

1 S.297

2 Introduced by Committee on Education

3 Date: March 16, 2010

4 Subject: Education; distance learning; postsecondary schools; designated
5 schools; school food programs; data errors; student information
6 systems

7 Statement of purpose: This bill proposes to make miscellaneous changes to
8 education law. The bill would:

- 9 (1) permit school districts to enter into a contract with out-of-state
10 distance learning programs that are approved by one or more federally
11 recognized accrediting entities;
- 12 (2) exempt accredited postsecondary schools that are not chartered in
13 Vermont from also obtaining state board of education approval;
- 14 (3) codify session law that permits the districts of Pawlet, Rupert, and
15 Wells to designate a New York public high school as the public high school of
16 the district, and make other miscellaneous changes to the statute permitting
17 designation of high schools;
- 18 (4) update statutes regarding the role of supervisory unions in
19 connection with school food programs;
- 20 (5) amend the requirement for school districts to report errors in data
21 submitted in connection with payments due to or from the education fund; and

1 (6) require the department of education to complete phased
2 implementation of the student information system required by No. 38 of the
3 Acts of 2009 no later than January 1, 2013, rather than 2017.

4 An act relating to miscellaneous changes to education law

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

6 * * * Distance Learning; Out-of-State Programs * * *

7 Sec. 1. 16 V.S.A. § 166(b)(6) is amended to read:

8 (6) This subdivision applies to an independent school located in
9 Vermont ~~which~~ that offers a distance learning program ~~of elementary or~~
10 ~~secondary education through correspondence, electronic mail, satellite~~
11 ~~communication, or other means and which~~ that, because of its structure, does
12 not meet some or all the rules of the state board for approved independent
13 schools. In order to be approved under this subdivision, a school shall meet
14 the standards adopted by rule of the state board for approved independent
15 schools ~~which~~ that can be applied to the applicant school and any other
16 standards or rules adopted by the state board regarding these types of schools.
17 A school approved under this subdivision shall not be eligible to receive tuition
18 payments from public school districts under chapter 21 of this title. ~~However,~~
19 ~~a school district may enter into a contract or contracts with a school approved~~

1 ~~under this subdivision for provisions of some education services for its~~
2 ~~students.~~

3 Sec. 2. 16 V.S.A. § 563(32) is added to read:

4 (32) May enter into a contract or contracts with a school offering a
5 distance learning program that is approved by one or more accrediting agencies
6 recognized by the United States Department of Education or is approved in
7 Vermont pursuant to subdivision 166(b)(6) of this title.

8 * * * Postsecondary Accreditation * * *

9 Sec. 3. 16 V.S.A. § 176a(d) is amended to read:

10 (d) Exemptions. The following are exempt from all the requirements of
11 this section except for the requirements of subdivision (e)(2) of this section:

12 * * *

13 (3) Postsecondary schools that are accredited by one or more agencies
14 recognized by the United States Department of Education.

15 (4) Nondegree-granting or noncredit-granting postsecondary schools
16 ~~which~~ that offer only training in the vocations.

17 (4)(5) Religious instruction ~~which~~ that does not result in earning credits
18 or a degree.

1 * * * Designation of Public and Approved Independent High Schools * * *

2 Sec. 4. 16 V.S.A. § 827 is amended to read:

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

4 APPROVED INDEPENDENT HIGH SCHOOL AS THE SOLE

5 PUBLIC HIGH SCHOOL OF A SCHOOL DISTRICT

6 (a) A school district not maintaining an approved public high school may
7 vote on such terms or conditions as it deems appropriate, to designate an
8 approved independent school or a public school as the public high school of
9 the district. Notwithstanding any other provision of law to the contrary, the
10 school districts of Pawlet, Rupert, and Wells are authorized to vote to
11 designate a public high school located in New York as the public high school
12 of the district pursuant to the provisions of this section.

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

19 (c) A parent or legal guardian who is dissatisfied with the instruction
20 provided at the designated school or who cannot obtain for his or her child the
21 kind of course or instruction desired there, or whose child can be better

1 accommodated in an approved independent or public high school nearer his or
2 her home during the next academic year, may request on or before April 15
3 that the school board pay tuition to another approved independent or public
4 high school selected by the parent or guardian.

