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H.142

Introduced by Representatives Jewett of Ripton, Clarkson of Woodstock,  
Conquest of Newbury, Lanpher of Vergennes, Maier of  
Middlebury, Mook of Bennington, Mrowicki of Putney, Nuovo  
of Middlebury, Sharpe of Bristol, Stevens of Shoreham,  
Sweaney of Windsor, Webb of Shelburne and Zuckerman of  
Burlington

Referred to Committee on

Date:

Subject: Education; No Child Left Behind Act; noncompliance

Statement of purpose: This bill proposes to direct the state board of education  
not to comply with the testing and consequence provisions of the federal No  
Child Left Behind Act of 2001.

An act relating to noncompliance with the No Child Left Behind Act of  
2001

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

Sec. 1. STATE BOARD OF EDUCATION; NONCOMPLIANCE WITH

THE NO CHILD LEFT BEHIND ACT

(a) The reauthorization of the federal Elementary and Secondary Education  
Act of 1965 known as the No Child Left Behind Act of 2001 includes

1 provisions that change and refocus Vermont state education policy. Vermont  
2 has worked hard to craft an education system that fits our unique  
3 circumstances and that has resulted in an excellent education system. Our  
4 students consistently score among the highest on national standardized tests.  
5 The No Child Left Behind Act not only changes our education policies, it  
6 encourages us to redirect funds from programs that we have built over the  
7 years toward a few items that the No Child Left Behind Act uses to measure a  
8 successful school.

9 (b) Therefore, the state board of education is directed not to implement  
10 amendments to Title I of the Elementary and Secondary Education Act of 1965  
11 made in the reauthorization of the act under the No Child Left Behind Act of  
12 2001. The board shall implement the Vermont state assessment system as  
13 envisioned in No. 60 of the Acts of 1997 but shall not require more statewide  
14 testing, establish different standards, or impose more consequences than those  
15 authorized under Act 60.

16 (c) Schools, school districts, supervisory unions, school administrators,  
17 teachers, other school personnel, the state board of education, and the state  
18 department of education shall comply with Vermont state law where any  
19 provision of the federal No Child Left Behind Act of 2001 conflicts with state  
20 law.

1       Sec. 2. 16 V.S.A. § 144b is amended to read:

2       § 144b. FEDERAL EDUCATION AID FUNDS; ADMINISTRATION

3       ~~(a) The state board of education, as sole state agency, may administer such~~  
4       ~~federal funds as may be made available to the state under Public Law 89-10,~~  
5       ~~known as the Elementary and Secondary Education Act of 1965 as amended,~~  
6       ~~and Public Law 107-110, known as the No Child Left Behind Act of 2001.~~

7       Those funds may be accepted and shall be distributed and accounted for by the  
8       state treasurer in accordance with that law and rules and regulations of the  
9       United States issued under it if there is conflict between that law or those rules  
10      and regulations and the laws of this state.

11      ~~(b) For purposes of distribution of funds under this section, a supervisory~~  
12      ~~union or supervisory district shall be a local education agency as that term is~~  
13      ~~defined in 20 U.S.C. § 7801(26).~~

14      ~~(c) For purposes of determining pupil performance and application of~~  
15      ~~consequences for failure to meet standards and for provision of compensatory~~  
16      ~~and remedial services pursuant to 20 U.S.C. §§ 6311-6318, a school district~~  
17      ~~shall be a local education agency.~~

18      Sec. 3. 16 V.S.A. § 261a(4) and (6) are amended to read:

19             (4) in accordance with criteria established by the state board, establish a  
20      plan for receiving and disbursing federal and state funds distributed by the  
21      department of education, including funds awarded under P.L. 89-10, the

1 Elementary and Secondary Education Act of 1965 as amended, except that the  
2 plan need not include provisions to comply with amendments to Title I of the  
3 act made after January 1, 2001;

4 (6) provide or, if agreed upon by unanimous vote at a supervisory union  
5 meeting, coordinate provision of the following educational services on behalf  
6 of member districts:

7 (A) special education;

8 (B) ~~except as provided in section 144b of this title,~~ compensatory and  
9 remedial services; and

10 (C) other services as directed by the state board and local boards;

11 Sec. 4. REPEAL

12 (a) 16 V.S.A. § 563(26) (local school boards' responsibilities under the No  
13 Child Left Behind Act of 2001) is repealed.

14 (b) Secs. 2, 3, and 4 of No. 64 of the Acts of 2003, as amended by Secs. 13  
15 and 14 of No. 182 of the Acts of the 2005 Adj. Sess. (2006), as amended by  
16 Sec. 35 of No. 154 of the Acts of the 2007 Adj. Sess. (2008), are repealed.