

1 H.776

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; secondary school; graduation; flexible pathways

5 Statement of purpose: This bill proposes to encourage flexible pathways for  
6 students to succeed in school and achieve career and college readiness by  
7 expanding dual enrollment opportunities and reorganizing them with the high  
8 school completion and other existing programs under one programmatic  
9 delivery model.

10 An act relating to encouraging flexible pathways leading to secondary  
11 school completion and career and college readiness

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

13 Sec. 1. 16 V.S.A. chapter 23, subchapter 6 is amended to read:

14 Subchapter 6. Flexible Pathways to Secondary School Completion;

15 Adult Education and Literacy

16 § 1049. ~~PROGRAMS~~ FLEXIBLE PATHWAYS; POLICY; INITIATIVE;

17 GUIDELINES; DEFINITIONS

18 (a) ~~The commissioner of education may provide programs designed to fit~~  
19 ~~the individual needs and circumstances of adult students. Programs authorized~~

1 ~~under this section shall give priority to those adult persons with the lowest~~  
2 ~~levels of literacy skills.~~

3 ~~(b)(1) Fees for general educational development shall be \$3.00 for a~~  
4 ~~transcript.~~

5 ~~(2) The adult diploma program (ADP) means an assessment process~~  
6 ~~administered by the Vermont department of education through which an adult~~  
7 ~~can receive a local high school diploma granted by one of the program's~~  
8 ~~participating high schools.~~

9 ~~(3) General educational development (GED) means a testing program~~  
10 ~~administered jointly by the Vermont department of education, the GED testing~~  
11 ~~service, and approved local testing centers through which an adult can receive~~  
12 ~~a secondary school equivalency certificate based on successful completion of~~  
13 ~~the tests of general educational development.~~

14 ~~(c) Fees collected under this section shall be credited to a special fund~~  
15 ~~established and managed pursuant to chapter 7, subchapter 5 of Title 32, and~~  
16 ~~shall be available to the department to offset the costs of providing those~~  
17 ~~services.~~

18 (a) Policy. It is the policy of the state:

19 (1) to support measures that increase the Vermont secondary school  
20 completion rate to 100 percent;

1           (2) to promote opportunities for every Vermont student to have  
2           high-quality educational experiences; and

3           (3) to create opportunities for every Vermont student to achieve career  
4           and college readiness while respecting diverse student goals and personal  
5           learning styles and abilities.

6           (b) Flexible pathways initiative. There is created within the department a  
7           flexible pathways initiative:

8           (1) to promote opportunities for students to complete secondary school  
9           and achieve career and college readiness through high-quality educational  
10          experiences that acknowledge individual goals, learning styles, and abilities;  
11          and

12          (2) to encourage and support the creativity of school districts as they  
13          develop or expand high-quality innovative educational experiences that  
14          advance the policies set forth in subsection (a) of this section.

15          (c) Flexible pathways guidance. The commissioner of education shall  
16          develop, publish, and regularly update guidance, in the form of technical  
17          assistance, sharing of best practices, legal interpretations, and other support,  
18          designed to encourage and assist school districts:

19          (1) to identify and support elementary and secondary students who  
20          require additional assistance to succeed in school, including individual students

1 identified under subsection 2902(c) of this title or who would otherwise benefit  
2 from flexible pathways to graduation.

3 (2) to encourage development of a personalized learning plan by every  
4 student in consultation with a representative of the school and the student's  
5 parents or legal guardian.

6 (3) to implement strategies and flexible pathways components such as:

7 (A) the provision of targeted assistance, including individual tutoring,  
8 evidence-based literacy instruction, alternative and extended scheduling, and  
9 the provision of a variety of opportunities to earn credits or demonstrate  
10 proficiency necessary to earn a high school diploma;

11 (B) the assignment of one or more adults from within the school  
12 community to provide continuity to the student;

13 (C) the opportunity to acquire knowledge and skills through applied  
14 or work-based learning opportunities, including those that foster appropriate  
15 social interactions with adults and other students;

16 (D) the opportunity to participate in dual enrollment courses through  
17 the program created in this subchapter and otherwise, with tutorial support  
18 provided as needed;

19 (E) assessments that allow the student to demonstrate proficiency by  
20 applying his or her knowledge and skills to tasks that are of interest to that  
21 student; and

1           (F) access to career and education counseling.

