

1 TO THE HOUSE OF REPRESENTATIVES:

2 Representative Conlon of Cornwall moves that the bill be amended as
3 follows:

4 **First:** In Sec. 2, 16 V.S.A. § 166, by striking out subdivision (b)(9)(A)(vi)
5 (admissions process) in its entirety and inserting in lieu thereof a new
6 subdivision (b)(9)(A)(vi) to read as follows:

7 (vi) the school shall not use an admissions process for publicly
8 tuitioned students that includes mandatory interviews, academic entrance
9 exams, academic history, mandatory campus visits, or consideration of ability
10 to pay for any costs or fees, provided that:

11 (I) the school may consider whether a publicly tuitioned
12 student is in good standing at the school or schools the student most recently
13 attended, which shall be demonstrated by evidence that:

14 (aa) the student has not been legally dismissed or suspended
15 for more than ten days during the preceding twelve months for disciplinary
16 reasons;

17 (bb) the student is making satisfactory progress toward the
18 completion of an approved school or home study program, as applicable; and

19 (cc) the student's school attendance record presents a
20 reasonable likelihood that any attendance requirements at the school will be
21 met;

1 (II) the school may set a capacity limit on the number of
2 publicly tuitioned students the school will accept;

3 (III) the school shall establish a nondiscriminatory selection
4 process, such as a lottery, when the number of publicly tuitioned student
5 applicants exceeds any capacity limits; and

6 (IV) the school may require interviews, entrance exams, review
7 of academic history, or campus visits after a publicly tuitioned student has
8 enrolled in the school;

9 **Second:** In Sec. 2, 16 V.S.A. § 166, by striking out subdivision (b)(9)(B)
10 (private right of action and enforcement) in its entirety and inserting in lieu
11 thereof a new subdivision (b)(9)(B) to read as follows:

12 (B) No private right of action is created by this subdivision (9)
13 against an approved independent school approved by the State Board as
14 eligible to receive public tuition for failure to comply with any of the
15 requirements in this subdivision (9). The State Board is authorized to use its
16 powers under subdivision (5) of this subsection (b) to revoke, suspend, or
17 impose conditions on the eligibility of an approved independent school to
18 receive public tuition for failure to comply with these requirements.

19 Complaints of noncompliance shall be received, investigated, and resolved in
20 accordance with subdivision (b)(5) of this section and State Board of
21 Education rules. A person shall not coerce, threaten, interfere, or otherwise

1 discriminate against any individual who alleges noncompliance with the
2 requirements under this subdivision (9).

3 **Third:** By striking out Sec. 8, 16 V.S.A. § 828 (effective until July 1,
4 2024), in its entirety and inserting in lieu thereof a new Sec. 8 to read as
5 follows:

6 Sec. 8. 16 V.S.A. § 828 is amended to read:

7 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

8 (a) A school district shall not pay the tuition of a student except to a public
9 school, an approved independent school eligible to receive public tuition
10 located in Vermont, an independent school meeting education quality
11 standards, a tutorial program approved by the State Board, an approved
12 education program, a therapeutic school, or an independent school located
13 within 25 miles of the Vermont border in another state or country within 25
14 miles of the Vermont border in a Canadian Province and approved under the
15 laws of that state or country province, nor shall payment of tuition on behalf of
16 a person be denied on account of age. Unless otherwise provided, a person
17 who is aggrieved by a decision of a school board relating to eligibility for
18 tuition payments, the amount of tuition payable, or the school ~~he or she~~ the
19 person may attend, may appeal to the State Board and its decision shall be
20 final.

1 **(b) An independent school located within 25 miles of the Vermont border**
2 **in another state or within 25 miles of the Vermont border in a Canadian**
3 **province** and that is approved under the laws of that **state or province** is
4 eligible to receive public tuition if the following conditions are met:

5 (1) The independent school has adopted and implemented policies and
6 procedures to comply with all antidiscrimination laws applicable to public
7 schools in the **state or province** where the independent school is located and
8 makes reasonable efforts to enforce those policies and procedures, even if
9 those laws by their terms do not apply to the independent school. The school
10 shall attest to compliance with this subdivision on or before August 1 of each
11 year.

12 (2) The independent school posts and maintains on its website in a
13 prominent place its policy to comply with all antidiscrimination laws that apply
14 to public schools in the state **or province** where the independent school is
15 located. The school shall attest to compliance with this subdivision on or
16 before August 1 of each year.

17 (3) The independent school complies with the requirements of
18 subdivision 166(b)(9) of this title, provided that subdivisions 166(b)(9)(**v**) and
19 (**x**) of this title shall not apply.

