

1 H.521

2 Introduced by Committee on Education

3 Date:

4 Subject: Education

5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous amendments to education law, including provisions related to
7 union school district formation; career technical education; Child Protection
8 Registry checks; attendance registers; training for school board chairs and
9 superintendents; a salary adjustment for the Secretary of Education;
10 independent school creation; and teacher advisory groups. It also updates or
11 deletes miscellaneous archaic sections of Title 16.

12 An act relating to making miscellaneous amendments to education law

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

14 * * * Union School Districts; Regional Education Districts (REDs) * * *

15 Sec. 1. 16 V.S.A. § 706g is amended to read:

16 § 706g. ~~STATE BOARD~~ DESIGNATION OF DISTRICTS AS UNION

17 SCHOOL DISTRICT, RECORDING BY SECRETARY OF STATE

18 Within ~~ten days of the vote~~ 45 days after the vote or 15 days after an

19 unsuccessful vote to reconsider or rescind the original vote under 17 V.S.A.

20 § 2661, whichever is later, the clerk of each district voting on the proposal to

1 establish a union school district shall certify the results of the vote to the
2 ~~commissioner of education~~ Secretary of Education. If a majority of the voters
3 voting in each district which is designated in the final report as necessary to the
4 establishment of the proposed union vote to establish the proposed union
5 district, those districts, together with any district designated in the final report
6 as advisable to be included in the proposed union, which voted by a majority of
7 those voting to establish the proposed union district, shall constitute a union
8 school district. The ~~commissioner of education~~ Secretary of Education shall
9 designate all such districts as a union school district; and shall so certify to the
10 ~~secretary of state~~ Secretary of State, who shall record such certification. Upon
11 this record, the union school district shall become a body politic and corporate
12 with the powers incident to a municipal corporation, shall be known by the
13 name or number given in the certificate, by that name or number may sue and
14 be sued, and may hold and convey real and personal estate for the use of the
15 district. The record shall be notice to all parties of the establishment of the
16 union school district with all the powers incident to such a district as herein
17 provided. A certified copy of the record in the office of the ~~secretary of state~~
18 Secretary of State shall be filed by him or her in the office of the clerk of each
19 school district to be included within the union school district within ~~fifteen~~ 15
20 days from the date the ~~commissioner of education~~ Secretary of Education
21 certified the existence of the union district to him or her. This filing shall be

1 prima facie evidence ~~that~~ of full compliance with the requirements for the
2 creation of a union school district as ~~herein~~ set forth ~~have been fully complied~~
3 ~~with~~ in this subchapter.

4 ~~Sec. 2. 16 V.S.A. § 4029 is amended to read.~~

5 § 4029 USE OF FUNDS FOR EDUCATION

6 (a) Funds received by a school district may be used only for legitimate
7 items of current education expense and shall not be used for municipal
8 services.

9 (b) Funds received by a municipality other than a school district may not be
10 used directly or indirectly for education expenses.

11 * * *

12 (g) Nothing in this section shall preclude a union school district from
13 transferring real property to a municipality, other than a school district, in
14 which the property is located if the union school district ceases to use the
15 property for school-related purposes and the property was previously owned by
16 a school district that was dissolved pursuant to section 721c or 722 of this title.

17 *Sec. 2 [Deleted]*

18 Sec. 3. 2012 Acts and Resolves No. 156, Sec. 17(a) is amended to read:

19 (a) Notwithstanding any provision of law to the contrary:

20 (1)(A) if all local elementary school districts in the member towns of an
21 existing union high school or union middle school-high school district (“union

1 high school district”) vote whether to establish a unified union school district
2 providing prekindergarten or kindergarten through grade 12; and

3 (B) if a majority ~~but not all~~ of the elementary school districts, or any
4 number greater than a majority as required by the report approved under 16
5 V.S.A. § 706c, including all districts that may be named in the report as
6 “necessary,” votes in favor of establishing the unified union school district;
7 then, if the warning for the vote clearly provides,

8 (2) a new modified union school district (the “modified union school
9 district”) shall be established that shall:

10 (A) provide to the students residing in the member towns of the union
11 high school district education in those grades provided by the union high
12 school district; and

13 (B) provide elementary education to the students residing in the
14 current elementary school districts that voted in favor of the unified union
15 school district.

