

Journal of the House

Friday, April 29, 2011

At nine o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Memorial Service

The Speaker placed before the House the following name of member of past sessions of the Vermont General Assembly who had passed away recently:

Wallace Albert Martin **Member from Rochester**
Session of 1981

Thereupon, the members of the House rose for a moment of prayer in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family

Message from Governor

A message was received from His Excellency, the Governor, by Mrs. Alexandra Maclean, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty eighth day of April, 2011, he approved and signed bills originating in the House of the following titles:

- H. 52 An act relating to the definition of poultry products**
- H. 240 An act relating to continuing to provide for the receivership of long-term care facilities**
- H. 442 An act relating to the definitions of poultry products**

House Resolution Referred to Committee

H.R. 11

House resolution, entitled

House resolution relating to United States military and diplomatic policies in Afghanistan

Offered by: Representatives Fisher of Lincoln, Pearson of Burlington, Ancel of Calais, Aswad of Burlington, Atkins of Winooski, Bartholomew of

Hartland, Bohi of Hartford, Botzow of Pownal, Burke of Brattleboro, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Font-Russell of Rutland City, Frank of Underhill, French of Shrewsbury, French of Randolph, Grad of Moretown, Haas of Rochester, Heath of Westford, Hooper of Montpelier, Howrigan of Fairfield, Jerman of Essex, Johnson of South Hero, Keenan of St. Albans City, Kitzmiller of Montpelier, Klein of East Montpelier, Kupersmith of South Burlington, Larson of Burlington, Lenes of Shelburne, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, O'Brien of Richmond, Partridge of Windham, Peltz of Woodbury, Poirier of Barre City, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Young of Albany

Whereas, the war in Afghanistan is America's longest war, and there is no end in sight, and

Whereas, this legislative body appreciates and respects the dedication of Vermont's national guard members, Vermonters in other branches of the military who have been deployed to Afghanistan and the surrounding nations, and their families, and any criticism of our nation's policy in the region must not be interpreted as lack of support for the men and women in our armed forces whose bravery is on display each day as they risk their lives, and

Whereas, more than 1,500 brave American servicemen and -women have already lost their lives in Afghanistan, and many thousands more have been seriously wounded, and

Whereas, according to the United Nations, the number of Afghani civilians killed in the first six months of 2010 rose 31 percent, and civilian casualties continue at high numbers, and

Whereas, the United States now has 100,000 troops deployed to Afghanistan, and

Whereas, the Pentagon has recently stated that its costs in Afghanistan are \$300 million a day, and

Whereas, this military conflict began with the goal of killing or capturing the al-Qaeda leaders and fighters who used Afghanistan as a base from which to launch the September 11 attacks on the United States, and

Whereas, the rationale for the military action in Afghanistan has changed substantially, and the altered mission has never been endorsed by Congress and has scarcely been debated, and

Whereas, the impetus for the substantial change in mission was not a national emergency created by an attack on the United States, as was the case after the attack of September 11, and should have been preceded by a congressional authorization for use of force under the War Powers Resolution of 1973 (Pub. L. 93-148), and

Whereas, Bing West, assistant secretary of defense in the Reagan administration, a Marine infantry officer in Vietnam, and a highly respected expert on military policy, is the author of a recently released and well received book, *The Wrong War*, in which he opines, as reported by Elisabeth Bumiller in an April 15, 2011 *New York Times* article, “that the counterinsurgency strategy behind the war—trying to win over the Afghans by protecting them from the Taliban and building roads, schools and civil institutions—is a failure,” and

Whereas, our nation’s limited financial resources should be preserved for addressing the serious economic and domestic challenges that our nation faces in building a strong economic recovery from the economic downturn, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges President Obama, in concert with Congress and in consultation with NATO allies whose troops are present in Afghanistan, to formulate specific policy goals regarding the United States mission in Afghanistan, and be it further

Resolved: That this policy declaration be completed and made public as rapidly as possible, include a durable timetable for withdrawal of American forces commencing no later than the previously announced plan to begin withdrawal by July 2011, and be clear that any post-withdrawal United States role in Afghanistan should be limited to providing material support to Afghans who have stood with the United States and its allies and who have worked to promote liberty and stability in that country, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Obama and to the Vermont Congressional Delegation.

Which was read and referred to the committee on General, Housing and Military Affairs.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 108

Senate bill, entitled

An act relating to effective strategies to reduce criminal recidivism

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 30

On motion of **Rep. Komline of Dorset**, the rules were suspended and Senate bill, entitled

An act relating to assault of a health care worker

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Koch of Barre Town, for the committee on Judiciary, to which had been referred the bill reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF LAW ENFORCEMENT OFFICER, FIREFIGHTER,
~~EMERGENCY ROOM PERSONNEL, OR EMERGENCY~~
~~MEDICAL PERSONNEL MEMBER, OR HEALTH CARE~~
WORKER; ASSAULT WITH BODILY FLUIDS

(a) A person convicted of a simple or aggravated assault against a law enforcement officer, a firefighter, emergency room personnel a health care worker, or a member of emergency services medical personnel as defined in subdivision 24 V.S.A. § 2651(6) of Title 24 while the officer, firefighter, health care worker, or emergency medical personnel member is performing a

lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, shall:

(1) For the first offense, be imprisoned not more than one year;

(2) For the second offense and subsequent offenses, be imprisoned not more than 10 years.

(b)(1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a ~~law enforcement officer~~ person designated in subsection (a) of this section while the ~~officer~~ person is performing a lawful duty.

(2) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) In imposing a sentence under this section, the court shall take into consideration whether the defendant was a patient at the time of the offense and had a psychiatric illness, the symptoms of which were exacerbated by the surrounding circumstances, irrespective of whether the illness constituted an affirmative defense to the charge.

(d) For purposes of this section:

(1) "Health care facility" shall have the same meaning as defined in 18 V.S.A. § 9432(8)

(2) "Health care worker" means an employee of a health care facility or a licensed physician who is on the medical staff of a health care facility who provides direct care to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence.

Sec. 2. LAW ENFORCEMENT ADVISORY BOARD

The law enforcement advisory board shall adopt a model policy to address enforcement of the criminal code as it relates to an assault of a health care worker while he or she is engaged in his or her official duties providing patient care.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the bill was read the second time.

Rep. Leriche of Hardwick in Chair.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary? **Rep. Hebert of Vernon** demanded the Yeas and Nays, which demand was sustained by the

Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary? was decided in the affirmative. Yeas, 132. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	McNeil of Rutland Town
Andrews of Rutland City	Greshin of Warren	Miller of Shaftsbury
Aswad of Burlington	Haas of Rochester	Mook of Bennington
Atkins of Winooski	Head of South Burlington	Moran of Wardsboro
Bartholomew of Hartland	Hebert of Vernon	Morrissey of Bennington
Batchelor of Derby	Helm of Fair Haven	Mrowicki of Putney
Bissonnette of Winooski	Higley of Lowell	Munger of South Burlington
Bohi of Hartford	Hooper of Montpelier	Myers of Essex
Bouchard of Colchester	Howard of Cambridge	Nuovo of Middlebury
Brennan of Colchester	Hubert of Milton	O'Brien of Richmond
Browning of Arlington	Jerman of Essex	Olsen of Jamaica
Burditt of West Rutland	Jewett of Ripton	Partridge of Windham
Burke of Brattleboro	Johnson of South Hero	Pearce of Richford
Campion of Bennington	Johnson of Canaan	Pearson of Burlington
Cheney of Norwich	Keenan of St. Albans City	Peaslee of Guildhall
Christie of Hartford	Kilmartin of Newport City	Peltz of Woodbury
Clarkson of Woodstock	Kitzmiller of Montpelier	Perley of Enosburgh
Condon of Colchester	Klein of East Montpelier	Poirier of Barre City
Conquest of Newbury	Koch of Barre Town	Potter of Clarendon
Consejo of Sheldon	Komline of Dorset	Pugh of South Burlington
Copeland-Hanzas of Bradford	Krebs of South Hero	Ram of Burlington
Corcoran of Bennington	Kupersmith of South Burlington	Reis of St. Johnsbury
Courcelle of Rutland City	Lanpher of Vergennes	Savage of Swanton
Crawford of Burke	Larocque of Barnet	Scheuermann of Stowe
Dakin of Chester	Larson of Burlington	Shand of Weathersfield
Davis of Washington	Lawrence of Lyndon	Sharpe of Bristol
Deen of Westminster	Lenes of Shelburne	Shaw of Pittsford
Devereux of Mount Holly	Lewis of Berlin	Smith of New Haven
Donaghy of Poultney	Lewis of Derby	South of St. Johnsbury
Donahue of Northfield	Lippert of Hinesburg	Spengler of Colchester
Donovan of Burlington	Lorber of Burlington	Stevens of Waterbury
Eckhardt of Chittenden	Macaig of Williston	Stevens of Shoreham
Edwards of Brattleboro	Malcolm of Pawlet	Strong of Albany
Ellis of Waterbury	Manwaring of Wilmington	Stuart of Brattleboro
Emmons of Springfield	Marcotte of Coventry	Sweaney of Windsor
Evans of Essex	Marek of Newfane	Taylor of Barre City
Fisher of Lincoln	Martin of Springfield	Townsend of Randolph
Font-Russell of Rutland City	Martin of Wolcott	Trieber of Rockingham
Frank of Underhill	Masland of Thetford	Turner of Milton
French of Shrewsbury	McAllister of Highgate	Waite-Simpson of Essex
French of Randolph	McCullough of Williston	Webb of Shelburne
Gilbert of Fairfax	McFaun of Barre Town	Weston of Burlington
		Wilson of Manchester