1 (4) The independent school provides an assurance on or before August 1
2 of each year, signed by the head of school, that no public funds were used to
3 subsidize the tuition of private payer students.

4 **Fourth:** By striking out Sec. 9, 16 V.S.A. § 828 (effective July 1, 2024), in
5 its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

6 Sec. 9. 16 V.S.A. § 828 is amended to read:

7 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

8 (a) A school district shall not pay the tuition of a student except to a public
9 school, an approved independent school **eligible to receive public tuition**
10 located in Vermont, an independent school meeting education quality
11 standards, a tutorial program approved by the State Board, an approved
12 education program, a therapeutic school, or **an independent school located**
13 **within 25 miles of the Vermont border in another state or within 25 miles of**
14 **the Vermont border in a Canadian province and approved under the laws of**
15 **that state or province, that complies with the reporting requirement under**
16 **subsection 4010(c) of this title,** nor shall payment of tuition on behalf of a
17 person be denied on account of age. Unless otherwise provided, a person who
18 is aggrieved by a decision of a school board relating to eligibility for tuition
19 payments, the amount of tuition payable, or the school the person may attend,
20 may appeal to the State Board and its decision shall be final.

21 * * *

1 **Fifth:** By striking out Sec. 16, accreditation transition, in its entirety and
2 inserting in lieu thereof a new Sec. 16 to read as follows:

3 Sec. 16. [Deleted.]

4 **Sixth:** By striking out Sec. 18, moratorium on approval of new approved
5 independent schools, in its entirety and inserting in lieu thereof a new Sec. 18
6 to read as follows:

7 Sec. 18. MORATORIUM ON NEW APPROVED INDEPENDENT
8 SCHOOLS ELIGIBLE TO RECEIVE PUBLIC TUITION

9 All approved independent schools that intend to accept public tuition shall
10 be approved by the State Board of Education as eligible to receive public
11 tuition if the school complies with the provisions of 16 V.S.A. § 166(b)(9),
12 including attesting to compliance with all statutory and regulatory
13 requirements for approved independent schools. The initial compliance
14 attestation created under Sec. 2 of this act is due on or before August 1, 2023
15 and then annually thereafter if the school intends to maintain eligibility to
16 receive public funds. Notwithstanding any provision of law to the contrary,
17 the State Board of Education shall be prohibited from providing initial
18 approval for an approved independent school to be eligible to receive public
19 tuition on or after July 1, 2024 until further direction by the General Assembly.

1 **Seventh:** In Sec. 19, position development; report, following “an approved
2 independent school eligible to receive public tuition.” and prior to “the Agency
3 of Education”, by inserting “on or before January 15, 2024.”

4 **Eighth:** By striking out Sec. 20, effective dates, and its reader assistance
5 heading in its entirety and inserting in lieu thereof a new reader assistance
6 heading and a new section to be Sec. 20 to read as follows:

7 * * * Public School Nonresident Students Admissions Process * * *

8 Sec. 20. 16 V.S.A. § 1093 is amended to read:

9 § 1093. NONRESIDENT STUDENTS

10 (a) A school board may receive into the schools under its charge
11 nonresident students under such terms and restrictions as it deems best, and
12 money received for the instruction of the students shall be paid into the school
13 fund of the district.

14 (b) A nonresident student seeking admission as a publicly tuitioned student
15 under chapter 21 of this title to a public school in a district outside the
16 student’s district of residence shall be admitted if the student has previously
17 attended school and the student is in good standing at the school or schools
18 most recently attended. As used in this section, “good standing” means:

19 (1) the student has not been legally dismissed or suspended for more
20 than ten days during the preceding twelve months for disciplinary reasons;

1 (2) the student is making satisfactory progress toward the completion of
2 an approved school or home study program, as applicable; and

3 (3) the student’s attendance record presents a reasonable likelihood that
4 any existing attendance requirements of the receiving school district will be
5 met.

6 **Ninth:** By adding a new reader assistance heading and a new Sec. 21 to
7 read:

8 * * * Effective Dates * * *

9 Sec. 21. EFFECTIVE DATES

10 (a) This section and Sec. 10 (repeal) shall take effect on passage.

11 (b) In Sec. 2, 16 V.S.A. § 166(b)(9)(A)(vi) and (ix) (admissions process
12 and fees), Sec. 9 (16 V.S.A. § 828), and Sec. 18 (moratorium), shall take effect
13 on July 1, 2024.

14 (c) The remainder of this act shall take effect on July 1, 2023.