5 (d) The school board may pay tuition to another approved high school as
6 requested by the parent or legal guardian if in its judgment that will best serve
7 the interests of the pupil. Its decision shall be final in regard to the institution
8 the pupil may attend. If the board approves the parent's request, the board
9 shall pay tuition for the pupil in an amount not to exceed the ~~least~~ lesser of:

10 (1) ~~The statewide average announced tuition of Vermont union high~~
11 ~~schools.~~

12 (2) The per-pupil tuition the district pays to the designated school in the
13 year in which the pupil is enrolled in the nondesignated school, provided the
14 parent shall pay the balance of the tuition charged by the nondesignated school.

15 (3)(2) The tuition charged by the approved nondesignated school in the
16 year in which the pupil is enrolled.

17 * * * School Food Programs; Supervisory Unions * * *

18 Sec. 5. 16 V.S.A. § 1262a is amended to read:

19 § 1262a. AWARD OF GRANTS

20 (a) The state board of education may, from funds appropriated for this
21 subsection to the department of education, award grants to ~~school boards~~

1 ~~which~~ supervisory unions that establish and operate food programs, provided
2 the amount of any grant shall not be more than the amount necessary, in
3 addition to the charge made for the meal and any reimbursement from federal
4 funds, to pay the actual cost of the meal.

5 (b) The state board may, from funds available to the department of
6 education for this subsection, award grants to ~~school districts which~~
7 supervisory unions that need to initiate or expand food programs in order to
8 meet the requirements of section 1264 of this title and ~~which that~~ seek
9 assistance in meeting the cost of initiation or expansion. The amount of the
10 grants shall be limited to seventy-five percent of the cost deemed necessary by
11 the commissioner to construct, renovate or acquire additional facilities and
12 equipment to provide lunches to all pupils, and shall be reduced by the amount
13 of funds available from federal or other sources, including those funds
14 available under section 3448 of this title. The state board, upon
15 recommendation of the commissioner, shall direct ~~school districts~~ supervisory
16 unions seeking grants under this section to share facilities and equipment
17 within the supervisory union and with other supervisory unions for the
18 provision of lunches wherever more efficient and effective operation of food
19 programs can be expected to result.

20 (c) On a quarterly basis, from state funds appropriated to the department of
21 education for this subsection, the state board shall award to each ~~school district~~

1 supervisory unions a sum equal to the amount that would have been the student
2 share of the cost of all breakfasts actually provided in the district during the
3 previous quarter to students eligible for a reduced price breakfast under the
4 federal school breakfast program.

5 Sec. 6. 16 V.S.A. § 1262b is amended to read:

6 § 1262b. REGULATIONS

7 The state board of education shall adopt regulations governing grants under
8 section 1262a of this title. Such regulations shall provide for grants to ~~local~~
9 ~~school programs~~ supervisory unions from state funds in accordance with
10 guidelines of food programs as defined under federal law. The state board of
11 education may adopt such other rules and regulations as are necessary to carry
12 out the provisions of this subchapter.

13 Sec. 7. 16 V.S.A. § 1264 is amended to read:

14 § 1264. FOOD PROGRAM

15 (a) Each ~~school board actually operating a public school shall cause to~~
16 ~~operate within the school district~~ supervisory union shall ensure that there is a
17 food program ~~which~~ that makes ~~available~~ a school lunch, as provided in the
18 National School Lunch Act as amended, and a school breakfast, as provided in
19 the National Child Nutrition Act as amended, available to each attending pupil
20 every school day in all public schools within the supervisory union. In the
21 event of an emergency, ~~the school board~~ a supervisory union may apply to the

1 department for a temporary waiver of this daily operating requirement for one
2 or more schools within the supervisory union. The commissioner shall grant
3 the requested waiver if he or she finds that it is unduly difficult for the school
4 ~~district~~ or schools to serve a school lunch or breakfast, or both, and if he or she
5 finds that the ~~school district~~ supervisory union has exercised due diligence in
6 its efforts to avoid the emergency situation ~~which~~ that gives rise to the need for
7 the requested waiver. In no event shall the waiver extend for a period to
8 exceed 20 school days.

