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H.613

Introduced by Representative Emmons of Springfield

Referred to Committee on

Date:

Subject: Corrections; education; Community High School of Vermont

Statement of purpose: This bill proposes to amend the structure of the
Community High School of Vermont board, correct references to an existing
job title in statute, and eliminate local advisory boards as they relate to the
Community High School of Vermont.

An act relating to governance of the Community High School of Vermont

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

~~Sec. 1. 28 V.S.A. § 120 is amended to read:~~

~~§ 120. CORRECTIONS DEPARTMENT EDUCATION PROGRAM;~~

~~INDEPENDENT SCHOOL~~

~~(a) Authority. An education program is established within the department
of corrections for the education of persons who have not completed secondary
education and who are committed to the custody of the commissioner of
corrections.~~

~~(b) Applicability of education provisions. The education program shall be
approved by the state board of education as an independent school under~~

1 ~~16 V.S.A. § 166, shall comply with the school quality standards provided by~~

2 16 V.S.A. § 165, and shall be coordinated with adult education, special
3 education, and technical education.

4 (c) Program supervision. The commissioner of corrections shall appoint an
5 ~~education supervisor~~ a director of corrections education, who shall be licensed
6 as an administrator under 16 V.S.A. chapter 51, to supervise the ~~community~~
7 ~~high school~~ Community High School of Vermont and coordinate use of other
8 education programs by persons under the supervision of the commissioner.

9 (d) Curriculum. The education program shall offer a minimum course of
10 study, as defined in 16 V.S.A. § 906, at each correctional facility and
11 department service center, but is not required to offer a driver training course
12 or a physical educational course.

13 (e) Commissioner of education's designation of special education program.
14 Notwithstanding any law to the contrary, the commissioner of education, in
15 accordance with the provisions of 16 V.S.A. chapter 101, shall designate a
16 program to provide for the special education of eligible persons who are under
17 the custody of the commissioner of corrections. ~~Within the limits of funds~~
18 ~~made available for this specific purpose, the commissioner of education shall~~
19 ~~pay the costs of this program in excess of costs defined in subsection (g) of this~~
20 ~~section.~~

1 ~~(f) Reimbursement payments. The provision of 16 V.S.A. § 4012, relating~~
2 to payment for state-placed students, shall not apply to the corrections
3 education program.

4 (g) [Repealed.]

5 (h) Required participation. All persons under the custody of the
6 commissioner of corrections who are under the age of 23 and have not received
7 a high school diploma shall participate in the education program unless
8 exempted by the commissioner.

9 Sec. 2. 28 V.S.A. § 121 is amended to read:

10 § 121. COMMUNITY HIGH SCHOOL OF VERMONT BOARD

11 (a) A board is established for the purpose of advising the ~~education~~
12 ~~supervisor~~ director of corrections education as the superintendent of the
13 Community High School of Vermont, the independent school established in
14 section 120 of this title. The board shall have supervision over policy
15 formation for the ~~independent school~~ Community High School of Vermont,
16 except as otherwise provided, shall recommend school policy to the
17 ~~commissioner of corrections, shall oversee local advisory boards of the school~~
18 director of corrections education, and shall perform such other duties as
19 requested from time to time by the commissioner of ~~education or of~~
20 corrections.

1 ~~(b) The board shall consist of nine members, each appointed by the~~
2 ~~governor for a three-year term subject to the advice and consent of the senate,~~
3 ~~in such a manner that no more than three terms shall expire annually, as~~
4 ~~follows:~~

5 ~~(1) Six representatives from the membership of local advisory boards~~
6 ~~serving the school sites, not to include more than one member from any~~
7 ~~advisory board selected to ensure geographic representation throughout the~~
8 ~~state.~~

9 ~~(2) Three members-at-large.~~

10 ~~(c) The board shall appoint a chair and vice chair, each of whom shall serve~~
11 ~~for one year or until a successor is appointed by the board.~~

