

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred House Bill No. 630  
3 entitled “An act relating to boards of cooperative education services”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 \* \* \* Findings and Purpose \* \* \*

8 Sec. 1. FINDINGS; INTENT; PURPOSE

9 (a) Findings. The General Assembly finds that:

10 (1) Vermont’s school districts are small by national and regional  
11 standards, which denies them some of the benefits of scale. As of 2021,  
12 Vermont was one of approximately nine states that did not have an established  
13 system of cooperative educational service agencies.

14 (2) Some specialized education services are higher in cost or intensity  
15 but lower in incidence. Collaborating to ensure quality education is more  
16 regionally available to serve students in the least restrictive environment, with  
17 a focus of reintegration into the classroom, may make providing such services  
18 more efficient and affordable.

19 (3) Students should be in the least restrictive setting to reach success.  
20 Some students require a higher level of care and access to peers that would not  
21 be available in an inclusive setting. Some students who are currently placed in

1 substantially separate programs are not able to access their community, peers,  
2 or inclusive activities. Vermont is currently sending many of these students to  
3 programs that are geographically far away or out of state. Working  
4 cooperatively could prevent these students from being transported such long  
5 distances. Staying closer to home will also afford these students greater  
6 opportunities for afterschool or community-based activities.

7 (4) Market concentration means single districts cannot always rely on  
8 competitive bidding to reduce costs and improve quality. Districts often all  
9 have separate contracts for the same service, with the same vendor or vendors,  
10 which is an avoidable duplicative cost.

11 (5) For services that all districts need, such as professional development  
12 and specialized settings for students with extraordinary needs, collaboration  
13 statewide ensures that the highest quality expertise and programming can be  
14 shared at scale in ways that benefit all students and districts.

15 (6) Collaborative management of some functions would yield the same  
16 outcome but at a lower price and with fewer demands on administrative time,  
17 such that districts can spend proportionally less of every dollar on  
18 noninstructional administrative tasks or duplicative services and capabilities.

19 (7) Examples of functions that can be challenging or less affordable  
20 given the small size of Vermont's districts are:

21 (A) applying for State, federal, and other grants;

1           (B) supporting staff and educator development, recruitment, and  
2 retention;

3           (C) supporting transformation of operations or implementation of  
4 new State initiatives or quality standards;

5           (D) providing high-quality, evidence- and science-based professional  
6 development in a coherent and consistent way;

7           (E) providing or ensuring access to regionally available specialized  
8 settings for students with unique needs or highly specialized needs in the least  
9 restrictive environment, with a focus on reintegration and early intervention;

10          (F) managing prekindergarten programs to ensure equitable access to  
11 high-quality prekindergarten programs;

12          (G) procurement of services to support education, from food service  
13 to transportation, given the lack of enough vendors to ensure competitive  
14 bidding;

15          (H) providing skilled facilities planning and management; and

16          (I) providing appropriate support and instruction for English learners.

17          (b) Purpose and intent.

18           (1) This act is one of the initial steps in ensuring the opportunity to  
19 transform Vermont’s educational system. It is the intent of the General  
20 Assembly to address the delivery, governance, and financing of Vermont’s  
21 education system, with the goal of transforming the educational system to

1 ensure high-quality education for all Vermont students, sustainable and  
2 transparent use of public resources, and appropriate support and expertise from  
3 the Agency of Education.

4 (2) The purpose of this act is to allow and encourage supervisory unions  
5 to create boards of cooperative education services to maximize the impact of  
6 available dollars through collaborative funding; reduce duplication of  
7 programs, personnel, and services; and contribute to equalizing educational  
8 opportunities for pupils in diverse schools.

9 Sec. 2. 16 V.S.A. chapter 10 is added to read:

10 CHAPTER 10. BOARDS OF COOPERATIVE EDUCATION SERVICES

11 § 601. DEFINITIONS

12 As used in this chapter:

13 (1) “Educator” means any:

14 (A) individual licensed under chapter 51 of this title the majority of  
15 whose employed time in a public school district, supervisory union, or board of  
16 cooperative education services is assigned to furnish to students direct  
17 instructional or other educational services, as defined by rule of the Standards  
18 Board, or who is otherwise subject to licensing as determined by the Standards  
19 Board; or

20 (B) individual licensed under chapter 51 of this title the majority of  
21 whose employed time in a public school, school district, or supervisory union

1 is assigned to developing and managing school curriculum, evaluating and  
2 disciplining personnel, or supervising and managing a public school system or  
3 public school program.

