

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 461
3 entitled “An act relating to making miscellaneous changes to education laws”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Shared School District Data Management System * * *

8 Sec. 1. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, as amended
9 by 2019 Acts and Resolves No. 72, Sec. E.500.5, 2021 Acts and Resolves No.
10 66, Sec. 15, and 2022 Acts and Resolves No. 185, Sec. E.500.2, is further
11 amended to read:

12 Sec. E.500.1. SHARED SCHOOL DISTRICT ~~FINANCIAL~~ DATA
13 MANAGEMENT SYSTEM

14 (a) ~~Not later than December 31, 2024, all Vermont supervisory unions,~~
15 ~~supervisory districts, school districts, and independent technical center districts~~
16 ~~shall utilize the same school finance and financial data management system.~~
17 ~~The system shall be selected by the Agency of Education per State~~
18 ~~procurement guidelines. [Repealed.]~~

19 * * *

20 Sec. 2. 2021 Acts and Resolves No. 66, Sec. 16, as amended by 2022 Acts and
21 Resolves No. 185, Sec. E.500.3, is further amended to read:

1 Sec. 16. ~~PAUSE~~ SUSPENSION OF IMPLEMENTATION OF SHARED
2 SCHOOL DISTRICT ~~FINANCIAL~~ DATA MANAGEMENT
3 SYSTEM

4 Notwithstanding Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No.
5 11, as amended, the mandatory implementation of the Shared School District
6 Data Management System (SSDDMS) shall be ~~paused until July 1, 2023~~
7 permanently suspended, provided that:

8 (1) ~~the~~ the Agency of Education and its contractor for implementation of the
9 system shall continue to support existing users and any new adopters, as of the
10 date of enactment of this act, of the system; ~~and~~ , within the confines of the
11 existing contract.

12 (2) ~~a supervisory union, supervisory district, school district, or~~
13 ~~independent technical center district may implement or leave SSDDMS during~~
14 ~~the pause period after consultation with the Agency of Education and upon~~
15 ~~approval by its governing body. [Repealed.]~~

16 Sec. 3. REPEAL

17 2021 Acts and Resolves No. 66, Sec. 17, as amended by 2022 Acts and
18 Resolves No. 185, Sec. E.500.4 (Agency of Education report on the
19 implementation of the Shared School District Data Management System), is
20 repealed.

21 * * * National Guard Tuition Benefit Program * * *

1 Sec. 4. 16 V.S.A. § 2857 is amended to read:

2 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

3 (a) Program creation. The Vermont National Guard Tuition Benefit
4 Program (Program) is created, under which a member of the Vermont National
5 Guard (member) who meets the eligibility requirements in subsection (c) of
6 this section is entitled to the following tuition benefit for up to full-time
7 attendance:

8 (1) For courses at any Vermont State College institution or the
9 University of Vermont and State Agricultural College (UVM), the benefit shall
10 be the in-state residence tuition rate for the relevant institution.

11 (2) For courses at any eligible Vermont private postsecondary
12 institution, the benefit shall be the in-state tuition rate charged by UVM.

13 (3) For courses at an eligible training institution offering nondegree,
14 certificate training, or continuing education programs, the benefit shall be the
15 lower of the institution's standard tuition or the in-state tuition rate charged by
16 UVM.

17 (4) For courses at a non-Vermont approved postsecondary education
18 institution approved for federal Title IV funding where the degree program is
19 not available in Vermont, the benefit shall be the in-state tuition rate charged
20 by UVM.

21 * * *

1 assessed at the end of each school year and that the parent or guardian will
2 maintain the record of such assessments. Permitted means of assessment shall
3 include:

4 (A) a standardized assessment, which may be administered by the
5 local school district or a testing service, or administered in a manner approved
6 by the testing company;

7 (B) a review of the student’s progress by an individual who holds a
8 current Vermont teacher’s certificate;

9 (C) a parent or guardian report and portfolio to include a summary of
10 what the student learned during the school year and at least four samples of
11 student work;

12 (D) grades from an online academy or school; or

13 (E) evidence of passing of the GED.