12 ~~(d) The board shall report on its activities annually to the state board of~~
13 ~~education secretary of the agency of human services.~~

14 ~~(e) The board may, with the approval of the commissioner of corrections,~~
15 ~~appoint the education supervisor of the independent school.~~

16 Sec. 3. EFFECTIVE DATE

17 ~~This act shall take effect on passage.~~

Sec. 1. 28 V.S.A. § 120 is amended to read:

§ 120. CORRECTIONS DEPARTMENT EDUCATION PROGRAM;

INDEPENDENT SCHOOL

(a) *Authority.* An education program is established within the department of corrections for the education of persons who have not completed secondary education and who are committed to the custody of the commissioner of corrections.

(b) *Applicability of education provisions.* The education program shall be approved by the state board of education as an independent school under 16 V.S.A. § 166, shall comply with the school quality standards provided by 16 V.S.A. § 165, and shall be coordinated with adult education, special education, and technical education.

(c) *Program supervision.* The commissioner of corrections shall appoint ~~an education supervisor~~ a director of corrections education, who shall be licensed as an administrator under 16 V.S.A. chapter 51, to ~~supervise the community high school~~ serve as the superintendent of the Community High School of Vermont and coordinate use of other education programs by persons under the supervision of the commissioner.

(d) *Curriculum.* The education program shall offer a minimum course of study, as defined in 16 V.S.A. § 906, and special education programs as required in 16 V.S.A. chapter 101 at each correctional facility and department service center, but is not required to offer a driver training course or a physical educational course.

~~(e) Commissioner of education's designation of special education program. Notwithstanding any law to the contrary, the commissioner of education, in accordance with the provisions of 16 V.S.A. chapter 101, shall designate a program to provide for the special education of eligible persons who are under the custody of the commissioner of corrections. Within the limits of funds made available for this specific purpose, the commissioner of education shall pay the costs of this program in excess of costs defined in subsection (g) of this section. [Repealed.]~~

~~(f) Reimbursement payments. The provision of 16 V.S.A. § 4012, relating to payment for state-placed students, shall not apply to the corrections education program.~~

~~(g) [Repealed.]~~

~~(h) Required participation. All persons under the custody of the commissioner of corrections who are under the age of 23 and have not received a high school diploma shall participate in ~~the~~ an education program unless exempted by the commissioner.~~

~~Sec. 2. 28 V.S.A. § 121 is amended to read:~~

~~§ 121. COMMUNITY HIGH SCHOOL OF VERMONT BOARD~~

~~(a) A board is established for the purpose of advising the ~~education supervisor~~ director of corrections education when serving as the superintendent of the Community High School of Vermont, the independent~~

school established in section 120 of this title. The board shall have supervision over policy formation for the ~~independent school~~ Community High School of Vermont, except as otherwise provided, shall recommend school policy to the ~~commissioner of corrections, shall oversee local advisory boards of the school~~ director of corrections education, may create a structure for local advisory boards as it deems appropriate, and shall perform such other duties as requested from time to time by the commissioner of education or of corrections.

(b) The board shall consist of nine members, each appointed by the governor for a three-year term subject to the advice and consent of the senate, in such a manner that no more than three terms shall expire annually, as follows:

(1) Six representatives ~~from the membership of local advisory boards serving the school sites, not to include more than one member from any advisory board~~ selected to ensure geographic representation throughout the state.

(2) Three members-at-large.

(c) The board shall appoint a chair and vice chair, each of whom shall serve for one year or until a successor is appointed by the board.

(d) The board shall report on its activities annually to the state board of education, the secretary of the agency of human services, and the commissioner of corrections.

(e) ~~The board may, with the approval of the commissioner of corrections, appoint the education supervisor of the independent school~~ The commissioner shall consult with the board prior to appointing the director of corrections education.

Sec. 3. IMPLEMENTATION

Notwithstanding the provisions of Sec. 2, 28 V.S.A. § 121(b)(1), the current members of the board shall serve until the expiration of their respective terms.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.