

1 H.450

2 Introduced by Representatives Strong of Albany, Ainsworth of Royalton,
3 Bancroft of Westford, Bartholomew of Hartland, Batchelor of
4 Derby, Beyor of Highgate, Brennan of Colchester, Canfield of
5 Fair Haven, Cupoli of Rutland City, Frenier of Chelsea, Gage of
6 Rutland City, Gamache of Swanton, Graham of Williamstown,
7 Hebert of Vernon, Higley of Lowell, Hubert of Milton,
8 Lawrence of Lyndon, Lewis of Berlin, Martel of Waterford,
9 McFaun of Barre Town, Morrissey of Bennington, Nolan of
10 Morristown, Pearce of Richford, Quimby of Concord,
11 Rosenquist of Georgia, Savage of Swanton, Smith of Derby,
12 Smith of New Haven, Terenzini of Rutland Town, Troiano of
13 Stannard, Turner of Milton, Van Wyck of Ferrisburgh, and
14 Willhoit of St. Johnsbury

15 Referred to Committee on

16 Date:

17 Subject: Education; expanding access to publicly funded prekindergarten

18 through grade 12 education resources to all students; tuition

19 Statement of purpose of bill as introduced: This bill proposes to ensure that

20 every prekindergarten through grade 12 student in the State has an opportunity

21 to access any publicly funded class, activity, or service offered in the State's

1 public prekindergarten through grade 12 education system. This bill would
2 require the student's school district of residence to permit the student, upon
3 request of the student's legal guardian, to transfer to any other public school in
4 the State that provides an academic course, sports program, officially
5 sponsored extracurricular activity, or service that is offered at the other public
6 school but not at the public school of the student's district of residence, and by
7 requiring the other public school to accept the student, unless there is no
8 physical capacity to accept the student. The school district of residence would
9 pay tuition to the receiving school district.

10 An act relating to creating equal access to public school resources and
11 services

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

13 Sec. 1. 16 V.S.A. § 822a is amended to read:

14 § 822a. PUBLIC ~~HIGH~~ SCHOOL CHOICE

15 (a) Definitions. In this section:

16 (1) "~~High school~~ School" means a public school or that portion of a
17 public school that offers ~~grades 9~~ prekindergarten through grade 12 or some
18 subset of those grades.

1 (2) “Student” means a student’s parent or guardian if the student is a
2 minor or under guardianship and means a student himself or herself if the
3 student is not a minor.

4 (b) Limits on transferring students. A sending ~~high~~ school board may limit
5 the number of resident students who transfer to another ~~high~~ school under this
6 section in each year; provided that in no case shall it limit the potential number
7 of new transferring students to fewer than five percent of the resident students
8 enrolled in the sending ~~high~~ school as of October 1 of the academic year in
9 which the calculation is made or 10 students, whichever is fewer; and further
10 provided that in no case shall the total number of transferring students in any
11 year exceed 10 percent of all resident ~~high~~ school students or 40 students,
12 whichever is fewer.

13 (c) Capacity. On or before February 1 each year, the board of a ~~high~~ school
14 district shall define and announce its capacity to accept students under this
15 section. The Secretary shall develop, review, and update guidelines to assist
16 ~~high~~ school district boards to define capacity limits. Guidelines may include
17 limits based on the physical capacity of the program, class, grade, school
18 building, ~~measurable adverse financial impact~~, or other factors, but shall not be
19 based on the need to provide special education services.

1 (d) Lottery.

2 (1) Subject to the provisions of subsection (f) of this section, if more
3 ~~than the allowable number of~~ students wish to transfer to a school than the
4 receiving school has the physical capacity to accept under this section, then the
5 board of the receiving ~~high~~ school district shall devise a nondiscriminatory
6 lottery system for determining which students may transfer.

