

1 S.127

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; tuition; school budget; divided vote; excess spending;

5 Medicaid

6 Statement of purpose: This bill proposes to authorize school districts that do  
7 not maintain a secondary school but provide for the education of secondary  
8 students by paying tuition to exclude tuition payments from the calculations  
9 required to determine if a proposed budget shall be presented by means of a  
10 divided question and for purposes of calculating excess spending. It also  
11 proposes to encourage districts to seek waivers of school quality standards that  
12 impede efficient operation or innovative and effective teaching methods and to  
13 use Medicaid funds for programs facilitating the early identification of and  
14 intervention with children with disabilities. The bill would require a district  
15 that does not maintain an elementary school to allow a student to enroll in an  
16 approved independent school at public cost; the amount of tuition paid by the  
17 district would be capped. It would make a clarification to the statute  
18 addressing high school tuition paid to an approved independent high school.  
19 The bill would permit a district that does not maintain a secondary school to  
20 designate a public school as the public school to which it would pay tuition  
21 (current law permits designation only of approved independent schools), but

1 would allow a parent to enroll a student in another school at public cost with  
2 the amount of tuition paid by the district capped.

3 An act relating to small school districts that pay tuition for their resident  
4 students

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

6 \* \* \* Tuition; Proposed Budgets; Divided Vote; Excess Spending \* \* \*

7 Sec. 1. 16 V.S.A. § 563(11)(D) is added to read:

8 (D) Notwithstanding any other provision of law to the contrary, if a  
9 district does not maintain a secondary school and provides for the education of  
10 its resident pupils in grades 7–12 or in grades 9–12 by paying tuition pursuant  
11 to subdivision 822(a)(1) of this title, then the district’s anticipated spending for  
12 tuition in the year for which the budget is proposed shall not be included in the  
13 definition of education spending pursuant to subdivision 4001(6) of this title  
14 for purposes of determining if the proposed budget shall be presented by  
15 means of a divided question under subdivision (11)(A) of this section or for  
16 purposes of calculating excess spending under subdivision 5401(12) of  
17 Title 32.

1                                   \* \* \* Waivers; School Quality Standards \* \* \*

2       Sec. 2. WAIVERS; SCHOOL QUALITY STANDARDS

3           The general assembly encourages school district and supervisory union  
4       boards to request the state board of education to exercise its authority to  
5       provide waivers for compliance with any Vermont school quality standard that  
6       a board can demonstrate is duplicative or that impedes the efficient operation  
7       of the district or supervisory union or the use of innovative and effective  
8       methods to promote learning through which a student may achieve or exceed  
9       the expectations of the Vermont Framework of Standards and Learning  
10       Opportunities.

11                                   \* \* \* Special Education \* \* \*

12       Sec. 3. 16 V.S.A. § 2959a(e) is amended to read:

13           (e) School districts shall utilize funds received under this section to pay for  
14       reasonable costs of administering the Medicaid claims process, and for  
15       prevention and intervention programs in grades pre-K through 12. The  
16       programs shall be designed to facilitate early identification of and intervention  
17       with children with disabilities and to ensure all students achieve rigorous and  
18       challenging standards adopted in the Vermont framework of standards and  
19       learning opportunities or locally adopted standards, without resulting in  
20       additional financial cost to the district that exceeds the amount received under  
21       this section. They shall be research-based programs shown to improve student

1 learning in the early grades and should be designed to encourage greater  
2 educational continuity for students and enhanced communication between  
3 educators working in different grades. A school district shall provide an  
4 annual written justification to the commissioner of education of the use of the  
5 funds. Such annual submission shall show how the funds' use is expressly  
6 linked to those provisions of the school district's action plan that directly relate  
7 to improving student performance. A school district shall include in its annual  
8 report the amount of the prior year's Medicaid reimbursement revenues and the  
9 use of Medicaid funds consistent with the purposes set forth in this subsection.

10 \* \* \* Tuition; Designated Schools; Parental Choice \* \* \*

11 Sec. 4. 16 V.S.A. § 821 is amended to read:

12 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY  
13 SCHOOLS OR PAY TUITION

14 (a) Elementary school. Each school district shall provide, furnish, and  
15 maintain one or more approved schools within the district in which elementary  
16 education for its pupils is provided unless:

17 (1) The electorate authorizes the school board to provide for the  
18 elementary education of the pupils residing in the district by paying tuition in  
19 accordance with law to one or more public elementary schools in one or more  
20 school districts.