14 (4) For each child not previously enrolled in a Vermont public school or
15 Vermont home study program, independent professional evidence ~~on~~ regarding
16 whether the child has a disability. A comprehensive evaluation to establish
17 eligibilities for special education is not required, but may be ordered by a
18 hearing officer after a hearing under this section documented disability and
19 how the disability may affect the student’s educational progress in a home
20 study program.

1 ~~(5) Subject to the provisions of subsections (k) and (l) of this section, for~~
2 ~~each child being enrolled for the current year, a detailed outline or narrative~~
3 ~~that describes the content to be provided in each subject area of the minimum~~
4 ~~course of study, including any special services or adaptations to be made to~~
5 ~~accommodate any disability. Methods and materials to be used may be~~
6 ~~included but are not required. An attestation that each child being enrolled in~~
7 ~~home study will be provided the equivalent of at least 175 days of instruction~~
8 ~~in the minimum course of study per year, specifically:~~

9 ~~(A) for a child who is younger than 13 years of age, the subject areas~~
10 ~~listed in section 906 of this title;~~

11 ~~(B) for a child who is 13 years of age or older, the subject areas listed~~
12 ~~in subdivisions 906(b)(1), (2), (4), and (5) of this title; or~~

13 ~~(C) for students with documented disabilities, a parent or guardian~~
14 ~~must attest to providing adaptations to support the student in the home study~~
15 ~~program.~~

16 ~~(6) The names, addresses, telephone numbers, and signatures of the~~
17 ~~persons who will provide ongoing instruction in each subject area of the~~
18 ~~minimum course of study, as defined in subsection (i) of this section.~~

19 ~~[Repealed.]~~

20 ~~(7) The signatures of all ~~eustodial~~ parents or guardians with legal~~
21 ~~custody who are legally authorized to make educational decisions for the~~

1 student. In the alternative, the parent seeking enrollment may provide
2 attestation of sole primary educational decision-making authority.

3 (b) ~~Notice to home study programs~~ Enrollment. Within 44 10 business
4 ~~days of receiving an~~ following submission of a complete enrollment notice, the
5 Secretary or designee shall send the home study program a written
6 acknowledgment of receipt, which shall constitute sufficient enrollment
7 verification for purposes of section 1121 of this title. ~~The acknowledgment~~
8 ~~shall include a determination:~~

9 (1) ~~either that the enrollment notice is complete and no further~~
10 ~~information is needed, or specifically identifying information required under~~
11 ~~subsection (a) of this section which is missing. If information is missing, the~~
12 ~~home study program shall provide the additional information in writing within~~
13 ~~14 days; and [Repealed.]~~

14 (2) ~~either that the child may be enrolled immediately or that the child~~
15 ~~may be enrolled 45 days after the enrollment notice was received. At any time~~
16 ~~before the child may be enrolled, the Secretary may order that a hearing be~~
17 ~~held. After notice of such a hearing is received, the child shall not be enrolled~~
18 ~~until after an order has been issued by the hearing officer to that effect.~~

19 [Repealed.]

20 (c) ~~Enrollment reports~~ Withdrawal. ~~Each home study program shall notify~~
21 ~~the Secretary within seven days of the day that any student ceases to be~~

1 enrolled in the program. Within ten days of receiving any enrollment report,
2 the Secretary shall notify the appropriate superintendent of schools. The parent
3 or guardian shall notify the Secretary in writing within 10 business days
4 following the date that any student is withdrawn from the student's home study
5 program.

