

S.136

An act relating to reducing the drop-out rate in Vermont secondary schools to zero by the year 2020

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

* * * Policy * * *

Sec. 1. ZERO IN TEN INITIATIVE; POLICY

It is a priority of the general assembly and the department of education to take all necessary measures to reduce the drop-out rate in Vermont secondary schools to zero by the year 2020.

* * * Early Identification of At-Risk Students; Flexible
Pathways to Graduation * * *

Sec. 2. 16 V.S.A. chapter 99 is amended to read:

CHAPTER 99. GENERAL POLICY

§ 2901. SUCCESS FOR ALL STUDENTS IN THE GENERAL
EDUCATION ENVIRONMENT

(a) It is the policy of the state that each local school district develop and maintain, in consultation with parents, a comprehensive system of education that will result, to the extent appropriate, in all students succeeding in the general education environment. A comprehensive system of education includes a full range of services and accommodations ~~which~~ that are needed by students in the district. These services could include a separate alternative

program if the district finds that some of its students could be better served in an environment outside the classroom, or if the district finds that separate placement is the best way to provide services to a student who is disrupting the class or having difficulty learning in a traditional school setting for educational, emotional, or personal reasons and thereby impairing the ability of the classroom teacher to provide quality services to that student or to ~~the other pupils~~ students. This chapter does not replace or expand entitlements created by federal law, nor is it the intent of this chapter to create a higher standard for maintaining a student in the general classroom than the standard created in the following federal laws: 20 U.S.C. § 1401 et seq., Individuals with Disabilities Act; 29 U.S.C. § 794, Section 504 of the Rehabilitation Act; and 42 U.S.C. § 12101 et seq., Americans with Disabilities Act.

(b) [Repealed.]

(c) No individual entitlement or private right of action is created by this section.

§ 2902. EDUCATIONAL SUPPORT SYSTEM AND EDUCATIONAL
SUPPORT TEAM

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain an educational support system for ~~children~~ students who require additional assistance in order to succeed or to be challenged to meet their full potential in the general education

environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the educational support system either to the superintendent pursuant to a contract entered into under section 267 of this title, or to the principal. The educational support system shall, at a minimum, include an educational support team and a range of support and remedial services, including instructional and behavioral interventions and accommodations.

(b) The educational support system shall:

- (1) Be integrated to the extent appropriate with the general education curriculum.
- (2) Be designed to increase the ability of the general education system to meet the needs of all students.
- (3) Be designed to provide students the support needed regardless of eligibility for categorical programs.
- (4) Provide clear procedures and methods for ~~handling a student who~~ addressing student behavior that is disruptive to the learning environment and ~~shall include provision of~~ educational options, support services, and consultation or training for staff where appropriate. Procedures may include ~~provision for~~ removal of ~~the a~~ student from the classroom or the school building for as long as appropriate, consistent with state and federal law and

the school's policy on student discipline, and after reasonable effort has been made to support the student in the regular classroom environment.

(5) Ensure collaboration with families, community supports, and the system of health and human services.

(c) Each educational support system shall include an educational support team ~~which~~ that shall:

(1) ~~Provide a procedure for timely referral for evaluation for special education eligibility when warranted.~~

~~(2) Be composed of staff from a variety of teaching and support services positions.~~

(2) Provide a procedure for timely referral for evaluation for special education eligibility when warranted.

(3) Screen referrals to determine what classroom accommodations and remedial services have been tried.

(4) Assist teachers in planning and providing services and accommodations to students in need of classroom supports or enrichment activities.

(5) Evaluate all students enrolled in the sixth grade to identify each student whose academic progress, behavior, attendance record, level of engagement with the school community, or other indicators identified by the school suggest a high level of risk that the student will not complete his or her

secondary education. The commissioner shall develop and publish guidelines for the evaluation. The educational support team may also evaluate an individual student in any grade for the student's risk of non-completion.

(6) Maintain a written record of its actions.

(d) No individual entitlement or private right of action is created by this section.

(e) The commissioner shall establish guidelines for teachers and administrators in following federal laws relating to provision of services for children with disabilities and the implementation of this section.

(f) It is the intent of the general assembly that a gifted and talented student shall be able to take advantage of services that an educational support team can provide. It is not the intent of the general assembly that funding under chapter 101 of this title shall be available for a gifted and talented student unless the student has been otherwise determined to be a student for whom funding under that chapter is available.