4 (2) “Supervisory union” means an administrative, planning, and  
5 educational service unit created by the State Board under section 261 of this  
6 title that consists of two or more school districts. This term also means a  
7 supervisory district.

8 § 602. CREATION OF BOARD OF COOPERATIVE EDUCATION

9 SERVICES; ORGANIZATION

10 (a) Establishment of boards of cooperative education services. When the  
11 boards of two or more supervisory unions vote to explore the advisability of  
12 entering into a written agreement to provide shared programs and services, the  
13 interested boards shall meet and discuss the terms of any such agreement. At  
14 this meeting or a subsequent meeting, the participating boards may enter into a  
15 proposed agreement to form an association of supervisory unions to deliver  
16 shared programs and services to complement the educational programs of  
17 member supervisory unions in a cost-effective manner. An association formed  
18 pursuant to this chapter shall be known as a board of cooperative education  
19 services (BOCES) and shall be a body politic and corporate with the powers  
20 and duties afforded them under this chapter.

1       (b) Articles of agreement. Agreements to form a BOCES pursuant to this  
2       chapter shall take the form of articles of agreement and shall serve as the  
3       operating agreement for a BOCES. Agreements shall include a cost-benefit  
4       analysis outlining the projected financial savings or enhanced outcomes, or  
5       both, that the parties expect to realize through shared services or programs. No  
6       agreement or subsequent amendments shall take effect unless approved by the  
7       member supervisory union boards and the Secretary of Education. At a  
8       minimum, the articles of agreement shall state:

9               (1) the names of the participating supervisory unions;

10              (2) the mission, purpose, and focus of the BOCES;

11              (3) the programs or services to be offered by the BOCES;

12              (4) the financial terms and conditions of membership of the BOCES,

13       including any applicable membership fee;

14              (5) the service fees for member supervisory unions and the service fees  
15       for nonmember supervisory unions, as applicable;

16              (6) the detailed procedure for the preparation and adoption of an annual  
17       budget with carryforward provisions;

18              (7) the method of termination of the BOCES and the withdrawal of  
19       member supervisory unions, which shall include the apportionment of assets  
20       and liabilities;

1           (8) the procedure for admitting new members and for amending the  
2           articles of agreement;

3           (9) the powers and duties of the board of directors of the BOCES to  
4           operate and manage the association, including:

5                   (A) board meeting attendance requirements;

6                   (B) consequences for failure to attend a board meeting;

7                   (C) a conflict-of-interest policy; and

8                   (D) a policy regarding board member salaries or stipends; and

9           (10) any other matter not incompatible with law that the member  
10           supervisory unions consider necessary to the formation of the BOCES.

11           (c) Board of directors. A BOCES shall be managed by a board of directors,  
12           which shall be composed of one person appointed annually by each member  
13           supervisory union board. Appointed persons shall be members of a member  
14           supervisory union board or the superintendent or designee of the member  
15           supervisory union. Each member of the BOCES board of directors shall be  
16           entitled to a vote. No member of the board of directors of a BOCES shall  
17           serve as a member of a board of directors or as an officer or employee of any  
18           related for-profit or nonprofit organization. The board of directors shall elect a  
19           chair from its members and provide for such other officers as it may determine  
20           are necessary. The board of directors may also establish subcommittees and  
21           create board policies and procedures as it may determine are necessary. The

1 board of directors shall meet not fewer than four times annually. Each member  
2 of the board of directors shall provide updates on the activities of the BOCES  
3 on a quarterly basis to the member’s appointing supervisory union board at an  
4 open board meeting.

5 (d) Number of BOCESs. There shall be not more than six BOCESs  
6 statewide. Supervisory unions shall not be a member of more than one  
7 BOCES but may seek services as a nonmember from other BOCESs.

8 (e) Agency of Education promotion. The Agency of Education shall  
9 promote the use of BOCESs as providers of education services and programs  
10 for local school districts and supervisory unions and shall include  
11 consideration of grant applications that include the use of education  
12 cooperatives for the purpose of procuring services and programs. The Agency  
13 may designate BOCESs as eligible recipients for any applicable federal or  
14 State grants for educational programs.

15 § 603. POWERS OF BOARDS OF COOPERATIVE EDUCATION

16 SERVICES

17 (a) In addition to any other powers granted by law, a BOCES shall have the  
18 power to provide educational programs, services, facilities, and professional  
19 and other staff that, in its discretion, best serve the needs of its members. A  
20 BOCES shall follow all applicable State and federal laws in its provision of  
21 services, including Section 504 of the Rehabilitation Act of 1973, 29



1 U.S.C. § 794, and the Individuals with Disabilities Education Act, 20

2 U.S.C. §§ 1400–1482.

3 (b) A BOCES may employ an executive director who shall serve under the  
4 general direction of the board and who shall be responsible for the care and  
5 supervision of the BOCES. The board shall annually evaluate the executive  
6 director’s performance and effectiveness in implementing the programs,  
7 policies, and goals of the BOCES. The executive director shall not serve as a  
8 board member, officer, or employee of any related for-profit or nonprofit  
9 organization.