9 (b) The state shall be responsible for the student share of the cost of
10 breakfasts provided to all students eligible for a reduced price breakfast under
11 the federal school breakfast program.

12 Sec. 8. 16 V.S.A. § 1265 is amended to read:

13 § 1265. EXEMPTION; PUBLIC DISCUSSION

14 (a) The ~~school~~ board of a school district ~~which~~ that wishes to be exempt
15 from the provisions of section 1264 of this title may vote at a meeting warned
16 and held for that purpose to exempt itself from the requirement to operate
17 either the school lunch program or the school breakfast program, or both, for a
18 period of one year.

19 (b) If a school ~~board~~ is exempt from operating a breakfast or lunch
20 program, ~~annually it~~ the school board shall conduct a discussion annually on
21 whether to continue the exemption. The pending discussion shall be included

1 on the agenda at a regular or special school board meeting publicly noticed in
2 accordance with ~~subsection 1~~ V.S.A. § 312(c) of Title 4, and citizens shall be
3 provided an opportunity to participate in the discussion. The school board
4 shall send a copy of the notice to the commissioner and to the superintendent
5 of the supervisory union at least ten days prior to the meeting. Following the
6 discussion, the school board shall vote on whether to continue the exemption
7 for one additional year.

8 (c) On or before the November 1, ~~previous~~ prior to the date on which an
9 exemption voted under this section is due to expire, the commissioner shall
10 notify the ~~school board~~ boards of the affected school district and supervisory
11 union in writing that the exemption will expire.

12 (d) Following a meeting held pursuant to subsection (b) of this section, the
13 school board shall send a copy of the agenda and minutes to the commissioner
14 and the superintendent of the supervisory union.

15 * * * Data Errors * * *

16 Sec. 9. 16 V.S.A. § 4030 is amended to read:

17 § 4030. DATA SUBMISSION; CORRECTIONS

18 (a) Upon discovering an error or change in data submitted to the
19 commissioner for the purpose of determining payments to or from the
20 education fund, a school district shall report the error or change to the

1 commissioner as soon as possible. Any budget deficit or surplus due to the
2 error or change shall be carried forward to the following year.

3 (b) The commissioner shall use data submitted on or before January 15
4 prior to the fiscal year which begins the following July 1, in order to calculate
5 the amounts due each school district for any fiscal year for the following:

- 6 (1) ~~the adjusted education payments due under section 4011 of this title;~~
7 ~~(2)~~ transportation aid due under Sec. 98 of Act No. 71 of 1998; and
8 ~~(3)~~(2) the small school support grant due under section 4015 of this title.

9 (c) The commissioner shall use data corrections regarding local education
10 budget amounts submitted on or before June 15 prior to the fiscal year which
11 begins the following July 1, in order to calculate the ~~amounts due each school~~
12 ~~district~~ adjusted education payments due under section ~~4027~~ 4011 of this title.

13 However, the commissioner may use data submitted after June 15 and prior to
14 July 15 due to unusual or exceptional circumstances as determined by the
15 commissioner.

16 (d) The commissioner shall not use data corrected due to an error submitted
17 following the deadlines to recalculate the equalized pupil ratio under
18 subdivision 4001(3) of this title. The commissioner shall not adjust payments
19 to or from the education fund if an error or change is reported more than three
20 fiscal years following the date that the original data was due. Adjustments to
21 payments to or from the education fund under this section shall be made on the

1 earliest date possible after the fiscal year in which the error was reported, and
2 in accordance with the schedules set forth in subsection 4028(a) of this title
3 and ~~section 32 V.S.A. § 5402 of Title 32~~, and after the necessary appropriation
4 by the general assembly.

5 (e) The board may adopt rules as necessary to implement the provisions of
6 this section.

7 * * * Student Information System * * *

8 Sec. 10. Sec. 3(3) of No. 38 of the Acts of 2009 is amended to read:

9 (3) To the extent funds are available, begin phased implementation of
10 the data system no later than January 1, 2010, to be complete in all districts in
11 the state by January 1, ~~2017~~ 2013.

12 * * * Effective Date * * *

13 Sec. 11. EFFECTIVE DATE

14 This act shall take effect on July 1, 2010.