6 (d) ~~Progress assessment. Each home study program shall assess annually~~
7 ~~the progress of each of its students. Progress shall be assessed in each subject~~
8 ~~area of the minimum course of study, as defined in subsection (i) of this~~
9 ~~section, by one or more of the following methods:~~

10 (1) ~~A report in a form designated by the Secretary, by a teacher licensed~~
11 ~~in Vermont. In determining the form of the report, the Secretary shall consult~~
12 ~~with parents who have provided home study programs for their children.~~
13 ~~Nothing in this section shall be construed to require the Secretary to consult~~
14 ~~with parents on an individual basis regarding the form of a teacher report.~~

15 (2) ~~A report prepared by the student's parents or instructor, or a teacher~~
16 ~~advisory service report from a publisher of a commercial curriculum, together~~
17 ~~with a portfolio of the student's work that includes work samples to~~
18 ~~demonstrate progress in each subject area in the minimum course of study.~~

19 (3) ~~The complete results of a standardized achievement test approved by~~
20 ~~the Secretary, administered in a manner approved by the testing company, and~~

1 ~~scored in accordance with this subdivision. In selecting the list of tests to be~~
2 ~~approved, the Secretary shall:~~

3 ~~(A) Consult with parents who have provided home study programs for~~
4 ~~their children. Nothing in this section shall be construed to require the~~
5 ~~Secretary to consult with parents on an individual basis regarding the test to be~~
6 ~~administered as a progress assessment for their own home study programs.~~

7 ~~(B) Select at least four tests to be scored by a testing company, and at~~
8 ~~least four tests to be administered and scored by a teacher licensed in Vermont~~
9 ~~who is not the parent or legal guardian of the student. [Repealed.]~~

10 ~~(e) Hearings before enrollment. If the Secretary has information that creates~~
11 ~~a significant doubt about whether a home study program can or will provide a~~
12 ~~minimum course of study for a student who has not yet enrolled, the Secretary~~
13 ~~may call a hearing. At the hearing, the home study program shall establish that~~
14 ~~it has complied with this section and will provide the student with a minimum~~
15 ~~course of study. [Repealed.]~~

16 ~~(f) Hearings after enrollment. If the Secretary has information that~~
17 ~~reasonably could be expected to justify an order of termination under this~~
18 ~~section, he or she may call a hearing. At the hearing, the Secretary shall~~
19 ~~establish one or more of the following:~~

20 ~~(1) the home study program has substantially failed to comply with the~~
21 ~~requirements of this section;~~

1 ~~(2) the home study program has substantially failed to provide a student~~
2 ~~with the minimum course of study;~~

3 ~~(3) the home study program will not provide a student with the minimum~~
4 ~~course of study. [Repealed.]~~

5 ~~(g) Notice and procedure. Notice of any hearing shall include a brief~~
6 ~~summary of the material facts and shall be sent to each parent or guardian and~~
7 ~~each instructor of the student or students involved who are known to the~~
8 ~~Secretary. The hearing shall occur within 30 days of the day that notice is~~
9 ~~given or sent. If a notice concerns a child not yet enrolled in a home study~~
10 ~~program, enrollment shall not occur until an order has been issued after the~~
11 ~~hearing. The hearing shall be conducted by an impartial hearing officer~~
12 ~~appointed by the Secretary from a list approved by the State Board. At the~~
13 ~~request of the child's parent or guardian, the hearing officer shall conduct the~~
14 ~~hearing at a location in the vicinity of the home study program. [Repealed.]~~

15 ~~(h) Order following hearing. After hearing evidence, the hearing officer~~
16 ~~shall enter an order within ten working days. If the child is not enrolled, the~~
17 ~~order shall provide that the child be enrolled or that enrollment be disallowed.~~
18 ~~If the child is enrolled, the order shall provide that enrollment be continued or~~
19 ~~that the enrollment be terminated. An order shall take effect immediately.~~
20 ~~Unless the hearing officer provides for a shorter period, an order disallowing or~~
21 ~~terminating enrollment shall extend until the end of the following school year,~~

1 ~~as defined in this title. If the order is to disallow or terminate the enrollment, a~~
2 ~~copy shall be given to the appropriate superintendent of schools, who shall take~~
3 ~~appropriate action to ensure that the child is enrolled in a school as required by~~
4 ~~this title. Following a hearing, the Secretary may petition the hearing officer to~~
5 ~~reopen the case only if there has been a material change in circumstances.~~

6 [Repealed.]

