

1 H.318

2 Introduced by Representatives Masland of Thetford and Cheney of Norwich

3 Referred to Committee on

4 Date:

5 Subject: Education; school choice; lottery; review

6 Statement of purpose: This bill proposes to provide the opportunity for a
7 student or parent to ask for and receive a final determination by the
8 commissioner of education regarding a school district's refusal to allow the
9 student to attend a specific secondary school at public expense.

10 An act relating to providing the commissioner of education the authority to
11 make a final determination regarding student transfers

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

13 Sec. 1. 16 V.S.A. § 822(c) is amended to read:

14 (c) The school board may both maintain a high school and furnish high
15 school education by paying tuition to a public school as in the judgment of the
16 board may best serve the interests of the pupils, or to an approved independent
17 school if the board judges that a pupil has unique educational needs that cannot
18 be served within the district or at a nearby public school. ~~Its judgment shall be~~
19 ~~final in regard to the institution the pupils may attend at public cost. If the~~
20 board determines that the pupil does not have a unique educational need that

1 cannot be served within the district or at a nearby public school, the pupil may
2 submit a written statement to the commissioner detailing the reasons
3 supporting enrollment at the approved independent school. The written
4 statement shall be hand-delivered or postmarked no later than the end of the
5 15th day after the date on which the board delivers its decision. The
6 commissioner may request additional information from the pupil or the school
7 board or both. The commissioner's determination shall be provided within 30
8 days after receiving the written request and shall be final.

9 Sec. 2. 16 V.S.A. § 827(d) is amended to read:

10 (d) The school board may pay tuition to another approved high school as
11 requested if in its judgment that will best serve the interests of the pupil. ~~Its~~
12 ~~decision shall be final in regard to the institution the pupil may attend~~ If the
13 board denies the request, the parent or guardian may submit a written statement
14 to the commissioner detailing the reasons supporting his or her request. The
15 written statement shall be hand-delivered or postmarked no later than the end
16 of the 15th day after the date on which the board delivers its decision. The
17 commissioner may request additional information from the parent or guardian,
18 or the school board, or both. The commissioner's determination shall be
19 provided within 30 days after receiving the written request and shall be final.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage and shall apply to decisions for the

3 2009–2010 academic year and after.