16 * * * Career Technical Education; Public High School Choice * * *

17 Sec. 4. 16 V.S.A. § 822a(f) is amended to read:

18 (f) ~~Continued enrollment~~ Enrollment.

19 (1) An enrolled nonresident student shall be permitted to remain
20 enrolled in the receiving high school without renewed applications in
21 subsequent years unless:

1 ~~(1)~~(A) the student graduates;
2 ~~(2)~~(B) the student is no longer a Vermont resident; or
3 ~~(3)~~(C) the student is expelled from school in accordance with adopted
4 school policy.

5 (2) A career technical education (CTE) center serving the region in
6 which a receiving high school district is located shall be the CTE center in
7 which a nonresident student under this section is eligible to enroll. The
8 nonresident student shall be eligible to use any transportation the district
9 provides for resident students attending the CTE center.

10 Sec. 5. 16 V.S.A. § 1541a(b) is amended to read:

11 (b) ~~School boards that maintain secondary schools~~ A school district that
12 maintains a secondary school shall provide the names and addresses of
13 enrolled students to the ~~technical~~ CTE center for its region for the limited
14 purpose of the ~~technical~~ CTE center providing information to students and
15 their parents about ~~technical~~ CTE center offerings. An approved independent
16 school shall provide to the CTE center the names and addresses of enrolled
17 secondary students for whom it receives publicly funded tuition dollars.

18 * * * Child Protection Registry; License Renewal * * *

19 Sec. 6. 16 V.S.A. § 254(e) is amended to read:

20 (e) The ~~commissioner~~ Secretary shall request and obtain information from
21 the ~~child protection registry maintained by the department for children and~~

1 ~~families and from the vulnerable adult abuse, neglect, and exploitation registry~~
2 ~~maintained by the department of disabilities, aging, and independent living~~
3 Child Protection Registry maintained by the Department for Children and
4 Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation
5 Registry maintained by the Department of Disabilities, Aging, and Independent
6 Living (collectively, the “registries” Registries) for any person for whom a
7 criminal record check is required under subsection (b) of this section and shall
8 request updated information for any person seeking renewal of a professional
9 educator’s license. The department for children and families and the
10 department of disabilities, aging, and independent living Departments for
11 Children and Families and of Disabilities, Aging, and Independent Living shall
12 adopt rules governing the process for obtaining information from the registries
13 Registries and for disseminating and maintaining records of that information
14 under this subsection. A person denied a license based upon information
15 acquired under this subsection may appeal the decision pursuant to subsection
16 1696(f) of this title.

17 Sec. 7. 16 V.S.A. § 256(a) is amended to read:

18 (a)(1) Anyone required to request a criminal record check ~~and a check of~~
19 ~~the child protection and the vulnerable adult abuse, neglect, and exploitation~~
20 ~~registries~~ under this subchapter about a person who previously has undergone
21 ~~one or both checks~~ a check, regardless of whether the check was for student

1 teaching, licensure, or employment purposes, shall comply with that
2 requirement by acquiring the results of the previous criminal record check
3 unless:

4 (A) the person refuses to authorize release of the information;

5 (B) the record no longer exists;

6 (C) since the record check, there has been a period of one year or
7 more during which the person has not worked for a Vermont school district or
8 a recognized or an approved independent school; or

9 (D) as otherwise required by this chapter.

10 (2) Anyone required to request a criminal record check under this
11 subchapter about a person who has previously undergone a check may request
12 a name and date of birth or fingerprint-supported recheck of the criminal
13 record at any time during the course of the record subject's employment in the
14 capacity for which the original check was required. Rechecking criminal
15 records may be accomplished through a subscription service.

