

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 167
3 entitled “An act relating to miscellaneous amendments to education law”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Public Construction Bids * * *

8 Sec. 1. 16 V.S.A. § 559 is amended to read:

9 § 559. PUBLIC BIDS

10 * * *

11 (b) High-cost construction contracts. When a school construction contract
12 exceeds ~~\$500,000.00~~ \$2,000,000.00:

13 (1) The State Board shall establish, in consultation with the
14 Commissioner of Buildings and General Services and with other
15 knowledgeable sources, general rules for the prequalification of bidders on
16 such a contract. The Department of Buildings and General Services, upon
17 notice by the Secretary, shall provide to school boards undergoing construction
18 projects suggestions and recommendations on bidders qualified to provide
19 construction services.

20 (2) At least 60 days prior to the proposed bid opening on any
21 construction contract to be awarded by a school board that exceeds

1 ~~\$500,000.00~~ \$2,000,000.00, the school board shall publicly advertise for
2 contractors interested in bidding on the project. The advertisement shall
3 indicate that the school board has established prequalification criteria that a
4 contractor must meet and shall invite any interested contractor to apply to the
5 school board for prequalification. All interested contractors shall submit their
6 qualifications to the school board, which shall determine a list of eligible
7 prospective bidders based on the previously established criteria. At least 30
8 days prior to the proposed bid opening, the school board shall give written
9 notice of the board's determination to each contractor that submitted
10 qualifications. The school board shall consider all bids submitted by
11 prequalified bidders meeting the deadline.

12 (c) Contract award.

13 (1) A contract for any such item or service to be obtained pursuant to
14 subsection (a) of this section shall be ~~awarded to one of~~ selected from among
15 the three or fewer lowest responsible bids conforming to specifications, with
16 consideration being given to quantities involved, time required for delivery,
17 purpose for which required, competency and responsibility of bidder, and ~~his~~
18 ~~or her~~ the bidder's ability to render satisfactory service. A board shall have the
19 right to reject any or all bids.

20 (2) A contract for any property, construction, good, or service to be
21 obtained pursuant to subsection (b) of this section shall be awarded to the

1 lowest responsible bid conforming to specifications. However, when
2 considering the base contract amount and without considering cost overruns, if
3 the two lowest responsible bids are within one percent of each other, the board
4 may award the contract to either bidder. A board shall have the right to reject
5 any bid found not to be responsible or conforming to specifications or to reject
6 all bids.

7 * * *

8 (e) Application of this section. Any contract entered into or purchase made
9 in violation of the provisions of this section shall be void; provided, however,
10 that:

11 (1) The provisions of this section shall not apply to contracts for the
12 purchase of books or other materials of instruction.

13 (2) A school board may name in the specifications and invitations for
14 bids under this section the particular make, kind, or brand of article or articles
15 to be purchased or contracted.

16 (3) Nothing in this section shall apply to emergency repairs.

17 (4) ~~Nothing in this section shall be construed to prohibit a school board~~
18 ~~from awarding a school nutrition contract after using any method of bidding or~~
19 ~~requests for proposals permitted under federal law for award of the contract.~~
20 ~~Notwithstanding the monetary amount in subsection (a) of this section for~~
21 ~~which a school board is required to advertise publicly or invite three or more~~

1 ~~bids or requests for proposal, a school board is required to publicly advertise or~~
2 ~~invite three or more bids or requests for proposal for purchases made from the~~
3 ~~nonprofit school food service account for purchases in excess of the federal~~
4 ~~simplified acquisition threshold when purchasing food or in excess of~~
5 ~~\$25,000.00 when purchasing nonfood items, unless a municipality sets a lower~~
6 ~~threshold for purchases from the nonprofit school food service account. The~~
7 provisions of this section shall not apply to contracts for the purchase of food
8 made from a nonprofit school food services account.