§ 2903. PREVENTING EARLY SCHOOL FAILURE; READING

INSTRUCTION

(a) Statement of policy. The ability to read is critical to success in learning. Children who fail to read by the end of the first grade will likely fall further behind in school. The personal and economic costs of reading failure are enormous both while the student remains in school and long afterward. All

students need to receive systematic reading instruction in the early grades from a teacher who is skilled in teaching reading through a variety of instructional strategies that take into account the different learning styles and language backgrounds of the students. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered.

(b) Foundation for literacy. The state board of education, in collaboration with the agency of human services, higher education, literacy organizations, and others, shall develop a plan for establishing a comprehensive system of services for early education in the first three grades to ensure that all students learn to read by the end of the third grade. The plan shall be submitted to the general assembly by January 15, 1998 and shall be updated at least once every five years.

(c) Reading instruction. A public school ~~which~~ that offers instruction in grades one, two, or three shall provide highly effective, ~~research-based~~ reading instruction to all students. In addition, for ~~any~~ a student in grade four or higher whose reading performance falls below the level expected in order to achieve third grade reading proficiency, as defined under subdivision 164(9) of this title, the school in which the student is enrolled shall work to improve the student's reading skills by providing additional ~~research-based~~ reading instruction ~~to the student~~, and by providing support and information to parents and other family members.

§ 2903a. SECONDARY SCHOOL COMPLETION; FLEXIBLE

PATHWAYS TO GRADUATION

(a) Targeted assistance. If a student is identified as being at risk under subdivision 2902(c)(5) of this chapter or otherwise, and either the student's reading performance falls two or more grades below grade-level expectations or the student has a five-Carnegie-unit deficit for on-time graduation, then the school district in which the student is enrolled shall provide targeted academic supports and accommodations, such as individual tutoring, literacy instruction, alternative and extended scheduling, and opportunities to earn necessary credits, pursuant to guidelines developed by the commissioner.

(b) Flexible alternatives. Each school district operating a school shall develop and enhance flexible, programs designed to provide each student identified as being at risk under subdivision 2902(c)(5) of this chapter with the supports and accommodations necessary to complete secondary school with the education and skills critical for success after graduation. The commissioner shall develop and publish guidelines to assist districts to meet the requirements of this subsection. Examples of potential program components include:

(1) The assignment of one or more adult mentors from within the school community to provide continuity in the form of individual academic, career,

and emotional support to the student from the time the student is identified as being at risk until the student's completion of secondary school.

(2) The development of a personal education plan by the student, the adult mentor or another representative of the district, and the student's parent or legal guardian, whose participation the district shall make all reasonable efforts to ensure. The plan, which shall be reviewed and updated at least annually, shall identify the strategies necessary for the student to complete secondary school with the skills and education necessary for success after graduation.

(3) The opportunity to acquire knowledge and skills through applied or work-based learning opportunities.

(4) The opportunity to participate in dual enrollment courses, with tutorial support provided as needed.

(5) Assessments that allow the student to demonstrate proficiency by applying his or her knowledge and skills to tasks that are of interest to that student.

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Sec. 3. 16 V.S.A. § 1049a is amended to read:

§ 1049a. HIGH SCHOOL COMPLETION PROGRAM

(a) In this section:

(1) "Graduation education plan" means a written plan leading to a high school diploma for a person who is 16 to 22 years of age, and has not received a high school diploma, and is not who may or may not be enrolled in a public or approved independent school. The plan shall define the scope and rigor of services necessary for the student to attain a high school diploma, and may describe educational services to be provided by a public high school, an approved independent high school, an approved provider, or a combination of these.

(2) "Approved provider" means an ~~agency~~ entity approved by the commissioner to provide educational services which may be counted for credit toward a high school diploma.

(3) "Contracting agency" means an agency that has entered into a contract with the department of education to provide adult education services in Vermont.

(b) ~~The commissioner shall assign~~ If a student who wishes to work on a graduation education plan is not enrolled in a public or approved independent school, then the commissioner shall assign the student to a high school district, which shall be the district of residence whenever possible. ~~Upon assignment,~~ the The school district in which the student is enrolled or to which he or she has been assigned shall work with an agency which has entered into contract with the department of education to provide adult education services in

~~Vermont~~ the contracting agency and the student to develop a graduation education plan. The school district shall award a high school diploma upon successful completion of the plan.