Winters of Williamstown	Woodward of Johnson	Young of Albany
Wizowaty of Burlington	Yantachka of Charlotte	

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Acinapura of Brandon	Degree of St. Albans City	Mitchell of Barnard
Botzow of Pownal	Dickinson of St. Albans	Ralston of Middlebury
Branagan of Georgia	Town	Smith of Morristown
Buxton of Royalton	Fagan of Rutland City	Till of Jericho
Canfield of Fair Haven	Heath of Westford	Toll of Danville
Clark of Vergennes	Howrigan of Fairfield	Wright of Burlington

Thereupon, third reading was ordered.

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 100

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to making miscellaneous amendments to education laws

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Crawford of Burke, for the committee on Education, to which the bill had been referred reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

* * * Technical Corrections; Miscellaneous * * *

Sec. 1. 16 V.S.A. § 563(12) is amended to read:

(12) Shall employ such persons as may be required to carry out the work of the school district ~~and dismiss any employee when necessary. The school board shall consider the recommendation of the superintendent before employing or dismissing any person~~ pursuant to the provisions of subdivision 242(3) of this title.

Sec. 2. 16 V.S.A. § 1122 is amended to read:

§ 1122. PUPILS OVER ~~SIXTEEN~~ 16

A person having the control of a child over ~~sixteen~~ 16 years of age who allows ~~such the~~ the child to become enrolled in a public school, shall cause ~~such the~~ the child to attend ~~such the~~ the school continually for the full number of the school days of the term in which he or she is ~~so~~ enrolled, unless ~~such the~~ the child is mentally or physically unable to continue, or is excused in writing by the superintendent or a majority of the school directors. In case of such enrollment, ~~such the~~ the person, and the teacher, child, superintendent, and school directors shall be under the laws and subject to the penalties relating to the attendance of children between the ages of ~~seven~~ six and ~~sixteen~~ 16 years.

Sec. 3. 16 V.S.A. § 1221 is amended to read:

~~§ 1221. CONTROL AND REGULATION~~

~~The board of school directors shall control and regulate the transportation and board of pupils in the schools under its charge as hereinafter provided, and contracts therefor shall be made by it. To transport such pupils properly, the board may purchase, maintain and operate the necessary equipment in the name of the school district pursuant to section 559 of this title.~~

* * * Special Education * * *

Sec. 4. 16 V.S.A. § 2945(a) and (b) are amended to read:

(a) There is created an advisory council on special education ~~which that~~ that shall consist of 17 members. All members of the council shall serve for a term of three years or until their successors are appointed. Terms shall begin on April 1 of the year of appointment. A majority of the members shall be either individuals with disabilities or parents of children with disabilities.

(1) Fifteen of the members shall be appointed by the governor with the advice of the commissioner of education. Among the gubernatorial appointees shall be:

(A) ~~teachers of children with disabilities;~~

(B) representatives of ~~other~~ state agencies involved in the financing or delivery of related services to children with disabilities, ~~representatives;~~

(C) a representative of independent schools;

(D) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; ~~representatives;~~

(E) a representative from the state juvenile and adult corrections agency; ~~handicapped;~~

(F) individuals; with disabilities;

(G) parents of children with disabilities, provided the child shall be younger than 26 years old at the time his or her parent is appointed to the council;

(H) state and local education administrators officials, including officials who carry out activities under the McKinney-Vento Homeless Assistance Act;

(I) a representative of higher education who prepares special education and related services personnel;

(J) a representative from the state child welfare department responsible for foster care; and

(K) special education program administrators. A majority of the members must be either individuals with disabilities or parents of children with disabilities.

(2) In addition, two members of the general assembly shall be appointed, one from the house of representatives and one from the senate. The speaker shall appoint the house member shall be appointed by the speaker, and the committee on committees shall appoint the senate member shall be appointed by the committee on committees. All members of the council shall serve for a term of three years, beginning from April 1 of the year of appointment or until their successors are appointed. For the purpose of implementing this section, the governor shall make initial appointments as follows: Approximately one third of the members shall be appointed to one-year terms, one third to two year terms, and one third to three year terms. As the terms expire, the new appointees shall be appointed to fill three-year terms.

(b) The council shall elect its own chairman chair from among its membership. The council shall meet annually at the call of the chairman chair, and other meetings may be called by the chairman chair at such times and places as he or she may determine to be necessary.

Sec. 5. 16 V.S.A. § 2967(b) is amended to read:

(b) The total expenditures made by the state in any fiscal year pursuant to this chapter shall be 60 percent of the statewide total special education expenditures of funds which that are not derived from federal sources. Special education expenditures shall include:

(1) costs eligible for grants and reimbursements under sections 2961 through 2963a of this title;

(2) costs for services for the visually handicapped impaired and hearing impaired;

- (3) costs for the interdisciplinary team program;
- (4) costs for regional ~~multi-handicapped~~ specialists in multiple disabilities;
- (5) funds expended for training and programs to meet the needs of students with emotional behavioral problems under subsection 2969(c) of this title; and
- (6) funds expended for training under subsection 2969(d) of this title.

Sec. 6. 16 V.S.A. § 4014(d) is amended to read:

(d) The commissioner shall evaluate proposals based on the following criteria:

(1) The program will serve additional children with special needs, such as those who are economically disadvantaged, those who have limited English language skills, those with ~~handicapping~~ disabling conditions or those who have suffered from or are at risk of, abuse or neglect.

* * *

(8) The program enables children with ~~handicapping~~ disabling conditions to be served in settings with ~~their nonhandicapped~~ peers who do not have a disability.

(9) The program includes voluntary training for parents.

* * * Data Corrections * * *

Sec. 7. 16 V.S.A. § 4030 is amended to read:

§ 4030. DATA SUBMISSION; CORRECTIONS

(a) Upon discovering an error or change in data submitted to the commissioner for the purpose of determining payments to or from the education fund, a school district shall report the error or change to the commissioner as soon as possible. Any budget deficit or surplus due to the error or change shall be carried forward to the following year.

(b) The commissioner shall use data submitted on or before January 15 prior to the fiscal year which begins the following July 1, in order to calculate the amounts due each school district for any fiscal year for the following:

- (1) ~~the adjusted education payments due under section 4011 of this title;~~
- (2) transportation aid due under ~~Sec. 98 of Act No. 71 of 1998~~ section 4016 of this title; and
- (~~3~~)(2) the small school support grant due under section 4015 of this title.

(c) The commissioner shall use data corrections regarding local education budget amounts submitted on or before June 15 prior to the fiscal year which begins the following July 1, in order to calculate the ~~amounts due each school district~~ education payments due under section ~~4027~~ 4011 of this title. However, the commissioner may use data submitted after June 15 and prior to July 15 due to unusual or exceptional circumstances as determined by the commissioner.

(d) The commissioner shall not use data corrected due to an error submitted following the deadlines to recalculate the equalized pupil ratio under subdivision 4001(3) of this title. The commissioner shall not adjust ~~payments to or from the education fund~~ average daily membership counts if an error or change is reported more than three fiscal years following the date that the original data was due. ~~Adjustments to payments to or from the education fund under this section shall be made on the earliest date possible after the fiscal year in which the error was reported, and in accordance with the schedules set forth in subsection 4028(a) of this title and section 5402 of Title 32, and after the necessary appropriation by the general assembly.~~

(e) The board may adopt rules as necessary to implement the provisions of this section.

