board, develops resolutions on issues of importance that are not otherwise addressed in existing or submitted resolutions, and reviews all continuing and regular resolutions.

The VSBA Resolutions Committee and the VSBA Board make a recommendation to "Pass", "Do Not Pass" or "Take No Position" on any resolution submitted by a member school district board. All resolutions submitted by member boards will be submitted to the membership at our Annual Meeting, regardless of the recommendation of the Resolutions Committee or the VSBA Board.

After careful consideration of the resolutions submitted by member boards and the VSBA Resolutions Committee, and a review of all continuing and regular VSBA Resolutions, the VSBA Resolutions Committee and VSBA Board submit the following Resolutions Report.

Respectfully Submitted,

Flor Diaz Smith, Chair of the Resolutions Committee

Gaston Bathalon

Suzanne Buck

Martine Gulick

Michael Inners

Mark Kaufman

Colleen MacKinnon

Adrienne Raymond

Nancy Russell

Jim Salsgiver

Marc Schauber

Recommendations for the Resolutions Submitted by Member School Boards and the VSBA Resolutions Committee

The VSBA Resolutions Committee and VSBA Board reviewed all resolutions submitted by member school boards and the VSBA Resolutions Committee.

<u>Res #</u>	<u>Submitted By</u>	<u>Subject</u>	<u>Recommendation (Pass/Do Not Pass/Take No Action)</u>
1	Missisquoi Valley School Board	Elimination of the Requirement of Federal Grant Assessment for Vermont School Districts	<u>Comm:</u> Do Not Pass <u>Board:</u> Do Not Pass
2	North Country Supervisory Union Full School Board	Use of Surplus Education Funds	<u>Comm:</u> Do Not Pass <u>Board:</u> Do Not Pass
3	Addison Northwest School District	Collaboration to Benefit all Students	<u>Comm:</u> Do Not Pass <u>Board:</u> Do Not Pass
4	Norwich School District	Non-Residential Tax Rate Equal to Homestead Tax Rate	<u>Comm.</u> Take No Action <u>Board:</u> Do Not Pass
5	Winooski School District	Youth Mental Health	<u>Comm:</u> Pass as Regular Resolution <u>Board:</u> Pass as Regular Resolution
6	Resolutions Committee	Flavored Tobacco Products	<u>Comm:</u> Pass as Regular Resolution <u>Board:</u> Pass as Regular Resolution
7	Resolutions Committee	Separation of Church and State	<u>Comm:</u> Pass as Regular Resolution <u>Board:</u> Pass as Regular Resolution
8	Resolutions Committee	Restraint and Seclusion	<u>Comm:</u> Do Not Pass <u>Board:</u> Pass as Regular Resolution

9	Resolutions Committee	Remote School Board Meetings	<u>Comm:</u> Do Not Pass <u>Board:</u> Pass as Regular Resolution
<p><u>NOTE:</u> P.12 - Table of continuing resolutions considered by the committee with committee recommendation</p>			
<p>P.13 - Table of regular resolutions considered by the committee with committee recommendation</p>			

**Resolution Proposal#1:
Missisquoi Valley School District
Section II, SubSection V
Elimination of the Requirement of Federal Grant Assessment
for Vermont School Districts**

WHEREAS, school districts in Vermont currently face a requirement to pay a federal grant assessment to the Vermont State Teachers Retirement System (VSTRS) for all teachers funded by federal grants; and

WHEREAS, this assessment hampers the ability of school districts to fully utilize the federal grant funds they receive, thereby reducing the resources available for the education and well-being of their students; and

WHEREAS, the current requirement creates an inaccurate representation of the school district's expenditure, potentially misleading the public and stakeholders regarding the actual financial commitment to meet the needs of their schools; and

WHEREAS, the assessment is set at an excessively high rate of over 20%, and its continual growth further exacerbates the burden on school districts year after year; and

BE IT RESOLVED: The requirement for school districts in Vermont to pay a federal grant assessment to the Vermont State Teachers Retirement System for teachers funded by federal grants shall be eliminated.

We, the undersigned, hereby express our support for this resolution and call upon the Vermont State Legislature to take swift action to rectify this unjust burden on school districts and ensure the optimal utilization of federal grant funds for the benefit of Vermont students.

**VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: DO NOT PASS
VSBA BOARD RECOMMENDATION: DO NOT PASS**

**Resolution Proposal #2:
North Country Union Full School Board
Section II, Subsection W
Use of Surplus Education Funds**

WHEREAS: The State of Vermont education fund has a projected \$63 million in surplus funds for year 2022 and educational spending is expected to increase by at least 8%,

AND WHEREAS: The State of Vermont is facing a severe staffing shortage as well as decreases in funds for student programming for the arts and enrichment curriculums and activities – which are an integral part of a comprehensive and inclusive education that empowers, enriches, motivates, and inspires students to expand their creativity, critical thinking and problem-solving skills, therefore

BE IT RESOLVED: All surplus monies in the Vermont State education fund be used to: a) help school districts defray the costs of unemployment insurance so that support staff professionals can obtain unemployment benefits during times of school breaks and vacations, thereby helping to assure said professionals have a living wage and are therefore motivated to fill employment vacancies and keep our schools fully staffed. b) Provide individual schools funds to support the arts and enrichment programs for the students of Vermont.

**VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: DO NOT PASS
VSBA BOARD RECOMMENDATION: DO NOT PASS**

**Resolution Proposal #3:
Addison Northwest School District
Section I, Subsection Q
Collaboration to Benefit all Students**

WHEREAS: Vermont's students, teachers, staff, and administrators have emerged from a world-wide pandemic as well as deal with daily concerns including school shootings and violence, inequity and inequality, and hate speech and actions taken against marginalized persons:

AND WHEREAS: the 2022-23 Vermont statewide student assessments results show an overall reduction in students meeting educational standards in math and language arts;

AND WHEREAS: the State Board of Education and the Agency of Education have facilitated many comprehensive system changes including the statewide Efinance, the Statewide Longitudinal Data System, Vermont's comprehensive student assessment system, changes to block grant funding for Special Education (Act 173), and revised school quality standards;

AND WHEREAS: the Efinance software implementation was a statewide failure and resulted in abandoning the software after spending a significant amount of money from the Education Fund;

AND WHEREAS: the Statewide Longitudinal Data System project was established in 2005 and received \$4.9 million in funding, but useful information from that System is not yet available to local school districts;

AND WHEREAS: the Vermont comprehensive assessment software rollout in the spring of 2023 (which replaced SBAC with Cognia) failed to provide usable or historically comparable results due to system-wide software failures resulting in more hardship for school communities and a further lack of assessment results, therefore

BE IT RESOLVED: The VSBA enlist the support of the Vermont Superintendents Association, Vermont Council of Special Education Administrators, Vermont Business Managers Association and work with legislators by January 2025 to provide recommendations for changes to the Governor and their appointed State Board of Education and Secretary of Agency of Education so that Vermont students receive the benefits of all the VSBA current on-going resolutions (I.F,I.L, II.B(4), II.S, III.B, III.C, and V.B).

VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: DO NOT PASS
VSBA BOARD RECOMMENDATION: DO NOT PASS

**Resolution Proposal #4:
Norwich School District
Section II, Subsection X
Non-Residential Tax Rate Equal to Homestead Tax Rate**

WHEREAS: in 2022 there were 88 towns where the Homestead Education Property Tax Rate was higher than the Non-Residential Education Property Tax Rate;

AND WHEREAS: this property tax rate disparity can incentivize non-residential homeownership in these towns;

AND WHEREAS: this property tax rate disparity places an increased burden on homestead property owners;

AND WHEREAS: many Vermont towns are already facing high property costs and an acute shortage of housing; therefore

BE IT RESOLVED: The VSBA calls upon the General Assembly to examine the impact and feasibility of raising the Non-Residential Tax Rate to the same rate as the Homestead Tax Rate in every town where the Non-Residential Tax Rate is lower than the Homestead Tax Rate.

VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: TAKE NO ACTION

VSBA BOARD RECOMMENDATION: DO NOT PASS

**Resolution Proposal #5:
Winooski School District
Section V, Subsection F
Youth Mental Health**

WHEREAS: In 2021 U.S. Surgeon General Vivek Murthy released a national advisory, Protecting Youth Mental Health, citing increased rates of psychological distress among youth, increased number of emergency department visits for suspected suicide attempts, and recognition that it was more difficult to recognize signs of mental illness during the pandemic;

AND WHEREAS: In 2023 Dr. Murthy stated that the increase in youth mental health needs is “the defining crisis of our time;”

AND WHEREAS: Results from the 2021 Youth Risk Behavior Survey of Vermont’s middle and high school students report that 35% experience poor mental health “most of the time” or “always,” with higher percentages among girls (49%) and LGBTQ+ students (59%);