Sec. 7a. 33 V.S.A. § 6911(a)(1) is amended to read:

*(1) The investigative report shall be disclosed only to: the ~~commissioner~~
Commissioner or person designated to receive such records; persons assigned
by the ~~commissioner~~ Commissioner to investigate reports; the person reported
to have abused, neglected, or exploited a vulnerable adult; the vulnerable
adult or his or her representative; the ~~office of professional regulation~~ Office*

~~of Professional Regulation when deemed appropriate by the commissioner~~
~~Commissioner; the Secretary of Education when deemed appropriate by the~~
~~Commissioner; a law enforcement agency, the state's attorney, or the office of~~
~~the attorney general~~ State's Attorney, or the Office of the Attorney General,
when the ~~department~~ Department believes there may be grounds for criminal
prosecution or civil enforcement action, or in the course of a criminal or a
civil investigation. When disclosing information pursuant to this subdivision,
reasonable efforts shall be made to limit the information to the minimum
necessary to accomplish the intended purpose of the disclosure, and no other
information, including the identity of the reporter, shall be released absent a
court order.

Sec. 7b. 33 V.S.A. § 6911(c) is amended to read:

(c) The ~~commissioner~~ Commissioner or the ~~commissioner's~~
Commissioner's designee may disclose registry information only to:

* * *

(7) upon request or when relevant to other states' adult protective
services offices; ~~and~~

(8) ~~the board of medical practice~~ Board of Medical Practice for the
purpose of evaluating an applicant, licensee, or holder of certification
pursuant to 26 V.S.A. § 1353; and

1 § 1321. FORM AND CONTENTS OF REGISTER

2 With the approval of the ~~board of education, the commissioner shall~~
3 ~~prescribe and procure forms for a school register for keeping a record of the~~
4 ~~daily attendance of pupils and containing interrogatories for procuring State~~
5 Board, the Secretary shall prescribe the content of school registers used to keep
6 records of student enrollment and daily attendance and to obtain statistical and
7 other information from teachers and school officers. ~~School systems keeping~~
8 ~~their record of attendance of pupils by machine processes approved by the~~
9 ~~commissioner are exempt from this prescription~~ Schools shall maintain an
10 electronic system for recording enrollment and attendance.

11 § 1322. TRANSMISSION TO SUPERINTENDENTS AND TEACHERS

12 Annually, in the month of June, the ~~commissioner shall transmit to each~~
13 ~~superintendent a sufficient number of such registers to supply the needs of the~~
14 ~~schools under his supervision. The superintendent shall thereupon assign a~~
15 ~~register to each school and the same shall be the register for such school for the~~
16 ~~following school year; and, within ten days before the opening of each term of~~
17 ~~school, he shall deliver the assigned register to the teacher~~ Secretary shall
18 provide access to the school register. Superintendents shall ensure that school
19 registrars and other staff have received the register and updated the current
20 student information system at least ten days prior to the beginning of the
21 school year.

1 § 1323. REGISTRAR'S DUTIES

2 ~~A registrar shall be appointed for each school by the superintendent. The~~
3 ~~registrar shall keep in the prescribed form a record of the daily attendance of~~
4 ~~each pupil and correct answers to the questions in the registers, and shall~~
5 ~~deliver such registers to the superintendent by June 30 of each school year.~~
6 The superintendent shall appoint a registrar for each school within the
7 supervisory union. Pursuant to the school register, the registrar shall maintain
8 the record of student enrollment, daily attendance, and other requested
9 information and shall oversee transmission of student data to the Secretary on
10 or before July 15 annually.

11 § 1324. SUPERINTENDENT'S DUTIES

12 (a) At the end of the school year, the superintendent shall examine the
13 register of each school, ~~and, if it is properly filled out, the superintendent shall~~
14 verify the accuracy of the information, and notify in writing the ~~chairperson~~
15 chair of the school board of school directors and the Secretary that the school
16 register for the year is complete and accurate.

