

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; State Board of Education; powers and duties

4 Statement of purpose of bill as introduced: This bill proposes to transfer
5 various duties and responsibilities from the State Board of Education to the
6 Secretary of Education to permit the State Board to focus on long term strategy
7 and high priority educational issues.

8 An act relating to the powers and duties of the State Board of Education

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

10 * * * Transfer of Certain Responsibilities of the State Board of Education to
11 the Secretary of Education * * *

12 Sec. 1. 16 V.S.A. § 164 is amended to read:

13 § 164. **STATE BOARD**; GENERAL POWERS AND DUTIES

14 The **State Board** shall ~~evaluate education policy proposals, including timely~~
15 ~~evaluation of policies presented by the Governor and Secretary; engage local~~
16 ~~school board members and the broader education community; and establish~~
17 ~~and advance education policy for the State of Vermont~~ establish and regularly
18 update a long-term strategic vision for the delivery of educational services in
19 Vermont, advise the General Assembly, the Governor, and the Secretary of
20 Education on high priority educational policies and issues as they arise, and act

1 in accordance with Legislative and Gubernatorial mandates, including the
2 adoption of rules and executing special assignments. In addition to other
3 specified duties, the Board shall:

4 (1) Establish such advisory commissions as in the judgment of the
5 Board will be of assistance to it in carrying out its duties. Advisory
6 commission members shall serve with or without compensation at the
7 discretion of the Board but shall receive actual expenses incurred in pursuance
8 of their duties.

9 (2) Have the authority to enter into agreements with school districts,
10 municipalities, states, the United States, foundations, agencies, or individuals
11 for service, educational programs, or research projects.

12 (3) Examine and determine all appeals that by law are made to it and
13 prescribe rules of practice in respect thereto, not inconsistent with law.

14 (4) ~~Review and comment on an Agency budget prepared by the~~
15 ~~Secretary for the Governor.~~ [Repealed.]

16 (5) [Repealed.]

17 (6) ~~Make regulations governing the attendance and records of~~
18 ~~attendance of all students and the department of students attending public~~
19 ~~schools.~~ [Repealed.]

1 (7) Adopt rules pursuant to 3 V.S.A. chapter 25; ~~as necessary or~~
2 ~~appropriate for the execution of its powers and duties and of the powers and~~
3 ~~duties of all persons under its supervision and control~~

4 (A) for the purpose of carrying out, and within the limitations of,
5 legislative intent, concerning:

6 (i) the operation and administration of the State Board of
7 Education;

8 (ii) educational quality standards;

9 (iii) independent school program approval, including:

10 (I) approval of distance learning schools;

11 (II) post-secondary schools; and

12 (III) private kindergarten approval;

13 (iv) special education, including special education finance and
14 census-based funding;

15 (v) career and technical education;

16 (vi) adult education;

17 (vii) school accountability system based on student achievement;

18 (viii) prekindergarten education;

19 (ix) supervisory union and school district organization;

20 (x) proposals for alternative structures under 2015 Acts and
21 Resolves No. 46; and

1 (xi) licensing of educators and the preparation of educational
2 professionals; and

3 (B) as directed by the General Assembly.

4 (8) Review rules proposed by the Agency of Education prior to prefiling
5 the proposed rules with the Interagency Committee on Administrative Rules
6 under 3 V.S.A. § 837.

7 (9) ~~Implement~~ Promulgate and continually update standards for student
8 performance in appropriate content areas and at appropriate intervals in the
9 continuum from ~~kindergarten~~ prekindergarten to grade 12 and methods of
10 assessment to determine attainment of the standards for student performance.
11 The standards shall be rigorous, challenging, and designed to prepare students
12 to participate in and contribute to the democratic process and to compete in the
13 global marketplace. The standards shall include ~~a standard~~ standards for
14 reading level proficiency for students ~~completing grade three~~ completing such
15 grade level or levels as the Board shall determine.

16 (10) [Repealed.]

17 (11) If deemed advisable, determine educational standards for admission
18 to and graduation from the public schools.

19 (12) [Repealed.]

20 (13) ~~Be the State Board for the program of adult education and literacy~~
21 ~~and perform all the duties and powers prescribed by law pertaining to adult~~

1 ~~education and literacy and to act as the State approval agency for educational~~
2 ~~institutions conducting programs of adult education and literacy. [Repealed.]~~

3 (14) ~~Adopt rules for approval of independent schools. [Repealed.]~~

4 (15) ~~Establish criteria governing the establishment of a system for the~~
5 ~~receipt, deposit, accounting, and disbursement of all funds by supervisory~~
6 ~~unions and school districts. [Repealed.]~~

7 (16) ~~In cooperation with the Secretary, ensure that the Agency develops~~
8 ~~information, plans, and assistance to aid in making technology and~~
9 ~~telecommunications available and coordinated in all school districts. The State~~
10 ~~Board shall develop guidelines for distribution of federal, State, or private~~
11 ~~funds designated for the development or expansion of distance learning~~
12 ~~technologies. The guidelines shall encourage, consistent with any terms or~~
13 ~~conditions established by the funding source, collaboration between schools~~
14 ~~and school districts to realize economic and educational efficiencies.~~
15 ~~[Repealed.]~~

16 (17) ~~Report annually on the condition of education statewide and on a~~
17 ~~supervisory union and school district basis. The report shall include~~
18 ~~information on attainment of standards for student performance adopted under~~
19 ~~subdivision (9) of this section, number and types of complaints of hazing,~~
20 ~~harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title~~
21 ~~and responses to the complaints, financial resources and expenditures, and~~

1 ~~community social indicators. The report shall be organized and presented in a~~
2 ~~way that is easily understandable by the general public and that enables each~~
3 ~~school, school district, and supervisory union to determine its strengths and~~
4 ~~weaknesses. To the extent consistent with State and federal privacy laws and~~
5 ~~regulations, data on hazing, harassment, or bullying incidents shall be~~
6 ~~disaggregated by incident type, including disaggregation by ethnic groups,~~
7 ~~racial groups, religious groups, gender, sexual orientation, gender identity,~~
8 ~~disability status, and English language learner status. The Secretary shall use~~
9 ~~the information in the report to determine whether students in each school,~~
10 ~~school district, and supervisory union are provided educational opportunities~~
11 ~~substantially equal to those provided in other schools, school districts, and~~
12 ~~supervisory unions pursuant to subsection 165(b) of this title. [Repealed.]~~

13 (18) ~~Ensure that Vermont's students, including students enrolled in~~
14 ~~secondary career technical education, have access to a substantially equal~~
15 ~~educational opportunity by developing a system to evaluate the equalizing~~
16 ~~effects of Vermont's education finance system and education quality standards~~
17 ~~under section 165 of this title. [Repealed.]~~

18 (19) ~~[Repealed.]~~

19 (20) ~~Pursuant to section 806g of this title, constitute the State Council~~
20 ~~for the Interstate Compact on Educational Opportunity for Military Children~~
21 ~~and appoint to the Council a Compact Commissioner and Military Family~~

1 ~~Education Liaison, who may be the same person. The Board may appoint~~
2 ~~additional members. [Repealed.]~~

3 (21) Report annually to the Governor and the General Assembly on the
4 ~~progress the Board has made on the development of education policy for the~~
5 State current condition and future prospects of education in Vermont.

6 Sec. 2. 16 V.S.A. § 212 is amended to read:

7 § 212. SECRETARY'S DUTIES GENERALLY

8 The Secretary shall ~~execute those policies~~ implement rules adopted by the
9 State Board in the legal exercise of its powers and shall:

10 * * *

11 (23) Make regulations governing the attendance and records of
12 attendance of all students and the department of students attending public
13 schools.

14 (24)(A) Direct the Agency of Education to adopt rules pursuant to
15 3 V.S.A. chapter 25:

16 (i) as necessary or appropriate for the execution of the Secretary's
17 and Agency's powers and duties and of the powers and duties of all persons
18 under the Secretary's supervision and control; and

19 (ii) as directed by the General Assembly.

20 (B) Submit rules proposed by the Agency of Education to the State
21 Board of Education prior to prefiling the proposed rules with the Interagency

1 Committee on Administrative Rules under 3 V.S.A. § 837. The Secretary shall
2 submit proposed rules to the State Board for review within a time frame that
3 accommodates the State Board’s review of the proposed rules and the
4 Secretary’s ability to respond to State Board comments.

5 (25) Approve the status of independent schools as “approved
6 independent schools” under rules adopted by the State Board of Education.

7 (26) Establish criteria governing the establishment of a system for the
8 receipt, deposit, accounting, and disbursement of all funds by supervisory
9 unions and school districts.

10 (27) Ensure that the Agency develops information, plans, and assistance
11 to aid in making technology and telecommunications available and coordinated
12 in all school districts. The Secretary shall develop guidelines for distribution
13 of federal, State, or private funds designated for the development or expansion
14 of distance learning technologies. The guidelines shall encourage, consistent
15 with any terms or conditions established by the funding source, collaboration
16 between schools and school districts to realize economic and educational
17 efficiencies.

18 (28) Report annually on the condition of education statewide and on a
19 supervisory union and school district basis. The report shall include
20 information on attainment of standards for student performance adopted under
21 subdivision 164(9) of this title, number and types of complaints of hazing,

1 harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title,
2 and responses to the complaints, financial resources and expenditures, and
3 community social indicators. The report shall be organized and presented in a
4 way that is easily understandable by the general public and that enables each
5 school, school district, and supervisory union to determine its strengths and
6 weaknesses. To the extent consistent with State and federal privacy laws and
7 regulations, data on hazing, harassment, or bullying incidents shall be
8 disaggregated by incident type, including disaggregation by ethnic groups,
9 racial groups, religious groups, gender, sexual orientation, gender identity,
10 disability status, and English language learner status. The Secretary shall use
11 the information in the report to determine whether students in each school,
12 school district, and supervisory union are provided educational opportunities
13 substantially equal to those provided in other schools, school districts, and
14 supervisory unions pursuant to subsection 165(b) of this title.

15 (29) Ensure that Vermont’s students, including students enrolled in
16 secondary career technical education, have access to a substantially equal
17 educational opportunity by developing a system to evaluate the equalizing
18 effects of Vermont’s education finance system and education quality standards
19 under section 165 of this title.

1 * * * Conforming Changes to Current Law in 16 V.S.A. chapter 3

2 (State Board of Education) * * *

3 Sec. 3. 16 V.S.A. § 41 is amended to read:

4 § 41. AUTHORITY OF AGENCY TO USE FEDERAL FUNDS TO AID

5 EDUCATION

6 (a) The Agency of Education is designated as the sole state agency to
7 establish and administer any statewide plan required as a condition for receipt
8 of federal funds made available to the State for any educational purposes,
9 including career technical education and adult education and literacy. Subject
10 to State Board rules, the Agency is responsible for administering or
11 supervising policy for adult education and literacy activities in the State,
12 performing all the duties and powers prescribed by law pertaining to adult
13 education and literacy, and acting as the State approval agency for educational
14 institutions conducting programs of adult education and literacy.

15 (b) The Agency shall also be the agency to accept and administer federal
16 funds that require administration by a state education agency having
17 jurisdiction of elementary and secondary education.

18 ~~(b)~~(c) Subject to the approval of the Governor, the Agency may accept and
19 use federal funds. It may establish criteria and procedures to conform with any
20 requirements established for the use of the funds and may take such other

1 action as may be required to comply with any condition for receipt of federal
2 aid.

3 Sec. 4. 16 V.S.A. § 166 is redesignated into 16 V.S.A. chapter 1, subchapter 1,
4 and amended to read:

5 § ~~166~~ 14. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

6 (a) Authority. An independent school may operate and provide elementary
7 education or secondary education if it is either approved or recognized as set
8 forth herein.

9 (b) Approved independent schools. On application, the ~~State Board~~
10 Secretary of Education shall approve an independent school that offers
11 elementary or secondary education if it finds, after opportunity for hearing, that
12 the school provides a minimum course of study pursuant to section 906 of this
13 title and that it substantially complies with the ~~State Board~~'s rules for approved
14 independent schools. Except as provided in subdivision (6) of this subsection,
15 the Board's rules must at minimum require that the school have the resources
16 required to meet its stated objectives, including financial capacity, faculty who
17 are qualified by training and experience in the areas in which they are
18 assigned, and physical facilities and special services that are in accordance
19 with any State or federal law or regulation. Approval may be granted without
20 ~~State Board~~ the Secretary's evaluation in the case of any school accredited by a

1 private, State, or regional agency recognized by the **State Board** for accrediting
2 purposes.

3 (1) On application, the **State Board** Secretary shall approve an
4 independent school that offers kindergarten but no other graded education if ~~it~~
5 the Secretary finds, after opportunity for hearing, that the school substantially
6 complies with the Board’s rules for approved independent kindergartens. The
7 **State Board** Secretary may delegate to another State agency the authority to
8 evaluate the safety and adequacy of the buildings in which kindergartens are
9 conducted, but shall consider all findings and recommendations of any such
10 agency in making the Secretary’s approval decision.

11 (2) Approvals under this subsection (b) shall be for a term established
12 by rule of the ~~Board~~ Secretary but not greater than five years.

13 * * *

14 (5) The **State Board** Secretary may revoke, suspend, or impose
15 conditions upon the approval of an approved independent school, after having
16 provided an opportunity for a hearing, for substantial failure to comply with
17 the minimum course of study, for failure to demonstrate that the school has the
18 resources required to meet its stated objectives, for failure to comply with
19 statutory requirements or the Board’s rules for approved independent schools,
20 or for failure to report under subdivision (4) of this subsection (b). Upon that
21 revocation or suspension, students required to attend school who are enrolled

1 in that school shall become truant unless they enroll in a public school, an
2 approved or recognized independent school, or a home study program.