* * * Agency of Human Services * * *

Sec. 8. 16 V.S.A. § 212(13) is amended to read:

(13) Ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the ~~departments of mental health and mental retardation and social and rehabilitation services in accordance with the provisions of chapter 2 of Title 3~~ department of mental health, the department for children and families, and the department of disabilities, aging, and independent living pursuant to the provisions of chapter 43 of Title 33.

Sec. 9. 16 V.S.A. § 910 is amended to read:

§ 910. COORDINATION OF SERVICES TO CHILDREN AND

ADOLESCENTS WITH A SEVERE EMOTIONAL DISTURBANCE

Each town, city, interstate, incorporated, unified, or union school district shall cooperate with the ~~departments of mental health and mental retardation, social and rehabilitation services~~ department of mental health, the department for children and families, the department of disabilities, aging, and independent living, and the department of education in coordinating educational services to children and adolescents with a severe emotional disturbance, ~~in accordance~~

~~with the provisions of chapter 2 of Title 3 pursuant to the provisions of chapter 43 of Title 33.~~

Sec. 10. 16 V.S.A. § 1075(i) is amended to read:

(i) The commissioner ~~of social and rehabilitation services~~ for children and families shall continue to provide social services and financial support in accordance with ~~16 V.S.A. § section~~ 2950 of this title on behalf of individuals under his or her care and custody while in a residential placement, until they reach their ~~nineteenth~~ 19th birthday.

Sec. 11. 16 V.S.A. § 1166(b)(1) is amended to read:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the department ~~of social and rehabilitation services~~ for children and families.

Sec. 12. 16 V.S.A. § 2845 is amended to read:

§ 2845. TRUST FUND; GRANTS; STUDENTS IN ~~SRS~~ DCF CUSTODY

(a) The board shall establish a trust fund to be used to provide grants for students who do not have parental support and are or have been under the custody of the commissioner ~~of social and rehabilitation services~~ for children and families. The board may draw up to 90 percent of the assets in the fund for these purposes.

* * *

(e) A child who is under the custody of the commissioner ~~of social and rehabilitation services~~ for children and families, or a young adult between the ages of 18 and 24 who was under the custody of the commissioner ~~of social and rehabilitation services~~ for children and families for at least six months when that person was between the ages of 16 and 18, and who is accepted for degree study at the Vermont state colleges, the University of Vermont, or a Vermont independent college, is eligible for an annual grant under this section, to the extent that funds are available in the trust fund. Upon certification by the Vermont state colleges, the University of Vermont, or a Vermont independent college that a Vermont resident student who is eligible under this section has matriculated in a degree program at a Vermont college or university, the student may receive a grant if the student's financial aid eligibility leaves remaining financial need following the student and the family contributions, if any, and the availability of all other sources of gift aid. Each grant, together with the student and the family contributions, if any, and all

other sources of gift aid, shall not exceed the full cost of tuition, fees, room and board, and no individual annual grant may exceed \$3,000.00. The board may prorate the funds appropriated for use under this section where the collective need of the eligible applicants exceeds the funds appropriated. In addition, the board may prorate a grant based on a student's full- or part-time enrollment status.

* * *

(g) The board shall coordinate implementation of this section with the commissioner ~~of social and rehabilitation services for children and families~~, the president of the association of Vermont independent colleges, the chancellor of the Vermont state colleges, and the president of the University of Vermont. The board may establish procedures and policies or adopt rules to implement this section.

Sec. 13. 16 V.S.A. § 2943 is amended to read:

§ 2943. COMMISSIONER OF EDUCATION FOR CHILDREN WITH DISABILITIES; POWERS

The commissioner of education, by virtue of ~~his~~ the office, shall be commissioner of education for children with disabilities; and, ~~as such commissioner~~ shall superintend all matters relating to the essential early education and special education of children with disabilities; ~~and~~. In addition, the commissioner, in coordination with the ~~departments of mental health and mental retardation and social and rehabilitation services~~ department of mental health, the department of disabilities, aging, and independent living, and the department for children and families, shall ensure that appropriate educational services are provided to children and adolescents with a severe emotional disturbance in accordance with the provisions of chapter 43 of Title 33 and may accept gifts, grants, or other donations to carry out the purpose of this chapter.

Sec. 14. 16 V.S.A. § 2948(f) is amended to read:

(f) If a student is being provided education or special education or both in a school operated by the department of corrections ~~or the department of mental health and mental retardation~~, the ~~agency~~ department of corrections shall serve the student as if the ~~agency~~ department were the school district of residence of the student.

Sec. 15. 16 V.S.A. § 2948(n) is amended to read:

(n) If a student is being provided education or special education, or both in a school operated by the department ~~of social and rehabilitation services~~ for

children and families, the funding and provision of services shall be the responsibility of the department ~~of social and rehabilitation services for children and families~~ and special education procedural responsibility shall be the responsibility of the district of residence of the student's parent, parents, or guardian.

Sec. 16. 16 V.S.A. § 2950(b) is amended to read:

(b) Residential payments.

(1) For a student in the care and custody of the commissioner ~~of social and rehabilitation services for children and families~~ who is placed in a 24-hour residential facility within or outside Vermont, the commissioner of education shall pay the education costs, and the commissioner ~~of social and rehabilitation services for children and families~~ shall arrange for the payment of the remainder of the costs. However, ~~where~~ if the state interagency team, as defined in ~~section 33 V.S.A. § 4302 of Title 33, has found~~ finds such placement inappropriate for the student's education needs, then the commissioner of education shall pay none of the education costs of the placement and the commissioner ~~of social and rehabilitation services for children and families~~ shall arrange for the payment of the full cost of the placement.

(2) For a student who is placed in a 24-hour residential facility within or outside Vermont by a Vermont licensed child placement agency, a designated community mental health agency, any other agency as defined by the commissioner of education, or a Vermont state agency or department other than the department of corrections or the department ~~of social and rehabilitation services for children and families~~, the commissioner of education shall pay the education costs and the agency or department in whose care the student is placed shall arrange for the payment of the remainder of the costs. However, ~~where~~ if the state interagency team, as defined in ~~section 33 V.S.A. § 4302 of Title 33, has found~~ finds such placement inappropriate for the student's education needs, then the commissioner of education shall pay none of the education costs of the placement and the agency or department in whose care the student is placed shall arrange for payment of the full cost of the placement. This subdivision does not apply to a student for whom a residential placement is:

- (A) specified in the student's individualized education program; and
- (B) funded in collaboration with another agency.

Sec. 17. 16 V.S.A. § 4001(8) is amended to read:

(8) "Poverty ratio" means the number of persons in the school district who are aged six through 17 and who are from economically deprived backgrounds, divided by the long-term membership of the school district. A person from an economically deprived background means a person who resides with a family unit receiving ~~Food Stamps~~ nutrition benefits. A person who does not reside with a family unit receiving ~~Food Stamps~~ nutrition benefits but for whom English is not the primary language shall also be counted in the numerator of the ratio. The commissioner shall use a method of measuring the ~~Food Stamps~~ nutrition benefits population which produces data reasonably representative of long-term trends. Persons for whom English is not the primary language shall be identified pursuant to subsection 4010(e) of this title.

* * * Supervisory Union Duties; Transportation Employees;

Transitional Language * * *

Sec. 18. Sec. 18 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 18. TRANSITION

Each supervisory union shall provide for any transition of employment of special education and transportation staff by member districts to employment by the supervisory union, pursuant to Sec. 9 of this act, 16 V.S.A. § 261a(6) and (8)(E), by:

(1) providing that the supervisory union assumes all obligations of each existing collective bargaining agreement in effect between the member districts and their special education employees and their transportation employees until the agreement's expiration, subject to employee compliance with performance standards and any lawful reduction in force, layoff, nonrenewal, or dismissal;

(2) providing, in the absence of an existing recognized representative of its employees, for the immediate and voluntary recognition by the supervisory union of the recognized representatives of the employees of the member districts as the recognized representatives of the employees of the supervisory union;

(3) ensuring that an employee of a member district who is not a probationary employee shall not be considered a probationary employee upon transition to the supervisory union; and

(4) containing an agreement with the recognized representatives of the employees of the member districts that is effective on the day the supervisory

union assumes obligations of existing agreements regarding how the supervisory union, prior to reaching its first collective bargaining agreement with its special education employees and with its transportation employees, will address issues of seniority, reduction in force, layoff, and recall.