2           (d) Definitions. In this title:

3           (1) “Approved provider” means an entity approved by the commissioner  
4           to provide educational services that may be awarded credits or used to  
5           determine proficiency necessary for a high school diploma.

6           (2) “Career and college readiness” means the ability to enter the  
7           workforce or pursue postsecondary education or training without the need for  
8           remediation.

9           (3) “Contracting agency” means an entity that enters into a contract with  
10          the department to provide “flexible pathways to graduation” services itself or  
11          in conjunction with one or more approved providers.

12          (4) “Dual enrollment” means enrollment by a secondary student in a  
13          course offered by an accredited postsecondary institution as defined in section  
14          913 of this title and for which, upon successful completion of the course, the  
15          student will receive:

16                (A) credit toward graduation from the secondary school in which the  
17                student is enrolled; and

18                (B) postsecondary credit from the institution that offered the course if  
19                the course is a credit-bearing course at that institution.

1           (5) “Flexible pathways to graduation” means any combination of  
2           high-quality academic and experiential components leading to secondary  
3           school completion and career and college readiness.

4           (6) “Personalized learning plan” means a written document developed  
5           by a student, a representative of the school, and, if the student is a minor, the  
6           student’s parents or legal guardian that describes a flexible pathway to  
7           graduation that is unique to the individual student. The plan shall define the  
8           scope and rigor of services necessary for the student to attain a high school  
9           diploma and may describe educational services, including career and education  
10           counseling, to be provided by a public school, an approved independent  
11           school, an approved provider, a contracting agency, or a combination of these.

12           (e) Other initiatives. Nothing in this subchapter shall be construed as  
13           limiting the authority of any school district to develop or continue to provide  
14           innovative educational opportunities for its students that are otherwise  
15           permitted, including participation in dual enrollment programs with  
16           out-of-state postsecondary institutions.

17       § 1049a. HIGH SCHOOL COMPLETION PROGRAM

18           (a) ~~In this section:~~

19           ~~(1) “Graduation education plan” means a written plan leading to a high~~  
20           ~~school diploma for a person who is 16 to 22 years of age and has not received a~~  
21           ~~high school diploma, who may or may not be enrolled in a public or approved~~

1 independent school. The plan shall define the scope and rigor of services  
2 necessary for the student to attain a high school diploma, and may describe  
3 educational services to be provided by a public high school, an approved  
4 independent high school, an approved provider, or a combination of these.

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

8 (3) ~~“Contracting agency” means an agency that has entered into a~~  
9 ~~contract with the department of education to provide adult education services~~  
10 ~~in Vermont. There is created a high school completion program to be a~~  
11 ~~potential component of a flexible pathway for any student who is at least 16~~  
12 ~~years old, who has not received a high school diploma, and who may or may~~  
13 ~~not be enrolled in a public or approved independent school.~~

14 (b) If a person who wishes to work on a ~~graduation education~~ personalized  
15 learning plan leading to graduation through the high school completion  
16 program is not enrolled in a public or approved independent school, then the  
17 commissioner shall assign the prospective student to a high school district,  
18 which shall be the district of residence whenever possible. The school district  
19 in which a student is enrolled or to which a non-enrolled student is assigned  
20 shall work with the contracting agency and the student to develop a ~~graduation~~

1 ~~education~~ personalized learning plan. The school district shall award a high  
2 school diploma upon successful completion of the plan.