9 * * *

10 * * * Postsecondary Schools Chartered in Vermont * * *

11 Sec. 2. 16 V.S.A. § 176(d) is amended to read:

12 (d) Exemptions. The following are exempt from the requirements of this
13 section except for the requirements of subdivision (c)(1)(C) of this section:

14 * * *

15 (4) Postsecondary schools that are accredited. The following
16 postsecondary institutions are accredited, meet the criteria for exempt status,
17 and are authorized to operate educational programs beyond secondary
18 education, including programs leading to a degree or certificate: Bennington
19 College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green~~
20 ~~Mountain College~~, Landmark College, ~~Marlboro College~~, Middlebury College,
21 ~~New England Culinary Institute~~, Norwich University, Saint Michael's College,

1 SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont
2 College of Fine Arts, and Vermont Law and Graduate School. This
3 authorization is provided solely to the extent necessary to ensure institutional
4 compliance with federal financial aid-related regulations, and it does not affect,
5 rescind, or supersede any preexisting authorizations, charters, or other forms of
6 recognition or authorization.

7 * * *

8 Sec. 3. 2023 Acts and Resolves No. 29, Sec. 6(c) is amended to read:

9 (c) Sec. 2 (16 V.S.A. § 1480) shall take effect on ~~July 1, 2024~~ July 1, 2025.

10 * * * Holocaust Education * * *

11 Sec. 4. HOLOCAUST EDUCATION; DATA COLLECTION; REPORT

12 (a) On or before December 1, 2024, the Agency of Education shall request
13 from all supervisory unions information regarding how Holocaust education is
14 taught in the prekindergarten through grade 12 supervisory union-wide
15 curriculum. The Agency may consult with such entities as the U.S. Holocaust
16 Museum and the Vermont Holocaust Memorial.

17 (b) On or before September 1, 2025, Supervisory unions shall report back
18 to the Agency with the information requested pursuant to subsection (a) of this
19 section.

20 (c) On or before January 1, 2026, the Agency shall submit a written report
21 to the Senate and House Committees on Education with information, organized

1 by supervisory union, regarding the inclusion of Holocaust education in
2 curriculum across the State.

3 * * * Virtual Learning * * *

4 Sec. 5. 16 V.S.A. § 948 is added to read:

5 § 948. VIRTUAL LEARNING

6 (a) The Agency of Education shall maintain access to and oversight of a
7 virtual learning provider for the purpose of offering virtual learning
8 opportunities to Vermont students.

9 (b) A student may enroll in virtual learning if:

10 (1) the student is enrolled in a Vermont public school, including a
11 Vermont career technical center;

12 (2) virtual learning is determined to be an appropriate learning pathway
13 outlined in the student’s personalized learning plan; and

14 (3) the student’s learning experience occurs under the supervision of an
15 appropriately licensed educator and aligns with State expectations and
16 standards, as adopted by the Agency and the State Board of Education, as
17 applicable.

18 (c) The Agency of Education shall adopt rules pursuant to 3 V.S.A. chapter
19 25 to implement this section.

1 (d) A school district shall count a student enrolled in virtual learning in the
2 school district’s average daily membership, as defined in section 4001 of this
3 title, if the student meets all of the criteria in subsection (b) of this section.

4 Sec. 6. 16 V.S.A. § 942(13) is amended to read:

5 (13) “Virtual learning” means ~~learning in which the teacher and student~~
6 ~~communicate concurrently through real time telecommunication.~~ “Virtual
7 ~~learning” also means online learning in which communication between the~~
8 ~~teacher and student does not occur concurrently and the student works~~
9 ~~according to his or her own schedule~~ an intentionally designed learning
10 environment for online teaching and learning using online design principles
11 and teachers trained in the delivery of online instruction. This instruction may
12 take place either in a self-paced environment or a real-time environment.

13 * * * Home Study Program * * *

14 Sec. 7. 16 V.S.A. § 166b is amended to read:

15 § 166b. HOME STUDY PROGRAM

16 (a) Enrollment notice. A parent or legal guardian shall send the Secretary
17 notice of intent to enroll the parent’s or legal guardian’s child in a home study
18 program at least 10 business days prior to commencing home study. Such
19 notice shall be submitted via a form developed by the Agency of Education. A
20 notice under this subsection shall include the following:

21 * * *

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

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

5 (3) the home study program will not provide a student with the
6 minimum course of study; or

7 (4) the home study program has failed to show progress commensurate
8 with age and ability in the annual assessment maintained by the home study
9 program.

10 (f) Notice and procedure. Notice of a hearing shall include a brief
11 summary of the material facts and shall be sent to each parent or guardian and
12 each instructor of the student or students involved who are known to the
13 Secretary. The hearing shall occur within 30 days following the day that
14 notice is given or sent. The hearing shall be conducted by an impartial hearing
15 officer appointed by the Secretary from a list approved by the State Board. At
16 the request of the child's parent or guardian, the hearing officer shall conduct
17 the hearing at a location in the vicinity of the home study program.