17 (b) ~~The superintendent shall verify that the register is accurate. The~~
18 ~~register shall include the name of the registrar for each school, the name of the~~
19 ~~teacher or teachers of the school during the year for which the register was~~
20 ~~kept, and the date and character of the license held by the teacher or teachers.~~
21 ~~On or before August 15, the superintendent shall ensure that the register is~~

1 ~~filed in a secure location within the supervisory union. The commissioner of~~
2 ~~education may providing for the central collection and storage of the annual~~
3 ~~school registers. However, nothing herein shall prohibit the clerk of the school~~
4 ~~district from keeping the register if the superintendent and the clerk agree.~~

5 * * * Miscellaneous Outdated Provisions * * *

6 Sec. 9. 16 V.S.A. § 1123 is amended to read:

7 § 1123. ATTENDANCE MAY BE EXCUSED

8 (a) The superintendent of a public school may excuse, in writing, any pupil
9 ~~from attendance upon such~~ student from attending the school for a definite
10 time, but for not more than ten consecutive school days and ~~such excuse shall~~
11 ~~be granted~~ only for emergencies or for absence from town.

12 (b) The superintendent of an elementary school held for more than ~~one~~
13 ~~hundred and seventy-five~~ 175 school days in a school year may excuse, in
14 writing, a ~~pupil of such~~ student of the school from attending more than ~~such~~
15 ~~one hundred and seventy-five~~ 175 days.

16 (c) ~~The superintendent with the consent of a majority of the school board of~~
17 ~~the town in which the pupil resides, may excuse, in writing, a pupil who has~~
18 ~~reached the age of fifteen years and has completed the work required in the~~
19 ~~first six years of the elementary school course from further school attendance if~~
20 ~~his services are needed for the support of those dependent upon him, or for any~~
21 ~~other sufficient reason. [Repealed.]~~

1 Sec. 10. 16 V.S.A. § 1386 is amended to read:

2 § 1386. HEALTH ~~SERVICE~~ SERVICES FOR CHILDREN OF INDIGENT
3 PARENTS

4 ~~The board of school directors may expend in any given~~ In any school year,
5 a school board may expend from its funds a sum not to exceed three percent of
6 that year's school budget for ~~current expense for such~~ any necessary health
7 service activities as may be necessary to provide for the improvement of the
8 ~~physical efficiency of school children of indigent parents~~ service for a student
9 whose parents are unable to pay for it. Expenditures for this purpose may
10 include the purchase of ~~milk for underweight or undernourished children, the~~
11 ~~purchase of ingredients for, hot lunches, eyeglasses, and the provision of~~
12 ~~dental service, the removal of tonsils and other health services which are~~
13 approved by the ~~town health officer and the teacher or public health nurse~~
14 school nurse. The right to determine who is an ~~indigent parent~~ covered under
15 this section shall be in the discretion of ~~such~~ the school board.

16 ~~Sec. 11. 16 V.S.A. § 1421 is amended to read:~~

17 § 1421. EQUIPMENT

18 ~~The state board of health and the commissioner shall prepare suitable test~~
19 ~~cards, blanks, record books and other needed apparatus~~ Commissioner of
20 Health shall prepare supplies, training, and equipment to be used in testing the
21 sight and hearing of ~~pupils~~ students in the public schools, ~~and the necessary~~

1 ~~instructions for their use. The commissioner shall furnish the same to every~~
2 ~~public school that comply with the recommended guidelines in the current~~
3 ~~standards of pediatric care of the Department of Health and U.S. Centers for~~
4 ~~Disease Control and Prevention~~

5 *Sec. 11 [Deleted]*

6 * * * Training; School Board Chairs; Superintendents * * *

7 Sec. 12. 16 V.S.A. § 242 is amended to read:

8 § 242. DUTIES OF SUPERINTENDENTS

9 The superintendent shall be the chief executive officer for the supervisory
10 union board and for each school board within the supervisory union, and shall:

11 * * *

12 (6) arrange for the provision of the professional training required in
13 subsection 561(b) of this title; and

14 (7) provide for the general supervision of the public schools in the
15 supervisory union or district.