7 (i) ~~The minimum course of study required under this section shall be~~
8 ~~provided every school year, and the educational content provided shall be~~
9 ~~adapted in each area of study to the age and ability of each child and to any~~
10 ~~disability of the child. Nothing in this section requires that a home study~~
11 ~~program follow the program or methods used by the public schools. In this~~
12 ~~section, “minimum course of study” means:~~

13 (1) ~~For a child who is younger than 13 years of age, the subject areas~~
14 ~~listed in section 906 of this title.~~

15 (2) ~~For a child who is 13 years of age or older, the subject areas listed in~~
16 ~~subdivisions 906(b)(1), (2), (4), and (5) of this title, and other subject areas~~
17 ~~selected by the home study program. The child’s progress in the elective areas~~
18 ~~shall not be subject to the annual progress assessment. [Repealed.]~~

19 (j) Waiver. After the filing of the enrollment notice ~~or at a hearing~~, if the
20 home study program is unable to comply with any specific requirements due to
21 deep religious conviction shared by an organized group, the Secretary may

1 waive such requirements if ~~he or she~~ the Secretary determines that the
2 educational purposes of this section are being or will be substantially met.

3 (k) ~~A Vermont home study program that has successfully completed the~~
4 ~~last two consecutive school years of home study with any enrolled child,~~
5 ~~provided those two years fall within the most recent five years, shall not~~
6 ~~thereafter be required to submit an annual detailed outline or narrative~~
7 ~~describing the content of the minimum course of study. For the purposes of~~
8 ~~this subsection, successful completion of a home study program shall mean~~
9 ~~that, in each of the two consecutive years, the program has not been disallowed~~
10 ~~by order of a hearing officer, the previously enrolled student made progress~~
11 ~~commensurate with age and ability in all subject areas of the minimum course~~
12 ~~of study, and the home study program has otherwise complied with the~~
13 ~~requirements of this section.~~ Annual notice. A parent or guardian who has
14 provided a complete enrollment notice as described in subsection (a) of this
15 section shall notify the Secretary on or before the start of each following year
16 of the parent's or guardian's intention to continue to provide instruction
17 through a home study program via a form provided by the Agency of
18 Education. This notice shall be provided at least 10 business days prior to the
19 intended start date of the home study program.

20 (l) ~~A home study program that has successfully completed two consecutive~~
21 ~~school years of home study as defined in subsection (k) of this section shall not~~

1 ~~be exempt from any other requirements of this section and shall annually~~
2 ~~submit a description of special services and adaptations to accommodate any~~
3 ~~disability of the child consistent with subsection (i) of this section. In addition,~~
4 ~~the program shall submit a detailed outline or narrative describing the content~~
5 ~~to be provided in each subject area of the minimum course of study as part of~~
6 ~~its enrollment notice for each child who is 12 years of age at the time the~~
7 ~~enrollment notice is submitted. [Repealed.]~~

8 * * * Vermont Ethnic and Social Equity Standards Advisory

9 Working Group * * *

10 Sec. 6. 2019 Acts and Resolves No. 1, Sec. 1, as amended by 2021 Acts and
11 Resolves No. 66, Sec. 12 and 2022 Acts and Resolves No. 185, Sec. E.500.6,
12 is further amended to read:

13 Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY

14 WORKING GROUP

15 * * *

16 (d) Appointment and operation.

17 * * *

18 (D) The Working Group shall cease to exist on ~~July 1, 2023~~
19 September 1, 2023.

20 (g) Duties of the Working Group.