18 (g) Order following hearing. After hearing evidence, the hearing officer
19 shall enter an order within 10 working days. The order shall provide that
20 enrollment be continued or that the enrollment be terminated. An order shall
21 take effect immediately. Unless the hearing officer provides for a shorter

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

8 * * *

9 * * * Secretary of Education Search * * *

10 Sec. 8. 3 V.S.A. § 2702 is amended to read:

11 § 2702. SECRETARY OF EDUCATION

12 (a) With the advice and consent of the Senate, the Governor shall appoint a
13 Secretary of Education from among ~~no~~ not fewer than three candidates
14 proposed by the State Board of Education. ~~The Secretary shall serve at the~~
15 ~~pleasure of the Governor.~~

16 (1) The State Board shall begin a robust national search process not later
17 than 60 days after public notification of the resignation of a Secretary of
18 Education.

19 (2) The names and credentials of the candidates proposed by the State
20 Board shall be made public at the same time they are forwarded to the
21 Governor for consideration.

1 (3) The State Board may request the funds necessary to utilize outside
2 resources for the search process required pursuant to this subsection.

3 (b) The Secretary shall report directly to the Governor and shall be a
4 member of the Governor’s Cabinet.

5 (c) At the time of appointment, the Secretary shall have:

6 (1) expertise in education management and policy and;

7 (2) demonstrated leadership and management abilities;

8 (3) knowledge of prekindergarten through grade 12 public educational
9 policy and practice;

10 (4) familiarity with school governance structures and practices typical of
11 Vermont or similar states;

12 (5) experience with executive and legislative entities in the public sector
13 at the state or local levels or experience in private sector governance and
14 leadership;

15 (6) knowledge of fiscal and tax policy and education-funding issues at
16 the federal, state, and local levels;

17 (7) diversity of educational experiences and background;

18 (8) experience driving organizational effectiveness and continuous
19 improvement in large organizations; and

1 (9) effectiveness in oral, written, and multiple media communication
2 with the public, special constituencies, interest groups, decision-makers, and
3 employees.

4 (d) The Secretary shall serve at the pleasure of the Governor.

5 *** Agency of Education Financial Data Report ***

6 **Sec. 9. EDUCATION FINANCE INFORMATION; AGENCY OF**

7 **EDUCATION; REPORT**

8 On or before September 15, 2024, the Agency of Education shall submit a
9 written report to the General Assembly that shall include the following
10 information for fiscal years 2023 and 2024:

11 (1) a financial analysis of the cost of the mental health services provided
12 by school districts and paid for from the Education Fund, broken down by
13 costs in the following categories:

14 (A) mental health staffing costs;

15 (B) mental health transportation related costs; and

16 (C) costs associated with educating students outside the district due
17 to mental health or behavioral needs;

18 (2) the districts that provide for the education of their students in any
19 grade by paying tuition, including the following information, by school
20 district:

21 (A) the number of students tuitioned in each grade; and

1 (B) the name and location of the schools students are tuitioned to,
2 including the number of students in each school district attending a particular
3 school and the amount of tuition charged by each receiving school; and

4 (3) an analysis of whether an inter agency collaboration between the
5 Agencies of Education and of Human Services to provide the social services
6 currently provided by school districts is possible and, if so, what the possible
7 advantages or disadvantages to such a collaboration may be.

8 *** Overpayment of Education Taxes ***

9 **Sec. 12. COMPENSATION FOR OVERPAYMENT**

10 (a) Notwithstanding any provision of law to the contrary, the sum of
11 \$29,224.00 shall be transferred from the Education Fund to the Town of
12 Canaan in fiscal year 2025 to compensate the homestead taxpayers of the
13 Town of Canaan for an overpayment of education taxes in fiscal year 2024 due
14 to erroneous accounting of certain students for the purposes of calculating
15 average daily membership. The transfer under this subsection shall be made
16 directly to the Town of Canaan.

