

2021 Legislative Recap

June 3, 2021

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AGENDA

- Bills passed/enacted
 - Several bills have not yet been enacted (Act number indicates those bills that have been enacted)
 - There will be a veto session
- Bills “on the wall”
- Expectations in FY22
- VSBA’s continued advocacy work

H.449 - Pensions (not yet enacted)

Delivered to the Governor on June 2, 2021

Creates three entities: Vermont Pension Investment Commission, the Pension Benefits, Design and Funding Task Force, and the Joint Public Pension Oversight Committee

1. 9 member Vermont Pension Investment Commission is responsible for investment of assets (replaces current VT Pension Investment Committee)
 - a. VSBA to appoint one member representing a school employer
2. 13 member Task Force is responsible for reviewing and reporting on the benefits, design and funding of retirement and retiree health benefit plans for VSTRS & VSERS
3. Joint Public Pension Oversight Committee (3 Representatives & 3 Senators) responsible for working with and providing assistance to other legislative committees on matters related to State's retirement system and other post employment benefits

H.439 “The Budget Bill” - Pensions (not yet enacted)

- Delivered to the Governor on June 2, 2021
- Reserves \$150 million in General Fund monies and \$14 million in Ed. Fund monies in FY21 to be part of the pension funding initiatives and prefunding of other post employment benefits (OPEB)
- Requires General Assembly and Administration, in collaboration with the Treasurer and interested parties to develop a long-term plan to address pension and OPEB liabilities by June 30, 2022
- Calls on the State Treasurer to submit a report on:
 - feasibility of moving the normal costs expenses from the Ed. Fund to local school budgets,
 - an assessment of the use of federal grants for the normal costs of benefits, and
 - reimbursement for employer health care benefits through ESSER funds

H.439 “The Budget Bill” - PCB Testing (not yet enacted)

- Allocates \$4.5 million to complete indoor quality testing for PCBs in public and approved independent schools that were constructed or renovated prior to 1980 by July 1, 2024
 - The bill is silent on programmatic details for testing and for remediation
 - GA intends to develop additional guidance in the 2022 legislative session
- Appropriates \$500,000 to the Health Department to “support” PCB testing in schools

H.436 “The Yield Bill”

(not yet enacted)

- Delivered to the Governor on June 2, 2021
- Sets the yield rates for FY22 as follows:
 - property dollar equivalent yield: \$11,317.00 (FY21 is \$10,998)
 - the income dollar equivalent yield: \$13,770.00 (FY21 is \$13,535)
 - the tax rate for non-homestead property: \$1.612 (FY21 rate is \$1.628)
 - Note: estimated average homestead tax rate = \$1.523
- Excludes from the excess spending penalty calculation, expenditures for eligible school capital project costs that have received preliminary approval under State Board Rule;
- Provides that no school district’s equalized pupil count will be less than 96.5% of the actual number of equalized pupils in the school district in the previous year; and
- Continues small school grants for school districts that received a grant in FY2020

H.426 - Addressing the Needs and Conditions of School Facilities

(not yet enacted)

- Delivered to the Governor on June 2, 2021
- By January 2023, the Agency of Education will update both the school construction standards and the capital construction outlay formula
- Third party consultant to conduct:
 - inventory of immediate health and safety needs of schools
 - assessment of school conditions and longer term needs and costs
- Requires report from the Secretary of Education on sources for school construction aid
- Requires Superintendents to designate one position with responsibility for school facilities with professional development and certification

H.426 - Addressing the Needs and Conditions of School Facilities (cont.)

(not yet enacted)

- Requires each school district to have a capital improvement plan
- Funds a position at the AOE in support of the work within H.426
- Amends the threshold for bidding requirements (\$15,000.00 to \$40,000.00)
- Authorizes the Secretary of Education to hire a consultant to assist schools in using ESSER III funds to improve overall health and safety
- Establishes the Renewable and Efficiency Heating Systems Grant Program through Efficiency Vermont, but defers funding until next session
- Requires public and approved independent schools to test for Radon before June 2023 with one year extension for schools that will improve HVAC systems by June 2023

H.81 (Act 7) - Public School Employees' Health Benefits

- Excludes superintendents from definition of “school employee”
- Removes requirement that premium percentages and out-of-pocket expenses for each plan tier must be the same for all participating employees
- Allows, but does not require, the Commission to negotiate a statewide grievance procedure for health benefits disputes

H.81 (Act 7) - Public School Employees' Health Benefits (cont.)

