

1 H.209

2 Introduced by Representative Sibia of Dover

3 Referred to Committee on

4 Date:

5 Subject: Education; supervisory union; elementary schools

6 Statement of purpose of bill as introduced: This bill proposes to give students
7 within a supervisory union the choice to attend an elementary school located
8 within another school district within the same supervisory union, subject to
9 capacity limitations determined by both the sending and receiving elementary
10 school. This bill also proposes that no tuition will be charged by the receiving
11 district.

12 An act relating to public elementary school choice within a supervisory
13 union

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

15 Sec. 1. 16 V.S.A. § 821a is added to read:

16 § 821a. PUBLIC ELEMENTARY SCHOOL CHOICE WITHIN A

17 SUPERVISORY UNION

18 (a) Application. This section shall apply to elementary school choice
19 within a student's supervisory union of residence when a student wishes to
20 attend an elementary school outside of the student's school district of residence

1 but still within the student’s supervisory union of residence. This section shall
2 not apply to:

3 (1) elementary school choice outside of a student’s supervisory union of
4 residence; or

5 (2) elementary school choice within the student’s district of residence.

6 A school district’s policy on elementary school assignment shall apply to a
7 student attending elementary school within the student’s district of residence.

8 (b) Definitions. In this section:

9 (1) “Elementary school” means a public school or that portion of a
10 public school that offers grades prekindergarten through six or some subset of
11 those grades.

12 (2) “Student” means a student’s parent or guardian.

13 (c) Limits on transferring students. The school board of a sending
14 elementary school may limit the number of resident students who transfer to
15 another elementary school under this section in each year; provided that in no
16 case shall it limit the potential number of new transferring students to fewer
17 than five percent of the resident students enrolled in the sending elementary
18 school as of October 1 of the academic year in which the calculation is made or
19 10 students, whichever is fewer; and further provided that in no case shall the
20 total number of transferring students in any year exceed 10 percent of all
21 resident elementary school students or 40 students, whichever is fewer.

1 (d) Capacity. On or before February 1 each year, the school board of an
2 elementary school shall define and announce its capacity to accept students
3 under this section on a per school basis. The Secretary shall develop, review,
4 and update guidelines to assist elementary school district boards to define
5 capacity limits. Guidelines may include limits based on the capacity of the
6 program, class, grade, school building, measurable adverse financial impact, or
7 other factors but shall not be based on the need to provide special education
8 services.

9 (e) Lottery.

10 (1) Subject to the provisions of subsection (g) of this section, if more
11 than the allowable number of students wish to transfer to a school under this
12 section, then the board of the receiving elementary school district shall devise a
13 nondiscriminatory lottery system for determining which students may transfer.

14 (2) Subject to the provisions of subsection (g) of this section, if more
15 than the allowable number of students wish to transfer from a school under this
16 section, then the board of the sending elementary school district shall devise a
17 nondiscriminatory lottery system for determining which students may transfer;
18 provided, however:

19 (A) a board shall give preference to the transfer request of a student
20 whose request to transfer from the school was denied in a prior year; and

1 (B) a board that has established limits under subsection (b) of this
2 section may choose to waive those limits in any year.

3 (f) Application and notification.

4 (1) A school district shall accept applications for enrollment until March
5 1 of the school year preceding the school year for which the student is
6 applying.

7 (2) A school district shall notify each student of acceptance or rejection
8 of the application by April 1 of the school year preceding the school year for
9 which the student is applying.

10 (3) An accepted student shall notify both the sending and the receiving
11 elementary schools of the student's decision to enroll or not to enroll in the
12 receiving elementary school by April 15 of the school year preceding the
13 school year for which the student has applied.

14 (4) After sending notification of enrollment, a student may enroll in a
15 school other than the receiving elementary school only if the student, the
16 receiving elementary school, and the elementary school in which the student
17 wishes to enroll agree. If the student becomes a resident of a different school
18 district, the student may enroll in the elementary school maintained by the new
19 district of residence.

20 (5) If a student who is enrolled in an elementary school other than in the
21 school district of residence notifies the school district of residence by July 15

1 of the intent to return to that school for the following school year, the student
2 shall be permitted to return to the elementary school in the school district of
3 residence without requiring agreement of the receiving district or the sending
4 district.

5 (g) Enrollment. An enrolled nonresident student shall be permitted to
6 remain enrolled in the receiving elementary school without renewed
7 applications in subsequent years unless:

8 (1) the student successfully completes the grades offered by the
9 receiving elementary school;

10 (2) the student is no longer a Vermont resident; or

11 (3) the student is expelled from school in accordance with adopted
12 school policy.

13 (h) Tuition and other costs.

14 (1) Unless the sending and receiving schools agree to a different
15 arrangement, no tuition or other cost shall be charged by the receiving district
16 or paid by the sending district for a student transferring to a different
17 elementary school under this section; provided, however, a sending elementary
18 school district shall pay special education costs for resident students pursuant
19 to the provisions of this title.

1 (2) A student transferring to a different elementary school under this
2 section shall pay no tuition, fee, or other cost that is not also paid by students
3 residing in the receiving district.

4 (3) A district of residence shall include within its average daily
5 membership any student who transfers to another elementary school under this
6 section; a receiving school district shall not include any student who transfers
7 to it under this section.

8 (i) Special education. If a student who is eligible for and receiving special
9 education services chooses to enroll in an elementary school other than in the
10 elementary school district of residence, then the receiving elementary school
11 shall carry out the individualized education program, including placement,
12 developed by the sending elementary school district. If the receiving
13 elementary school believes that a student not on an individualized education
14 program may be eligible for special education services or that an existing
15 individualized education program should be altered, it shall notify the sending
16 elementary school district. When a sending elementary school district
17 considers eligibility, development of an individualized education program, or
18 changes to a program, it shall give notice of meetings to the receiving
19 elementary school district and provide an opportunity for representatives of
20 that district to attend the meetings and participate in making decisions.

1 (j) Suspension and expulsion. A sending elementary school district is not
2 required to provide services to a resident student during a period of suspension
3 or expulsion imposed by another elementary school district.

4 (k) Transportation. The superintendent of each supervisory union shall
5 establish and update information for students about transportation options
6 among the elementary school districts within the same supervisory union.

7 (l) Nonapplicability of other laws. The provisions of section 823
8 (elementary tuition), 825(b) and (c) (maximum tuition rate), 826(a) (notice of
9 tuition change), and section 836 (tuition overcharge and undercharge) of this
10 chapter shall not apply to enrollment in an elementary school pursuant to this
11 section.

12 (m) Waiver. If the school board of an elementary school determines that
13 participation under this section would adversely affect students in its
14 elementary schools, then it may petition the Secretary for an exemption. The
15 Secretary's decision shall be final.

16 (n) Report. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report
17 annually in January to the Senate and House Committees on Education on the
18 implementation of public elementary school choice within a supervisory union
19 as provided in this section, including a quantitative and qualitative evaluation
20 of the program's impact on the quality of educational services available to
21 students and the expansion of educational opportunities.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.