1 (1) the Chairperson of the Working Group, the designee of the Vermont
2 Human Rights Commission;

3 (2) the Vice Chairperson of the Working Group, the designee of the
4 Vermont-National Education Association;

5 (3) the designee of the Vermont School Boards Association;

6 (4) the designee of the Vermont Superintendents Association;

7 (5) the designee of the Vermont Principals' Association with expertise
8 in the development of school curriculum;

9 (6) the designee of the Vermont Curriculum Leaders Association;

10 (7) the Vermont Coalition for Ethnic and Social Equity in Schools
11 appointee member from Outright Vermont;

12 (8) the Vermont-based, college-level faculty expert in ethnic studies;

13 (9) the designee of the Vermont Office of Racial Equity;

14 (10) the student appointee from Montpelier High School;

15 (11) the designee of the Vermont Independent Schools Association; and

16 (12) the designee of the Agency of Education.

17 (c) Powers and duties. The Advisory Group shall provide assistance to the
18 General Assembly, the Agency of Education, and the State Board of Education
19 on the following recommendations made by the Working Group:

20 (1) proposed revisions and comments to Agency of Education, State
21 Board Rule 2000 Education Quality Standards (CVR 22-000-003);

1 interested school districts, shall establish a regional pilot student driver clinic
2 program to provide the required minimum 6 hours of behind-the-wheel
3 instruction by a certified driver education instructor as required by State Board
4 of Education rule.

5 (1) The Agency and Department shall appoint one or more certified
6 driver education instructors who shall assist in the development of the pilot
7 program.

8 (2) The pilot program shall be designed to be implemented on a regional
9 level, with an adequate number of programs provided to meet the reasonably
10 anticipated needs of all public and approved independent schools participating
11 in the pilot program. The Agency and Department shall partner with
12 participating school districts to define regions.

13 (3) The pilot program shall meet all legal requirements of student driver
14 education and training programs.

15 (4) The Agency and Department shall adopt policies, procedures, and
16 guidelines necessary to implement the pilot program.

17 (b) Implementation. Regional pilot programs developed in accordance
18 with the pilot program created under subsection (a) of this section shall begin
19 offering student driver clinics on or before July 15, 2024.

20 (c) Reports.

1 (1) On or before December 15, 2023, the Agency of Education shall
2 submit a written report to the House and Senate Committees on Education with
3 information on the progress made in developing the pilot program created
4 under this section and the implantation plan for pilot clinics to take place in the
5 summer of 2024. The report shall also include an update on the certification
6 process for driver education teachers and the steps the Agency has taken to
7 address the workforce shortage in driver education. In reporting on the
8 workforce shortage, the Agency shall include any recommendations for
9 legislative action.

10 (2) On or before January 15, 2025, the Agency of Education shall
11 submit a written report to the House and Senate Committees on Education with
12 the results of the pilot program created under this section. The report shall
13 include data relating to the number of participating school districts and
14 participating students and the use of appropriated funds, and any
15 recommendations for program expansion. If the recommendation is to expand
16 the pilot program beyond the initial participating school districts, the report
17 shall include any modifications and resources necessary for the expansion, as
18 well as a timeline for such changes.

19 (d) Appropriation. Notwithstanding 16 V.S.A. § 4025(d), the sum of
20 \$200,000.00 is appropriated from the Education Fund to the Agency of
21 Education in fiscal year 2024 for the purpose of developing a regional pilot

1 student driver clinic program. Prior to using the funds appropriated under this
2 subsection, the Agency shall consult with the Vermont State Highway Safety
3 Office on whether the student driver clinic program created pursuant to this
4 section is eligible for federal highway safety grant funds.