16 Sec. 13. 16 V.S.A. § 561 is amended to read:

17 § 561. ELECTION OF SCHOOL BOARD MEMBERS; OATH; CHAIR;
18 CLERK

19 (a) School ~~directors~~ board members shall be sworn before entering upon
20 the duties of their office. At the meeting next following the election of a
21 school board member, the school board shall elect one of ~~their~~ its number to

1 serve as the chair and one other of ~~their~~ its number to serve as the clerk. The
2 clerk may be paid upon order of the school board. The clerk shall keep a
3 permanent record of the proceedings of the school board. In the clerk's
4 absence, another member of the school board shall assume the clerk's duties.

5 (b) At least annually, the chairs of each school board within a
6 supervisory union, the chair of the supervisory union board, and the
7 superintendent shall jointly participate in at least eight hours of professional
8 training that, at a minimum, addresses:

9 (A) educational leadership;

10 (B) the relative roles and responsibilities of the supervisory union
11 board, the school district boards, and the superintendent;

12 (C) the Vermont Open Meeting Law, 1 V.S.A. §§ 310–314;

13 (D) Vermont law regarding access to public records, 1 V.S.A.
14 §§ 315–320;

15 (E) collective bargaining; and

16 (F) education funding and school finance laws.

17 * * * Secretary's Salary * * *

18 Sec. 14. 32 V.S.A. § 1003(b)(1) is amended to read:

19 (1) Heads of the following departments, offices, and agencies:

20 Base Salary as
21 of July 1, 2012

1 ~~elementary students pursuant to subdivision (a)(1) or subsection (d) of this~~
2 section, a school district shall not cease operation of an elementary school with
3 the intention, for the purpose, or with the result of having the school building
4 or buildings reopen as an independent school serving essentially the same
5 population of students.

6 Sec. 17. 16 V.S.A. § 822(d) is added to read:

7 (d) Notwithstanding the authority of a school district to cease operation of a
8 secondary school and to begin paying tuition on behalf of its resident
9 secondary students pursuant to subdivision (a)(1) of this section, a school
10 district shall not cease operation of a secondary school with the intention, for
11 the purpose, or with the result of having the school building or buildings
12 reopen as an independent school serving essentially the same population of
13 students.

14 Sec. 18. 16 V.S.A. § 166(b)(8) is added to read:

15 (8) Notwithstanding any other provision of law, approval under this
16 subsection of a new or existing independent school that proposes to operate in
17 a building in which a school district operated a school is subject to either
18 subsection 821(e) or 822(d) of this title, as appropriate for the grades operated.

*Sec. 16. PUBLIC SCHOOLS AND INDEPENDENT SCHOOLS; STUDY
COMMITTEE*

(a) There is created a committee to research and consider both the opportunities and challenges created by closing a public school with the intention or result of reopening it as an approved independent school that serves essentially the same population of students and receives publicly funded tuition dollars. The committee shall consult with a wide variety of individuals and organizations committed to ensuring high quality education for Vermont students. The members of the committee shall be:

(1) the chair of the Council on Independent Schools created in 16 V.S.A. § 166(d) or designee;

(2) the Executive Director of the Vermont Independent Schools Association or designee;

(3) one trustee of an approved independent school in Vermont that receives publicly funded tuition, selected by the Vermont Independent Schools Association;

(4) one head of an approved independent school in Vermont that receives publicly funded tuition, selected by the Vermont Independent Schools Association;

(5) one teacher in an approved independent school in Vermont that receives publicly funded tuition, selected by the Vermont Independent Schools Association;

(6) the Executive Director of the Vermont Superintendents Association or designee;

(7) the Executive Director of the Vermont School Boards Association or designee;

(8) the Executive Director of the Vermont Principals' Association or designee;

(9) the Executive Director of the Vermont–National Education Association or designee;

(10) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(11) the chair of the State Board of Education or designee; and

(12) the Secretary of Education or designee, who shall serve as the committee's chair and convene the first meeting of the committee on or before July 1, 2013.