7 (2) Subject to the provisions of subsection (f) of this section, if more
8 than the allowable number of students wish to transfer from a school under this
9 section, then the board of the sending ~~high~~ school district shall devise a
10 nondiscriminatory lottery system for determining which students may transfer;
11 provided, however:

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

14 (B) a board that has established limits under subsection (b) of this
15 section may choose to waive those limits in any year, and a board shall waive
16 those limits for a student whose transfer request is due to the lack of
17 availability at the school of residence of an academic course, sports program,
18 officially sponsored extracurricular activity, or service that is offered at the
19 receiving school.

1 (e) Application and notification.

2 (1) A ~~high~~ school district shall accept applications for enrollment until
3 March 1 of the school year preceding the school year for which the student is
4 applying.

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

8 (3) An accepted student shall notify both the sending and the receiving
9 ~~high~~ schools of his or her decision to enroll or not to enroll in the receiving
10 ~~high~~ school by April 15 of the school year preceding the school year for which
11 the student has applied.

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

17 (5) If a student who is enrolled in a ~~high~~ school other than in the school
18 district of residence notifies the school district of residence by July 15 of the
19 intent to return to that school for the following school year, the student shall be
20 permitted to return to the ~~high~~ school in the school district of residence without
21 requiring agreement of the receiving district or the sending district.

1 (f) Enrollment.

2 (1) An enrolled nonresident student shall be permitted to remain
3 enrolled in the receiving ~~high~~ school without renewed applications in
4 subsequent years unless:

5 (A) the student graduates;

6 (B) the student is no longer a Vermont resident; or

7 (C) the student is expelled from school in accordance with adopted
8 school policy.

9 (2) A career technical education (CTE) center serving the region in
10 which a receiving ~~high~~ school district is located shall be the CTE center in
11 which a nonresident student under this section is eligible to enroll. The
12 nonresident student shall be eligible to use any transportation the district
13 provides for resident students attending the CTE center.

14 (g) Tuition and other costs.

15 (1) Unless the sending and receiving schools agree to a different
16 arrangement, no tuition or other cost shall be charged by the receiving district
17 or paid by the sending district for a student transferring to a different ~~high~~
18 school under this section; provided, however, a sending ~~high~~ school district
19 shall pay:

20 (A) special education and career technical education costs for
21 resident students pursuant to the provisions of this title; and

1 (B) tuition for each student whose transfer request is due to the lack
2 of availability at the school of residence of an academic course, sports
3 program, officially sponsored extracurricular activity, or service that is offered
4 at the receiving school.

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

8 (3) A district of residence shall include within its average daily
9 membership any student who transfers to another ~~high~~ school under this
10 section; a receiving school district shall not include any student who transfers
11 to it under this section.

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

1 the receiving ~~high~~ school district and provide an opportunity for
2 representatives of that district to attend the meetings and participate in making
3 decisions.

4 (i) Suspension and expulsion. A sending ~~high~~ school district is not
5 required to provide services to a resident student during a period of suspension
6 or expulsion imposed by another ~~high~~ school district.

7 (j) Transportation. Jointly, the superintendent of each supervisory union
8 shall establish and update a statewide clearinghouse providing information to
9 students about transportation options among the ~~high~~ school districts.

10 (k) Nonapplicability of other laws. The provisions of subsections 824(b)
11 and (c) (amount of tuition), 825(b) and (c) (maximum tuition rate), and 826(a)
12 (notice of tuition change) and section 836 (tuition overcharge and undercharge)
13 of this chapter shall not apply to enrollment in a ~~high~~ school pursuant to this
14 section, except that these provisions shall apply to tuition paid under
15 subdivision (g)(1)(B) of this section.

16 (l) ~~Waiver. If a high school board determines that participation under this~~
17 ~~section would adversely affect students in its high school, then it may petition~~
18 ~~the Secretary for an exemption. The Secretary's decision shall be final.~~

19 (m) Report. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report
20 annually in January to the Senate and House Committees on Education on the
21 implementation of public ~~high~~ school choice as provided in this section,

1 including a quantitative and qualitative evaluation of the program's impact on
2 the quality of educational services available to students and the expansion of
3 educational opportunities.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2017.