* * * Postsecondary Approval; Fees * * *

Sec. 19. 16 V.S.A. § 176 is amended to read:

§ 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

(a) Applicability. ~~All postsecondary schools whose primary operation is in the state of Vermont are~~ Except as provided in subsection (d) of this section, any postsecondary school that operates primarily or exclusively in the state of Vermont is subject to this section.

(b) Definitions. As used in this section:

(1) "Postsecondary school" means any person who offers or operates a program of college or professional education for credit or a degree and enrolls or intends to enroll students.

(2) ~~"Offer" means, in addition to its usual meanings, advertising, publicizing, soliciting, or encouraging any person in this state, directly or indirectly, in any form, to perform the act described.~~ "Offer" includes the use in the name of an institution or in its promotional material, of a term such as "college," "university," or "institute" ~~which that~~ which that is intended to indicate that ~~the business it~~ it is an institution ~~which that~~ which that offers postsecondary education.

(3) "Degree" means any award ~~which that~~ which that is given by a postsecondary school for completion of a program or course and ~~which that~~ which that is designated by the term degree, associate, bachelor, baccalaureate, masters, or doctorate, or any similar award ~~which that~~ which that the state board includes by rule.

(4) "Operate" means to establish, keep, or maintain any facility or location from or through which education is offered or given, or educational degrees are offered or granted. The term includes contracting with any person to perform any such act.

(5) "Accredited" means accredited by any regional ~~or~~, national, or programmatic institutional accrediting agency recognized by the ~~state board~~ U.S. Department of Education.

(c) State board approval.

(1) Every postsecondary school ~~which that~~ which that is subject to this section shall:

(A) apply for a certificate of approval from state board prior to registering its name with the secretary of state pursuant to Title 11, Title 11A, or Title 11B;

(B) apply for and receive a certificate of approval from the state board prior to offering postsecondary credit-bearing courses or programs and prior to admitting the first student; and

(C) ~~notify~~ provide written notification to each applicant for admission or enrollment ~~in writing~~, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable at the discretion of the receiving school.

(2) Every postsecondary school shall secure a certificate of degree-granting authority from the state board before it confers or offers to confer a degree.

(d) Exemptions. The following are exempt from ~~all~~ the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

(1) Programs of education sponsored by a ~~bona-fide~~ trade, labor, business, or professional organization ~~recognized by the state board if they are:~~

~~(A) that are~~ conducted solely for that organization's membership or for members of the particular industries or professions served by that organization; ~~and~~

~~(B) not available to the public on a fee basis.~~

(2) The University of Vermont and the Vermont State Colleges.

(3) Postsecondary schools currently licensed or approved by a Vermont state occupational licensing board.

(4) Postsecondary schools ~~which~~ that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Burlington College, Champlain College, College of St. Joseph, Goddard College, Green Mountain College, Landmark College, Marlboro College, Middlebury College, New England Culinary Institute, Norwich University, Saint Michael's College, SIT, Southern Vermont College, Sterling College, Vermont College of Fine Arts, and Vermont Law School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

(5) Nondegree-granting and noncredit-granting postsecondary schools ~~which~~ that offer only training in the specific trades or vocations.

(6) Religious instruction ~~which~~ that does not result in earning credits or a degree.

(e) Issuance. On proper application, the state board shall issue a certificate of approval or a certificate of degree-granting authority, or both, to an applicant whose goals, objectives, programs, and resources, including personnel, curriculum, finances, and facilities, are found by the state board to be adequate and appropriate for the stated purpose and for the protection of students and the public interest. ~~In the case of a course or program offered by correspondence, the applicant shall provide proof of application for a license pursuant to chapter 85 of this title.~~ The certificate shall be for a term not exceeding five years. The certificate may be subject to conditions, terms, and limitations.

* * *

Sec. 20. 16 V.S.A. § 176a is amended to read:

§ 176a. POSTSECONDARY SCHOOLS NOT CHARTERED IN VERMONT

(a) Applicability. ~~All~~ Except as provided in subsection (e) of this section, a postsecondary school whose primary operation lies primarily outside the state of Vermont are, offers or operates a program of college or professional education for credit or a degree, and wishes to operate in Vermont is subject to this section and to subsections 176(g) through (l) of this title.

(b) Definitions. All words and phrases defined in section 176 of this title shall have the same meanings in this section.

(c) ~~State board approval.~~ Every Requirements. A postsecondary school subject to this section shall:

(1) ~~apply for a certificate of approval from the state board prior to registering~~ register its name with the secretary of state pursuant to Title 11, Title 11A, or Title 11B;

(2) secure accreditation by any regional, national, or programmatic institutional accrediting agency recognized by the U.S. Department of Education;

(3) apply for and receive a certificate of approval or a certificate of degree-granting authority or both pursuant to subsection 176(e) of this title

prior to offering postsecondary credit-bearing courses or programs ~~and prior to~~,
admitting the first student;

~~(3) secure a certificate of degree-granting authority from the state board
before it confers or offers to confer, or conferring or offering to confer a degree
to a student enrolled in its Vermont school;~~

(4) meet any requirements for approval in its state of primary operation
for the specific degree or credit-bearing course or program that it intends to
offer in Vermont ~~as a condition of approval to operate in Vermont;~~

(5) register with the department of education pursuant to state board
rule; and

(6) provide written notification to each applicant for admission or
enrollment, on an application, enrollment, or registration form to be signed by
the applicant, that credits earned at the school are transferable at the discretion
of the receiving school.

(d) Renewal. After receiving initial approval, a postsecondary school
subject to this section shall register annually with the state board of education
by providing evidence of accreditation and approval by the state in which it
primarily operates and any other documentation the board requires. The state
board may refuse or revoke registration at any time for good cause.

(e) Exemptions. The following are exempt from ~~all the requirements of
this section except for the requirements of subdivision (e)(2) of this section~~ the
provisions of this section:

(1) Programs of education sponsored by a ~~bona-fide~~ trade, labor,
business, or professional organization ~~recognized by the state board if they~~ that
are:

~~(A) conducted solely for that organization's membership or for
members of the particular industries or professions served by that organization;
and~~

~~(B) not available to the public on a fee basis.~~

(2) Postsecondary schools currently licensed or approved by a Vermont
occupational licensing board.

(3) Nondegree-granting or noncredit-granting postsecondary schools
~~which~~ that offer only training in the specific trades or vocations.

(4) Religious instruction ~~which~~ that does not result in earning credits or
a degree.

(5) Programs of education offered solely via correspondence, the Internet, or electronic media, provided that the postsecondary school has no physical presence in Vermont. Evidence of a “physical presence” includes the existence of administrative offices, seminars conducted by a person who is physically present at the seminar location, the provision of direct services to students, and required physical gatherings.

~~(e) Other provisions:~~

~~(1) All provisions of subsections (e) through (1) of 16 V.S.A. § 176 shall apply to all postsecondary schools subject to this section.~~

~~(2) All postsecondary schools subject to this section shall notify each applicant for enrollment in writing, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable only at the discretion of the receiving school.~~

Sec. 21. 16 V.S.A. § 177 is amended to read:

§ 177. COSTS OF APPROVAL POSTSECONDARY APPROVAL; FEES

~~(a) Fees for certification of postsecondary schools shall be \$2,000.00, except that certification for degree granting schools shall be \$2,500.00. A postsecondary school subject to section 176 of this title shall pay:~~

(1) a fee of \$4,000.00 for an application for approval to offer credit-bearing courses;

(2) a fee of \$5,000.00 for an application for degree-granting authority if the postsecondary school is approved to offer credit-bearing courses; and

(3) a fee of \$7,500.00 if the school seeks approval under subdivisions (1) and (2) of this subsection simultaneously.

~~(b) Fees for~~ If a postsecondary school that is subject to section 176 of this title seeking and is operating within an unexpired certification period files an application to offer a new degree at the same level as a degree previously approved by the state board, while operating within a certification period previously granted by the state board, then the fee shall be based upon the actual costs to the department but shall not be less than \$1,000.00 for each new degree.

~~(c) A postsecondary school subject to section 176a of this title shall pay:~~

(1) the fees set forth in subsection (a) of this section for initial review and approval pursuant to subdivision 176a(c)(3) of this title;

(2) a fee of \$1,000.00 for initial registration with the department pursuant to subdivision 176a(c)(5) of this title; and

(3) an annual fee of \$500.00 to renew its registration to operate in Vermont pursuant to subsection 176a(d) of this title.