17 (b) Notwithstanding any provision of law to the contrary, the sum of
18 \$5,924.00 shall be transferred from the Education Fund to the Town of
19 Bloomfield in fiscal year 2025 to compensate the homestead taxpayers of the
20 Town of Bloomfield for an overpayment of education taxes in fiscal year 2024
21 due to erroneous accounting of certain students for the purposes of calculating

1 average daily membership. The transfer under this subsection shall be made
2 directly to the Town of Bloomfield.

3 (c) Notwithstanding any provision of law to the contrary, the sum of
4 \$2,575.00 shall be transferred from the Education Fund to the Town of
5 Brunswick in fiscal year 2025 to compensate the homestead taxpayers of the
6 Town of Brunswick for an overpayment of education taxes in fiscal year 2024
7 due to erroneous accounting of certain students for the purposes of calculating
8 average daily membership. The transfer under this subsection shall be made
9 directly to the Town of Brunswick.

10 (d) Notwithstanding any provision of law to the contrary, the sum of
11 \$6,145.00 shall be transferred from the Education Fund to the Town of East
12 Haven in fiscal year 2025 to compensate the homestead taxpayers of the Town
13 of East Haven for an overpayment of education taxes in fiscal year 2024 due to
14 erroneous accounting of certain students for the purposes of calculating
15 average daily membership. The transfer under this subsection shall be made
16 directly to the Town of East Haven.

17 (e) Notwithstanding any provision of law to the contrary, the sum of
18 \$2,046.00 shall be transferred from the Education Fund to the Town of Granby
19 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
20 Granby for an overpayment of education taxes in fiscal year 2024 due to
21 erroneous accounting of certain students for the purposes of calculating

1 average daily membership. The transfer under this subsection shall be made
2 directly to the Town of Granby.

3 (f) Notwithstanding any provision of law to the contrary, the sum of
4 \$10,034.00 shall be transferred from the Education Fund to the Town of
5 Guildhall in fiscal year 2025 to compensate the homestead taxpayers of the
6 Town of Guildhall for an overpayment of education taxes in fiscal year 2024
7 due to erroneous accounting of certain students for the purposes of calculating
8 average daily membership. The transfer under this subsection shall be made
9 directly to the Town of Guildhall.

10 (g) Notwithstanding any provision of law to the contrary, the sum of
11 \$20,536.00 shall be transferred from the Education Fund to the Town of Kirby
12 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
13 Kirby for an overpayment of education taxes in fiscal year 2024 due to
14 erroneous accounting of certain students for the purposes of calculating
15 average daily membership. The transfer under this subsection shall be made
16 directly to the Town of Kirby.

17 (h) Notwithstanding any provision of law to the contrary, the sum of
18 \$2,402.00 shall be transferred from the Education Fund to the Town of
19 Lemington in fiscal year 2025 to compensate the homestead taxpayers of the
20 Town of Lemington for an overpayment of education taxes in fiscal year 2024
21 due to erroneous accounting of certain students for the purposes of calculating

1 average daily membership. The transfer under this subsection shall be made
2 directly to the Town of Lemington.

3 (i) Notwithstanding any provision of law to the contrary, the sum of
4 \$11,464.00 shall be transferred from the Education Fund to the Town of
5 Maidstone in fiscal year 2025 to compensate the homestead taxpayers of the
6 Town of Maidstone for an overpayment of education taxes in fiscal year 2024
7 due to erroneous accounting of certain students for the purposes of calculating
8 average daily membership. The transfer under this subsection shall be made
9 directly to the Town of Maidstone.

10 (j) Notwithstanding any provision of law to the contrary, the sum of
11 \$4,349.00 shall be transferred from the Education Fund to the Town of Norton
12 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
13 Norton for an overpayment of education taxes in fiscal year 2024 due to
14 erroneous accounting of certain students for the purposes of calculating
15 average daily membership. The transfer under this subsection shall be made
16 directly to the Town of Norton.

17 (k) Notwithstanding any provision of law to the contrary, the sum of
18 \$2,657.00 shall be transferred from the Education Fund to the Town of Victory
19 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
20 Victory for an overpayment of education taxes in fiscal year 2024 due to
21 erroneous accounting of certain students for the purposes of calculating

1 average daily membership. The transfer under this subsection shall be made
2 directly to the Town of Victory.

3 * * * Effective Date * * *

4 Sec. 11. EFFECTIVE DATE

5 This act shall take effect on July 1, 2024.

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12 (Committee vote: _____)

13

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Representative _____

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FOR THE COMMITTEE