

1 H.483

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 request proof of a student’s most recently
12 completed grade;

13 (II) the school may set a capacity limit on the number of
14 publicly tuitioned students the school will accept; and

15 (III) the school shall establish a nondiscriminatory selection
16 process when the number of publicly tuitioned student applicants exceeds any
17 capacity limits;

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

1 (B) No private right of action is created by this subdivision (9)
2 against an approved independent school approved by the State Board as
3 eligible to receive public tuition for failure to comply with any of the
4 requirements in this subdivision (9). The State Board is authorized to use its
5 powers under subdivision (5) of this subsection (b) to revoke, suspend, or
6 impose conditions on the eligibility of an approved independent school to
7 receive public tuition for failure to comply with these requirements.
8 Complaints of noncompliance shall be received, investigated, and resolved in
9 accordance with subdivision (5) of this subsection (b) and State Board of
10 Education rules. A person shall not coerce, threaten, interfere, or otherwise
11 discriminate against any individual who alleges noncompliance with the
12 requirements under this subdivision (9).

13 Third: In Sec. 8, 16 V.S.A. § 828 (effective until July 1, 2024), in
14 subsection (a), after “approved independent school”, by inserting the words
15 “eligible to receive public tuition”

16 Fourth: In Sec. 8, 16 V.S.A. § 828 (effective until July 1, 2024), in
17 subdivision (b)(3), after “provided that subdivisions”, by striking out
18 “166(b)(9)(vi) and (xi) of this title shall not apply.” and inserting in lieu
19 thereof “166(b)(9)(v) and (x) of this title shall not apply. The school shall
20 attest to compliance with this subdivision on or before August 1 of each year.”

1 Fifth: In Sec. 9, 16 V.S.A. § 828 (effective July 1, 2024), in subsection (a),
2 after “approved independent school”, by inserting the words “eligible to
3 receive public tuition”

4 Sixth: In Sec. 15, Agency of Education; forms; report, in subsection (b), by
5 striking out “September 1, 2023” and inserting in lieu thereof “July 1, 2023”

6 Seventh: By striking out Sec. 16, accreditation transition, in its entirety and
7 inserting in lieu thereof a new Sec. 16 to read as follows:

8 Sec. 16. [Deleted.]

9 Eighth: By striking out Sec. 18, moratorium on approval of new approved
10 independent schools, in its entirety and inserting in lieu thereof a new Sec. 18
11 to read as follows:

12 Sec. 18. MORATORIUM ON NEW APPROVED INDEPENDENT
13 SCHOOLS ELIGIBLE TO RECEIVE PUBLIC TUITION

14 Notwithstanding any provision of law to the contrary, the State Board of
15 Education shall be prohibited from providing initial approval for an approved
16 independent school to be eligible to receive public tuition to any school that
17 submits an initial attestation pursuant 16 V.S.A. § 166(b)(9)(x) after August 1,
18 2023. The moratorium created under this section shall remain in effect until
19 further direction by the General Assembly.

1 Ninth: 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 Tenth: In Sec. 20, effective dates, by striking out subsection (a) in its
5 entirety and inserting in lieu thereof a new subsection (a) to read as follows:

6 (a) This section, Sec. 10 (repeal), and in Sec. 15, subdivision (b)
7 (compliance attestation) shall take effect on passage.