3 * * *

4 (8)(A) If an approved independent school experiences any of the
5 following financial reporting events during the period of its approved status,
6 the school shall notify the Secretary of Education within five days after its
7 knowledge of the event unless the failure is de minimis:

8 (i) the school's failure to file its federal or State tax returns when
9 due, after permissible extension periods have been taken into account;

10 (ii) the school's failure to meet its payroll obligations as they are
11 due or to pay federal or State payroll tax obligations as they are due;

12 (iii) the school's failure to maintain required retirement
13 contributions;

14 (iv) the school's use of designated funds for nondesignated
15 purposes;

16 (v) the school's inability to fully comply with the financial terms
17 of its secured installment debt obligations over a period of two consecutive
18 months, including the school's failure to make interest or principal payments
19 as they are due or to maintain any required financial ratios;

1 (vi) the withdrawal or conditioning of the school’s accreditation
2 on financial grounds by a private, State, or regional agency recognized by the
3 **State Board** for accrediting purposes; or

4 (vii) the school’s insolvency, as defined in 9 V.S.A. § 2286(a).

5 (B)(i) If the **State Board Secretary** reasonably believes that an
6 approved independent school lacks financial capacity to meet its stated
7 objectives during the period of its approved status, then the **State Board**
8 Secretary shall notify the school in writing of the reasons for this belief and
9 permit the school a reasonable opportunity to respond.

10 (ii) If the **State Board Secretary**, after having provided the school a
11 reasonable opportunity to respond, does not find that the school has
12 satisfactorily responded or demonstrated its financial capacity, the **State Board**
13 Secretary may establish a review team, that, with the consent of the school,
14 includes a member of the Council of Independent Schools, to:

15 (I) conduct a school visit to assess the school’s financial
16 capacity;

17 (II) obtain from the school such financial documentation as the
18 review team requires to perform its assessment; and

19 (III) submit a report of its findings and recommendations to the
20 **State Board**.

1 (iii) If the State Board Secretary concludes that an approved
2 independent school lacks financial capacity to meet its stated objectives during
3 the period of its approved status, the State Board Secretary may take any action
4 that is authorized by this section.

5 (iv) In considering whether an independent school lacks financial
6 capacity to meet its stated objectives during the period of its approved status
7 and what actions the State Board Secretary should take if ~~it~~ the Secretary
8 makes this finding, the State Board Secretary may consult with, and draw on
9 the analytical resources of, the Vermont Department of Financial Regulation.

10 * * *

11 Sec. 5. 16 V.S.A. § 14(b) (as redesignated from 16 V.S.A. § 166 by this act) is
12 amended to read: [note, this section takes effect July 1, 2022]

13 (b) Approved independent schools. On application, the State Board
14 Secretary of Education shall approve an independent school that offers
15 elementary or secondary education if it finds, after opportunity for hearing, that
16 the school provides a minimum course of study pursuant to section 906 of this
17 title and that it substantially complies with all statutory requirements for
18 approved independent schools and the State Board's rules for approved
19 independent schools. An independent school that intends to accept public
20 tuition shall be approved by the State Board Secretary only on the condition
21 that the school agrees, notwithstanding any provision of law to the contrary, to

1 enroll any student who requires special education services and who is placed in
2 or referred to the approved independent school as an appropriate placement
3 and least restrictive environment for the student by the student’s individualized
4 education program team or by the local education agency; provided, however,
5 that this requirement shall not apply to an independent school that limits
6 enrollment to students who are on an individualized education program or a
7 plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and
8 who are enrolled pursuant to a written agreement between the local education
9 agency and the school. Except as provided in subdivision (6) of this
10 subsection, the Board’s rules must at minimum require that the school have the
11 resources required to meet its stated objectives, including financial capacity,
12 faculty who are qualified by training and experience in the areas in which they
13 are assigned, and physical facilities and special services that are in accordance
14 with any State or federal law or regulation. Approval may be granted without
15 ~~State Board~~ the Secretary’s evaluation in the case of any school accredited by a
16 private, State, or regional agency recognized by the State Board for accrediting
17 purposes, provided that the ~~State Board~~ Secretary shall determine that the
18 school complies with all student enrollment provisions required by law.

19 * * *

1 Sec. 6. 16 V.S.A. § 166b is redesignated as 16 V.S.A. chapter 1, subchapter 1,
2 § 15.

3 Sec. 7. 16 V.S.A. § 167 is redesignated and amended to read:

4 § ~~167~~ 216. HIGH SCHOOL EQUIVALENCE CERTIFICATE

5 The ~~State Board~~ Secretary of Education, based on ~~State Board~~ rule or
6 guidance as applicable, is authorized to grant high school equivalency
7 certificates to any person who has not been graduated from a high school on
8 the basis of credits earned in the U.S. Armed Forces, credits earned in
9 approved schools for adults, or satisfactory scores obtained on approved
10 examinations.

11 Sec. 8. 16 V.S.A. § 170 is redesignated as 16 V.S.A. Chapter 1, Subchapter 2,
12 § 42a.

13 Sec. 9. 16 V.S.A. § 175 is redesignated into a new chapter, chapter 71, and
14 amended to read:

15 CHAPTER 71. POSTSECONDARY SCHOOLS GENERALLY

16 § ~~175~~ 2161. POSTSECONDARY EDUCATIONAL INSTITUTIONS;

17 CLOSING

18 (a) When an institution of higher education, whether or not chartered in this
19 State, proposes to discontinue the regular course of instruction, either
20 permanently or for a temporary period other than a customary vacation period,
21 the institution shall:

1 (1) promptly inform the State Board Secretary of Education;

2 (2) prepare the academic record of each current and former student in a
3 form satisfactory to the State Board Secretary and including interpretive
4 information required by the Board Secretary; and

5 (3) deliver the records to a person designated by the State Board
6 Secretary to act as permanent repository for the institution's records, together
7 with the reasonable cost of entering and maintaining the records.

8 * * *

9 (d) When an institution of higher education is unable or unwilling to
10 comply substantially with the record preparation and delivery requirements of
11 subsection (a) of this section, the State Board Secretary shall bring an action in
12 Superior Court to compel compliance with this section, and may in a proper
13 case obtain temporary custody of the records.

14 (e) When an institution of higher education is unable or unwilling to
15 comply with the requirements of subsection (a) of this section, the State Board
16 Secretary may expend State funds necessary to ensure the proper storage and
17 availability of the institution's records. The Attorney General shall then seek
18 recovery under this subsection, in the name of the State, of all of the State's
19 incurred costs and expenses, including attorney's fees, arising from the failure
20 to comply. Claims under this subsection shall be a lien on all the property of a
21 defaulting institution, until all claims under this subsection are satisfied. The

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

2 (A) apply for a certificate of approval from the State Board Secretary
3 of Education prior to registering its name with the Secretary of State pursuant
4 to Title 11, Title 11A, or Title 11B;

5 (B) apply for and receive a certificate of approval from the State
6 Board Secretary of Education prior to offering postsecondary credit-bearing
7 courses or programs and prior to admitting the first student; and

8 * * *

9 (2) Every postsecondary school shall secure a certificate of degree-
10 granting authority from the State Board Secretary of Education before it
11 confers or offers to confer a degree.

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

14 * * *

15 (4) Postsecondary schools that are accredited. The following
16 postsecondary institutions are accredited, meet the criteria for exempt status,
17 and are authorized to operate educational programs beyond secondary
18 education, including programs leading to a degree or certificate: Bennington
19 College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green~~
20 ~~Mountain College~~, Landmark College, Marlboro College, Middlebury College,
21 New England Culinary Institute, Norwich University, Saint Michael’s College,

1 SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont
2 College of Fine Arts, and Vermont Law School. This authorization is provided
3 solely to the extent necessary to ensure institutional compliance with federal
4 financial aid-related regulations, and it does not affect, rescind, or supersede
5 any preexisting authorizations, charters, or other forms of recognition or
6 authorization.

7 * * *

8 (e) Issuance. On proper application, the State Board Secretary of
9 Education shall issue a certificate of approval or a certificate of degree-
10 granting authority, or both, to an applicant whose goals, objectives, programs,
11 and resources, including personnel, curriculum, finances, and facilities, are
12 found by the State Board Secretary of Education to be in accordance with State
13 Board rules for approval of postsecondary schools and adequate and
14 appropriate for the stated purpose and for the protection of students and the
15 public interest. The certificate shall be for a term not exceeding five years.
16 The certificate may be subject to conditions, terms, or limitations.

17 * * *

18 (g) Revocation. Any certificate may be revoked by the State Board
19 Secretary of Education at any time for good cause relating to the conditions,
20 terms, and limitations of approval.

1 (h) Advice. Prior to any action taken by the State Board Secretary of
2 Education with respect to any application for degree-granting authority, the
3 Board Secretary shall obtain the advice of the Vermont Higher Education
4 Council, Incorporated.

5 (i) The Board Agency of Education may adopt rules and perform
6 investigations in order to effectuate the purposes of this section.

7 * * *

8 (k) The Attorney General, upon request of the State Board Secretary of
9 Education, may bring an action to enjoin the operation of a postsecondary
10 school that is operating in violation of this section.

11 * * *

12 Sec. 11. 16 V.S.A. § 176a is redesignated into a new chapter, chapter 71, and
13 amended to read:

14 § ~~176a~~ 2163. POSTSECONDARY SCHOOLS NOT CHARTERED IN
15 VERMONT

16 * * *

17 (c) Requirements. A postsecondary school subject to this section shall:

18 * * *

19 (5) register with the Agency pursuant to State Board rule; and

20 * * *

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

7 * * *

8 Sec. 12. 16 V.S.A. § 177 is redesignated into a new chapter, chapter 71, and
9 amended to read:

10 § ~~177~~ 2164. POSTSECONDARY APPROVAL; FEES

11 * * *

12 (b) If a postsecondary school that is subject to section ~~176~~ 2162 of this title
13 and is operating within an unexpired certification period files an application to
14 offer a new degree at the same level as a degree previously approved by the
15 State Board Secretary, then the fee shall be based upon the actual costs to the
16 Agency but shall not be less than \$1,000.00 for each new degree.

17 Sec. 13. 16 V.S.A. § 178 is redesignated into a new chapter, chapter 71, as
18 § 2165.

19 Sec. 14. 16 V.S.A. § 180 is redesignated into a new chapter, chapter 71, as
20 § 2166.

21 Sec. 15. 16 V.S.A. § 214 is added to read:

1 § 214. STATE COUNCIL FOR THE INTERSTATE COMPACT ON
2 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

3 Pursuant to section 806g of this title, the Agency of Education shall
4 constitute the State Council for the Interstate Compact on Educational
5 Opportunity for Military Children and appoint to the Council a Compact
6 Commissioner and Military Family Education Liaison, who may be the same
7 person. The Agency may appoint additional members.

8 Sec. 16. **STATE BOARD** OF EDUCATION RULES; AGENCY OF
9 EDUCATION

10 (a) Except for the **State Board** of Education rules referenced in subsection
11 (b) of this section, the rules of the **State Board** of Education in effect on the
12 effective date of this act shall constitute the rules of the Agency of Education
13 until amended or repealed, and all references in those rules to the **State Board**
14 of Education, the Department of Education, and the Commissioner of
15 Education shall be deemed to refer to the Agency of Education and the
16 Secretary of Education as appropriate.

17 (b) The following rules shall continue to be the rules of the **State Board** of
18 Education:

19 (1) Series 1200—**State Board** of Education;

20 (2) Series 1320—Special Education Finance and Census-based Funding;

21 (3) Series 2000—Educational Quality Standards;

1 Sec. 18. 16 V.S.A. § 133 is amended to read:

2 § 133. SUPERVISOR; COMPREHENSIVE HEALTH EDUCATION

3 (a) The Secretary ~~with the approval of the State Board~~ may appoint one
4 qualified person to supervise the preparation of appropriate curricula for use in
5 the public schools, to promote programs for the preparation of teachers to teach
6 these curricula, and to assist in the development of comprehensive health
7 education programs.

8 * * *

9 Sec. 19. 16 V.S.A. § 136 is amended to read:

10 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
11 AND COMPREHENSIVE HEALTH

12 * * *

13 (b) The Secretary ~~with the approval of the State Board~~ shall establish an
14 Advisory Council on Wellness and Comprehensive Health that shall include at
15 least three members associated with the health services field. The members
16 shall serve without compensation but shall receive their actual expenses
17 incurred in connection with their duties relating to wellness and comprehensive
18 health programs. The Council shall assist the Agency to plan, coordinate, and
19 encourage wellness and comprehensive health programs in the public schools.

20 * * *

21 Sec. 20. 16 V.S.A. § 242 is amended to read:

1 § 242. DUTIES OF SUPERINTENDENTS

2 The superintendent shall be the chief executive officer for the supervisory
3 union board and for each school board within the supervisory union, and shall:

4 * * *

5 (4)(A) Provide data and information required by the Secretary and by
6 using a format approved by the Secretary to:

7 (i) Report budgetary data for the subsequent school year and fiscal
8 year.

9 (ii) Report all financial operations within the supervisory union to
10 the Secretary and ~~State Board~~ for the preceding school year on or before
11 August 15 of each year.

12 (iii) Report all financial operations for each member school
13 district to the Secretary and ~~State Board~~ for the preceding school year on or
14 before August 15 of each year.

15 * * *

16 Sec. 21. 16 V.S.A. § 244 is amended to read:

17 § 244. DUTIES OF PRINCIPALS

18 * * *

19 (b) Without the approval of the ~~State Board~~ Secretary of Education,
20 secondary school principals shall not be charged with supervisory
21 responsibility outside the secondary school.