(d) Fees assessed under this section are not refundable.

(e) ~~These fees~~ Fees assessed under this section shall be credited to a special fund established and managed pursuant to chapter 7, subchapter 5 of Title 32, and shall be available to the department to offset the costs of ~~approvals~~ approval.

* * * School Food Services * * *

Sec. 22. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

Subchapter 2. School Lunches

§ 1261a. DEFINITIONS

For the purposes of this subchapter:

(1) “Food programs” means provisions of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq., and any amendment thereto, and in the Child Nutrition Act, 42 U.S.C. § 1779 et seq., and any amendments thereto.

(2) “School board” means the governing body responsible for the administration of a public school, ~~or,~~

(3) “Independent school board” means a governing body responsible for the administration of a nonprofit independent school exempt from United States income taxes.

§ 1262a. AWARD OF GRANTS

(a)(1) The state board of education may, from funds appropriated for this subsection to the department of education, award grants to:

(A) supervisory unions for the use of member school boards which that establish and operate food programs, ~~provided the:~~

(B) independent school boards that establish and operate food programs; and

(C) approved education programs, as defined in subdivision 11(a)(34) of this title and operating under private nonprofit ownership as defined in the National School Lunch Act, that establish and operate food programs for students engaged in a teen parent education program or students enrolled in a Vermont public school.

(2) The amount of any grant awarded under this subsection shall not be more than the amount necessary, in addition to the charge made for the meal and any reimbursement from federal funds, to pay the actual cost of the meal.

(b) The state board may, from funds available to the department of education for this subsection, award grants to supervisory unions consisting of one or more school districts ~~which that~~ need to initiate or expand food programs in order to meet the requirements of section 1264 of this title and ~~which that~~ seek assistance in meeting the cost of initiation or expansion. The amount of the grants shall be limited to ~~seventy five~~ 75 percent of the cost deemed necessary by the commissioner to construct, renovate or acquire additional facilities and equipment to provide lunches to all pupils, and shall be reduced by the amount of funds available from federal or other sources, including those funds available under section 3448 of this title. The state board, upon recommendation of the commissioner, shall direct ~~school districts~~ supervisory unions seeking grants under this section to share facilities and equipment within the supervisory union and with other supervisory unions for the provision of lunches wherever more efficient and effective operation of food programs can be expected to result.

(c) On a quarterly basis, from state funds appropriated to the department of education for this subsection, the state board shall award to each ~~school district~~ supervisory union, independent school board, and approved education program as described in subsection (a) of this section a sum equal to the amount that would have been the student share of the cost of all breakfasts actually provided in the district during the previous quarter to students eligible for a reduced price breakfast under the federal school breakfast program.

§ 1262b. REGULATIONS

The state board of education shall adopt regulations governing grants under section 1262a of this title. Such regulations shall provide for grants ~~to local school programs~~ from state funds in accordance with guidelines of food programs as defined under federal law. The state board of education may adopt such other rules and regulations as are necessary to carry out the provisions of this subchapter.

§ 1264. FOOD PROGRAM

(a)(1) Each school board operating a public school shall cause to operate within the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) At least 50 percent of the students in a school in the district were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) The district operates or funds the summer educational or recreational program or camp; and

(C) The summer educational or recreational program or camp is offered 15 or more hours per week.

(b) In the event of an emergency, the school board may apply to the department for a temporary waiver of the requirements in subsection (a) of this section. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to provide a school lunch, breakfast, or summer meals program, or any combination of the three, and if he or she finds that the school district ~~has~~ and supervisory union have exercised due diligence ~~in its efforts~~ to avoid the emergency situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

(c) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced price breakfast under the federal school breakfast program.

§ 1265. EXEMPTION; PUBLIC DISCUSSION

(a) The school board of a public school district ~~which~~ that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to ~~operate~~ offer either the school lunch program or the school breakfast program, or both, for a period of one year.

(b) If a public school ~~board~~ is exempt from ~~operating~~ offering a breakfast or lunch program, ~~annually~~ it its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with ~~subsection 1 V.S.A. § 312(c) of Title 1,~~ and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the commissioner and to the superintendent of the supervisory union at least ten days prior to the meeting.

Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.

(c) On or before the first day of November 1, previous prior to the date on which an exemption voted under this section is due to expire, the commissioner shall notify the ~~school board~~ boards of the affected school district and supervisory union in writing that the exemption will expire.

(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the commissioner and the superintendent of the supervisory union.

(e) The commissioner may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner.

* * * Secondary Credits; Dual Enrollment * * *

Sec. 23. 16 V.S.A. § 913 is added to read:

§ 913. SECONDARY CREDIT; POSTSECONDARY COURSES

(a) Each public school and approved independent school offering secondary education shall award credit toward graduation requirements to a student who receives prior approval from the school and successfully completes a course offered by an accredited postsecondary institution. The secondary school shall determine the number and nature of credits it will award to the student for successful completion of the course, including whether the course will satisfy one or more requirements of the school, and shall inform the student prior to enrollment. Credits awarded shall be based on performance and not solely on Carnegie units; provided, however, that unless the school determines otherwise, a three-credit postsecondary course shall be presumed to equal one-half of a Carnegie unit. A school shall not withhold approval or credit without reasonable justification. A student may request that the superintendent review the school's determination regarding course approval or credits. The superintendent's decision shall be final.

(b) For purposes of this section:

(1) “Accredited postsecondary institution” means a postsecondary institution that has been accredited by the New England Association of Schools and Colleges or a similar national or regional accrediting agency recognized by the U.S. Department of Education.

(2) “Carnegie unit” means a time-based unit of measuring secondary student attainment under which one unit equals 50 minutes of class time if the class is taken five days per week for 30 weeks.

Sec. 24. EXPANDED LEARNING OPPORTUNITIES; DUAL ENROLLMENT; POLICY

(a) It is the policy of the state of Vermont to:

(1) encourage increased access to expanded learning opportunities for publicly funded students enrolled in public and approved independent secondary schools, including dual enrollment, flexible learning pathways, and personalized learning;

(2) encourage increased dual enrollment opportunities for a wide range of students, particularly those from groups who attend college at disproportionately low rates, which will contribute to the statewide intent to increase the rigor of high school coursework, improve high school graduation rates, raise postsecondary aspiration rates, and better prepare more secondary students for the transition to college and career;

(3) encourage increased opportunities for secondary students to enroll in dual enrollment courses and earn both transcribed high school credit and transcribed postsecondary credit for successful completion of the course;

(4) recognize that instructors for dual enrollment courses are selected by the postsecondary institution and may include qualified high school faculty;

(5) recognize that dual enrollment courses may be taught at the secondary school, on the postsecondary campus, or by means of electronic or other distance media; and

(6) encourage collaborative partnerships among the New England states to create sustainable strategies to close the achievement gap among students.

(b) For purposes of this section, “dual enrollment” means enrollment by a secondary student in a course offered by an accredited postsecondary institution as defined in 16 V.S.A. § 913 and for which, upon successful completion of the course, the student will receive:

(1) credit toward graduation from the secondary school in which the student is enrolled; and

(2) postsecondary credit from the institution that offered the course if the course is a credit-bearing course at that institution.

* * * Reports * * *

Sec. 25. DRIVER EDUCATION; RESTRUCTURING

(a) The department of education, in consultation with the department of motor vehicles, the Vermont Driver and Traffic Safety Education Association, the Vermont Superintendents Association, and other interested entities, shall explore options for restructuring the delivery of driver education to Vermonters between the ages of 15 and 20, including consideration of:

(1) the development, implementation, evaluation, and enforcement of standards for teen driver education programs and instructors;

(2) the development and public dissemination of information regarding teen driver education issues;

(3) the creation of an advisory board to oversee all teen driver education programs, program instructors, and public communication efforts; and

(4) available funding sources for driver education programs and advisory board responsibilities.

(b) On or before January 15, 2012, the department shall present a detailed restructuring proposal to the house and senate committees on education and on transportation.