(b) Keeping in mind the interests of students, taxpayers, and the Vermont tradition of local control, the committee shall:

(1) explore the opportunities and challenges that may result from closing a public school and reopening it as an approved independent school, including consideration of:

(A) the financial consequences to taxpayers in the community in which the school is located, to Vermont taxpayers, and to the Education Fund;

(B) the availability of educational opportunities for students;

(C) the provision of special education services;

(D) the provision of school-based meals programs;

(E) teacher licensing requirements;

(F) school safety crisis planning; and

(G) the provision of 504 services, the application of the Family Education Rights and Privacy Act, and the effect, if any, on other federal rights of students and families connected to a school's receipt of federal funding; and

(2) consider whether the decision to close a public school and reopen it as an approved independent school raises issues addressed by the Vermont Constitution or by the U.S. Constitution or other federal law; and

~~(2)~~ (3) examine the impetus for and results of those instances in which a former public school was or will be reopened as an approved independent school in Vermont.

(c) By December 15, 2013, the Secretary shall report the results of the study required by this section to the House and Senate Committees on

1 (b) On or before January 15, 2014, the working group shall publish the best
2 practices guidelines on the Agency of Education's website and in any other
3 manner it chooses.

4 ~~*** Effective Date ***~~

5 Sec. 20. EFFECTIVE DATE

6 This act shall take effect on passage; provided, however, that Sec. 14 of this
7 act (salary) shall apply retroactively beginning on January 2, 2013.

~~*** Compact for Military Children ***~~

Sec. 20. 16 V.S.A. § 806m.E is amended to read:

E. The Interstate Commission may not assess, levy, or collect from Vermont in its annual assessment more than ~~\$100~~ \$2,000.00 per year. Other funding sources may be accepted and used to offset expenses related to the ~~state's~~ State's participation in the compact.

Sec. 21. AGENCY OF EDUCATION BUDGET

There shall be no separate or additional General Fund appropriation to the Agency of Education in fiscal year 2014 for purposes of funding the increased assessment to be paid pursuant to Sec. 20 of this act.

~~*** Adult Basic Education ***~~

Sec. 22. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

The ~~state-board~~ State Board shall evaluate education policy proposals, including timely evaluation of policies presented by the ~~governor~~ Governor and ~~secretary~~ Secretary; engage local school board members and the broader education community; and establish and advance education policy for the ~~state~~ State of Vermont. In addition to other specified duties, the ~~board~~ Board shall:

* * *

(13) ~~Constitute~~ Be the ~~state-board~~ State Board for the program of adult education and literacy and perform all the duties and powers prescribed by law pertaining to adult education and literacy and to act as the state approval agency for educational institutions conducting programs of adult education and literacy.

* * *

** * * Special Education Employees; Transition to Employment
by Supervisory Unions * * **

Sec. 23. 2010 Acts and Resolves No. 153, Sec. 18, as amended by 2011 Acts and Resolves No. 58, Sec. 18, is further amended to read:

Sec. 18. TRANSITION

(a) Each supervisory union shall provide for any transition of employment of special education and transportation ~~staff~~ employees by member districts to employment by the supervisory union, pursuant to Sec. 9 of this act, 16 V.S.A. § 261a(a)(6), and (8)(E) by:

(1) providing that the supervisory union assumes all obligations of each existing collective bargaining agreement in effect between the member districts and their special education employees and their transportation employees until the agreement's expiration, subject to employee compliance with performance standards and any lawful reduction in force, layoff, nonrenewal, or dismissal;

(2) providing, in the absence of an existing recognized representative of its employees, for the immediate and voluntary recognition by the supervisory union of the recognized representatives of the employees of the member districts as the recognized representatives of the employees of the supervisory union;