10 (c) A BOCES shall be a body politic and corporate and shall have standing  
11 to sue and be sued to the same extent as a school district. A BOCES may enter  
12 into contracts for the purchase of supplies, materials, services, and for the  
13 purchase or leasing of land, buildings, and equipment as considered necessary  
14 by the board of directors. Section 559 of this title shall apply to the  
15 procurement of services or items with costs that exceed \$40,000.00, as well as  
16 high-cost construct contracts, as defined by subsection 559(b) of this title.

17 (d) The board of directors of a BOCES may apply for State, federal, or  
18 private grants to obtain funds necessary to carry out the purpose for which the  
19 BOCES is established.

1     § 604. FINANCING; BUDGETING; AND ACCOUNTING

2           (a) Education cooperative fund. A BOCES shall establish and manage a  
3           fund to be known as an education cooperative fund. All monies contributed by  
4           the member school districts and all grants or gifts from the federal government,  
5           State government, charitable foundations, private corporations, or any other  
6           source shall be deposited into the fund.

7           (b) Treasurer.

8           (1) A BOCES shall appoint a treasurer who may be a treasurer of a  
9           member school district and who shall be sworn in before entering the duties of  
10          the office.

11          (2) The treasurer may, subject to the direction of the board of directors,  
12          receive and disburse all money belonging to the board without further  
13          appropriation.

14          (3) The treasurer shall keep financial records of cash receipts and  
15          disbursements and shall make those records available to the board of directors  
16          upon request.

17          (4) The board of directors shall ensure that its blanket bond covers a  
18          newly appointed treasurer before the treasurer enters upon the duties of the  
19          office. In lieu of a blanket bond, a BOCES may choose to provide suitable  
20          crime insurance coverage. The board of directors may pay reasonable

1 compensation to the treasurer for services rendered and shall evaluate the  
2 treasurer's performance annually.

3 (c) Financial accounting system. A BOCES shall use the uniform chart of  
4 accounts and financial reporting requirements used by supervisory unions as its  
5 financial accounting system.

6 (d) Audit. Annually, a BOCES shall cause an independent audit to be  
7 made of its financial statements consistent with generally accepted  
8 governmental auditing standards and shall discuss and vote to accept the audit  
9 report at an open meeting of the board. The board shall transmit a copy of  
10 each audit to the boards of its member supervisory unions.

11 (e) Annual statement. Annually, a BOCES shall prepare financial  
12 statements, including:

13 (1) a statement of net assets; and

14 (2) a statement of revenues, expenditures, and changes in net assets.

15 (f) Budget. A board of cooperative education services shall adopt a budget  
16 prior to the beginning of the fiscal year for which the budget is adopted.

17 (g) Loans. A BOCES may, upon approval of its members, negotiate or  
18 contract with any person, corporation, association, or company for a loan not to  
19 exceed the difference between the anticipated revenues for the current fiscal  
20 year for the budget of the BOCES and the amount credited to date to said  
21 budget in order to pay current obligations. Such loan shall be liquidated within

1 six months thereafter from monies subsequently credited to said budget. The  
2 total principal, interest, and fees to be paid on such loan shall not exceed the  
3 total amount of the authorized budget for the same length of time.

4 § 605. ANNUAL REPORT; PUBLIC INFORMATION

5 (a) The board of a BOCES shall prepare an annual report concerning the  
6 affairs of the BOCES and have it printed and distributed to the boards of the  
7 member supervisory unions. The annual report shall include, at a minimum:

8 (1) information on the programs and services offered by the BOCES,  
9 including information on the cost-effectiveness of such programs and services  
10 and progress made towards achieving the objectives and purposes set forth in  
11 the articles of agreement; and

12 (2) audited financial statements and the independent auditor's report.

13 (b) A BOCES shall maintain an internet website that makes the following  
14 information available to the public at no cost:

15 (1) a list of the members of the board of directors of the BOCES;

16 (2) copies of approved minutes of open meetings held by the board of  
17 the BOCES;

18 (3) a copy of the articles of agreement and any subsequent amendments;

19 and

20 (4) a copy of the annual report required under subsection (a) of this  
21 section.