1 Sec. 22. 16 V.S.A. § 256 is amended to read:

2 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

3 MAINTENANCE OF RECORDS

4 * * *

5 (d) The ~~State Board~~ Agency of Education may adopt rules regarding
6 maintenance of records.

7 Sec. 23. 16 V.S.A. § 261a is amended to read:

8 § 261a. DUTIES OF SUPERVISORY UNION BOARD

9 (a) Duties. The board of each supervisory union shall:

10 (1) Establish a supervisory union-wide curriculum, by either developing
11 the curriculum or assisting the member districts to develop it jointly, and
12 ensure implementation of the curriculum. The curriculum shall meet the
13 requirements adopted by the State Board under subdivision 165(a)(3)(B) of
14 this title.

15 (2) Assist each school in the supervisory union to follow the curriculum
16 as adopted under the requirements of the State Board pursuant to subdivision
17 165(a)(3)(B) of this title.

18 * * *

19 (4) In accordance with criteria established by the ~~State Board~~ Secretary
20 of Education, establish and implement a plan for receiving and disbursing
21 federal and State funds distributed by the Agency of Education, including

1 funds awarded under P.L. 89-10, the Elementary and Secondary Education Act
2 of 1965 as amended.

3 * * *

4 (6) Provide special education services on behalf of its member districts
5 and, except as provided in section 43 of this title, compensatory and remedial
6 services, and provide or coordinate the provision of other educational services
7 as directed by the ~~State Board~~ Secretary of Education or local boards;
8 provided, however, if a supervisory union determines that services would be
9 provided more efficiently and effectively in whole or in part at the district
10 level, then it may ask the Secretary to grant it a waiver from this provision.

11 * * *

12 Sec. 24. 16 V.S.A. § 301 is amended to read:

13 § 301. APPORTIONMENT OF EXPENSES

14 Unless otherwise agreed upon, each school district shall pay a proportionate
15 share of the salary and expenses of the superintendent and the expenses of the
16 supervisory union based on the number of enrolled students in each member
17 school district. “Enrolled students” shall be defined by the ~~State Board~~
18 Agency of Education by rule, including the treatment of tuition students,
19 special education students, students enrolled in career technical centers, and
20 other particular circumstances.

21 Sec. 25. 16 V.S.A. § 428 is amended to read:

1 § 428. BUDGET TO BE VOTED

2 * * *

3 (b) If the electorate of a school district votes for its budget by Australian
4 ballot, it shall do so using ballot language jointly developed by the Secretary of
5 Education and the Secretary of State ~~and adopted by the State Board, by rule.~~

6 Sec. 26. 16 V.S.A. § 471 is amended to read:

7 § 471. APPLICATION OF OTHER LAWS

8 (a) The provisions of this title relating to the administration and
9 maintenance of public schools, school meetings, and voting therein, to grand
10 lists, to the raising and expending of school monies, to monies apportioned by
11 the ~~State Board~~ Secretary of Education, to sharing in other State aid, to the
12 election, appointment, powers, duties, and liabilities of school officers, to
13 elementary and higher instruction, to transportation, board, and attendance of
14 students, to truancy and truant officers, to furnishing of textbooks and
15 appliances, and to all other matters pertaining to schools in a town district,
16 unless otherwise provided, and if not inconsistent with the rights granted by
17 their charters, shall apply to schools maintained, similar school officers, and all
18 matters pertaining to schools in incorporated school districts.

19 * * *

20 Sec. 27. 16 V.S.A. § 511 is amended to read:

21 § 511. BUDGET

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* * *

(b) If the electorate of an incorporated school district votes for its budget by Australian ballot, it shall do so using ballot language jointly developed by the Secretary of Education and Secretary of State ~~and adopted by the State Board,~~ by rule.

Sec. 28. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

* * *

(b) When a school construction contract exceeds \$500,000.00:

(1) The ~~State Board~~ Secretary of Education shall establish, in consultation with the Commissioner of Buildings and General Services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The Department of Buildings and General Services, upon notice by the Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

* * *

(d) Construction management. The school board may contract for the service of construction management to assist in a school construction project. The ~~State Board~~ Agency of Education, in consultation with the Commissioner of Buildings and General Services and other knowledgeable sources, shall

1 adopt rules defining the term “construction management” and specifying the
2 nature of bidding requirements under construction management services in
3 order to assist school boards to comply with the public bidding requirements of
4 this section.

5 * * *

6 (f) Waivers. The State Board Agency of Education shall by rule adopt
7 standards governing the authority of the Secretary to grant individual waivers
8 to the provisions of this section. The rules, at minimum, shall require the
9 school board seeking the waiver to demonstrate to the Secretary that it is
10 unable to comply with the bidding procedure through no fault of its own, and
11 that it has proposed an alternative method of minimizing costs through a fair
12 and public process.

13 (g) Violations. The State Board Secretary of Education may deny State aid
14 for school construction and for debt service on a project that proceeds in
15 violation of this section.

16 Sec. 29. 16 V.S.A. § 563 is amended to read:

17 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

18 The school board of a school district, in addition to other duties and
19 authority specifically assigned by law:

20 * * *

1 delayed. However, the board shall borrow under this subdivision only amounts
2 that it would receive if the ~~State Board~~ Secretary of Education could fund its
3 obligation and may borrow no earlier than the time it would have received the
4 funds. The State shall not pay for costs of borrowing funds under this
5 subdivision.

6 * * *

7 (24) Shall adopt a policy that, in accordance with rules adopted by the
8 ~~State Board of Education~~ Agency of Education, will integrate home study
9 students into its schools through enrollment in courses, participation in
10 cocurricular and extracurricular activities, and use of facilities.

11 (25) Shall, if it is a school board of a school district that maintains a
12 secondary school, upon request, award a high school diploma to any Vermont
13 resident who served in the military in World War II, the Korean War, or during
14 the Vietnam era, was honorably separated from active federal military service,
15 and does not hold a high school diploma. The ~~State Board~~ Secretary of
16 Education shall develop and make available an application form for veterans
17 who wish to request a high school diploma.

18 * * *

19 Sec. 30. 16 V.S.A. § 570 is amended to read:

20 § 570. HARASSMENT, HAZING, AND BULLYING PREVENTION

21 POLICIES

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(d) Duties of the Secretary. The Secretary shall:

* * *

(2) establish an Advisory Council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The Council shall report annually in January to the State Board Secretary of Education and the House and Senate Committees on Education. The Council shall include:

* * *

Sec. 31. 16 V.S.A. § 701a is amended to read:

§ 701a. APPLICATION OF OTHER LAWS

* * *

(b) The provisions of general law relating to the administration and maintenance of schools, to school meetings and voting at the meetings, to grand lists, to the raising and expending of school money, to money apportioned by the State Board Secretary of Education, to sharing in other State or federal aid, to the election, appointments, powers, duties, and liabilities of school officers, to secondary and elementary instruction, to transportation, board, and attendance of students, to textbooks and appliances, and to all other matters pertaining to schools in a town school district, unless inconsistent with this act or otherwise provided for in this subchapter, shall

1 apply to schools maintained, similar school officers, and all matters pertaining
2 to schools of the union school district.

3 Sec. 32. 16 V.S.A. § 944 is amended to read:

4 § 944. DUAL ENROLLMENT PROGRAM

5 * * *

6 (f) Tuition and funding.

7 * * *

8 (3) If it agrees to the terms of subsection (c) of this section, an
9 accredited private postsecondary institution in Vermont approved pursuant to
10 section ~~476~~ 2162 of this title shall receive tuition pursuant to subdivisions (1)
11 and (2) of this subsection (f) for each eligible student it enrolls in a college-
12 level course under this section.

13 * * *

14 Sec. 33. 16 V.S.A. § 1045 is amended to read:

15 § 1045. DRIVER TRAINING COURSE

16 (a) A driver education and training course, approved by the Agency of
17 Education and the Department of Motor Vehicles shall be made available to
18 students whose parent or guardian is a resident of Vermont and who have
19 reached their 15th birthday and who are regularly enrolled in a public or
20 independent high school approved by the ~~State Board~~ Secretary of Education.

1 (b) After June 30, 1984, all driver education courses shall include a course
2 of instruction, approved by the ~~State Board~~ Secretary of Education and the
3 council on the effects of alcohol and drugs on driving.

4 * * *

5 Sec. 34. 16 V.S.A. § 1071 is amended to read:

6 § 1071. SCHOOL YEAR AND SCHOOL DAY

7 * * *

8 (b) Hours of operation. Within the minimum set by the ~~State Board~~
9 Secretary of Education, the school board shall fix the number of hours that
10 shall constitute a school day, subject to change upon the order of the ~~State~~
11 ~~Board~~ Secretary of Education.

12 (c) Unanticipated closings. When a public school is closed for cause
13 beyond the control of the school board, it may petition the ~~State Board~~
14 Secretary of Education for a waiver of the requirements of this section. The
15 petition shall be filed with the ~~State Board~~ Secretary of Education within
16 10 days of each occurrence and not later than June 15 of the school year
17 involved; and the ~~State Board~~ Secretary of Education shall act on the petition
18 at its next meeting. If the petition is approved and a waiver granted, the school
19 district shall be deemed to have satisfied the requirements of this section. If
20 the ~~State Board~~ Secretary of Education fails to act at that meeting, the petition
21 shall be deemed to have been approved and the waiver granted.

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(g) Upon application of one or more school districts, after approval by the voters of each such district, the State Board Secretary of Education may grant a waiver of the requirements of subsection (a) of this section if it is satisfied that equivalent educational programming will be maintained or improved. The waiver may be granted for any purpose, including the conservation of energy.

Sec. 35. 16 V.S.A. § 1073 is amended to read:

§ 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL

* * *

(b) Access to school.

* * *

(2) Right to enroll in a public or independent school. Notwithstanding the provisions of sections 822 and 1075 of this title, a pregnant or parenting student may enroll in any approved public school in Vermont or an adjacent state, any approved independent school in Vermont, or any other educational program approved by the State Board or Secretary of Education in which any other legal pupil in Vermont may enroll.

* * *

Sec. 36. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

1 (a) A superintendent or principal may, pursuant to policies adopted by the
2 school board that are consistent with State Board and Agency of Education
3 rules, suspend a student for up to 10 school days or, with the approval of the
4 board of the school district, expel a student for up to the remainder of the
5 school year or up to 90 school days, whichever is longer, for misconduct:

6 * * *

7 Sec. 37. 16 V.S.A. § 1165 is amended to read:

8 § 1165. ALCOHOL AND DRUG ABUSE

9 (a) The State Board Secretary of Education, in consultation with local
10 school boards, the alcohol and drug division, the law enforcement authorities,
11 and the juvenile court system shall formulate a general policy for the
12 education, discipline, and referral for rehabilitation of students who are
13 involved with alcohol or drug abuse on school property or at school functions.

14 (b) The State Board Agency of Education shall adopt rules for all school
15 districts that include standards consistent with due process of law for
16 discipline, suspension, or dismissal of students and recommended procedures
17 for education and for referral for treatment and rehabilitation.

18 (c) Each school district shall adopt its own policy consistent with the State
19 Board's Agency of Education's rules setting forth: recommended procedures
20 for education; referral for treatment, counseling, and rehabilitation; and
21 standards consistent with due process of law for discipline, suspension, or

1 dismissal of students in accordance with section 1162 of this title. Nothing in
2 this section is intended to mandate local school districts to employ counselors
3 for treatment or rehabilitation.

4 * * *

5 Sec. 38. 16 V.S.A. § 1224 is amended to read:

6 § 1224. REPORTS

7 The superintendent shall include in his or her annual report to the school
8 board of each district data regarding the students in the district who have been
9 transported or boarded under the provisions of this chapter and the associated
10 expenses. Annually, at a time fixed by the ~~State Board~~ Secretary of Education,
11 the superintendent shall report to the ~~Board~~ Secretary regarding the students
12 transported or boarded under the provisions of this chapter and the associated
13 expenses.

14 Sec. 39. 16 V.S.A. § 1262b is amended to read:

15 § 1262b. RULES

16 The ~~State Board~~ Agency of Education shall adopt rules governing grants
17 under section 1262a of this title. The rules shall provide for grants from State
18 funds in accordance with federal guidelines for food programs. The ~~State~~
19 ~~Board~~ Agency of Education may adopt other rules that are necessary to carry
20 out the provisions of this subchapter.

21 Sec. 40. 16 V.S.A. § 1321 is amended to read:

1 § 1321. FORM AND CONTENTS OF REGISTER

2 ~~With the approval of the State Board,~~ The Secretary shall prescribe the
3 content of school registers used to keep records of student enrollment and daily
4 attendance and to obtain statistical and other information from teachers and
5 school officers. Schools shall maintain an electronic system for recording
6 enrollment and attendance

7 Sec. 41. 16 V.S.A. § 1388 is amended to read:

8 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
9 EPINEPHRINE AUTO-INJECTORS

10 (a) As used in this section:

11 (1) “Designated personnel” means a school employee, agent, or
12 volunteer who has been authorized by the school administrator to provide and
13 administer epinephrine auto-injectors under this section and who has
14 completed the training required by ~~State Board~~ Secretary of Education policy.

15 * * *

16 (f) On or before January 1, 2014, the ~~State Board~~ Secretary of Education, in
17 consultation with the Department of Health, shall adopt policies for managing
18 students with life-threatening allergies and other individuals with life-
19 threatening allergies who may be present at a school. The policies shall:

20 * * *

1 (5) require each school to make publicly available protocols and
2 procedures developed in accordance with the policies adopted by the State
3 Board Secretary of Education under this section.