5 * * *Union School District Board Member Nominating Petitions * * *

6 Sec. 9. 16 V.S.A. § 711 is amended to read:

7 § 711. VOTE TO ELECT INITIAL MEMBERS OF THE UNION SCHOOL
8 DISTRICT BOARD

9 * * *

10 (d) Proposed unified union school district. Subject to the provisions of
11 subsections 706(c) (existing union school districts) and 708(b) (necessary and
12 advisable school districts) of this chapter, the voters of each school district
13 identified as “necessary” or “advisable” shall vote whether to elect initial board
14 members of a proposed unified union school district, as follows:

15 * * *

16 (3) At-large representation. When representation on the board of a
17 proposed unified union school district is not apportioned or allocated to the
18 potential towns within the proposed district pursuant to subdivision (1)
19 (proportional to town population) or (2) (modified at-large) of this subsection
20 and the board member is elected at-large:

1 subdivision (1) (proportional to town population) or (2) (modified at large) of
2 this subsection and the board member is elected at-large:

3 (A) The voters of one or more school districts identified as
4 “necessary” to the formation of the proposed union school district shall file a
5 petition nominating a candidate for the office of union school district board
6 member at-large. A petition shall be valid only if:

7 * * *

8 (iii) the petition is signed by at least ~~60~~ 30 voters residing in one
9 or more school districts identified as “necessary” to the formation of the
10 proposed union school district or one percent of the legal voters residing in the
11 combined “necessary” school districts that would form the proposed union
12 school district, whichever is less;

13 * * *

14 Sec. 10. 16 V.S.A. § 730 is amended to read:

15 § 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;

16 NOMINATION AND ELECTION; BOND

17 (a) If by Australian ballot. The provisions of this subsection (~~a~~) shall apply
18 to a unified union school district that conducts elections for board membership
19 by Australian ballot.

20 * * *

21 (2) Modified at-large model: allocation to town; at-large representation.

1 (iii) the petition is signed by at least ~~60~~ 30 voters residing in the
2 unified union school district or one percent of the legal voters in the district,
3 whichever is less;

4 * * *

5 Sec. 11. 16 V.S.A. § 748 is amended to read:

6 § 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT
7 BOARD

8 MEMBERS; NOMINATION AND ELECTION; BOND

9 (a) If by Australian ballot. The provisions of this subsection ~~(a)~~ shall apply
10 to a union elementary or union high school district that conducts elections for
11 board membership by Australian ballot.

12 * * *

13 (2) Modified at-large model: allocation to town; at-large representation.

14 (A) When membership on the board of a union elementary or union
15 high school district is allocated to each member district, but the allocation is
16 not closely proportional to the member district's population and the board
17 member is elected at-large, the voters residing in any one or more of the
18 member districts may file a petition nominating a candidate for board
19 membership under the "modified at-large" model. A petition is valid only if:

20 * * *

1 (iii) the petition is signed by at least ~~60~~ 30 voters residing in the
2 union elementary or union high school district or one percent of the legal
3 voters in the district, whichever is less;

4 * * *

5 (3) At-large representation.

6 (A) When membership on the board of a union elementary or union
7 high school district is not apportioned or allocated pursuant to subdivision (1)
8 (proportional to town population) or (2) (modified at-large) of this subsection
9 (a) (Australian ballot) and the board member is elected at large, the voters
10 residing in any one or more of the member districts may file a petition
11 nominating a candidate for at-large board membership. A petition is valid only
12 if:

13 * * *

14 (iii) the petition is signed by at least ~~60~~ 30 voters residing in the
15 union elementary or union high school district or one percent of the legal
16 voters in the district, whichever is less;

17 * * *

18 * * * Effective Dates * * *

19 Sec. 12. EFFECTIVE DATES

20 (a) Secs. 6 (Ethnic and Social Equity Standards Advisory Working Group)
21 and this section shall take effect on passage.

1 (b) Sec. 7 (Act 1 Technical Advisory Group) shall take effect on September
2 1, 2023.

3 (c) All other sections shall take effect on July 1, 2023.

4

5

6 (Committee vote: _____)

7

8

Senator _____

9

FOR THE COMMITTEE