(c) The commissioner shall reimburse, and net cash payments where possible, a ~~town school district, city school district, union school district, unified union school district, incorporated school district, or member school district of an interstate school district which~~ that has agreed to a graduation education plan in an amount:

(1) established by the commissioner for development of the graduation education plan and for other educational services typically provided by the district or an approved independent school pursuant to the plan, such as counseling, health services, participation in ~~co-curricular~~ cocurricular activities, and participation in academic or other courses, provided this amount shall be available only to a school district to which a nonenrolled student has been assigned; and

(2) negotiated by the commissioner and the contracting agency ~~which has entered into contract with the department of education to provide adult education services in Vermont~~, with the approved provider, for services and outcomes purchased from the approved provider on behalf of the student pursuant to the graduation education plan.

(d) On or before January 30 of each year, ~~beginning in 2008~~, the commissioner shall report to the senate and house committees on education on the number of students participating in a graduation education plan, the number completing a plan, and the amount paid. The commissioner shall present the information organized by school district, approved independent school, and approved provider.

Sec. 4. HIGH SCHOOL COMPLETION PROGRAM; GRADUATION
EDUCATION PLAN; GUIDELINES

(a) The graduation education plan for each 16- and 17-year-old student shall include services relevant to the student's goals, such as:

(A) Career exploration.

(B) Workforce training.

(C) Workplace readiness training.

(D) Preparation for postsecondary training or education and transitioning assistance.

(b) The graduation education plan for each student who is 18 years of age or older should include services relevant to the student's goals, such as those listed in subsection (a) of this section.

(c) The commissioner shall develop and publish guidelines to assist in the implementation of this section.

Sec. 5. MEASURING SECONDARY SCHOOL DROP-OUT RATES

(a) On or before December 31, 2009, the commissioner of education shall develop an accurate, uniform, and reliable method for defining and measuring secondary school drop-out rates on a school-by-school basis, including appropriate cohort identification, and shall set benchmarks for assessing individual school performance relative to the goal of reducing the rate to zero by the year 2020.

(b) On or before January 15 of each year through January 2020, the commissioner shall report to the senate and house committees on education regarding the state's progress in achieving the goal of a zero percent drop-out rate. At the time of the report, the commissioner shall also recommend other initiatives, if any, to improve both graduation rates and secondary school success for all Vermont students.

(c) Annually through 2020, each school district operating one or more secondary schools shall report to the taxpayers at the time school budgets are presented for approval regarding the district's progress in achieving the goal of a zero percent drop-out rate.

Sec. 6. FLEXIBLE PATHWAYS TO GRADUATION

(a) Research by commissioner. On or before January 15, 2010, the commissioner of education shall:

(1) Evaluate the prevalence and success of flexible, programs and practices currently used by Vermont schools to identify and support students at risk of not completing secondary school and shall identify schools that need assistance to begin or enhance their practices.

(2) Develop guidelines to assist school districts to identify and support, pursuant to Sec. 2 of this act, students at risk of not completing secondary school.

(b) Responsibilities of school districts. On or before September 1, 2010, each school district that operates a school, as applicable, shall:

(1) Establish the process necessary to identify at-risk students pursuant to Sec. 2 of this act and begin the identification required by that section.

(2) Develop a plan by which it will implement flexible, programs and practices to support students at risk of not completing secondary school; provided:

(A) Initial implementation of the planned programs and practices shall begin no later than September 1, 2010.

(B) Full implementation of the planned programs and practices shall occur no later than September 1, 2013.

(c) From monies appropriated to the department during the 2009 legislative session from the federal State Fiscal Stabilization Fund, the commissioner shall provide funding to school districts to assist them to plan, begin, or enhance

flexible, programs as set forth in this act during the 2009–2010 academic year. Priority shall be given to school districts that intend to create supports where none have existed or improve inadequate support systems. By September 1, 2009, the commissioner shall develop and announce the process by which school districts may apply for funding under this subsection.

(d) Each school district that operates a school shall use Medicaid funding received under 16 V.S.A. § 2959a or shall restructure existing operations within the district, or both, to sustain the programs and practices beyond the initial phase funded by subsection (c) of this section so that they do not cause increased education property tax rates.

(e) On or before January 15 of each year through January 2020, the commissioner shall report to the senate and house committees on education regarding implementation of this section.