4 Sec. 42. 16 V.S.A. § 1531 is amended to read:

5 § 1531. RESPONSIBILITY OF STATE BOARD SECRETARY OF
6 EDUCATION

7 (a) The State Board Subject to State Board of Education rules, the
8 Secretary of Education has overall responsibility for the effectiveness of career
9 technical education. This requires the Board Secretary to collect suitable
10 information and to take appropriate steps within its legal, financial, and
11 personnel resources to ensure that:

12 (1) Career technical education is equally available to students and is of
13 consistent quality in all parts of the State, including areas remote from career
14 technical centers.

15 (2) The timing and content of career technical education is properly and
16 flexibly coordinated with academic instruction.

17 (3) Career technical education is available to adult students, particularly
18 in areas where unemployment is high or occupational retraining needs are
19 great. This includes entering into contracts with postsecondary educational
20 institutions or with any resource supplier to provide adult programs at career
21 technical centers.

1 (4) Career technical education programs and courses of study are
2 demonstrably useful to their graduates in obtaining employment or improving
3 the quality of their employment.

4 (5) Career technical education programs are well coordinated with
5 related State programs in education and training. This includes ensuring that
6 career technical education graduates receive appropriate credit toward
7 requirements in apprenticeship programs and professional licensing programs.

8 (b) In order to provide regional career technical education services
9 efficiently, the State Board shall designate a service region for each career
10 technical center. However, the Board may designate a service region for two
11 or more comprehensive high schools if that region is not served by a career
12 technical center.

13 (c) For a school district that is geographically isolated from a Vermont
14 career technical center, the State Board may approve a career technical center
15 in another state as the career technical center that district students may attend.
16 In this case, the school district shall receive transportation assistance pursuant
17 to section 1563 of this title and tuition assistance pursuant to section 1561(c) of
18 this title. Any student who is a resident in the Windham Southwest
19 Supervisory Union and who is enrolled at public expense in the Charles H.
20 McCann Technical School or the Franklin County Technical School shall be
21 considered to be attending an approved career technical center in another state

1 pursuant to this subsection, and, if the student is from a school district eligible
2 for a small schools support grant pursuant to section 4015 of this title, the
3 student’s full-time equivalency shall be computed according to time attending
4 the school.

5 Sec. 43. 16 V.S.A. § 1534 is amended to read:

6 § 1534. COURSE OF STUDY EVALUATION

7 (a) At least once in each period of five years, and in coordination with the
8 Vermont Advisory Council on Career Technical Education, the Secretary shall
9 evaluate the effectiveness of each course of study offered by any career
10 technical center in the State. The **State Board** or the Agency of Education by
11 rule shall prescribe the method for conducting these evaluations.

12 * * *

13 Sec. 44. 16 V.S.A. § 1544 is amended to read:

14 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

15 Subject to any direction and regulations as to courses, teachers, or
16 equipment that the **State Board** or Secretary of Education may prescribe by
17 rule, high schools may include within their courses of study pretechnical or
18 career technical courses, or both. Before establishing such a program, a high
19 school shall consult with the regional advisory board for its CTE service
20 region.

21 Sec. 45. 16 V.S.A. § 1545 is amended to read:

1 § 1545. CREDITS AND GRADES EARNED

2 (a) Grades earned in a course offered within a CTE program ~~approved by~~
3 ~~the~~ that complies with State Board rules shall not be altered by any public
4 school or approved or recognized independent school in Vermont and shall be
5 applied by the school toward any State graduation requirements in accordance
6 with rules adopted by the State Board. Any State Board rules regarding
7 earning of credits shall allow flexibility with respect to the integration of CTE
8 education and other academic courses.

9 (b) The credits earned for a career technical education program ~~approved~~
10 ~~by the~~ that complies with State Board rules shall be honored by any public or
11 independent school within Vermont. If necessary to enable a student to
12 participate in career technical education and graduate with his or her class, the
13 credits earned shall be applied toward any school district or independent school
14 graduation requirements exceeding the minimum number of credits required by
15 the State Board. The school board of the high school from which the student
16 wishes to graduate shall make a determination as to whether the credits shall be
17 applied toward graduation requirements. A decision of a school board may be
18 appealed to the Secretary who shall construe this section to favor participation
19 in career technical education.

20 * * *

21 Sec. 46. 16 V.S.A. § 1552 is amended to read:

1 § 1552. SECONDARY STUDENT TUITION

2 (a) Each career technical center shall establish a tuition charge for
3 secondary career technical education. The amount shall reflect the actual cost,
4 as defined by rule of the ~~State Board~~ Agency of Education, of attendance in the
5 career technical courses offered by the center. The tuition charge shall be
6 reduced proportionally for students enrolled in a part-time program.

7 (b) Secondary students are eligible for tuition assistance in career technical
8 education provided in another state when the ~~State Board~~ Secretary of
9 Education determines that such career technical education can properly serve
10 the needs of Vermont students.

11 * * *

12 Sec. 47. 16 V.S.A. § 1562 is amended to read:

13 § 1562. TRYOUT CLASSES

14 From the monies annually available for use in career technical education,
15 the ~~State Board~~ Secretary of Education may reimburse part of the program cost
16 attributable to programs designed to assist students in deciding whether to
17 enroll in career technical courses. As a condition of such assistance, the
18 program shall demonstrate that it has taken steps to encourage each student to
19 consider enrolling in courses not traditional for that student's gender.

20 Sec. 48. 16 V.S.A. § 1565 is amended to read:

21 § 1565. SALARY ASSISTANCE

1 (a) The **State Board** Secretary of Education shall reimburse a school district
2 operating a career technical center for a portion of its cost in paying the salary
3 of the following persons:

4 (1) the director of career technical education;

5 (2) a person whose principal duty is to provide guidance services for
6 career technical students;

7 (3) a person whose principal duty is to find job training opportunities for
8 students during the time they are enrolled at the career technical center;

9 (4) an assistant director for adult education; and

10 (5) an assistant director of career technical education, if the career
11 technical center has full-time equivalent enrollment of at least 150 and the
12 sending school population is at least 30 percent of the career technical center's
13 total full-time equivalent enrollment.

14 (b) Assistance under this section shall be determined by a formula and
15 standards established by rule of the **State Board**. The formula and those
16 standards:

17 * * *

18 Sec. 49. 16 V.S.A. § 1577 is amended to read:

19 § 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE

20 BOARD

1 chair, or a majority of the board, showing to whom, and for what purpose, each
2 payment is to be made by the treasurer, and the certified copy shall serve as
3 full authority to the treasurer to make the approved payments.

4 * * *

5 Sec. 50. 16 V.S.A. § 1601 is amended to read:

6 § 1601. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (2) “Industry competency standards” ~~mean~~ means performance criteria
10 developed jointly by educators and business representatives and adopted by the
11 **State Board** that define skills and knowledge that are needed in the workplace.

12 * * *

13 (5) “Student apprentice coordinator” means a licensed professional
14 educator whom the **State Board of Education** Secretary of Education finds
15 qualified to plan, implement and evaluate a student apprenticeship program.

16 * * *

17 Sec. 51. 16 V.S.A. § 1602 is amended to read:

18 § 1602. SCHOOL BOARD RESPONSIBILITIES

19 * * *

20 (b) Each school board that runs a student apprenticeship program shall:

21 * * *

1 § 1604. ~~STATE BOARD~~ SECRETARY OF EDUCATION

2 RESPONSIBILITIES

3 The ~~State Board of Education~~ Secretary of Education shall:

4 (1) Establish standards of operation for a student apprenticeship
5 program. Standards shall ensure that a program prepares students to meet
6 labor market standards and needs, and that a student shall receive relevant and
7 quality work experience.

8 (2) Establish standards for entrance into a student apprenticeship
9 program.

10 (3) Establish a process for termination of a student from a student
11 apprenticeship program.

12 (4) In collaboration with related business or trade organizations,
13 establish academic and occupation-specific industry competency standards for
14 each occupation-specific student apprenticeship program offered in the State.
15 The standards shall be those to be met in order to earn an industry competency
16 certificate.

17 (5) Establish guidelines for preparation of worksite mentors.

18 (6) Certify those who graduate from a student apprenticeship program as
19 meeting industry competency standards for entrance into the trade or
20 profession the student has studied. The ~~State Board~~ Secretary of Education
21 shall maintain a record of certificates issued under this subdivision.

1 Sec. 54. 16 V.S.A. § 1605 is amended to read:

2 § 1605. REGIONAL ADVISORY BOARD RESPONSIBILITIES

3 Each regional advisory board shall:

4 (1) Based on standards of operation established by the ~~State Board of~~
5 ~~Education~~ Secretary of Education, approve or disapprove an application from a
6 school board to establish and operate a student apprenticeship program. The
7 Board may rescind approval if the program is not meeting the standards.

8 (2) Based on standards and processes established by the ~~State Board~~
9 Secretary or Education, determine which applicants shall be accepted into the
10 student apprenticeship programs in its region and determine whether a student
11 should be terminated from a program. Decisions regarding acceptance into a
12 program shall, in part, be based on submission of an acceptable career
13 preparation plan developed by the applicant with the help of a guidance
14 counselor. Decisions regarding termination shall be made with the advice of
15 the student apprenticeship coordinator.

16 * * *

17 Sec. 55. 16 V.S.A. § 1931 is amended to read:

18 § 1931. DEFINITIONS

19 As used in this chapter:

20 * * *

1 Sec. 57. 16 V.S.A. § 2822 is amended to read:

2 § 2822. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (6) “Approved postsecondary education institution” means any
6 institution of postsecondary education that is:

7 (A) certified by the ~~State Board~~ Secretary of Education as provided in
8 section ~~176 or 176a~~ 2162 or 2163 of this title;

9 (B) accredited by an accrediting agency approved by the United
10 States Secretary of Education pursuant to the Higher Education Act;

11 (C) a non-U.S. institution approved by the United States Secretary of
12 Education as eligible for use of education loans made under Title IV of the
13 Higher Education Act; or

14 (D) a non-U.S. institution designated by the Corporation as eligible
15 for use of its grant awards.

16 * * *

17 Sec. 58. 16 V.S.A. § 2869 is amended to read:

18 § 2869. LOAN CANCELLATION; MATHEMATICS, SCIENCE, AND

19 COMPUTER SCIENCE TEACHERS

1 (a) Loans obtained under this subchapter may be partially or completely
2 cancelled and forgiven for a borrower who is employed for a complete
3 academic school year as a full-time licensed teacher:

4 (1) in a Vermont elementary or secondary school that is approved by the
5 ~~State Board~~ Secretary of Education; and

6 (2) in the subject area of mathematics, science, or computer science
7 during a year when there is a critical shortage of licensed teachers in that area.

8 * * *

9 Sec. 59. 16 V.S.A. § 2880 is amended to read:

10 § 2880. DEFINITIONS

11 As used in this subchapter:

12 (1) “Approved postsecondary education institution” means any
13 institution of postsecondary education that is:

14 (A) certified by the ~~State Board~~ Secretary of Education as provided in
15 section ~~176 or 176a~~ 2162 or 2163 of this title;

16 (B) accredited by an accrediting agency approved by the U.S.
17 Secretary of Education pursuant to the Higher Education Act;

18 (C) a non-U.S. institution approved by the U.S. Secretary of
19 Education as eligible for use of education loans made under Title IV of the
20 Higher Education Act; or

1 (D) a non-U.S. institution designated by the Corporation as eligible
2 for use of its grant awards.

3 * * *

4

5 Sec. 60. 16 V.S.A. § 2903 is amended to read:

6 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING
7 INSTRUCTION

8 * * *

9 (b) Foundation for literacy. The State Board Agency of Education, in
10 collaboration with the Agency of Human Services, higher education, literacy
11 organizations, and others, shall develop a plan for establishing a
12 comprehensive system of services for early education in the first three grades
13 to ensure that all students learn to read by the end of the third grade. The plan
14 shall be updated at least once every five years following its initial submission
15 in 1998.

16 * * *

17 Sec. 61. 16 V.S.A. § 2905 is amended to read:

18 § 2905. PREKINDERGARTEN-16 COUNCIL

19 (a) A Prekindergarten-16 Council (the “Council”) is created to help
20 coordinate and better align the efforts of the prekindergarten-12 educational
21 system with the higher education community in order to increase:

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(h) The Council shall report on its activities to the House and Senate Committees on Education and to the ~~State Board~~ Secretary of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 62. 16 V.S.A. § 2944 is amended to read:

§ 2944. SPECIAL EDUCATION

(a)–(c) [Repealed.]

(d) The Secretary ~~with the advice of the State Board~~ may make grants for programs and may make grants, subject to conditions the Secretary shall establish, to persons whom he or she finds qualified for either part-time or full-time study in programs designed to qualify them as special education personnel.

* * *

(f) The ~~State Board~~ Agency of Education shall, by rule, require that whenever an individual education program requires related services, the program shall include a statement that the team has made the determination that the services are necessary consistent with the requirements of 34 C.F.R. § 300.16 as amended from time to time.

* * *

Sec. 63. 16 V.S.A. § 2945 is amended to read:

1 § 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

2 * * *

3 (d) The Council shall:

4 (1) assume all responsibilities required of the State advisory panel by
5 federal law;

6 (2) review periodically the rules, regulations, standards, and guidelines
7 pertaining to special education and recommend to the **State Board** and the
8 Secretary of Education any changes it finds necessary;

9 (3) comment on any new or revised rules, regulations, standards, and
10 guidelines proposed for issuance; and

11 (4) advise the **State Board** and the Secretary of Education in the
12 development of any State plan for provision of special education.