AND WHEREAS: According to the survey, students of color were almost twice as likely to have attempted suicide as compared to white students, and LGBTQ+ students were more than three times as likely as compared to heterosexual/cisgender students, in the 12 months prior to the survey;

AND WHEREAS: Vermont Department of Health published data and analysis on suicidality in 2022, stating that “suicide-related risk factors in youth are increasing,” suicide is the second-leading cause of death among youth, and hospital visits for intentional self-harm are statistically significantly higher for 15- to 24-year old youth as compared to other age groups;

AND WHEREAS: In 2023, Superintendent Lynn Cota testified to the House Education Committee of a “growing complexity and severity of student behaviors” including violent outbursts, vandalism, sexualized behaviors, and threats of harm to self or others among schools;

AND WHEREAS: Superintendent Cota described the “unintended consequences” that come from schools hiring mental health professionals without coordinating efforts with social service partners, including the exacerbation of staffing shortages in the Designated Agencies and the Department for Children and Families; therefore

BE IT RESOLVED: The VSBA urges the General Assembly and Congress to champion the health and well-being of Vermont's youth by enacting legislation that supports our youth's mental health and protects them against intentional self-harm, and ensures adequate funding for any programs or requirements that are mandated by enacted legislation. Further, the VSBA calls upon the Governor to develop a comprehensive plan to support and protect youth mental health through meaningful collaboration among the Administration, schools, Designated Agencies, and other community partners.

VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: PASS AS A REGULAR RESOLUTION

VSBA BOARD RECOMMENDATION: PASS AS A REGULAR RESOLUTION

Resolution Proposal #6
Resolutions Committee
Section V, Subsection G
Flavored Tobacco Products

WHEREAS: Flavors in tobacco products increase the appeal of tobacco to young people, with the highest prevalence of flavored tobacco use seen in U.S. teens aged 12-17, followed by young adults aged 18-24;

AND WHEREAS: First use of a flavored tobacco product is also associated with continued use and progression to regular tobacco use;

AND WHEREAS: Of the 873 Vermont teens and young adults who completed surveys conducted by PACE Vermont in Fall or Winter 2020 addressing nicotine and tobacco product use (electronic vapor product (EVP), cigarette, and cigar), use of flavored tobacco products, and beliefs about flavored tobacco products, nearly 1 in 5 (18%) of participants used an EVP in the past 30 days; of those, 83% used flavored EVPs. More than a third (37%) of past 30-day cigarette smokers used menthol or flavored cigarettes and 44% of past 30-day cigar, cigarillo, or little cigar smokers used flavored cigars;

AND WHEREAS: In that same survey, of those participants aged 12-20, 55% believed that flavored tobacco products were “easier to use” than non-flavored tobacco products (44% “about the same” and 2% “harder to use”);

AND WHEREAS: Also in that survey, nearly three-quarters (72%) believed that the harms of using flavored tobacco products were “no different” than non-flavored tobacco products (26% “more harmful” and 2% “less harmful”);

AND WHEREAS: The Executive Director of the Vermont Principals Association testified during the 2023 legislative session that “[v]aping in schools is reaching a crisis level not only in high schools but also in middle schools in the state. School administrators are spending an inordinate amount of time checking bathrooms and other spots in schools and on school grounds during school hours tracking down students who are seeking to feed their addiction. School districts are spending a great deal of money setting up vape sensors in bathrooms and other places within the school. Schools are catching students vaping and providing them with educational training as a part of their plan for addressing these issues - these education modules dealing with vaping are not free and schools are paying for this programming.”;

AND WHEREAS: The VSBA Board of Directors approved a motion on Feb. 12, 2020 supporting the ban on the sale of flavored cigarettes, flavored e cigarettes and flavored substances that contain nicotine or are otherwise intended for use in an e-cigarette; therefore

BE IT RESOLVED: The VSBA supports a ban on the sale of flavored cigarettes, flavored e cigarettes and flavored substances that contain nicotine or are otherwise intended for use in an e-cigarette.

VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: PASS AS A REGULAR RESOLUTION

VSBA BOARD RECOMMENDATION: PASS AS A REGULAR RESOLUTION

Resolution Proposal #7
Resolutions Committee
Section II, Subsection Y
Separation of Church and State

WHEREAS: The Compelled Support Clause in Chapter I, Article 3 of the Vermont Constitution states “that no person ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of conscience”;

AND WHEREAS: The Supreme Court in *Carson v. Makin* made it clear that if Vermont (and other states) provides taxpayer-funded vouchers for private schools, it must expand to send public money to all private schools, including religious ones;

AND WHEREAS: The Vermont Agency of Education, in response to *Carson v. Makin*, issued guidance advising school districts that religious schools could not be excluded from public tuition payments based on Vermont Constitution’s Compelled Support Clause, Vermont Constitution Chapter I, Article 3.;

AND WHEREAS: The Agency of Education’s guidance is inconsistent with the Vermont Supreme Court’s interpretation of the Compelled Support Clause in the *Chittenden* case, which held that school districts violate the Vermont Constitution's Compelled Support Clause when they "reimburse tuition for a sectarian school .. in the absence of adequate safeguards against the use of such funds for religious worship.”;

AND WHEREAS: By sending public tax dollars to religious schools, Vermont is supporting religious indoctrination and training for future religious leaders and adherents, which is contrary to the Compelled Support Clause;

AND WHEREAS: If the General Assembly does not act, Vermont tax dollars will continue to flow to religious schools; therefore

BE IT RESOLVED: The General Assembly must act to bring Vermont tuition reimbursement policy and practice into compliance with the U.S. Supreme Court’s ruling in the *Carson v. Makin* without violating the Compelled Support Clause in Article III of Chapter I of the Vermont Constitution.

VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: PASS AS A REGULAR RESOLUTION

VSBA BOARD RECOMMENDATION: PASS AS A REGULAR RESOLUTION

Resolution Proposal #8
VSBA Staff
Section V, Subsection H
Restraint and Seclusion

WHEREAS: 16 V.S.A § 1161a states that “each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youths;”

AND WHEREAS: in 2012, the US Department of Education (USDE) identified 15 principles for states, local school districts, preschool, elementary, and secondary schools, parents, and other stakeholders to consider as the framework for when states, localities, and districts develop and implement policies and procedures... related to restraint and seclusion to ensure that any use of restraint or seclusion in schools does not occur except when there is a threat of imminent danger or serious physical harm to the student or others, and occurs in a manner that protects the safety of all children and adults at school;

AND WHEREAS: On July 31, 2009, USDE Secretary Duncan sent a [letter](#) to states and territories urging them to develop or review and, if appropriate, revise their state policies and guidelines to ensure that every student in every school under its jurisdiction is safe and protected from being unnecessarily or inappropriately restrained or secluded;

AND WHEREAS: The State of Vermont does not have any policies or guidelines on the use of restraints or seclusion in schools;

AND WHEREAS: The use of restraints and seclusion in schools is governed only by the Vermont State Board of Education Rule Series 4500;

AND WHEREAS: Data reporting is only required when there is death, injury requiring outside medical treatment or hospitalization to staff or student as a result of a restraint or seclusion; or when physical restraint or seclusion has been used for more than thirty (30) minutes; or when physical restraint or seclusion has been used in violation of the 4500 Rules, including the use of any prohibited restraint or seclusion;

AND WHEREAS: The 2023 General Assembly heard testimony regarding the ongoing and potential overuse of restraint and seclusion, inadequate training on de-escalation techniques, limited data reporting, and lack of monitoring of the use of restraint and seclusion practices and compliance with Rule 4500; therefore

BE IT RESOLVED: The VSBA calls on the General Assembly to prohibit the use of restraint and seclusion in any learning environment that receives public funds from the State of Vermont, except when there is a threat of imminent

danger of serious physical harm to the student or others, and when it occurs in a manner that protects the safety of all children. Further, the VSBA calls for thorough data reporting requirements that would provide student demographic information, and the development and implementation of statewide technical assistance to promote positive development of youth through evidence-based, developmentally-appropriate programs. Technical assistance should address consistent and accurate reporting, to include demographic information.

**VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: DO NOT PASS
VSBA BOARD RECOMMENDATION: PASS AS A REGULAR RESOLUTION**

Resolution Proposal #9
Resolutions Committee
Section I, Subsection Q
Remote School Board Meetings

WHEREAS: Vermont Open Meeting Law, 1 V.S.A. §312(a), requires that if a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, (1) the agenda shall designate at least one physical location where a member of the public can attend and participate in the meeting, and, (2) at least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location;

AND WHEREAS: the General Assembly passed Act 1 (2023), which suspends the designated physical location requirements and permits a quorum or more of the members of a public body to attend a regular, special or emergency meeting by electronic or other means without being physically present at a designated meeting location, without designating a physical location, and without requiring staff to be physically present at that location until July 1, 2024;

AND WHEREAS: the temporary suspension of designated meeting location requirements have increased community participation, equity of access, transparency and accountability, therefore

BE IT RESOLVED: The General Assembly should amend Vermont's Open Meeting Law to make fully remote meetings a permanent, voluntary option.

VSBA RESOLUTIONS COMMITTEE RECOMMENDATION: DO NOT PASS
VSBA BOARD RECOMMENDATION: PASS AS A REGULAR RESOLUTION

Recommendations For Continuing Resolutions

The VSBA Resolutions Committee and VSBA Board also reviewed the continuing resolutions and made the following recommendations. As a reminder, continuing resolutions are in effect until amended or deleted.

<u>Res #</u>	<u>Resolution Name</u>	<u>Committee and Board Recommendation</u> (Delete, Adopt for 1 year, Amend, Take No Action)
I.C.	Supervisory Unions	Delete
I.J.	Appointments to Unified Boards	Delete
II.N.1.	Cost Containment - Statewide health insurance benefit	Amend (see below)
III.D.	School Choice	Amend (see below)
III.E.	Early Education	Amend (see below)

VSBA Resolutions Committee and VSBA Board (Recommended) Amendments:

II.N.1. - Cost Containment - Statewide health insurance benefit for school employees:

The Resolutions Committee and VSBA Board recommend the following amendment:
~~*In order to ensure equity and sustainability in the health care benefits available to all school employees, the General Assembly should adopt a process for the negotiation of health care benefits at the state level by a council of school board members to apply to contracts that expire in 2019.*~~ Any legislative approach for addressing health care for school employees must demonstrate that it will reduce costs to school districts over the near and long term and should reflect the health insurance plan norms for the majority of Vermonters.

III.D. - School Choice -

The Resolutions Committee and the VSBA Board recommend the following amendment:
~~*Vermont needs to recognize the long history of school choice in many towns and to leave in place that status quo.*~~ VSBA is concerned that expanded school choice for all other towns could have significant unintended consequences. If this option is to be seriously considered it requires extensive study with substantial involvement by VSBA.

III.E. - Early Education -

The Resolutions Committee and the VSBA Board recommend the following amendment:
~~**E. EARLY EDUCATION** – The VSBA encourages the General Assembly to create~~

~~universal access to pre-kindergarten education, through a system that emphasizes equity, quality, and simplicity. School districts should play a central role in assuring quality and accountability in publicly funded early education programs.~~

E. PRE-KINDERGARTEN - The VSBA encourages the General Assembly to support fully-funded, full-day pre-kindergarten education through a system that emphasizes equity, high-quality and simplicity. School districts must ensure equitable access, quality and accountability in publicly funded pre-kindergarten education.

Recommendations For Regular Resolutions

The VSBA Resolutions Committee and VSBA Board also reviewed the regular resolutions and made the following recommendations. As a reminder, regular resolutions are in effect until the next annual meeting when they may be deleted, continued for one year, or amended.

<u>Res #</u>	<u>Resolution Name</u>	<u>Committee and Board Recommendation</u> (Delete, Continue, Amend)
I.L.	Timely and Reliable Information & Implementation	Amend (see below)
I.M.	Monitor Outcomes From Act 46 Goals	Continue
I.O.	Governance of Career & Technical Education Schools	Continue
I.P.	Governance Standards	Continue
II.E.	Common Level of Appraisal	Continue
II.F.	Reform the Education Tax System	Continue
II.O.	Broadband Access for Education	Continue
II.S.	Shared School District Financial Software System	Delete
II.T.	Education Finance	Continue
III.J.	School Stabilization: Student Mobility and Resilience	Continue
V.E.	Universal Meals	Continue

VSBA Resolutions Committee and VSBA Board (Recommended) Amendment:

I.L. Timely and Reliable Information & Implementation -

The Resolutions Committee and the VSBA Board recommend amending the existing language as follows: *The VSBA will prioritize and use its influence to support Vermont School Boards in ensuring that Business Managers, Superintendents, and School Boards receive required, useful and timely information from the Agency of Education*

and that the implementation of the statewide Chart of Accounts and Accounting System will not become a burden for its member school districts.