1     § 606. EMPLOYMENT

2           (a) A BOCES shall be considered to be a public employer and may employ  
3     personnel, including educators, to carry out the purposes and functions of the  
4     board. Annually, the board of a BOCES shall conduct an area survey of the  
5     salaries of the educators and staff employed by the BOCES' member  
6     supervisory unions and school districts.

7           (b) No person shall be eligible for employment by a BOCES as an educator  
8     unless the person is appropriately licensed by the Standards Board for  
9     Professional Educators pursuant to chapter 51 of this title.

10          (c) A person employed by a BOCES as an educator shall be a participant in  
11     the Vermont State Teachers' Retirement System pursuant to chapter 55 of this  
12     title.

13          (d) A person who is employed by a BOCES and who is not an educator  
14     shall be a participant in the Vermont Municipal Employees' Retirement  
15     System pursuant to 24 V.S.A. chapter 125.

16          (e) Educators employed by a BOCES shall be entitled to organize pursuant  
17     to chapter 57 of this title.

18          (f) Employees employed by a BOCES and who is not an educator shall be  
19     entitled to organize pursuant to 21 V.S.A. chapter 22.

1 § 607. SCHOOL FOOD AUTHORITY

2 (a) A board of cooperative education services is authorized to maintain,  
3 equip, and operate a food service facility as a school food authority.

4 (b) A board of cooperative education services that elects to operate as a  
5 school food authority may seek, accept, and expend gifts, grants, and donations  
6 to facilitate its operations as a school food authority.

7 Sec. 3. TRANSITION; REPORT

8 (a) On or before July 1, 2025, each supervisory union board shall consider  
9 and vote on the desirability of establishing a board of cooperative education  
10 services pursuant to 16 V.S.A. chapter 10. There shall be not more than six  
11 boards of cooperative service established statewide. Supervisory union boards  
12 that vote to establish a board of cooperative education services shall hold an  
13 organizational meeting pursuant to 16 V.S.A. § 602 on or before July 1, 2026.

14 (b) On or before July 1, 2027, the Secretary of Education shall review the  
15 boards of cooperative education services as they exist, or are anticipated to  
16 exist, on that date. On or before November 1, 2027, the Secretary shall issue a  
17 written report to the General Assembly and the State Board of Education with  
18 the following information and recommendations:

19 (1) the number of boards of cooperative education services in existence  
20 on July 1, 2027, including the names of member supervisory unions and  
21 services provided;

1           (2) the number of supervisory unions that are not members of boards of  
2           cooperative education services and information on why such supervisory  
3           unions have not joined a board of cooperative education services; and

4           (3) recommendations for expansion of the membership and powers of  
5           boards of cooperative education services, including recommendations for  
6           whether membership in such boards shall be mandatory.

7           **Sec. 4. BOCES GRANT PROGRAM; APPROPRIATION**

8           (a) There is established the Boards of Cooperative Education Services  
9           Start-up Grant Program, to be administered by the Agency of Education, from  
10           funds appropriated for this purpose, to award grants to boards of cooperative  
11           education services (BOCES) formed pursuant to 16 V.S.A. chapter 10 after  
12           July 1, 2024. BOCES shall be eligible for a single \$10,000.00 grant after the  
13           Secretary of Education approves the applicant’s initial articles of agreement  
14           pursuant to 16 V.S.A. § 602(b). Grants may be used for start-up costs and may  
15           include reimbursement to member supervisory unions for costs incurred during  
16           the exploration and formation of the BOCES and articles of agreement.

17           (b) The sum of \$60,000.00 is appropriated from the General Fund to the  
18           Agency of Education in fiscal year 2025 to fund the Boards of Cooperative  
19           Education Services Start-up Grant Program created in subsection (a) of this  
20           section. Unexpended appropriations shall carry forward into the subsequent  
21           fiscal year and remain available for use for this purpose.





1 (1) “Administrator” means an individual licensed under this chapter the  
2 majority of whose employed time in a public school, school district, ~~or~~  
3 supervisory union, or board of cooperative education services is assigned to  
4 developing and managing school curriculum, evaluating and disciplining  
5 personnel, or supervising and managing a public school system or public  
6 school program.

7 \* \* \*

8 (10) “Teacher” means an individual licensed under this chapter the  
9 majority of whose employed time in a public school district ~~or~~, supervisory  
10 union, or board of cooperative education services is assigned to furnish to  
11 students direct instructional or other educational services, as defined by rule of  
12 the Standards Board, or who is otherwise subject to licensing as determined by  
13 the Standards Board.