21 \* \* \*

1 (d) Notwithstanding subsection (a) of this section, the electorate of a school  
2 district that does not maintain an elementary school may grant general  
3 authority to the school board to pay tuition for an elementary pupils pupil at an  
4 approved independent nonresidential elementary schools school upon request  
5 of a notice given by the pupil's parent or legal guardian, if in the board's  
6 judgment the pupil's educational interests can be better served there. The  
7 board's decision shall be final in regard to the institution the pupil may attend  
8 before April 15 for the next academic year; provided the board shall pay tuition  
9 for the pupil in an amount not to exceed the lesser of the statewide average  
10 announced tuition of Vermont union elementary schools or the average  
11 per-pupil tuition the district pays for its other resident elementary pupils in the  
12 year or years in which the pupil is enrolled in the approved independent  
13 school.

14 Sec. 5. 16 V.S.A. § 824(c) is amended to read:

15 (c) ~~For students in grades 7-12, the~~ The district shall pay an amount not to  
16 exceed the average announced tuition of Vermont union high schools for  
17 ~~students in grades 7-12 for~~ the year of attendance for its pupils enrolled in an  
18 approved independent school not functioning as a Vermont area technical  
19 center, or any higher amount approved by the electorate at an annual or special  
20 meeting warned for that purpose.

1 Sec. 6. 16 V.S.A. § 827 is amended to read:

2 § 827. DESIGNATION OF A PUBLIC HIGH SCHOOL OR AN

3 APPROVED INDEPENDENT HIGH SCHOOL AS THE SOLE

4 PUBLIC HIGH SCHOOL OF A SCHOOL DISTRICT

5 (a) A school district not maintaining an approved public high school may  
6 vote on such terms or conditions as it deems appropriate, to designate an  
7 approved independent school or a public school as the public high school of  
8 the district.

9 (b) ~~When~~ Except as otherwise provided in this section, if the board of  
10 trustees or the school board of ~~such~~ the designated school votes to accept this  
11 designation the school shall be regarded as a public school for tuition purposes  
12 under subsection 824(b) of this title and the school district shall pay tuition to  
13 ~~the~~ that school only, until such time as the school district or the board of  
14 trustees of the school votes to rescind the designation.

15 (c) A parent or legal guardian who is dissatisfied with the instruction  
16 provided at the school or who cannot obtain for his or her child the kind of  
17 course or instruction desired there, or whose child can be better accommodated  
18 in an approved independent or public high school nearer his or her home, ~~may~~  
19 request shall notify the school board before April 15 of the decision to enroll  
20 the child in another school in the next academic year and the school board ~~to~~  
21 shall pay tuition to ~~another~~ the other approved independent or public high

1 school; provided the board shall pay tuition for the pupil in an amount not to  
2 exceed the lesser of the statewide average announced tuition of Vermont union  
3 high schools or the per-pupil tuition the district pays to the designated school  
4 in the year or years in which the pupil is enrolled in the nondesignated school.

5 ~~(d) The school board may pay tuition to another approved high school as~~  
6 ~~requested if in its judgment that will best serve the interests of the pupil. Its~~  
7 ~~decision shall be final in regard to the institution the pupil may attend.~~

8 (e) If a school district votes to rescind a designation, whether or not it also  
9 votes to designate a different school, any student attending the originally  
10 designated school may choose to complete his or her education at that school  
11 and, notwithstanding any other provision of law to the contrary, the district  
12 shall continue to pay tuition to the originally designated school for the student  
13 pursuant to subsection 824(b) of this title. In addition, a sibling of the student  
14 who would have been enrolled in the originally designated school in any year  
15 of the student's enrollment may also enroll in the school under the terms of this  
16 subsection.

17 (f) When a school district designates an approved independent or public  
18 high school under this section, any student currently attending another school  
19 may choose to complete his or her education at that school and,  
20 notwithstanding any other provision of law to the contrary, the district shall  
21 continue to pay tuition to the school for the student pursuant to subsection

1     824(b) or (c) of this title, as applicable. In addition, a sibling of the student  
2     who would have been enrolled in the original school in any year of the  
3     student's enrollment may also enroll in the school under the terms of this  
4     subsection.

5                                   \* \* \* Effective Date \* \* \*

6     Sec. 7. EFFECTIVE DATE

7         This act shall take effect on passage.