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H.579

Introduced by Representatives Scheuermann of Stowe, Martin of Wolcott,
Berry of Manchester, Branagan of Georgia, Burditt of West
Rutland, Hebert of Vernon, Higley of Lowell, Komline of
Dorset, Lefebvre of Newark, Parent of St. Albans Town, Strong
of Albany, Tate of Mendon, and Woodward of Johnson

Referred to Committee on

Date:

Subject: Education; operating and paying tuition; governance and funding

Statement of purpose of bill as introduced: This bill proposes to permit a
unified union district meeting certain conditions to provide elementary and
secondary school education by both operating one or more grades and offering
to pay tuition for the same grade or grades.

An act relating to expanding the ability of a unified union district to operate
and pay tuition

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

Sec. 1. DEFINITIONS AND PURPOSE

(a) As used in this act:

(1) "Act 46" means 2015 Acts and Resolves No. 46.

1 (2) “Act 153” means 2010 Acts and Resolves No. 153, as amended by
2 2012 Acts and Resolves No. 156 and Act 46.

3 (b) The purpose of this act is to permit a unified union district which
4 becomes operational on or after July 1, 2016 and on or before July 1, 2019 to
5 concurrently operate and pay tuition for the same grade or grades.

6 (c) A unified union district that concurrently operates and pays tuition for
7 the same grade or grades would not operate in accordance with the governance
8 structures set forth in Act 46 or 153. Notwithstanding this noncompliance, it
9 will be treated as being in full compliance and entitled to the tax and other
10 incentives and benefits otherwise provided to unified union districts which
11 operate in accordance with these governance structures, provided that it meets
12 the other requirements of the act under which it seeks to qualify.

13 Sec. 2. CONCURRENT OPERATION AND TUITION FOR SAME GRADE

14 (a) Notwithstanding any provision of 16 V.S.A. §§ 821, 822, and 822a to
15 the contrary, a unified union district may operate one or more elementary or
16 secondary school grades and offer to pay tuition for those same grades if it
17 meets all of the following conditions:

18 (1) it is created pursuant to either Sec. 6 or 7 of Act 46 or pursuant to
19 Act 153 and, pursuant to the time frames set forth in those acts, becomes
20 operational on or after July 1, 2016 and on or before July 1, 2019;

1 (2) it complies with the requirements of Act 46 or Act 153 applicable to
2 unified union districts created pursuant to these acts, except for the fact that it
3 seeks to operate one or more elementary or secondary school grades and to
4 offer to pay tuition for those same grades;

5 (3) prior to merger, at least one of the merging districts operated a
6 school that included the grade or grades for which concurrent operation and
7 tuition authority is sought, and at least one of the merging districts paid tuition
8 for the same grade or grades for which concurrent authority in this act is
9 sought, and the authority is to be used only for that grade or grades;

10 (4) tuition is paid in the manner and in the amount set forth in 16 V.S.A
11 chapter 21;

12 (5) tuition is paid, as specified in the articles of agreement creating the
13 district, to a school to be selected by the parents or guardians of the student,
14 which may include a public school, an approved independent school, or an
15 independent school meeting school quality standards, within or outside the
16 State;

17 (6) for each grade for which concurrent authority is sought, each
18 resident student in that grade has an equal opportunity to enroll in a
19 district-operated or -designated school or to obtain a tuition voucher; and

20 (7) the articles of agreement creating the district authorize the district to
21 concurrently operate a school and pay tuition, and the articles specify:

1 (A) the grade or grades to which the concurrent authority applies;

2 (B) whether the district shall pay tuition to one or more specified
3 public schools or to any public school selected by the parents or guardians of
4 the student;

5 (C) whether the district shall pay tuition to one or more public
6 schools, approved independent schools, or independent schools meeting school
7 quality standards, or any or all of these options;

8 (D) whether the district shall pay tuition to one or more schools
9 located within or outside the State, or both; and

10 (E) any other element the electorate wishes to decide concerning the
11 manner, method, and amount of tuition payments, in accordance with Title 16.

12 (b) Notwithstanding 16 V.S.A. chapter 11, articles of agreement creating a
13 unified union district for which the concurrent authority is sought may also
14 include provisions by which a member town that paid tuition for a grade or
15 grades prior to merger may ensure that in the future the merged district shall
16 not limit to students residing in that town the tuition options available prior to
17 merger unless voters in that town agree to the limitation. Nothing in this
18 section shall authorize the district to violate the requirement of subdivision
19 (a)(6) of this section.

20 (c) A unified union district that complies with the conditions set forth in
21 this act shall be deemed to satisfy all the conditions set forth in Act 46 or

1 Act 153 with respect to unified union districts formed under those acts, and
2 shall be entitled to all of the associated benefits and privileges.

3 Sec. 3. 16 V.S.A. § 722(a) is amended to read:

4 (a) A union school district shall be known as a unified union district if it
5 provides for the education of resident prekindergarten-grade 12 students,
6 whether by:

7 (1) operating a school or schools for all grades;

8 (2) operating a school or schools for all students in one or more grades
9 and paying tuition for all students in the remaining grade or grades; ~~or~~

10 (3) paying tuition for all grades; or

11 (4) operating a school or schools for all students in one or more grades
12 and paying tuition for all students in the same grade or grades.

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on July 1, 2016.