13 Sec. 64. 16 V.S.A. § 2948 is amended to read:

14 § 2948. STATE AID

15 * * *

16 (c) Each supervisory union shall receive an essential early education grant
17 each school year. Grants shall be distributed according to the estimated
18 number of children from three through five years of age. The **State Board**
19 Agency of Education by rule shall encourage coordination of services and may
20 set other terms of the grant. Each supervisory union shall be responsible for
21 the remainder of the costs of providing necessary services under section 2956

1 of this title. Annually, for each following fiscal year, the essential early
2 education grant shall be increased by the most recent cumulative price index,
3 as of November 15, for State and local government purchases of goods and
4 services from fiscal year 2002 through that following fiscal year, as provided
5 through the State’s participation in the New England Economic Project.

6 * * *

7 Sec. 65. 16 V.S.A. § 2958 is amended to read:

8 § 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL
9 PLACEMENTS

10 * * *

11 (c) The **State Board** shall by rule establish policies and procedures for the
12 operations of the Residential Placement Review Team. The rules shall be
13 consistent with federal law and, at minimum, shall include the following:

14 * * *

15 (e) Costs for residential placement shall be reimbursed under subchapter 2
16 of this chapter only if the residential facility is approved by the **State Board**
17 Secretary of Education for the purposes of providing special education and
18 related services to children with disabilities.

19 Sec. 66. 16 V.S.A. § 2973 is amended to read:

20 § 2973. INDEPENDENT SCHOOL TUITION RATES

21 * * *

1 (c) The State Board Secretary is authorized to enter into interstate compacts
2 with other states to regulate rates for tuition, room, and board for students
3 receiving special education in independent schools.

4 Sec. 67. 16 V.S.A. § 2973 is amended to read: [note, this section takes effect
5 July 1, 2022]

6 § 2973. INDEPENDENT SCHOOLS

7 * * *

8 (d)(1) If a student is placed with an approved independent school under
9 subsection (a) of this section and either the LEA and the school each certifies,
10 or the hearing officer under subdivision (3) of this subsection certifies, to the
11 Secretary of Education that the school is unable to provide required IEP
12 services due to its inability to retain qualified staff, then the LEA shall make
13 another placement that satisfies the federal requirements to provide the student
14 with a free and appropriate public education in the least restrictive
15 environment.

16 (2) If the conditions in subdivision (1) of this subsection are satisfied:

17 (A) the approved independent school shall not be subject to any
18 disciplinary action or the revocation of its approved status by the State Board
19 Secretary of Education due to its failure to enroll the student; and

20 * * *

21 Sec. 68. 16 V.S.A. § 2974 is amended to read:

1 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

2 Annually, the Secretary shall report to the ~~State Board~~ House and Senate
3 Committees on Education regarding:

4 * * *

5 Sec. 69. 16 V.S.A. § 2974 is amended to read: [note, this section takes effect
6 July 1, 2022]

7 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

8 Annually, the Secretary shall report to the ~~State Board~~ House and Senate
9 Committees on Education regarding:

10 * * *

11 Sec. 70. 16 V.S.A. § 3448 is amended to read:

12 § 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
13 PROJECTS; RENEWABLE ENERGY

14 (a) Construction aid.

15 (1) Preliminary application for construction aid. A district or
16 independent school eligible for assistance under section 3447 of this title, that
17 intends to construct or purchase a new school, or make extensive additions or
18 alterations to its existing school, and desires to avail itself of State school
19 construction aid, shall submit a written preliminary application to the
20 Secretary. A preliminary application shall include information required by the

1 ~~State Board~~ Secretary of Education by rule and shall specify the need for and
2 purpose of the project.

3 (2) Approval of preliminary application.

4 (A) When reviewing a preliminary application for approval, the
5 Secretary shall consider:

6 * * *

7 (iv) statewide educational initiatives ~~and the strategic plan of the~~
8 ~~State Board~~ of Education.

9 * * *

10 (3) Priorities. Following approval of a preliminary application and
11 provided that the district has voted funds or authorized a bond for the total
12 estimated cost of a project, the ~~State Board~~ Secretary of Education shall assign
13 points to the project so that the project can be placed on a priority list based on
14 the number of points received. Once a project receives points, if it does not
15 receive funding in a given year, it shall not lose points in subsequent years and,
16 pursuant to rule of the Board and provided the scope of the project remains the
17 same, it shall gain points due to length of time on the list and may gain points
18 for any other reason. The points shall be assigned in the following priority:

19 * * *

20 (4) Request for legislative appropriation. ~~By~~ On or before January 15 of
21 each year, the ~~State Board~~ Secretary of Education shall present the House

1 Committee on Corrections and Institutions and the Senate Committee on
2 Institutions with its annual capital construction funding request. Following
3 receipt of the request, the Committees shall recommend a total school
4 construction appropriation for the next fiscal year to the General Assembly.
5 The General Assembly shall not revise the order of the project priorities
6 presented by the State Board Secretary of Education. The funding request to
7 the Committees shall be in the form of separate line items as follows:

8 (A) a list of projects that have been assigned points in their order of
9 priority, including the voted funds or authorized bond amount for each project;

10 (B) the cost of emergency projects that the State Board Secretary of
11 Education has approved but not yet reimbursed due to insufficient funds, as
12 well as the estimated cost of those that might be approved in the coming year
13 under subsection (d) of this section;

14 (C) the cost of projects to extend the life of a building that the State
15 Board Secretary of Education has approved but not yet reimbursed due to
16 insufficient funds, as well as the estimated cost of those that might be approved
17 by the State Board Secretary of Education in the coming fiscal year under
18 subdivision (3)(B) of this subsection (a).

19 (5) Final approval for construction aid.

20 (A) Unless approved by the Secretary for good cause in advance of
21 commencement of construction, a school district shall not begin construction

1 before the ~~State Board~~ Secretary of Education approves a final application. A
2 school district may submit a written final application to the ~~State Board~~
3 Secretary of Education at any time following approval of a preliminary
4 application.

5 (B) The ~~State Board~~ Secretary of Education may approve a final
6 application for a project provided that:

7 * * *

8 (iv) the district has provided for construction financing of the
9 project during a period prescribed by the ~~State Board~~ Secretary of Education;

10 * * *

11 (C) The board of trustees of an independent school may submit a
12 written final application to the ~~State Board~~ Secretary of Education for a project
13 for which a preliminary application has been approved by the Secretary,
14 provided that each municipality represented on the board of trustees has voted
15 funds or authorized a bond issue for 100 percent of the municipality's
16 estimated share of the project in an amount determined by the Secretary under
17 this section.

18 (D) The ~~State Board~~ Secretary of Education may provide that a grant
19 for a high school project is conditioned upon the agreement of the recipient to
20 provide high school instruction for any high school pupil living in an area
21 prescribed by the Board who may elect to attend the school.

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(8) Eligible construction cost.

(A) Space and cost parameters. Only those portions of a project shall be eligible for construction aid that meet space and cost parameters adopted by the State Board Secretary of Education. The parameters shall define maximum square footage costs, maximum gross square footage per student by grade range and school size, and minimum and maximum square footage allowances per student for programs and services.

* * *

(9) Payment. Upon satisfactory evidence that a project approved under

subdivision (5) of this subsection (a) is under construction or has been constructed, and upon appropriation of funds sufficient to fund the State aid due under this section, the State Board Secretary of Education shall certify an award for the project to the Commissioner of Finance and Management who shall issue a warrant for the payment of one-half of the award, or the entire award if the project is complete. After a project has been completed according to approved plans and specifications and the cost thereof has been audited by the Agency, the Secretary shall certify the remainder of the award due for the project to the Commissioner of Finance and Management who shall issue a warrant for the payment. Provided, however, if a project that is included on a prioritized list, for which list the General Assembly has appropriated funds in

1 any year, is not eligible to be certified for one-half of the award or for the
2 entire award, and if another project of lesser priority is eligible for
3 certification, nothing in this section shall preclude the State Board Secretary of
4 Education from certifying an award for the lesser priority project prior to the
5 higher priority project.

6 * * *

7 (e) Rules. The State Board Agency of Education shall adopt rules
8 pertaining to school construction and capital outlay.

9 * * *

10 Sec. 71. 16 V.S.A. § 3448a is amended to read:

11 § 3448a. APPEAL

12 Any municipal corporation or independent school as defined in section
13 3447 of this title aggrieved by an order, allocation or award of the State Board
14 Secretary of Education may, within 30 days, appeal therefrom to the Superior
15 Court in the county in which the project is located State Board of Education,
16 whose decision shall be final.

17 Sec. 72. 16 V.S.A. § 3448f is amended to read:

18 § 3448f. ENERGY PERFORMANCE CONTRACTING;

19 AUTHORIZATION; STATE AID

20 (a) Definitions. As used in this section:

1 exceed 20 percent of the appropriation made in the same year to fund State aid
2 for school construction under section 3448.

3 * * *

4 (5) Eligible costs. A project or portions of a project under this section
5 shall be eligible for aid pursuant to criteria established by State Board Agency
6 of Education rule.

7 (6) Payment. Upon completion of the construction or installation of the
8 cost-saving measure, determination by the Department of Buildings and
9 General Services that implementation of the cost-saving measures is expected
10 to result in energy and operational cost-savings, and legislative appropriation
11 sufficient to fund the State aid due under this section, the State Board Secretary
12 of Education shall certify an award for the project to the Commissioner of
13 Finance and Management who shall issue a warrant for the payment of the
14 award. A district awarded State aid under this section shall use the State aid
15 solely for the purpose of paying all or a portion of the obligation due under the
16 performance contract at the time the award is received.

17 * * *

18 Sec. 73. 16 V.S.A. § 3454 is amended to read:

19 § 3454. DEFERRED MAINTENANCE

20 No State school construction aid shall be available under this title for any
21 proposed project or construction if the Secretary finds the need for the project

1 or construction has arisen in whole or in part from significant deferred
2 maintenance. The ~~State Board~~ Agency of Education, by rule, shall define
3 “significant deferred maintenance.”

4 Sec. 74. 16 V.S.A. § 3581 is amended to read:

5 § 3581. ACCEPTANCE

6 The ~~State Board~~ Secretary of Education may accept, use, disburse, and
7 account for federal funds made available for the purposes of acquisition,
8 construction, reconstruction, remodeling, or repair of public school buildings.

9 Sec. 75. 16 V.S.A. § 3582 is amended to read:

10 § 3582. FORMULATION OF PLANS

11 The ~~State Board~~ Secretary of Education may formulate any State plan,
12 including preparation of surveys and estimates of school building needs,
13 required by federal legislation.

14 Sec. 76. 16 V.S.A. § 4001 is amended to read:

15 § 4001. DEFINITIONS

16 As used in this chapter:

17 (1) “Average daily membership” of a school district, or if needed in
18 order to calculate the appropriate homestead tax rate, of the municipality as
19 defined in 32 V.S.A. § 5401(9), in any year means:

20 (A) The full-time equivalent enrollment of students, as defined by the
21 ~~State Board~~ Agency of Education by rule, who are legal residents of the district

1 or municipality attending a school owned and operated by the district,
2 attending a public school outside the district under section 822a of this title, or
3 for whom the district pays tuition to one or more approved independent
4 schools or public schools outside the district during the annual census period.
5 The census period consists of the 11th day through the 30th day of the school
6 year in which school is actually in session.

7 (B) The full-time equivalent enrollment in the year before the last
8 census period, of any State-placed students as defined in subdivision 11(a)(28)
9 of this title. A school district that provides for the education of its students by
10 paying tuition to an approved independent school or public school outside the
11 district shall not count a State-placed student for whom it is paying tuition for
12 purposes of determining average daily membership. A school district that is
13 receiving the full amount, as defined by the State Board Agency of Education
14 by rule, of the student's education costs under subsection 2950(a) of this title,
15 shall not count the student for purposes of determining average daily
16 membership. A State-placed student who is counted in average daily
17 membership shall be counted as a student for the purposes of determining
18 weighted student count.

19 * * *

20 (6) "Education spending" means the amount of the school district
21 budget, any assessment for a joint contract school, career technical center

1 payments made on behalf of the district under subsection 1561(b) of this title,
2 and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is
3 paid for by the school district, but excluding any portion of the school budget
4 paid for from any other sources such as endowments, parental fundraising,
5 federal funds, nongovernmental grants, or other State funds such as special
6 education funds paid under chapter 101 of this title.

7 (A) [Repealed.]

8 (B) For purposes of calculating excess spending pursuant to
9 32 V.S.A. § 5401(12), “education spending” shall not include:

10 * * *

11 (iii) Spending that is approved school capital construction
12 spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future
13 approved school capital construction costs, including that portion of tuition
14 paid to an independent school designated as the public high school of the
15 school district pursuant to section 827 of this title for capital construction costs
16 by the independent school that has received approval from the **State Board**
17 Secretary of Education, using the processes for preliminary approval of public
18 school construction costs pursuant to subdivision 3448(a)(2) of this title.

19 * * *

20 Sec. 77. 16 V.S.A. § 4016 is amended to read:

21 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

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(b) ~~In~~ As used in this section, “allowable transportation expenditures” means the costs of transporting students to and from school for regular classroom services and shall not include expenditures for transporting students participating in curricular activities that take place off the school grounds or for transporting students participating in cocurricular activities. The State Board of Education shall further define allowable transportation expenditures by rule.

(c) A district or supervisory union may apply and the Secretary may pay for extraordinary transportation expenditures incurred due to geographic or other conditions such as the need to transport students out of the school district to attend another school because the district does not maintain a public school. The State Board of Education shall define extraordinary transportation expenditures by rule. The total amount of base year extraordinary transportation grant expenditures shall be \$250,000.00 for fiscal year 1997, increased each year thereafter by the annual price index for state and local government purchases of goods and services. Extraordinary transportation expenditures shall not be paid out of the funds appropriated under subsection (b) of this section for other transportation expenditures. Grants paid under this section shall be paid from the Education Fund and shall be added to adjusted education payment receipts paid under section 4011 of this title.