- Prohibits a school employee from receiving cash in lieu from one school employer while simultaneously receiving health care benefits from the same or another school employer
- Adds option of Vermont Labor Relations Board (and current three-member panel of arbitrators) if the Commission is unable to mutually agree on an arbitrator
- Requires arbitrator's (or arbitrators') decision to be written and provide a full explanation of the basis for the decision

S.13- Pupil Weighting Study

(not yet enacted)

- Delivered to the Governor on June 1, 2021
- Creates Task Force on the Implementation of the Pupil Weighting Factors Report to hold at least 2 public meetings and to recommend to the General Assembly an action plan and proposed legislation to ensure equitable access to educational opportunities, taking into account the Pupil Weighting Factors Report
- Administrative support from JFO, technical support from AOE & Dept of Taxes, and legal assistance from Office of Legislative Counsel
 - Consultant may assist w/modeling education finance scenarios if needed
- Task force will collaborate with:
 - State Board of Education
 - Vermont Superintendents Association
 - Vermont School Boards Association
 - Vermont Council of Special Education Administrators
 - Vermont Principals Association
 - Vermont Independent Schools Association
 - Vermont National Education Association

★ Excess Spending Penalty Moratorium for fiscal years 2022 and 2023

S.16 (Act 35) Task Force on Equitable and Inclusive School Environments

- 16 Member Task Force
- Make recommendations to end suspensions and expulsions for all but the most serious student behavior and to compile data regarding school discipline
- Define the most serious behaviors that should remain eligible for suspension or expulsion, make recommendations for more uniform in-school services for any students who would otherwise face exclusionary discipline
- Prohibits expulsion for children under the age of 8, unless the student poses an imminent threat of harm or danger to others in the school
- Review and recommendations on school Professional Development and best practices

H.106 - Community Schools and Task Force on Universal School Lunch

(not yet enacted)

- Delivered to the Governor on June 2, 2021
- Community schools programs include 5 “pillars”:
 - Integrated student supports with social and health service agencies & providers
 - Expanded and enriched learning time and opportunities
 - Active family and community engagement
 - Collaborative leadership practices
 - Safe, inclusive, and equitable learning environments

H.106 - Community Schools and Task Force on Universal School Lunch (cont.)

(not yet enacted)

- Eligible schools:
 - have a student body where at least 40% of students are eligible for free or reduced-price lunch or
 - have been identified for comprehensive or equity support and intervention under ESEA or otherwise identified by the State as in need of additional support
- Funding - annually to eligible recipients for three years
- Utilizes “site-based leadership teams” to support planning, implementation, and oversight of community school programs
- H.106 includes elements of S.100: incentive grants for purchasing locally produced foods & creation of Universal School Lunch Task Force

S.100 - Universal School Meals

(did not progress)

- Universal breakfast bill (free breakfast regardless of income) passed the Senate, was considered by the House Education Committee, but the **Committee did not vote on it before the end of the session**
- Would have required schools to provide breakfast (picked up by students & made available to students in classrooms after the start of the school day)
- Funded “off the top” of the Ed Fund: estimated cost of \$8 million/year
- Included Universal School Lunch Task Force - to determine methods for reaching universal meals
- Federal government providing universal meals through 2021-2022 school year
 - H.106 addresses some of the goals of S.100, such as the creation of Universal School Lunch Task Force

S.114 (Act 28) Literacy

- AOE to provide (using SEA ESSER Funds):
 - Technical support to SUs to address learning loss and improve literacy outcomes
 - Professional learning modules for teachers in the methods of teaching literacy & to assist SUs in implementing evidence-based, systems-wide literacy approaches
 - Support to SDs in use of federal funds to improve literacy outcomes and to recommend policies, procedures, and other methods to sustain improvements in literacy outcomes
- Creates a Literacy Council to advise AOE, State Board, and General Assembly
- AOE to review teacher preparation programs & licensing/re-licensing criteria pertaining to literacy

S.115- Miscellaneous Education Bill

(not yet enacted)

- Delivered to the Governor on June 1, 2021
- Creates Working Group on the Status of Libraries in Vermont (inc. 2 public school librarians)
- Permits school district & municipality to jointly fund the services of cultural liaisons to support students and families who have limited English proficiency (LEP)
- Establishes an Advisory Council on Wellness & Comprehensive Health to:
 - assist AOE to plan, coordinate & encourage wellness & comprehensive health programs
 - examine & coordinate state health wellness policies and federal wellness policies to identify and eliminate redundancies
- Secretary of Education to supervise preparation of appropriate nutrition and fitness wellness program curricula, promote teacher preparation programs addressing these curricula, and assist in the development of wellness programs
 - By January 15, 2022, AOE to collaborate with Advisory Council on Wellness and Comprehensive Health and Vermont School Boards Association to update and distribute a model wellness program policy that reflects nationally accepted best practices for comprehensive health education and school wellness policies

S.115- Miscellaneous Education Bill (cont.) (not yet enacted)

- Requires school districts and approved independent schools to provide menstrual products at no cost (begins with 2022–2023 school year)
- Changes composition of the Ethnic and Social Equity Studies Working Group -- adds another representative from VT's Indigenous Community and two more students
 - Requires support from AOE and permits retention of a contracted provider if AOE cannot meet the support requirements for the group
- Extends the deadline for statewide adoption of eFinance for further evaluation of the system to December 31, 2022 (from July)
- Issues a pause until January 1, 2022 of further implementation of eFinancePlus to provide time for further evaluation of the system, status report from AOE by June 30, 2021, then quarterly
- On or before December 15, 2021, State Board of Education and Agency of Education will jointly report a proposal to House and Senate Committees on Education on restructuring the roles and responsibilities of the State Board and the Agency

VSBA During the “Off -session:”

VSBA provides a voice for our members through representation on Committees, Task Force Groups, and in Consultation with Working Groups