Getting Our "Acts" Together

All of the following pieces of legislation impact the Educational Support System. **Please note** these are brief summaries. For detailed information regarding individual ACTS and their provisions please go to: http://www.leg.state.vt.us/.

STATE LAWS

1. What is Act 230?

Act 230, passed in 1990 by the Vermont Legislature, was the initial piece of legislation that required all schools to establish Instructional Support Systems to ensure the early identification of students at risk and the capability of meeting their needs. It included an Instructional Support Team (IST) for collaborative problem solving to assist teachers, and it provided grants for professional development activities to meet students' academic needs, to the extent possible, in the regular classroom.

6. What is Act 157?

In 1996 Act 230 was reauthorized as Act 157 and requires that schools develop a comprehensive Educational Support System (ESS) with the capacity to provide a range of social, academic and behavioral supports. Act 157 extends the focus beyond academics to include those factors that may have a detrimental impact on a student's school performance (i.e. nutrition, mental health, challenging life circumstances). IST's became Educational Support Teams (EST's) to reflect the broader focus.

7. What is Act 117?

Act 117, passed in 2000, is intended to strengthen the capacity of Vermont's education system to meet the needs of all Vermont students in the general education environment. It added increased reporting and monitoring responsibilities to examine issues of cost effectiveness, consistency and capacity statewide. Act 117 emphasizes the requirements of ESS and EST as outlined in Act 157 and increases a school's accountability for its ESS.

8. What is Act 60?

Act 60, passed in 1997, fundamentally changed state funding for education and afforded educational equity for all Vermont children. Act 60 includes provisions that ensure overall educational quality in Vermont schools, including the adoption of statewide and local academic standards; state and local assessments; early literacy programs; school action plans; reporting educational results to communities; professional development; staff evaluation; access to technical education; school quality standards; and technical assistance to low-performance schools.

Act 51
re Substance Abuse & schools

9. What is Act 68 of 2003?

Act 68, passed in 2003, amended the education funding system created by Act 60 and has additional educational policy provisions regarding cost effectiveness of services and programs and reduction of burdensome or redundant requirements of schools.

10. What is Act 264?

Act 264, passed in 1988, set into law Vermont's development of a comprehensive, integrated system of care for children and adolescents experiencing severe emotional disturbance and their families. It mandates and implements principles of interagency collaboration, coordination and parent involvement at all levels of decision making. In addition to providing a definition of severe emotional disturbance, it mandates State and Local Interagency Teams and includes an Advisory Committee to advise the commissioners of the Department of Education (DOE), the Department of Mental Health and Developmental Disabilities and the Department of Social and Rehabilitation Services on the development of a comprehensive, integrated system of care.

11. What is Act 113?

Act 113, passed in 2000, is designed to support safe learning environments in Vermont schools. It requires that schools develop comprehensive school discipline plans that include more than the standard discipline policies. Plans must include the school's approach to classroom management as well as procedures for informing students and parents about the discipline policies and notifying and working with parents about student misconduct. Additionally, plans must include ways to respond to significant disruptions such as bomb threats and descriptions of behaviors on and off school grounds that constitute misconduct, including harassment and hazing.

12. What is Act 120?

Act 120, passed in 2000, requires that schools develop plans to maintain a safe, orderly, civil and positive learning environment free from harassment, hazing and bullying. School boards must develop hazing and harassment policies and annually provide notice to students, parents and staff members of the policies. The DOE is annually required to survey schools and report on the number and types of harassment and hazing incidents and actions taken.

13. What is Act 114?

Passed in 2004, Act 114, aligns Vermont's education law with the federal NCLBA. It makes individual school districts the Local Education Agency (LEA) responsible for meeting school standards and accountability and continues supervisory unions LEA responsibilities for receiving and distributing federal funds.

14. What is Act 117 of 2004?

Passed in 2004, Act 117 defines "bullying" and requires all Vermont public and approved independent schools to adopt and implement comprehensive school discipline plans that include

bullying prevention. Additionally, schools are required to collect data on incidents of bullying and report those to the Commissioner of Education and the public.

15. What is Act 91?

Passed in 2004, Act 91 defines harassment and requires schools to have harassment and hazing prevention policies, investigate claims of harassment and to impose disciplinary consequences for student misconduct.

16. What is Act 161?

Passed in 2004, Act 161 encourages wellness programs in Vermont schools and communities. The Commissioner of Education is authorized to establish an Advisory Council on Wellness to help develop Vermont policies related to physical activity, nutrition and health in schools. A position at the DOE is created for the purpose of implementing this act.