1 Sec. 78. 16 V.S.A. § 4030 is amended to read:

2 § 4030. DATA SUBMISSION; CORRECTIONS

3 (a) Upon discovering an error or change in data submitted to the Secretary
4 for the purpose of determining payments to or from the Education Fund, a
5 school district shall report the error or change to the Secretary as soon as
6 possible. Any budget deficit or surplus due to the error or change shall be
7 carried forward to the following year.

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

11 (1) transportation aid due under section 4016 of this title; and

12 (2) the small school support grant due under section 4015 of this title.

13 (c) The Secretary shall use data corrections regarding local education
14 budget amounts submitted on or before June 15 prior to the fiscal year that
15 begins the following July 1, in order to calculate the education payments due
16 under section 4011 of this title. However, the Secretary may use data
17 submitted after June 15 and prior to July 15 due to unusual or exceptional
18 circumstances as determined by the Secretary.

19 (d) The Secretary shall not use data corrected due to an error submitted
20 following the deadlines to recalculate the equalized pupil ratio under
21 subdivision 4001(3) of this title. The Secretary shall not adjust average daily

1 membership counts if an error or change is reported more than three fiscal
2 years following the date that the original data was due.

3 (e) The State Board Agency of Education may adopt rules as necessary to
4 implement the provisions of this section.

5 * * * Conforming Changes to Vermont Laws Other than Laws in Title 16 * * *

6 Sec. 79. 11 V.S.A. § 825 is amended to read:

7 § 825. CORPORATE NAME

8 * * *

9 (c) A person intending to operate a postsecondary school, as defined in
10 16 V.S.A. §§ ~~176 and 176a~~ 2162 and 2163, shall apply for a certificate of
11 approval from the State Board Secretary of Education prior to registering a
12 name under this section.

13 Sec. 80. 11 V.S.A. § 1621 is amended to read:

14 § 1621. REGISTRATION OF BUSINESS NAME BY PERSONS,
15 PARTNERSHIPS, AND ASSOCIATIONS

16 * * *

17 (e) Prior to registering its business name under this section, a person
18 intending to operate a postsecondary school, as defined in 16 V.S.A. §§ ~~176~~
19 ~~and 176a~~ 2162 and 2163, shall apply to the State Board Secretary of Education
20 for a certificate of approval pursuant to those sections.

21 Sec. 81. 11 V.S.A. § 3402 is amended to read:

1 § 3402. NAME

2 * * *

3 (b) A person intending to operate a postsecondary school, as defined in
4 16 V.S.A. §§ ~~176 and 176a~~ 2162 and 2163, shall apply for a certificate of
5 approval from the ~~State Board~~ Secretary of Education prior to registering a
6 name under this chapter.

7 Sec. 82. 11 V.S.A. § 4005 is amended to read:

8 § 4005. NAME

9 * * *

10 (e) A person intending to operate a postsecondary school, as defined in
11 16 V.S.A. §§ ~~176 and 176a~~ 2162 and 2163, shall apply for a certificate of
12 approval from the ~~State Board~~ Secretary of Education prior to registering a
13 name under this section.

14 Sec. 83. 18 V.S.A. § 1120 is amended to read:

15 § 1120. DEFINITIONS

16 As used in this subchapter:

17 * * *

18 (2) “School” means a public or independent prekindergarten, kindergart
19 en, elementary, or secondary school, or any postsecondary school as defined in
20 16 V.S.A. § ~~176(b)~~ 2162(b), unless exempted by rule adopted pursuant to
21 section 1123 of this title.

1 Sec. 84. 24 V.S.A. § 4947 is amended to read:

2 § 4947. HEALTH BENEFIT PLANS OFFERED TO ENTITIES\

3 PROVIDING EDUCATIONAL SERVICES

4 * * *

5 (e) A health benefit association shall make all health benefit plans that it
6 offers available to approved or recognized independent schools operating in
7 Vermont. Participation shall not create joint and several liability as a result of
8 any act or omission of any other school, municipality, or association. Schools
9 that participate under this section shall be provided with copies of the annual
10 audit. The provisions of 16 V.S.A. § ~~166~~ 14 shall apply for purposes of
11 determining whether a school qualifies as an “approved or recognized
12 independent school.”

13 Sec. 85. 28 V.S.A. § 120 is amended to read:

14 § 120. DEPARTMENT OF CORRECTIONS EDUCATION PROGRAM;

15 INDEPENDENT SCHOOL

16 * * *

17 (b) Applicability of education provisions. The education program shall be
18 approved by the State Board of Education as an independent school under
19 16 V.S.A. § ~~166~~ 14, and shall be coordinated with adult education, special
20 education, and career technical education.

21 * * *

1 Sec. 86. 33 V.S.A. § 5118 is amended to read:

2 § 5118. LIMITED EXCEPTION TO CONFIDENTIALITY OF RECORDS
3 OF JUVENILES MAINTAINED BY THE FAMILY DIVISION OF
4 THE SUPERIOR COURT

5 (a) As used in this section:

6 * * *

7 (2) “Independent school” means an approved or recognized independent
8 school under 16 V.S.A. § ~~466~~ 14.

9 * * *

10 Sec. 87. EFFECTIVE DATES

11 This act shall take effect on passage, except for Secs. 5, 67 and 69, which
12 shall take effect on July 1, 2022.

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1 **Appendix—Laws referencing the State Board of Education that are not**
2 **proposed to be amended—For reference only—to be deleted in final bill**

3
4 § 215. CHALLENGE TO EXCELLENCE GRANTS

5 * * *

6 (b) The Secretary shall establish and implement a Challenge to Excellence
7 Grant Program for the purpose of promoting quality education for Vermont
8 students. Eligible applicants include Vermont public schools, including
9 regional career technical centers, and Vermont supervisory unions on behalf of
10 a school or schools. All proposals shall be to develop or carry out a
11 comprehensive plan, which may be an action plan pursuant to subdivision
12 165(a)(1) of this title, to create educational opportunities for each student
13 within the school. Any plan shall be developed with the involvement of parents
14 and other community members, staff, and business representatives, and shall
15 be designed to assist students in meeting **State Board** and school board
16 standards. Grants shall be for up to \$50,000.00 and shall include a 1-1 match
17 from other sources of funding, including grants from businesses, foundations,
18 or other federal or local funding. Priority shall be given to schools that the
19 Secretary finds are having difficulty meeting the quality standards listed in
20 subsection 165(a) of this title or are making insufficient progress in improving

1 student performance in relation to the standards set forth in subdivision 164(9)
2 of this title. Eligible activities include:

3 * * *

4 § 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY
5 UNIONS

6 (a) The **State Board** shall review on its own initiative or when requested as
7 per subsection (b) of this section and may regroup the supervisory unions of
8 the State or create new supervisory unions in such manner as to afford
9 increased efficiency or greater convenience and economy and to facilitate
10 prekindergarten through grade 12 curriculum planning and coordination as
11 changed conditions may seem to require.

12 (b)(1) Any school district that has so voted at its annual school district
13 meeting, if said meeting has been properly warned regarding such a vote, may
14 request that the **State Board** adjust the existing boundaries of the supervisory
15 union of which it is a member district.

16 (2) Any group of school districts that have so voted at their respective
17 annual school district meeting, regardless of whether the districts are members
18 of the same supervisory union, may request that the **State Board** adjust existing
19 supervisory union boundaries and move one or more nonrequesting districts to
20 a different supervisory union if such adjustment would assist the requesting

1 districts to realign their governance structures into a unified union school
2 district pursuant to chapter 11 of this title.

3 (3) The **State Board** shall act on a request made pursuant to this
4 subsection within 75 days of receipt of the request and may regroup the school
5 districts of the area so as to ensure reasonable supervision of all public schools
6 therein.

7 (c) The **State Board** may designate any school district, including a unified
8 union district, as a supervisory district if it will provide for the education of all
9 resident students in prekindergarten through grade 12 and is large enough to
10 support the planning and administrative functions of a supervisory union.

11 (d) Upon application by a supervisory union board, the **State Board** may
12 waive any requirements of chapter 5 or 7 of this title with respect to the
13 supervisory union board structure, board composition, or board meetings, or
14 the staffing pattern of the supervisory union, if it can be demonstrated that such
15 a waiver will result in efficient and effective operations of the supervisory
16 union; will not result in any disproportionate representation; and is otherwise
17 in the public interest.

18 § 262. MEETINGS; ELECTION OF OFFICERS

19 (a) Within 30 days from the date a supervisory union is established by the
20 **State Board**, the Secretary shall call a meeting of the school directors of the
21 school districts in the supervisory union. The number of directors shall be

1 determined and directors shall be elected according to section 266 of this title.
2 Within 30 days thereafter, the Secretary shall call a meeting and the board shall
3 elect a chair and other necessary officers to serve until the first regular annual
4 election of officers.

5 * * *

6 § 421. TOWN SCHOOL DISTRICTS

7 * * *

8 (b) It is the policy of the State to support two or more school districts within
9 a supervisory union in establishing a unified union district in accordance with
10 section 722 of this title, if such unified union district would then be large
11 enough to qualify for designation by the **State Board** as a supervisory district.

12 § 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

13 Unless otherwise specifically provided in statute with respect to a class of
14 school district or in a municipal charter, the laws of this title, the laws
15 pertaining to municipal corporations, and the rules of the **State Board** shall
16 apply to all school districts.

17 § 557. GRATUITY OR COMPENSATION PROHIBITED

18 (a) A member of the **State Board**, a supervisory union board, or a school
19 board, the Secretary, and any person employed by one of the boards or by the
20 Agency shall not solicit or receive directly or indirectly any gift or
21 compensation for recommending or voting on any finding, ruling, decision, or

1 report, or voting to procure any service, thing, or supply purchased with public
2 funds. A violation of this provision is subject to 13 V.S.A. § 1106(b).

3 (b) A member of the **State Board**, a supervisory union board or a school
4 board, and any person employed by one of the boards shall not receive directly
5 or indirectly anything of value by contract or otherwise, from the school
6 district or supervisory union he or she serves unless it is received:

7 (1) as a result of a contract accepted after a public bid in accordance with
8 law;

9 (2) in public recognition of service or achievement;

10 (3) as regular salary or expenses allowed by law for official duties
11 performed as a member of the board; or

12 (4) for employment according to the provisions of section 558 of this
13 title.

14 (c) No school board member or supervisory union board member shall vote
15 on any contract or purchase in which he or she has a direct or indirect interest.

16 (d) A person who violates subsection (b) or (c) of this section shall be fined
17 not more than \$1,000.00 and shall be incapable of holding elective or
18 appointed office in this State for two years next ensuing.

19 § 706C. CONSIDERATION BY LOCAL SCHOOL DISTRICT BOARDS

20 AND APPROVAL BY STATE BOARD OF EDUCATION

21 * * *

1 (b) The study committee shall transmit the report to the Secretary who shall
2 submit the report with his or her recommendations to the State Board. After
3 providing notice to the study committee and after giving the committee an
4 opportunity to be heard, the State Board shall consider the report and the
5 Secretary's recommendations, and decide whether the formation of such union
6 school district will be in the best interests of the State, the students, and the
7 school districts proposed to be members of the union. The State Board may
8 request that the Secretary and the study committee make further investigation
9 and may consider any other information deemed by it to be pertinent. If, after
10 due consideration and any further meetings it deems necessary, the State Board
11 finds that the formation of the proposed union school district is in the best
12 interests of the State, the students, and the school districts, it shall approve the
13 report submitted by the committee, together with any amendments, as a final
14 report of the study committee, and shall give notice of its action to the
15 committee. The chair of the study committee shall file a copy of the final
16 report with the town clerk of each proposed member district at least 20 days
17 prior to the vote to establish the union.

18 § 706F. CONTENTS OF WARNING ON VOTE TO ESTABLISH THE
19 UNION

20 The warning for each school district meeting shall contain two articles in
21 substantially the following form:

1 WARNING

2 The voters of the town (city, union, etc.) school district of are
3 hereby notified and warned to meet at on the day of , , to vote by
4 Australian ballot between the hours of , at which time the polls will open,
5 and, at which time the polls will close, upon the following articles of business:

6 Article I

7 Shall the town (city, union, etc.) school district of which **the State**
8 **Board** of Education has found (necessary or advisable) to include in the
9 proposed union school district, join with the school districts of and ,
10 which the **State Board** of Education has found necessary to include in the
11 proposed union school district, and the school districts of and, which the **State**
12 **Board** of Education has found advisable to include in the proposed union
13 school district, for the purpose of forming a union school district, as provided
14 in Title 16, Vermont Statutes Annotated, upon the following conditions and
15 agreements:

16 (a) Grades. The union school
17 district shall operate and manage a school offering instruction in grades
18 _____ through _____.

19 (b) Board of School Directors. (State formula by which representation
20 of each member district on the union school board is to be determined.)

21 (c) [Repealed.]

1 (d) Assumption of debts and ownership of school property. The union
 2 school district shall assume the indebtedness of member districts, acquire the
 3 school properties of member districts, and pay for them, all as specified in the
 4 final report. (If no indebtedness is to be assumed, or school property acquired,
 5 by the union district, this paragraph (d) may be omitted.) (e) Final Report.
 6 The provisions of the final report approved by the **State Board** of Education on
 7 the day of , , which is on file in the town clerk’s office, shall
 8 govern the union district.

9 Article II

10 To elect from the following nominees: , , (name, etc.), (number
 11 of directors which the district is entitled to) school director(s) to serve
 12 on the proposed union school district board from the date of the organization
 13 meeting for terms as provided in the final report.

14 § 706H. SUPERINTENDENT FOR UNION DISTRICT

15 For administrative and supervisory services, the **State Board** of Education shall
 16 assign a union school district to a supervisory union as established according to
 17 the provisions of this title.