3 (c) The commissioner shall reimburse, and net cash payments where  
4 possible, a school district that has agreed to a ~~graduation-education~~  
5 personalized learning plan under this section in an amount:

6 (1) established by the commissioner for development of the ~~graduation~~  
7 ~~education~~ personalized learning plan and for other educational services  
8 typically provided by the assigned district or an approved independent school  
9 pursuant to the plan, such as counseling, health services, participation in  
10 cocurricular activities, and participation in academic or other courses, provided  
11 this amount shall not be available to a district that provides services under this  
12 section to an enrolled student; and

13 (2) negotiated by the commissioner and the contracting agency, with the  
14 approved provider, for services and outcomes purchased from the approved  
15 provider on behalf of the student pursuant to the ~~graduation-education~~  
16 personalized learning plan.

17 § 1049b. DUAL ENROLLMENT PROGRAM

18 (a) Program created. There is created a statewide dual enrollment program  
19 to be a potential component of a student's flexible pathway and through which  
20 a Vermont secondary student who is enrolled in a Vermont public school or a  
21 Vermont approved independent school at public expense or who is assigned to

1 a public school through the high school completion program may enroll in  
2 postsecondary courses for which the program shall pay tuition.

3 (b) Courses. The dual enrollment program shall include college courses  
4 offered on the campus of an accredited postsecondary institution and college  
5 courses offered by an accredited postsecondary institution on the campus of a  
6 secondary school. The program may include online college courses or  
7 components.

8 (c) Postsecondary institutions.

9 (1) Vermont's public postsecondary institutions shall work together to  
10 ensure that dual enrollment opportunities are available throughout the state.  
11 Other accredited postsecondary institutions may participate in the dual  
12 enrollment program pursuant to criteria established by this section and by the  
13 program manager.

14 (2) Each participating postsecondary institution shall:

15 (A) define how it will determine whether a student is sufficiently  
16 prepared to succeed academically in a dual enrollment course;

17 (B) develop the curriculum and select instructors for dual enrollment  
18 courses;

19 (C) work with the partner secondary school to ensure that a student's  
20 special education needs are met;

1           (D) maintain the postsecondary academic record of each participating  
2 student and provide transcripts on request;

3           (E) agree to accept as full payment for a dual enrollment course the  
4 tuition set forth in subsection (f) of this section; and

5           (F) to the extent permitted under the Family Educational Rights and  
6 Privacy Act, collect and send data related to student participation and success  
7 to the student's secondary school and the commissioner.

8           (d) Secondary schools. A public secondary school, a regional technical  
9 center as defined in section 1522 of this title, and an approved independent  
10 secondary school that receives publicly funded tuition dollars shall:

11           (1) provide access for eligible students to participate in dual enrollment  
12 courses offered on the campus of the secondary school;

13           (2) accept postsecondary credit awarded for dual enrollment courses  
14 under this program as meeting secondary school graduation requirements;

15           (3) collect and report dual enrollment data as prescribed by the  
16 department, including data relating to student demographics, levels of  
17 participation, and program success;

18           (4) identify and provide necessary support for participating students and  
19 continue to provide services for students with disabilities;

1           (5) report to the department regarding the postsecondary institutions  
2 with which it is collaborating to offer dual enrollment opportunities to its  
3 students under this section and otherwise.

4           (e) Students.

5           (1) A Vermont resident in any flexible pathway who has completed  
6 grade 10 but has not received a high school diploma is eligible to participate in  
7 the dual enrollment program if:

8           (A) the student is enrolled in a Vermont public school or a Vermont  
9 approved independent school at public expense or is assigned to a public  
10 school through the high school completion program;

11           (B) dual enrollment is an element included within the student's  
12 personalized learning plan; and

13           (C) both the secondary school and the postsecondary institution have  
14 independently determined that the student is sufficiently prepared to succeed in  
15 a dual enrollment course, which can be determined in part by the assessment  
16 tool or tools identified by the participating postsecondary institution.

17           (2) An eligible student may enroll in up to four dual enrollment courses  
18 prior to completion of secondary school for which the dual enrollment program  
19 will pay tuition, contingent upon the receipt of adequate funding. A student  
20 may enroll in courses offered while secondary school is in session and during  
21 the summer.