17. What is Act 158?

Passed in 2005, Act 158 requires school boards to assign an employee to annually: inform parents of students with life-threatening allergies and life threatening illnesses of applicable provisions of Section 504 of the Rehabilitation Act of 1973 and other applicable state and federal statutes and regulations, inform appropriate school staff of their responsibilities and to provide necessary training for staff to carry out these responsibilities.

1. What is ACT 68 of 2007?

This legislation provides for a thorough review of child poverty in Vermont by service providers and lawmakers in order to develop a plan for reducing poverty and, thus, its adverse social implications. It creates a legislative council to consider childhood poverty in Vermont and its implications for VT. The Council will inventory and assess the impact and scope of child poverty and identify necessary enhancements for reducing child poverty and its adverse effects.

2. What is ACT 35?

By January 15, 2008, the Agency of Human Services (AHS) and DOE are charged with developing an interagency proposal for a coordinated, life-long system of care for individuals with Autism Spectrum Disorder (ASD) and their families. AHS is the lead agency in developing the plan in collaboration with a broad spectrum of stakeholders including individuals with ASD and their families. Professionals with established expertise in ASD, private and public providers of services to individuals with ASD and their families, entities providing support to families of individuals with ASD, members of the Autism Task Force, Vermont Developmental Disabilities Council and the Act 264 Advisory Board.

3. What is Act 41?

The intent of this legislation is to prohibit discrimination on the basis of gender identity as defined by this law. The term "gender identity" has been added to the other protected categories under the definition of harassment of Section 17, 16 V.S.A. By August 1, 2007, the

Commissioner of Education is charged with revising the model policy of the prevention of harassment of students to reference the term "gender identity" and to provide the revised model policy to each Vermont school board. School boards are required to amend harassment prevention policies to include "gender identity" by August 1, 2009

4. What is ACT 82?

Effective for FY2010 school budgets, districts that spent greater than the prior year's statewide average per pupil education spending will be authorized to seek only a limited increase in per pupil expenditures without securing a second favorable vote from the electorate. This allowable spending increase, based on statewide average spending and an inflationary index, will be referred to as the "maximum inflation amount," or "MIA." If a district board seeks to increase spending above the MIA, it will be required to do so via a second article on the school district warning. School districts that in the prior year did not spend more than the statewide average, can propose a budget increase of any size in one vote, as is currently allowed.

5. What is ACT 74?

The legislature passed H.449, a bill that extends services to young people between the ages of 18 and 22 years, who turned 18 while in the custody of the state or were in custody for at least five years between the ages of 10 and 18 years and who elect to continue receiving services. Services will also be provided for persons under age 22 who leave state custody after the age of 16 and at or before the age of 18 provided that they voluntarily request additional support services.

6. What is Act 62?

This legislation will allow any school district providing or electing to begin an in-house pre-kindergarten program or to contract for pre-kindergarten services with a qualified provider to count at least some of the students in the district's average daily membership (ADM). State rules governing pre-kindergarten will be developed jointly the Commissioner of Education and the Commissioner of the Department of Children and Families (DCF), and adopted solely by the State Board of Education.

FEDERAL LAWS

1. What is IDEA 2004?

The Individuals with Disabilities Education Act 2004, as PL 94-142 is now called, makes special education and related services (physical education, counseling, transportation, etc.) a federal entitlement for students with disabilities. It requires that these students be offered a free appropriate public education in the least restrictive environment and focuses on parent participation, procedural safeguards and confidentiality. Over the years amendments have extended the entitlement for education to students three to five and addressed the needs of infants and toddlers with disabilities and their families. States receiving federal education funds are required to identify and evaluate students with disabilities and offer them an

Individualized Education Plan (IEP) or, in the case of infants and toddlers, an Individual Family Service Plan (IFSP) of special education and related services. IDEA 2004 provides greater funding flexibility allowing a local education agency, with specific reporting requirements, to use up to 15% of its IDEA funds to develop and implement coordinated early intervening services for students K-12.

2. What is 504?

Section 504 of the Rehabilitation Act of 1973 protects people with disabilities from discrimination in any program or activity receiving federal funding. Students with disabilities that substantially limit a major life activity such as learning, working, hearing, speaking, etc. may require an individual accommodation plan or specific services to ensure access to education and school sponsored activities.

3. What is The No Child Left Behind Act?

The No Child Left Behind Act of 2001 (NCLBA) contains the most sweeping changes to the Elementary and Secondary Education Act (ESEA) since it was enacted in 1965. It changes the federal government's role in kindergarten-through-grade-12 education by asking America's schools to describe their success in terms of what each student accomplishes. The act contains four basic education reform principles: stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work. The goal of the NCLBA is that all students succeed in school, graduate from high school and be taught by qualified teachers in safe school environments.

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