14 Sec. 7. 16 V.S.A. § 1931(20) is amended to read:

15 (20) “Teacher” shall mean any licensed teacher, principal, supervisor,  
16 superintendent, or any professional licensed by the Vermont Standards Board  
17 for Professional Educators who is regularly employed, or otherwise contracted  
18 if following retirement, for the full normal working time for ~~his or her~~ the  
19 teacher’s position in a public day school or school district within the State, or  
20 in any school or teacher-training institution located within the State, controlled  
21 by the State Board of Education, and supported wholly by the State; or in

1 certain public independent schools designated for such purposes by the Board  
2 in accordance with section 1935 of this title; or who is regularly employed by a  
3 board of cooperative education services created in accordance with chapter 10  
4 of this title. In all cases of doubt, the Board shall determine whether any  
5 person is a teacher as defined in this chapter. It shall not mean a person who is  
6 teaching with an emergency license.

7 Sec. 8. 24 V.S.A. § 5051(10) is amended to read:

8 (10) “Employee” means the following persons employed on a regular  
9 basis by a school district ~~or~~, by a supervisory union, or by a board of  
10 cooperative education services for ~~no~~ not fewer than 1,040 hours in a year and  
11 for ~~no~~ not fewer than 30 hours a week for the school year, as defined in  
12 16 V.S.A. § 1071, or for ~~no~~ not fewer than 1,040 hours in a year and for ~~no~~ not  
13 fewer than 24 hours a week year-round; provided, however, that if a person  
14 who was employed on a regular basis by a school district as either a special  
15 education or transportation employee and who was transferred to and is  
16 working in a supervisory union or a board of cooperative education services in  
17 the same capacity pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) and if that  
18 person is also employed on a regular basis by a school district within the  
19 supervisory union, then the person is an “employee” if these criteria are met by  
20 the combined hours worked for the supervisory union and school district. The  
21 term shall also mean persons employed on a regular basis by a municipality

1 other than a school district for ~~no~~ not fewer than 1,040 hours in a year and for  
2 ~~no~~ not fewer than 24 hours per week, including persons employed in a library  
3 at least one-half of whose operating expenses are met by municipal funding:

4 \* \* \*

5 Sec. 9. 16 V.S.A. § 1981 is amended to read:

6 § 1981. DEFINITIONS

7 As used in this chapter unless the context requires otherwise:

8 \* \* \*

9 (8) “School board negotiations council” means, for a supervisory  
10 district, its school board, and, for school districts within a supervisory union or  
11 board of cooperative education services, the body comprising representatives  
12 designated by each school board within the supervisory union or board of  
13 cooperative education services and by the supervisory union board or board of  
14 cooperative education services to engage in professional negotiations with a  
15 teachers’ or administrators’ organization.

16 (9) “Teachers’ organization negotiations council” or “administrators’  
17 organization negotiations council” means the body comprising representatives  
18 designated by each teachers’ organization or administrators’ organization  
19 within a supervisory district ~~or~~, supervisory union, or board of cooperative  
20 education services to act as its representative for professional negotiations.

21 Sec. 10. 21 V.S.A. § 1722 is amended to read:

1 § 1722. DEFINITIONS

2 As used in this chapter:

3 \* \* \*

4 (18) “School board negotiations council” means, for a supervisory  
5 district, its school board, and, for school districts within a supervisory union or  
6 board of cooperative education services, the body comprising representatives  
7 designated by each school board within the supervisory union or board of  
8 cooperative education services and by the supervisory union board or board of  
9 cooperative education services to engage in collective bargaining with their  
10 school employees’ negotiations council.

11 (19) “School employees’ negotiations council” means the body  
12 comprising representatives designated by each exclusive bargaining agent  
13 within a supervisory district ~~or~~, supervisory union, or board of cooperative  
14 education services to engage in collective bargaining with its school board  
15 negotiations council.

16 (20) “Supervisory district” and “supervisory union” shall have the same  
17 meaning as in 16 V.S.A. § 11.

18 (21) “Municipal school employee” means an employee of a supervisory  
19 union ~~or~~, school district, or board of cooperative education services who is not  
20 otherwise subject to 16 V.S.A. chapter 57 (labor relations for teachers and

1 administrators) and who is not otherwise excluded pursuant to subdivision (12)  
2 of this section.

3 \* \* \*

4 \* \* \* Effective Date \* \* \*

5 Sec. 11. EFFECTIVE DATE

6 This act shall take effect on July 1, 2024.

7

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9

10

11 (Committee vote: \_\_\_\_\_)

12

\_\_\_\_\_

13

Representative \_\_\_\_\_

14

FOR THE COMMITTEE