Sec. 26. TECHNOLOGY IN SCHOOLS; REPORT

On or before January 15, 2012, the department of education shall report to the senate and house committees on education regarding the current and planned use of technology and Internet service in public schools designed to increase educational opportunities for students, including:

(1) each school's type of Internet service, speed of connection, service provider, and projected upgrades available or planned before July 1, 2015;

(2) efforts to increase the availability of individual learning opportunities, dual enrollment, online, and other alternative learning programs;

(3) expansion of flexible learning environments, including efforts to develop and increase opportunities with out-of-state providers;

(4) results of the department's research concerning the possible development of a statewide open document format that could be standardized across the K-12 structure in Vermont, including consideration of tools available, security risk inherent in each, and the viability of state agencies to join efforts to help standardize systems and reduce costs on proprietary software and solutions;

(5) implementation of the department's communication and collaboration tool during the summer of 2011, focusing on uses of the tool by both schools and department staff and addressing incentives and value-added aspects of the tool; and

(6) review by the department and the state board of education of the school quality standards and consideration of amendments focusing on the continued evolution of teaching and learning supported by technology.

Sec. 27. SPECIAL EDUCATION INFORMATION MANAGEMENT
SYSTEM; REPORT AND PROPOSAL

(a) The department of education, in consultation with the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont-National Education Association, the Vermont council of special education administrators, the advisory council on special education created in 16 V.S.A. § 2945, and the Vermont association for school business officials, shall investigate, evaluate, and develop proposals for a statewide special education information management system designed to improve the delivery of special education services and student outcomes and to support:

(1) the department's mandated auditing responsibilities;

(2) the development and implementation of individualized education plans pursuant to 16 V.S.A. § 261a(a)(6) and chapter 101;

(3) the integration and dissemination of financial and educational information to supervisory unions and school districts necessary for effective operation of the new management system; and

(4) a uniform approach to Medicaid reimbursement.

(b) On or before January 15, 2012, the department shall provide a report to the senate and house committees on education detailing its proposal for the information system designed pursuant to subsection (a) of this section and identifying all statutory amendments necessary to implement the system.

Sec. 28. EARLY EDUCATION OFFERED BY AND THROUGH PUBLIC
SCHOOLS; REGULATION; REPORT

(a) The departments of education and for children and families, in consultation with the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont-National Education Association, the Vermont council of special education administrators, Pre-K Vermont, the Vermont community preschool

collaborative, the Vermont Business Roundtable, Kids Are Priority One Coalition, the Building Bright Futures Council, and other interested entities, shall review the statutes and rules regarding prekindergarten education programs offered by and through school districts and supervisory unions and shall determine ways in which the regulation of these programs can be simplified.

(b) On or before January 15, 2012, the departments shall report jointly to the senate and house committees on education detailing their proposal for simplified regulations and identifying all statutory amendments necessary to implement the proposal.

* * * Elementary School Tuition Inconsistencies * * *

Sec. 29. 16 V.S.A. § 821(d) is amended to read:

(d) Notwithstanding subsection (a) of this section, the electorate of a school district that does not maintain an elementary school may grant general authority to the school board to pay tuition for an elementary pupil at an approved independent elementary school or an independent school meeting school quality standards pursuant to sections 823 and 828 of this chapter upon notice given by the pupil's parent or legal guardian before April 15 for the next academic year; ~~provided the board shall pay tuition for the pupil in an amount not to exceed the least of:~~

~~(1) The statewide average announced tuition of Vermont union elementary schools.~~

~~(2) The average per pupil tuition the district pays for its other resident elementary pupils in the year in which the pupil is enrolled in the approved independent school.~~

~~(3) The tuition charged by the approved independent school in the year in which the pupil is enrolled.~~

Sec. 30. 16 V.S.A. § 823(b) is amended to read:

(b) ~~The~~ Unless the electorate of a school district authorizes payment of a higher amount at an annual or special meeting warned for the purpose, the tuition paid to an approved independent elementary school or an independent school meeting school quality standards shall not exceed the lesser ~~lesser~~ least of:

(1) the average announced tuition of Vermont union elementary schools for the year of attendance; ~~or~~

(2) the tuition charged by the approved independent school for the year of attendance; or

(3) the average per-pupil tuition the district pays for its other resident elementary pupils in the year in which the pupil is enrolled in the approved independent school. However, the electorate of a school district may authorize the payment of a higher amount at an annual or special meeting warned for the purpose.

* * * Educational Films * * *

Sec. 31. REPEAL

16 V.S.A. § 144a (appropriation for visual educational films) is repealed.

* * * Energy Financing * * *

Sec. 32. 24 V.S.A. § 1786a(f) is added to read:

(f) In addition to any other means permitted by law, a school district, by resolution or ordinance of its legislative branch, may incur debt to finance the cost of school building energy improvements not to exceed \$200,000.00 per building in any three-year period and payable over a maximum term coextensive with the useful life of the financed improvements, but not to exceed ten years, provided that the avoided costs attributable to the financed improvements exceed the annual payment of principal and interest of the indebtedness. No indebtedness shall be incurred under this subsection unless the entity appointed as an energy efficiency utility under 30 V.S.A. § 209(d)(2), an independent licensed engineer, or an independent licensed architect has certified to the district the cost of the improvements to be financed, the avoided costs attributable to the improvements, and the adequacy of debt service coverage from the avoided costs over the term of the proposed indebtedness. Notwithstanding 16 V.S.A. § 562(7), authorization by the electorate is not required for the acquisition of school building energy improvements and the incurring of related indebtedness pursuant to this subsection.

Sec. 33. 24 V.S.A. § 1789 is amended to read:

§ 1789. ALTERNATIVE FINANCING OF ASSETS

(a)(1) A municipality, including a fire district, either singly or as a participant in an interlocal contract entered into under sections 4901 and 4902 of this title, may acquire personal property, fixtures, technology, and intellectual property by means of leases, lease-purchase agreements, installment sales agreements, and similar agreements ~~wherein~~ with payment and performance on the part of the municipality is conditioned expressly upon the annual approval by the municipality of an appropriation sufficient to pay

when next due rents, charges, and other payments accruing under ~~such~~ the leases and agreements.

(2) Notwithstanding 16 V.S.A. § 562(7), authorization by the electorate is not required for a school district to acquire property pursuant to subdivision (1) of this subsection.

* * *

* * * SU Duties; Effective Date Extension * * *

Sec. 34. Sec. 23(b) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) Secs. 9 through 12 of this act shall take effect on passage and shall be fully implemented on July 1, ~~2012~~ 2013, subject to the provisions of existing contracts.

* * * Harassment and Bullying;

Electronic and Nonschool Activities * * *

Sec. 35. 16 V.S.A. § 11(a)(26)(A) is amended to read:

(26)(A) “Harassment” means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

Sec. 36. 16 V.S.A. § 11(a)(32) is amended to read:

(32) “Bullying” means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C)(i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear

and substantial interference with another student's right to access educational programs.

Sec. 37. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF PUPILS

(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with state board rules, suspend a pupil for up to 10 school days or, with the approval of the board of the school district, expel a pupil for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the pupil harmful to the welfare of the school or for misconduct;

(2) not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a pupil who brings a weapon to school pursuant to section 1166 of this title.

~~(b)~~(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

* * * Food Processing * * *

Sec. 38. CAREER AND TECHNICAL CENTERS; INTEGRATION WITH
FOOD PROCESSING SECTORS

The department of education, in consultation with the agency of agriculture, food and markets, the Vermont association of career and technical center directors, the workforce development council, slaughterhouse operators, meat processors, chefs, and livestock farmers shall integrate the value added food processing sectors, including meat cutting and processing, into the programs of study offered at the state's regional career and technical education centers.

* * * Effective Date * * *

 Sec. 39. EFFECTIVE DATE

This act shall take effect on passage. Sec. 3 shall be fully implemented by July 1, 2013, subject to the provisions of existing contracts.

Thereupon, the bill was read the second time.

Pending the question, Shall the report of the committee on Education be agreed to? **Rep. Donahue of Northfield** moved to amend the report of the committee on Education as follows:

First: In Sec. 36, 16V.S.A §11(a)(32)(c) by striking subdivision (ii) in its entirety.

Second: In Sec. 37 16 V.S.A. §1162 (a) by striking subdivision (3) in its entirety.

Which was disagreed to.

Pending the question, Shall the report of the committee on Education be agreed to? **Rep. Savage of Swanton** moved to amend the report of the committee on Education as follows:

By striking Sec. 32 in its entirety.

Pending the question, Shall the House amend the report of the committee on Education as recommended by Rep. Savage of Swanton? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House amend the report of the committee on Education as recommended by Rep. Savage of Swanton? was decided in the negative. Yeas, 57. Nays, 77.