18 § 706N. AMENDMENTS TO AGREEMENTS REACHED BY
 19 ESTABLISHMENT VOTE, ORGANIZATION MEETING, OR FINAL
 20 REPORT

1 (a) A specific condition or agreement set forth as a distinct subsection under
2 Article 1 of the warning required by section 706f of this chapter and adopted
3 by the member districts at the vote held to establish the union school district, or
4 any amendment subsequently adopted pursuant to the terms of this section,
5 may be amended only at a special or annual union district meeting; provided
6 that the prior approval of the **State Board** of Education shall be secured if the
7 proposed amendment concerns reducing the number of grades that the union is
8 to operate. The warning for the meeting shall contain each proposed
9 amendment as a separate article. The vote on each proposed amendment shall
10 be by Australian ballot. Ballots shall be counted in each member district, and
11 the clerks of each member district shall transmit the results of the vote in that
12 district to the union school district clerk. Although the results shall be reported
13 to the public by member district, an amendment is effective if approved by a
14 majority of the electorate of the union district voting at that meeting.

15 * * *

16 § 721. INCLUSION OF ADDITIONAL SCHOOL DISTRICTS

17 (a) Action initiated by district outside the union. After preliminary study by
18 a district school board and approval by the **State Board**, and when a majority of
19 voters present and voting at a school district meeting duly warned for that
20 purpose vote to apply to a neighboring union school district for admission as a
21 member of the union district, the vote shall be certified by the clerk of the

1 school district to the clerk of the union school district and to the Secretary of
2 Education. If, within two years from the date of that vote a majority of those
3 voting at a meeting of the union school district duly warned for that purpose,
4 votes to include the additional school district as a member of the union, the
5 clerk of the union shall certify the results of that vote to the Secretary of
6 Education. The Secretary of Education shall designate the additional school
7 district a member of the union, and so certify to the Secretary of State. The
8 Secretary of State shall record such certification in accordance with the
9 provisions of section 706g of this title, which shall have the effect as provided
10 therein.

11 (b) Action initiated by union school district. When it appears to the union
12 board of directors that the boundaries of the union school district should be
13 changed to include another school district, the union board shall submit a plan
14 for incorporation of the other school district in the union district to the **State**
15 **Board**. Following approval of the plan by the **State Board**, the union district
16 directors shall insert an article fully describing the proposed change in the
17 warning for a regular or special meeting of the union district. When a majority
18 of the voters voting at the meeting vote to include an additional school district
19 within the boundaries of the union school district as a member of the union, the
20 board of directors shall notify the legislative branch of that additional district
21 of the vote. Within 180 days thereafter, the legislative branch of the additional

1 district proposed to be included shall duly warn a meeting thereof, setting forth
2 in the warning the vote of the union district and the proposed change in its
3 boundaries. If a majority of the voters voting at the meeting of the additional
4 district vote to be included within the union school district, the result of that
5 vote and the result of the vote already taken by the union school district shall
6 be certified by the respective clerks to the Secretary of Education. The
7 Secretary of Education and the Secretary of State shall then take the action
8 specified in section 706g of this title.

9 * * *

10 § 721A. WITHDRAWAL FROM DISTRICT

11 * * *

12 (c) If the vote to ratify the withdrawal of a member is approved by each of
13 the other members, the union school district shall notify the Secretary of
14 Education who shall advise the State Board. At a meeting held thereafter, if the
15 State Board finds that the students in the withdrawing member will attend a
16 school that is in compliance with the rules adopted by the Board pertaining to
17 educational programs, then the State Board shall declare the membership of the
18 withdrawing member in the union school district to end as of July 1
19 immediately following or as soon thereafter as the obligations of the
20 withdrawing member have been paid to, or an agreement made with, the union
21 school district in an amount satisfactory to the electorate of each member of

1 the union school district. The **State Board** shall give notice to the remaining
2 members in the union of its meeting and give representatives of the remaining
3 members an opportunity to be heard. It shall then determine whether it is in the
4 best interests of the State, the students, and the members remaining in the
5 union district for the union to continue to exist. The **State Board** may declare
6 the union district dissolved as of July 1 immediately following or as soon
7 thereafter as each member’s obligations have been satisfied, or it may declare
8 that the union district shall continue to exist despite the withdrawal of the
9 former member. The **State Board** shall file the declaration with the Secretary of
10 State, the clerk of the withdrawing member, and the clerk of the union school
11 district concerned.

12 * * *

13 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED UNION
14 SCHOOL DISTRICT

15 * * *

16 (c) If the vote to ratify the withdrawal of the town or city is approved by
17 each of the other towns or cities, the unified union school district clerk shall
18 notify the Secretary of Education who shall advise the **State Board**. At a
19 meeting held thereafter, if the **State Board** finds that the students in the
20 withdrawing town or city will attend a school that is in compliance with the
21 rules adopted by the **State Board** pertaining to educational programs, the **State**

1 **Board** shall declare the membership of the withdrawing town or city to be at an
2 end as of July 1 immediately following or as soon thereafter as the obligations
3 of the withdrawing district have been paid to, or an agreement made with, the
4 union school district in an amount satisfactory to the electorate of each of the
5 other towns and cities within the unified union school district. In addition, the
6 **State Board** shall declare the preexisting school district corresponding to the
7 withdrawing town or city to be reconstituted. The **State Board** shall give notice
8 to the remaining towns and cities in the unified union school district of its
9 meeting and give the relevant representatives an opportunity to be heard. It
10 shall then determine whether it is in the best interests of the State, the students,
11 and the school districts remaining in the unified union school district that the
12 unified union district continue to exist. The **State Board** may declare the
13 unified union school district dissolved as of July 1 immediately following or as
14 soon thereafter as each remaining town's or city's obligations have been
15 satisfied, or it may declare that the unified union district shall continue to exist
16 despite the withdrawal of the former town or city member. The **State Board**
17 shall file its declaration with the Secretary of State, the clerk of the
18 withdrawing town or city, and the clerk of the affected unified union school
19 district.

20 * * *

21 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

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* * *

(b) A school board or the board of trustees of an independent school meeting education quality standards may establish a separate tuition for one or more special education programs. No such tuition shall be established unless the **State Board** has by rule defined the program as of a type that may be funded by a separate tuition. Any such tuition shall be announced in accordance with the provisions of subsection (a) of this section. The amount of tuition shall reflect the net cost per pupil in the program. The announcement of tuition shall describe the special education services included or excluded from coverage. Tuition for part-time students shall be reduced proportionally.

* * *

(d) The **State Board** shall adopt rules relating to the types of special education programs that may establish tuition charges and relating to methods and times of calculating excess charges.

§ 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

A school district shall not pay the tuition of a student except to a public school, an approved independent school, an independent school meeting education quality standards, a tutorial program approved by the **State Board**, an approved education program, or an independent school in another state or country approved under the laws of that state or country, nor shall payment of tuition on behalf of a person be denied on account of age. Unless otherwise

1 provided, a person who is aggrieved by a decision of a school board relating to
2 eligibility for tuition payments, the amount of tuition payable, or the school he
3 or she may attend, may appeal to the **State Board** and its decision shall be final.

4 § 829. PREKINDERGARTEN EDUCATION

5 * * *

6 (c) Prequalification. Pursuant to rules jointly developed and overseen by the
7 Secretaries of Education and of Human Services and adopted by the **State**
8 **Board** pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine
9 that a private or public provider of prekindergarten education is qualified for
10 purposes of this section and include the provider in a publicly accessible
11 database of prequalified providers. At a minimum, the rules shall define the
12 process by which a provider applies for and maintains prequalification status,
13 shall identify the minimum quality standards for prequalification, and shall
14 include the following requirements:

15 * * *

16 (e) Rules. The Secretary of Education and the Commissioner for Children
17 and Families shall jointly develop and agree to rules and present them to the
18 **State Board** for adoption under 3 V.S.A. chapter 25 as follows:

19 * * *

20 § 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF
21 UNDERSTANDING

1 (a) Neither the **State Board** nor the Agency shall regulate the use of restraint
2 and seclusion on school property by a school resource officer certified pursuant
3 to 20 V.S.A. § 2358.

4 * * *

5 § 1522. DEFINITIONS

6 As used in this chapter:

7 * * *

8 (4) “Regional CTE center” means any of the 16 regional CTE centers
9 operating with State support on January 1, 1984, and any other centers so
10 designated thereafter by rule of the **State Board**.

11 * * *

12 (7) “Service region” means, for each regional CTE center, a region
13 surrounding it designated by rule of the **State Board** under section 1531 of this
14 title. The **State Board** may designate a service region for two or more
15 comprehensive high schools if that region is not served by a career technical
16 center.

17 * * *

18 (10) “CTE tuition” means the amount calculated by subtracting from
19 total regional technical CTE center costs all expenditures from State and
20 federal grants except for incentive grants, adult education grants, or other State
21 grants as defined by **State Board** rule, then dividing the result by the sum of the

1 actual number of full-time equivalent out-of-state students and the average of
2 the full-time equivalent Vermont students for the three prior years.

3 * * *

4 § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

5 (a) The **State Board** shall adopt by rule:

6 (1) Minimum standards for the operation and performance of career
7 technical centers that include the education quality standards adopted by the
8 **State Board** under subdivision 164(9) and section 165 of this title.

9 (2) Standards for student performance based on the standards adopted by
10 the **State Board** under subdivision 164(9) of this title and standards for industry
11 recognized credentials.

12 (3) The minimum number of days of career technical instruction for each
13 academic year.

14 (4) The minimum number of hours of instruction for each course of
15 study within career technical education.

16 (5) The availability of remedial programs offered to students by career
17 technical centers or by another school, agency, or program.

18 (6) Accounting procedures and standards, including methods for
19 calculating tuition for career technical education.

20 (7) A system of equipment inventory, amortization, and maintenance.

1 (8) Procedures and requirements for measurement of student knowledge
2 and skill upon entry into and exit from the career technical program. The
3 purpose of the measurement shall be to determine student achievement in
4 relation to the standards for academic and career technical competence as
5 adopted under subdivision (2) of this subsection. Aggregate results shall be
6 reported to the communities in the service region along with other items
7 reported pursuant to subdivision 165(a)(2) of this title.

8 (b) The following shall be adopted by procedure or rule:

9 (1) competencies that graduates of each kind of career technical program
10 should be able to demonstrate, including career technical competencies
11 necessary for the student’s intended employment;

12 (2) minimum admissions competencies for entrance into each career
13 technical course of study;

14 (3) procedures by which the Secretary will review and comment on the
15 employment qualifications of candidates for positions at career technical
16 centers for whom State salary assistance will be requested;

17 (4) requirements for career technical centers to provide programs
18 designed to acquaint prospective students with career technical courses of
19 study;

1 (5) procedures by which the Secretary will review and approve use of
2 course of study credits in career technical education to meet State graduation
3 requirements;

4 (6) procedures, including communications with the sending school
5 districts, to identify unique or specific circumstances relative to a student's
6 progress or safety.

7 § 1533. CAREER TECHNICAL CENTER EVALUATION

8 (a) At least once in each period of five years, and in coordination with the
9 Vermont Advisory Council on Career Technical Education, the Secretary shall
10 evaluate the effectiveness of each career technical center in the State. The **State**
11 **Board** by rule shall prescribe the method for conducting these evaluations.

12 (b) Evaluations of career technical centers shall consider at least the
13 following areas:

14 (1) compliance with this chapter and the rules of the **State Board**;

15 (2) the condition and suitability of the facility and its equipment;

16 (3) the quality of the course of study, including faculty development
17 policies and instruction;

18 (4) the overall success of the center at combining academic education,
19 skill training, and employability trait development into its program;

20 (5) the overall success of the center in providing regionwide services and
21 a flexible response to student needs, integrating its courses of study into a

1 coherent program, and coordinating its program with postsecondary career
2 technical education services;

3 (6) the satisfaction of the center’s customer groups, including graduates,
4 sending schools, and local industry;

5 (7) the adequacy and effectiveness of the center in meeting the
6 educational and employment needs of all its eligible students, including its
7 success in taking steps to encourage each student to consider enrolling in
8 courses not traditional for that student’s gender.

9 (c) [Repealed.]

10 § 1541. RESPONSIBILITY OF LOCAL SCHOOL BOARDS THAT
11 OPERATE CAREER TECHNICAL CENTERS

12 * * *

13 (b) A school board that operates a CTE center shall establish a regional
14 advisory board. It shall give due regard to the policy and financial
15 recommendations of its regional advisory board. When the school board rejects
16 a written recommendation of a regional advisory board, or fails to adopt a
17 recommendation after 30 days, it shall notify the advisory board and the
18 Secretary in writing, stating its reasons. If the **State Board** designates a service
19 region for two or more comprehensive high schools, the boards of the high
20 schools shall establish a joint regional advisory board.

21 * * *

1 § 1546. COMPREHENSIVE HIGH SCHOOLS

2 * * *

3 (c) Two or more comprehensive high schools for which the State Board has
4 designated a service region shall be a career technical center for the purposes
5 of accountability to the State Board under subchapter 2 of this chapter,
6 responsibilities of the career technical center under subchapter 3 of this
7 chapter, and receiving State financial assistance under subchapter 5 of this
8 chapter, excluding the per equalized pupil general State support grant under
9 subsection 1561(b). The regional advisory board shall determine how funds
10 received under subchapter 5 shall be distributed. A comprehensive high school
11 aggrieved by a decision of the regional advisory board may appeal to the
12 Secretary who, after opportunity for hearing, may affirm or modify the
13 decision.