1           (3) A student's personalized learning plan shall include provisions for  
2           support services, including transitional support for students with disabilities  
3           and including academic, emotional, and other support services as appropriate.

4           (f) Tuition.

5           (1) For any course for which the postsecondary institution pays the  
6           instructor, the commissioner shall reimburse a secondary school district the full  
7           amount of tuition paid to the postsecondary institution, which shall not exceed  
8           the Community College of Vermont tuition rate charged at the time the dual  
9           enrollment course is offered.

10          (2) For any course that is taught by an instructor who is paid as part of  
11          employment by a secondary school, the commissioner shall reimburse a  
12          secondary school district the full amount of tuition paid to the postsecondary  
13          institution, which shall not exceed 50 percent of the Community College of  
14          Vermont tuition rate charged at the time the dual enrollment course is offered.

15          (g) Program management. The department shall manage or contract for the  
16          management of the dual enrollment program by:

17               (1) coordinating secondary and postsecondary partners to ensure success  
18               of the programs;

19               (2) marketing of the dual enrollment program to students and their  
20               families throughout the state;

21               (3) evaluating all aspects of the dual enrollment program;

1           (4) coordinating with secondary and postsecondary partners to  
2 understand and define student academic readiness;

3           (5) assessing what is needed to support student success;

4           (6) reviewing program costs;

5           (7) managing available funds in a manner that ensures equitable access  
6 to dual enrollment courses and supports the goals of the flexible pathways  
7 initiative;

8           (8) managing distribution of tuition funds;

9           (9) coordinating the use of technology to ensure access and coordination  
10 of the program;

11           (10) ensuring overall quality and accountability;

12           (11) convening regular meetings of interested parties to explore and  
13 develop improved student support services; and

14           (12) performing other necessary or related duties.

15 § 1049c. INNOVATIVE COMPONENTS OF FLEXIBLE PATHWAYS

16           (a) The commissioner may use sums appropriated for the high school  
17 completion program to support other innovative components of a flexible  
18 pathway that are available to a student instead of or in addition to the high  
19 school completion program by reimbursing or awarding grants to Vermont  
20 public schools, Vermont career and technical education centers, Vermont  
21 supervisory unions, approved providers, and contracting agencies for activities

1 that create opportunities for Vermont students to have high-quality educational  
2 experiences and achieve career and college readiness while respecting diverse  
3 student goals and personal learning styles and abilities, including:

4 (1) implementation of innovative, comprehensive programs offered by  
5 and within a school; and

6 (2) implementation of innovative, comprehensive programs offered  
7 through the school by entities other than the school or offered at a location  
8 other than the school campus, including work-based learning, virtual or  
9 blended learning, dual enrollment, and career and technical education.

10 (b) Money awarded by the commissioner under this section shall be  
11 pursuant to criteria established in rule by the state board.

12 § 1049d. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL  
13 DEVELOPMENT PROGRAM

14 (a) The department shall maintain an adult diploma program (“ADP”),  
15 which shall be an assessment process administered by the department through  
16 which an individual who is at least 20 years old can receive a local high school  
17 diploma granted by one of the program’s participating high schools.

18 (b) The department shall maintain a general educational development  
19 (“GED”) program, which it shall administer jointly with the GED testing  
20 service and approved local testing centers and through which an individual  
21 who is at least 16 years old and who is not enrolled in secondary school can

1 receive a secondary school equivalency certificate based on successful  
2 completion of the GED tests.

3 (c) The commissioner of education may provide additional programs  
4 designed to address the individual needs and circumstances of adult students,  
5 particularly students with the lowest levels of literacy skills.

6 Sec. 2. EFFECTIVE DATES

7 (a) This act shall take effect on July 1, 2012.

8 (b) The commissioner of education shall ensure that both new and updated  
9 guidance documents required by this act are published no later than July 1,  
10 2012.