Those who voted in the affirmative are:

Acinapura of Brandon
 Andrews of Rutland City
 Batchelor of Derby
 Bohi of Hartford
 Bouchard of Colchester
 Brennan of Colchester
 Browning of Arlington
 Burditt of West Rutland
 Canfield of Fair Haven
 Conquest of Newbury
 Consejo of Sheldon
 Corcoran of Bennington
 Davis of Washington
 Degree of St. Albans City

Donaghy of Poultney
 Donahue of Northfield *
 Eckhardt of Chittenden
 Greshin of Warren
 Helm of Fair Haven
 Higley of Lowell
 Howard of Cambridge
 Howrigan of Fairfield
 Hubert of Milton
 Johnson of Canaan
 Kilmartin of Newport City *
 Koch of Barre Town
 Komline of Dorset
 Krebs of South Hero

Larocque of Barnet
 Lawrence of Lyndon
 Lewis of Derby
 Manwaring of Wilmington
 Marcotte of Coventry
 Martin of Wolcott
 McAllister of Highgate
 McFaun of Barre Town
 McNeil of Rutland Town
 Moran of Wardsboro
 Morrissey of Bennington
 Myers of Essex
 Olsen of Jamaica
 Pearce of Richford

Peaslee of Guildhall	Scheuermann of Stowe	Stevens of Shoreham
Perley of Enosburgh	Shaw of Pittsford	Strong of Albany
Poirier of Barre City	Smith of New Haven	Turner of Milton
Reis of St. Johnsbury	South of St. Johnsbury	Waite-Simpson of Essex
Savage of Swanton	Spengler of Colchester	Winters of Williamstown

Those who voted in the negative are:

Ancel of Calais	Grad of Moretown	Mook of Bennington
Aswad of Burlington	Haas of Rochester	Mrowicki of Putney
Atkins of Winooski	Head of South Burlington	Munger of South Burlington
Bartholomew of Hartland	Heath of Westford	Nuovo of Middlebury
Bissonnette of Winooski	Hooper of Montpelier	O'Brien of Richmond
Botzow of Pownal	Jerman of Essex	Partridge of Windham
Burke of Brattleboro	Jewett of Ripton	Pearson of Burlington
Buxton of Royalton	Johnson of South Hero	Peltz of Woodbury
Campion of Bennington	Keenan of St. Albans City	Potter of Clarendon
Cheney of Norwich	Kitzmiller of Montpelier	Ralston of Middlebury
Christie of Hartford	Klein of East Montpelier	Ram of Burlington
Clarkson of Woodstock	Kupersmith of South	Shand of Weathersfield
Courcelle of Rutland City	Burlington	Sharpe of Bristol
Crawford of Burke	Lanpher of Vergennes	Stevens of Waterbury
Dakin of Chester	Larson of Burlington	Stuart of Brattleboro
Deen of Westminster	Lenes of Shelburne	Sweaney of Windsor
Donovan of Burlington	Lewis of Berlin	Taylor of Barre City
Ellis of Waterbury	Lippert of Hinesburg	Townsend of Randolph
Emmons of Springfield	Lorber of Burlington	Trieber of Rockingham
Evans of Essex	Macaig of Williston	Webb of Shelburne
Fisher of Lincoln	Malcolm of Pawlet	Weston of Burlington
Font-Russell of Rutland City	Marek of Newfane *	Wilson of Manchester
Frank of Underhill	Martin of Springfield	Wizowaty of Burlington
French of Shrewsbury	Masland of Thetford	Woodward of Johnson
French of Randolph	McCullough of Williston	Yantachka of Charlotte
Gilbert of Fairfax	Miller of Shaftsbury	Young of Albany

Those members absent with leave of the House and not voting are:

Branagan of Georgia	Dickinson of St. Albans	Pugh of South Burlington
Clark of Vergennes	Town	Smith of Morristown
Condon of Colchester	Edwards of Brattleboro	Till of Jericho
Copeland-Hanzas of	Fagan of Rutland City	Toll of Danville
Bradford	Hebert of Vernon	Wright of Burlington
Devereux of Mount Holly	Mitchell of Barnard	

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I sit stunned today, to imagine that we would vote to abolish the right of the people of Vermont to exercise their right to vote on a matter related to their

local school budgets.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

I vote yes. Voting no allows sweetheart deals that could total well over \$100 million of school district debt stolen from the taxpayers without their consent. Reason and logic have taken flight here.... It must be something in the water or air... regardless, it is a breach of a most fundamental Constitutional trust and duty of ‘NO TAXATION WITHOUT THE CONSENT OF THE GOVERNED’.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

School energy efficiency is a sure way to reduce property taxes. We should be encouraging it, not further burdening Vermont taxpayers by trying to eliminate it.”

Pending the question, Shall the report of the committee on Education be agreed to? **Rep. Scheuermann of Stowe** moved to amend the report of the committee on Education as follows:

By striking Sec. 33, 24 V.S.A. §1789(a)(2) in its entirety.

Thereupon, **Rep. Scheuermann of Stowe** asked and was granted leave of the House to withdraw her amendment.

Thereupon, the report of the committee on Education was agreed to and third reading was ordered.

Bill Referred to Committee on Ways and Means

S. 34

Senate bill, entitled

An act relating to the collection and disposal of mercury-containing lamps

Affecting the revenue of the state, under rule 35a, was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

S. 17

Senate bill, entitled

An act relating to licensing a nonprofit organization to dispense marijuana for therapeutic purposes

Carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Recess

At twelve o'clock and fifty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and fifty minutes in the afternoon, the Speaker called the House to order.

Rules Suspended; Proposal of Amendment Agreed to; Third Reading Ordered

S. 37

On motion of **Rep. Komline of Dorset**, the rules were suspended and Senate bill, entitled

An act relating to expungement of a nonviolent misdemeanor criminal history record

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Koch of Barre Town, for the committee on Judiciary, to which the bill had been referred reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 230 is added to read:

CHAPTER 230. EXPUNGEMENT AND SEALING OF CRIMINAL RECORDS

§ 7601. DEFINITIONS

As used in this subchapter:

- (1) “Court” means the criminal division of the superior court.
- (2) “Charge or conviction record” means data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.
- (3) “Investigation or prosecution record” means all information documenting the investigation or prosecution of the case that is maintained by law enforcement, the prosecuting attorney, or the defense attorney.

(4) "Predicate offense" means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of intoxicating liquor or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title.

(5) "Qualifying misdemeanor" means a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense.

§ 7602. EXPUNGEMENT AND SEALING OF RECORD, POST-CONVICTION; PROCEDURE

(a) A person who was convicted of a qualifying misdemeanor or qualifying misdemeanors arising out of the same incident or occurrence may file a petition with the court requesting expungement of the charge or conviction record and sealing of the investigation or prosecution record related to the conviction. The state's attorney or attorney general shall be the respondent in the matter.

(b) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner a certificate and provide notice of the order in accordance with this section.

(c) The court shall grant the petition, after hearing, if all of the following conditions are met:

(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction. If the person has successfully completed the terms and conditions of an indeterminate term of probation, the court may waive this 10-year wait period.

(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying misdemeanor.

(3) Any restitution ordered by the court has been paid in full.

(4) In the totality of the circumstances, the court finds that expungement of the charge or conviction record and sealing of the investigation or prosecution record for the qualifying misdemeanor serve the interest of justice.

(d) The court may grant the petition, after hearing, if the following conditions are met:

(1) At least 20 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(2) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying misdemeanor.

(3) The person has not been convicted of a misdemeanor during the past 15 years.

(4) Any restitution ordered by the court for any misdemeanor of which the person has been convicted has been paid in full.

(5) After considering the particular nature of any subsequent offense, the court finds that expungement of the charge or conviction record and sealing of the investigation or prosecution record for the qualifying misdemeanor serve the interest of justice.

(e) At the time the petition is filed, the respondent shall give notice of the petition to any victim of the offense who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the court a statement at any hearing on the petition. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(f) Upon granting a petition pursuant to this section, the court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence.

(g) An order granting a petition pursuant to this section shall direct the recipient to expunge the charge or conviction record and to seal the investigation or prosecution record as provided in section 7604 of this title.

§ 7603. EXPUNGEMENT AND SEALING OF RECORD, NO
CONVICTION; PROCEDURE

(a) A person who was cited or arrested for a criminal offense may petition the court to expunge the charge or conviction record, and seal the investigation or prosecution record, related to the citation or arrest if:

(1) No criminal charge is filed by the state and the statute of limitations has expired.

