

1 S.140

2 Introduced by Senator Giard

3 Referred to Committee on

4 Date:

5 Subject: Education; school choice; best interest; student

6 Statement of purpose: This bill proposes to provide parents and legal
7 guardians the authority to decide whether it is in the best interest of a student to
8 enroll in another school.

9 An act relating to providing parents and legal guardians the authority to
10 determine whether it is in a student's best interest to enroll in another school

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 16 V.S.A. § 821 is amended to read:

13 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY
14 SCHOOLS OR PAY TUITION

15 (a) Elementary school. Each school district shall provide, furnish, and
16 maintain one or more approved schools within the district in which elementary
17 education for its pupils is provided unless:

18 (1) The electorate authorizes the school board to provide for the
19 elementary education of the pupils residing in the district by paying tuition in

1 accordance with law to one or more public elementary schools in one or more
2 school districts.

3 * * *

4 (c) Notwithstanding subsection (a) of this section, a school board without
5 previous authorization by the electorate ~~may~~ shall pay tuition for an elementary
6 ~~pupils who reside~~ pupil who resides near a public elementary school in an
7 adjacent district upon request of the pupil's parent or guardian made prior to
8 April 15 for the next academic year, if in the ~~board's~~ parent's or guardian's
9 judgment the pupil's education can be more conveniently furnished there;
10 provided:

11 (1) The district of residence shall pay tuition to the receiving school for
12 each child in an amount not to exceed the net cost per elementary pupil in the
13 district of residence for the year of payment.

14 (2) If a pupil is from an economically deprived background as defined in
15 subdivision 4001(8) of this title, then, notwithstanding any provision of law to
16 the contrary, the commissioner shall pay the receiving school an amount equal
17 to the difference between the amount paid in subdivision (1) of this subsection
18 and the receiving school's net cost per elementary pupil for the year of
19 payment.

20 ~~The board's decision shall be final in regard to the institution the pupil may~~
21 ~~attend.~~

1 (d) Notwithstanding subsection (a) of this section, the electorate of a school
2 district that does not maintain an elementary school may grant general
3 authority to the school board to pay tuition for ~~elementary pupils~~ an elementary
4 pupil at an approved independent ~~nonresidential~~ elementary ~~schools~~ school
5 upon the request of a pupil's parent or legal guardian, ~~if in the board's~~
6 ~~judgment the pupil's educational interests can be better served there. The~~
7 ~~board's decision shall be final in regard to the institution the pupil may attend~~
8 made prior to April 15 for the next academic year; provided:

9 (1) The district of residence shall pay tuition to the receiving school for
10 each child in an amount not to exceed the net cost per elementary pupil in the
11 district of residence for the year of payment.

12 (2) If the pupil is from an economically deprived background as defined
13 in subdivision 4001(8) of this title, then, notwithstanding any provision of law
14 to the contrary, the commissioner shall pay the receiving school an amount
15 equal to the difference between the amount paid in subdivision (1) of this
16 subsection and the receiving school's net cost per elementary pupil for the year
17 of payment.

18 Sec. 2. 16 V.S.A. § 822(c) is amended to read:

19 (c) The school board may both maintain a high school and furnish high
20 school education by paying tuition to a public school as in the judgment of the
21 board may best serve the interests of the pupils, ~~or to~~. In addition, the board

1 shall pay tuition to an approved independent school, at the request of a pupil's
2 parent or legal guardian made prior to April 15 for the next academic year if
3 ~~the board judges~~ the parent or legal guardian believes that a the pupil has
4 unique educational needs that cannot be served within the district or at a
5 ~~nearby public school~~ can best be served at the independent school of the
6 parent's choice; provided:

7 (1) The district of residence shall pay tuition to the receiving school for
8 each child in an amount not to exceed the net cost per high school pupil in the
9 district of residence for the year of payment.

10 (2) If the pupil is from an economically deprived background as defined
11 in subdivision 4001(8) of this title, then, notwithstanding any provision of law
12 to the contrary, the commissioner shall pay the receiving school an amount
13 equal to the difference between the amount paid in subdivision (1) of this
14 subsection and the receiving school's net cost per high school pupil for the
15 year of payment.

16 Sec. 3. 16 V.S.A. § 827(c) is amended to read:

17 (c) A parent or legal guardian who is dissatisfied with the instruction
18 provided at the school or who cannot obtain for his or her child the kind of
19 course or instruction desired there, or whose child can be better accommodated
20 in an approved independent or public high school nearer his or her home, may

1 request by April 15 for the next academic year that the school board ~~to~~ pay
2 tuition to ~~another~~ that approved independent or public high school.

3 (d) The school board ~~may~~ shall pay tuition to another approved
4 independent or public high school as when requested ~~if in its judgment that~~
5 ~~will best serve the interests of the pupil. Its decision shall be final in regard to~~
6 ~~the institution the pupil may attend~~ pursuant to subsection (c) of this section,
7 provided:

8 (1) The board shall not pay tuition in an amount that exceeds the per-
9 pupil tuition paid to the designated school in the year or years in which the
10 pupil is enrolled in a different high school.

11 (2) If the pupil is from an economically deprived background as defined
12 in subdivision 4001(8) of this title, then, notwithstanding any provision of law
13 to the contrary, the commissioner shall pay the receiving school an amount
14 equal to the difference between the amount paid in subdivision (1) of this
15 subsection and the receiving school's net cost per high school pupil for the
16 year of payment.