14 § 1563. TRANSPORTATION ASSISTANCE

15 (a) It is the policy of the General Assembly to encourage Vermont students
16 to enroll in career technical education courses. In furtherance of that policy,
17 transportation assistance is provided for in this section to facilitate the
18 enrollment of Vermont students in career technical education programs.

19 (b) Transportation assistance shall be paid from the Education Fund to
20 school districts that provide transportation to and from career technical
21 education programs, regardless of whether the program is offered in a career

1 technical center in the district’s designated service region or regions or is
2 offered within the career technical center region at a location other than at a
3 career technical center. Assistance shall be \$1.50 per mile for actual number of
4 miles traveled, in 1998 dollars adjusted annually by the annual price index for
5 state and local government purchases of goods and services. Payments shall be
6 made on or before December 10 and June 10. Requests submitted on or
7 following May 15 shall be reimbursed in the next payment.

8 (c) The **State Board** may adopt rules necessary to implement this section.

9 § 1568. REPORTING OF INFORMATION

10 (a) Annually, in accordance with a time line, format, and process
11 established by **State Board** rule, each CTE center shall report its costs and
12 student enrollment, achievement, and performance measures to the Secretary.
13 CTE center financial accounts shall be kept separately from those of the host
14 high school in accordance with rules adopted by the **State Board**, which shall
15 clearly delineate relevant costs and revenues.

16 (b) If a CTE center fails to file financial or student information required
17 under this section within the timelines established by rule of the **State Board**,
18 the Secretary may withhold funds due under this chapter and shall subtract
19 \$100.00 per business day from funds due the center under this chapter. The
20 Secretary may waive the \$100.00 penalty upon appeal by the center for good
21 cause.

1 § 1573. APPROVAL BY STATE BOARD OF EDUCATION

2 The planning committee shall transmit the report to the Secretary who, after
3 consultation with the chair of the entity that performs workforce development
4 activities pursuant to 10 V.S.A. § 542, shall submit the report with his or her
5 recommendations to the State Board. The State Board, after notice to the
6 planning committee and after giving the committee and other interested parties
7 an opportunity to be heard, shall consider the report and the Secretary's
8 recommendations, and decide whether the establishment of an alternative
9 governance structure will be in the best interests of the students and the region.
10 The State Board may request the Secretary or the planning committee, or both,
11 to make further investigation, and may consider any other information deemed
12 by it to be pertinent. If, after due consideration and any further meetings as it
13 may deem necessary, the State Board finds that establishment of the alternative
14 governance structure is in the best interests of the students and the region
15 involved, it shall approve the report submitted by the committee, together with
16 any amendments, as a final report of the planning committee, and shall give
17 notice of its action to the committee. The chair of the planning committee shall
18 file a copy of the final report with the clerk of each town school district,
19 incorporated school district, unified union school district, and city school
20 district in the region at least 20 days prior to the vote to adopt the alternative
21 governance structure.

1 § 1576. EFFECT OF CERTIFICATION; APPLICATION OF OTHER LAWS

2 (a) Upon certification under section 1575 of this title, the career technical
3 center region shall become a public school district and shall constitute a body
4 politic and corporate, with all the rights and responsibilities pertaining thereto,
5 as specified in this subchapter, and as specified in the approval granted by the
6 State Board. The career technical center school district shall also be a
7 supervisory district for the purpose of providing the planning and
8 administrative functions of a supervisory union for the programs offered.

9 § 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

10 * * *

11 (b) Appointment and qualifications. All members of the Standards Board
12 shall be appointed by the Governor for terms of three years, which shall begin
13 July 1 of the year of appointment. Prior to appointing a member, the Governor
14 shall consult with the State Board of Education, and, as appropriate, the
15 Vermont National Education Association, the Vermont School Boards
16 Association, the Vermont Principals Association, the Vermont Superintendents
17 Association, the Vermont State Colleges, the University of Vermont, and the
18 Association of Vermont Independent Colleges. No person shall be eligible for
19 more than one sequential reappointment. The Governor shall appoint a
20 replacement to fill any vacancy on the Standards Board for the remainder of

1 the term. The Governor shall assure appointments are consistent with the
2 following requirements:

3 * * *

4 (4) The public member shall not be a member of the **State Board** of
5 Education or an employee of any school and shall not derive primary
6 livelihood in the field of public or independent education at any level of
7 responsibility.

8 * * *

9 § 1695. REVIEW OF LICENSING STANDARDS

10 Prior to the pre-filing by the Standards Board of a licensing standard or
11 procedure proposed for rulemaking pursuant to 3 V.S.A. § 820, the Secretary
12 may object to it before the **State Board** on the grounds that it would have
13 significant adverse financial or operational impact on the public school system.
14 If the **State Board** agrees, it may remand the proposed rule to the Standards
15 Board for further deliberations consistent with its written decision. The
16 Secretary may also object on the same grounds to a substantive change to a
17 proposed rule, once initiated, before a final proposal is filed pursuant to 3
18 V.S.A. § 841.

19 § 1707. APPEAL FROM PANEL ORDER

20 (a) Appeal to **State Board** of Education.

1 (1) A party aggrieved by a final decision of a hearing panel may, within
2 30 days of the decision, appeal that decision by filing a notice of appeal with
3 the administrative officer of the hearing panel who shall refer the case to the
4 State Board of Education. The parties may agree to waive this review by
5 written stipulation filed with the State Board of Education. The State Board of
6 Education shall conduct its review on the basis of the record created before the
7 hearing panel, and it shall allow the presentation of evidence regarding alleged
8 irregularities in hearing procedure not shown in the record.

9 (2) The State Board of Education shall not substitute its judgment for
10 that of the hearing panel as to the weight of the evidence on questions of fact.
11 It may affirm the decision or may reverse and remand the matter with
12 recommendations if substantial rights of the appellant have been prejudiced
13 because the hearing panel’s finding, inferences, conclusions, or decisions are:

14 (A) in violation of constitutional or statutory provisions;

15 (B) in excess of the statutory authority of the hearing panel;

16 (C) made upon unlawful procedure;

17 (D) affected by other error of law;

18 (E) clearly erroneous in view of the evidence on the record as a

19 whole;

20 (F) arbitrary or capricious; or

1 (G) characterized by abuse of discretion or clearly unwarranted
2 exercise of discretion.

3 (b) Following appeal or waiver of appeal to the State Board of Education, a
4 party may appeal to the Superior Court in Washington County, which shall
5 review the matter de novo.

6 § 1801. DEFINITIONS

7 As used in this subchapter:

8 * * *

9 (2) “New SU” means a supervisory union created from the merger or
10 realignment of two or more current supervisory unions or of all or some of the
11 districts in one or more current supervisory unions (a Realigning SU). “New
12 SU” also means a supervisory union created by the State Board’s adjustment of
13 the borders of one or more current supervisory unions or parts of supervisory
14 unions pursuant to section 261 of this title or otherwise, regardless of whether
15 the New SU is known by the name of one of the current supervisory unions or
16 the adjustment is otherwise structured or considered to be one in which one
17 current supervisory union (the Absorbing SU) is absorbing one or more other
18 supervisory unions or parts of supervisory unions into the Absorbing SU.

19 * * *

20 § 2061. POWERS OF SECRETARY OF EDUCATION

1 identification of the supervisory union or agency responsible for each child
2 with a disability.

3 (b) Subject to rules established by the **State Board**, the Secretary shall offer
4 mediation to parents, children with disabilities, and districts, supervisory
5 unions, and agencies involved in special education disputes.

6 § 2959A. EDUCATION MEDICAID RECEIPTS

7 * * *

8 (e) Supervisory unions shall use funds received under this section to pay for
9 reasonable costs of administering the Medicaid claims process, and school
10 districts or supervisory unions shall use funds received under this section for
11 prevention and intervention programs in prekindergarten through grade 12.
12 The programs shall be designed to facilitate early identification of and
13 intervention with children with disabilities and to ensure all students achieve
14 rigorous and challenging standards approved and adopted by the **State Board** or
15 locally adopted standards. A supervisory union shall provide annual written
16 justification to the Secretary of Education on how it or its member districts
17 used the funds. Such annual submission shall show how the funds' use is
18 expressly linked to those provisions of the supervisory union's action plan that
19 directly relate to improving student performance. A supervisory union shall
20 include in its annual report the amount of the prior year's Medicaid

1 reimbursement revenues and the use of Medicaid funds consistent with the
2 purposes set forth in this subsection.

3 * * *

4 § 2962. EXTRAORDINARY SERVICES REIMBURSEMENT

5 * * *

6 (c) As used in this subchapter, “extraordinary special education
7 expenditures” means a school district’s or supervisory union’s allowable
8 expenditures that for any one child exceed \$60,000.00 for a fiscal year. In this
9 subsection, child means a student with disabilities who is three years of age or
10 older in the current school year. The **State Board** shall define allowable
11 expenditures that shall include any expenditures required under federal law,
12 and any costs of mediation conducted by a mediator who is approved by the
13 Secretary.

14 * * *

15 § 2963. SPECIAL EDUCATION EXPENDITURES REIMBURSEMENT

16 * * *

17 (c) As used in this subchapter:

18 (1) Special education expenditures are allowable expenditures for special
19 education, as defined by rule of the **State Board**, less the following:

20 (A) revenue from federal aid for special education;

1 (B) mainstream service costs, as defined in subdivision 2961(c)(1) of
2 this title;

3 (C) extraordinary special education expenditures, as defined in section
4 2962 of this title;

5 (D) any transportation expenses already reimbursed;

6 (E) special education costs for a student eligible for aid under section
7 2963a of this title; and

8 (F) other State funds used for special education costs as defined by
9 the **State Board** by rule.

10 (2) The **State Board** shall define allowable expenditures under this
11 subsection. Allowable expenditures shall include any expenditures required
12 under federal law.

13 (3) “Special education expenditures reimbursement rate” means a
14 percentage of special education expenditures that is calculated to achieve the
15 60 percent share required by subsection 2967(b) of this title.

16 (d) [Repealed.]

17 § 2969. PAYMENTS

18 (a) On or before August 15, December 15, and April 15 of each school year,
19 the State Treasurer shall withdraw from the Education Fund, based on warrant
20 of the Commissioner of Finance and Management, and shall forward to each
21 supervisory union and its member districts to the extent they anticipate

1 reimbursable expenditures under this chapter, the amount of State assistance
2 estimated in accordance with **State Board** rules to be necessary to fund sections
3 2961 through 2963a of this title in the current fiscal period. The **State Board**
4 shall by rule ensure that the amount of such assistance shall be adjusted to
5 compensate for any overpayments or underpayments determined, after review
6 and acceptance of the reports submitted under section 2968 of this title, to have
7 been made in previous periods. Notwithstanding this subsection, failure to
8 submit the reports within the timelines established by subsection 2968(a) of
9 this title shall result in the withholding of any payments until the report is filed.

10 * * *

11 § 3448E. CONSTRUCTION OF CAREER TECHNICAL EDUCATION
12 FACILITIES; APPROVAL AND FUNDING

13 (a) Definitions. For the purposes of this section:

14 * * *

15 (3) “Career technical education facilities” means regional technical
16 centers and those portions of comprehensive high schools that are designed to
17 provide **State board**-approved career technical education programs and
18 services.

19 § 4015. SMALL SCHOOL SUPPORT

20 (a) In this section:

21 (1) “Eligible school district” means a school district that:

1 (A) operates at least one school with an average grade size of 20 or
2 fewer; and

3 (B) has been determined by the **State Board**, on an annual basis, to be
4 eligible due to either:

5 (i) the lengthy driving times or inhospitable travel routes between
6 the school and the nearest school in which there is excess capacity; or

7 (ii) the academic excellence and operational efficiency of the
8 school, which shall be based upon consideration of:

9 (I) the school’s measurable success in providing a variety of
10 high-quality educational opportunities that meet or exceed the educational
11 quality standards adopted by the **State Board** pursuant to section 165 of this
12 title;

13 (II) the percentage of students from economically deprived
14 backgrounds, as identified pursuant to subsection 4010(d) of this title, and
15 those students’ measurable success in achieving positive outcomes;

16 (III) the school’s high student-to-staff ratios; and

17 (IV) the district’s participation in a merger study and
18 submission of a merger report to the **State Board** pursuant to chapter 11 of this
19 title or otherwise.

20 * * *

21 § 4029. USE OF FUNDS FOR EDUCATION

1 (a) Funds received by a school district may be used only for legitimate
2 items of current education expense and shall not be used for municipal
3 services.

4 (b) Funds received by a municipality other than a school district may not be
5 used directly or indirectly for education expenses.

6 (c) If the Secretary determines that a school district has spent funds paid
7 under section 4028 of this title for an item that is not a legitimate item of
8 current education expense, the treasurer of the municipality shall, within 90
9 days, remit the amount of the expenditure to the Education Fund. The treasurer
10 shall use funds raised pursuant to 17 V.S.A. § 2664, 20 V.S.A. § 2601, or 24
11 V.S.A. § 1309 for this purpose. If the Secretary determines that a municipality
12 other than a school district has spent funds for an item that is a legitimate item
13 of current education expense, the treasurer of the municipality shall transfer the
14 amount of the expenditure from the local education fund to the municipal fund.

15 (d) The legislative body of a school district or other municipality may
16 appeal a decision of the Secretary under this section to the **State Board**, which
17 shall hear the appeal de novo in the manner provided by 3 V.S.A. chapter 25
18 for the hearing of contested cases. A legislative body of a school district or
19 other municipality may appeal a decision of the **State Board** to the Superior
20 Court of the district in which the municipality is located. The Superior Court
21 shall hear the matter de novo in the manner provided by Rule 74 of the

1 Vermont Rules of Civil Procedure. An appeal from the decision of the Superior
2 Court shall be to the Supreme Court under the Vermont Rules of Appellate
3 Procedure.

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