(2) The court does not make a determination of probable cause at the time of arraignment or dismisses the charge at the time of arraignment and the statute of limitations has expired.

(3) The charge is dismissed before trial:

(A) without prejudice and the statute of limitations has expired.

(B) with prejudice.

(4) The defendant and the respondent stipulate that the court may grant the petition to expunge and seal the record.

(b) The state's attorney or attorney general shall be the respondent in the matter. At the time the petition is filed, the respondent shall give notice of the petition to any victim of the offense who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any petition being granted. The petitioner and the respondent shall be the only parties in the matter.

(c) The court may grant the petition if it finds, in the totality of the circumstances, that expungement of the charge or conviction record and sealing of the investigation or prosecution record, serve the interest of justice.

(d) An order granting a petition pursuant to this section shall direct the recipient to expunge the charge or conviction record and to seal the investigation or prosecution record as provided in section 7604 of this title.

(e) An arresting or investigating agency's records are subject only to sealing, not expungement, under this section.

§ 7604. EFFECT OF EXPUNGEMENT AND SEALING

(a) Upon entry of an order of expungement of a charge or conviction record:

(1) The court shall provide a copy of the order of expungement to the respondent, Vermont criminal information center (VCIC), center for crime victim services, and any other entity that may possess a portion of the charge or conviction record of the criminal offense which is the subject of the order. The Vermont criminal information center shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(2) The person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be

required to answer questions about a previous charge or conviction record only with respect to arrests or convictions that have not been expunged. Upon receiving an inquiry from any person regarding an expunged record, any person or entity that has received a copy of the order of expungement shall respond that “NO RECORD EXISTS.”

(3) The court may keep a special index of cases that have been expunged together with the order for expungement and the certificate issued pursuant to section 7602 of this title. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(4) The special index and related documents specified in subdivision (3) of this section shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access only to authorized persons.

(5) Inspection of the expungement order or the certificate may be permitted only upon petition by the person who is the subject of the case or by the court if the court finds that inspection of the documents is necessary to serve the interest of justice. The administrative judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(6) All other court documents in a case that is subject to an expungement order shall be destroyed.

(7) The court administrator shall establish policies for implementing subdivisions (3) – (6) of this subsection.

(b) Upon entry of an order to seal an investigation or prosecution record:

(1) The court shall provide a copy of the sealing order to the respondent, Vermont criminal information center (VCIC), center for crime victim services, the arresting agency, the investigating agency, and any other entity that may possess a portion of the investigation or prosecution record of the qualifying misdemeanor which is the subject of the order. The Vermont criminal information center shall provide notice of the expungement to the Federal Bureau of Investigation’s National Crime Information Center.

(2) The person whose record is sealed shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous investigation or prosecution record only with respect to investigations, arrests, or convictions that have not been sealed.

(c) Upon receiving a sealing order, an entity shall:

(1) Seal the investigation or prosecution record;

(2) Enter a copy of the sealing order into the record;

(3) Flag the record as "SEALED" to prevent inadvertent disclosure of sealed information; and

(4) Upon receiving an inquiry from any person regarding a sealed record, respond that "NO RECORD EXISTS."

(d)(1) Notwithstanding a sealing order:

(A) An entity that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence or involving the same defendant.

(B) An entity may use an investigation or a prosecution record sealed in accordance with section 7603 of this title, regarding a person who was cited or arrested, for future criminal investigations or prosecutions without limitation.

(2) An entity may use an investigation or prosecution record sealed in accordance with section 7602 of this title, regarding a person who was convicted, for future criminal investigations or prosecutions only upon an order of a superior court judge in the criminal division. The hearing on an application for such an order may be conducted in a confidential and nonadversarial manner substantially similar to procedures for obtaining a search warrant.

(e) The person whose record has been sealed shall maintain his or her right to access the sealed record as if the record had not been sealed.

§ 7605. NEW CHARGE

If a person is charged with a criminal offense after he or she has filed a petition pursuant to this chapter, the court shall not act on the petition until disposition of the new charge.

§ 7606. DENIAL OF PETITION

If a petition is denied by the court pursuant to this chapter, no further petition on that same matter shall be brought for at least five years.

Sec. 2. REPORT; COURT ADMINISTRATOR

On or before January 15, 2015, the court administrator shall report to the general assembly the total number of court orders for expungement of charge or conviction records and sealing of investigation or prosecution records which

have been issued by the courts of this state and the types of offenses for which a court ordered expungement of charge or conviction records and sealing of investigation or prosecution records pursuant to this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

The bill was read the second time, the report of the committee on Judiciary agreed to and third reading ordered.

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 101

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to child support enforcement

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. French of Randolph, for the committee on Judiciary, to which the bill had been referred reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 1, 15 V.S.A. § 606(d), in subdivision (2), by striking out “the obligated parent lacked the ability” and inserting in lieu thereof “since that date, the obligated parent became unable”

The bill was read the second time, the report of the committee on Judiciary agreed to and third reading ordered.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 411

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the application of Act 250 to agricultural fairs

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to the bill as follows:

In Sec. 2, 10 V.S.A. § 6001(34), by striking out subparagraph (C) in its entirety and inserting in lieu thereof a new subparagraph (C) to read as follows:

(C) conducting contests, displays, and demonstrations designed to advance farming, advance the local food economy, or train or educate farmers, youth, or the public regarding agriculture.

Which proposal of amendment was considered and concurred in.

**Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment; Rules Suspended
and Bill Messaged to the Senate Forthwith**

S. 30

Senate bill, entitled

An act relating to assault of a health care worker

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment.

The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment; Rules Suspended
and Bill Messaged to the Senate Forthwith**

S. 37

Senate bill, entitled

An act relating to expungement of a nonviolent misdemeanor criminal history record;

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment.

The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment; Rules Suspended
and Bill Messaged to the Senate Forthwith**

S. 101

Senate bill, entitled

An act relating to child support enforcement;

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment.

The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

S. 108

Senate bill, entitled

An act relating to effective strategies to reduce criminal recidivism

**Rules Suspended; Bill Messaged to Senate Forthwith and
Bill Delivered to the Governor Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

H. 411

House bill, entitled

An act relating to the application of Act 250 to agricultural fairs.

Recess

At two o'clock and fifty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and five minutes in the afternoon, the Speaker called the House to order.

Adjournment

At three o'clock and fifteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Monday, May 2, 2011, at one o'clock in the afternoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 160

House concurrent resolution in memory of Blair Hamilton;

H.C.R. 161

House concurrent resolution congratulating Andre Messier of Lake Region Union High School on being named the 2012 Vermont MetLife/NASSP High School Principal of the Year;

H.C.R. 162

House concurrent resolution in memory of former Representative Willis Lansing Curtis;

H.C.R. 163

House concurrent resolution congratulating the Global Campuses Foundation on its tenth anniversary;

H.C.R. 164

House concurrent resolution designating October 15, 2011, as the sixth annual Vermont Pumpkin Carving Day;

H.C.R. 165

House concurrent resolution commemorating the 250th anniversary of the establishment of the town of Pawlet;

H.C.R. 166

House concurrent resolution congratulating McNeil & Reedy of Rutland City on the haberdashery's 55th anniversary;

H.C.R. 167

House concurrent resolution congratulating the South Royalton High School Global Impact Apprentice Water Quality Team;

H.C.R. 168

House concurrent resolution in memory of Dr. Arthur Faris;

H.C.R. 169

House concurrent resolution congratulating the town of Dorset on its 250th anniversary;

H.C.R. 170

House concurrent resolution congratulating the Reverend Donald J. Ravey on the 50th anniversary of his ordination as a Roman Catholic priest;

S.C.R. 14

Senate concurrent resolution honoring John O’Kane for his career accomplishments at IBM and for his outstanding community service;

S.C.R. 15

Senate concurrent resolution commemorating the 25th anniversary of the Chernobyl nuclear disaster with thoughts of the current nuclear crisis in Japan;

S.C.R. 16

Senate concurrent resolution honoring Dr. Cyrus Jordan and Helen Riehle for their exemplary contributions to the improvement of high quality health care in Vermont;

S.C.R. 17

Senate concurrent resolution congratulating David Keenan on being named the Northeast Kingdom Chamber of Commerce 2011 Citizen of the Year;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2011, seventy-first Biennial session.]