(3) ensuring that an employee of a member district who is not a probationary employee shall not be considered a probationary employee upon transition to the supervisory union; and

(4) ~~containing an agreement~~ negotiating a collective bargaining agreement, addressing special education employees, with the recognized representatives of the employees of the member districts that is effective on the day the supervisory union assumes obligations of existing agreements regarding how the supervisory union, prior to reaching its first collective bargaining agreement with its special education employees and with its transportation employees, will address issues of seniority, reduction in force, layoff, and recall , which, for the purposes of this section, shall be: the

exclusive representative of special education teachers; the exclusive representative of the special education administrators; and the exclusive bargaining agent for special education paraeducators if the supervisory union has elected to employ special education paraeducators pursuant to subdivision (b) of this section. The supervisory union shall become the employer of these employees on the date specified in the ratified agreement.

(b) For purposes of this section and Sec. 9 of this act, “special education employee” shall include a special education teacher, a special education administrator, and a special education paraeducator, which means a teacher, administrator, or paraeducator whose job assignment consists of providing special education services directly related to students’ individualized education programs or to the administration of those services. Provided, however, that “special education employee” shall include a “special education paraeducator” only if the supervisory union board elects to employ some or all special education paraeducators because it determines that doing so will lead to more effective and efficient delivery of special education services to students. If the supervisory union board does not elect to employ all special education paraeducators, it must use objective, nondiscriminatory criteria and identify specific duties to be performed when determining which categories of special education paraeducators to employ.

(c) Education-related parties to negotiations under either Title 16 or 21 shall incorporate in their current or next negotiations matters addressing the terms and conditions of special education employees.

(d) If a supervisory union has not entered into a collective bargaining agreement with the representative of its prospective special education employees by August 15, 2015, it shall provide the Secretary of Education with a report identifying the reasons for not meeting the deadline and an estimated date by which it expects to ratify the agreement.

Sec. 24. 16 V.S.A. § 1981(8) is amended to read:

(8) "School board negotiations council" means, for a supervisory district, its school board, and, for school districts within a supervisory union, the body comprising representatives designated by each school board within the supervisory union and by the supervisory union board to engage in professional negotiations with a teachers' or administrators' organization.

Sec. 25. 21 V.S.A. § 1722(18) is amended to read:

(18) "School board negotiations council" means, for a supervisory district, its school board, and, for school districts within a supervisory union, the body comprising representatives designated by each school board within the supervisory union and by the supervisory union board to engage in collective bargaining with their school employees' negotiations council.

Sec. 26. **APPLICABILITY**

Only school districts and supervisory unions that have not completed the transition of special education employees to employment by the supervisory union or have not negotiated transition provisions into current master agreements as of the effective dates of Secs. 23 through 25 of this act are subject to the employment transition provisions of those sections.

Sec. 27. REPORT

On or before January 1, 2017, the Secretary of Education shall report to the House and Senate Committees on Education regarding the decisions of supervisory unions to exercise or not to exercise the flexibility regarding employment of special education paraeducators provided in Sec. 23 of this act and may propose amendments to Sec. 23 or to related statutes as he or she deems appropriate.

** * * Out-of-State Career Technical Education * * **

Sec. 28. 16 V.S.A. § 1531(c) is amended to read:

(c) For a school district ~~which~~ that is geographically isolated from a Vermont technical center, the ~~state board~~ State Board may approve a technical center in another state as the technical center ~~which~~ that district students may attend. In this case, the school district shall receive transportation assistance pursuant to section 1563 of this title and tuition assistance pursuant to section 1561(c) of this title. Any student who is a resident in the Windham Southwest ~~supervisory union~~ Supervisory Union and who is enrolled at public expense in

the Charles H. McCann Technical School ~~at public expense~~ or the Franklin County Technical School shall be considered to be attending an approved technical center in another state pursuant to this subsection, and, if the student is from a school district eligible for a small schools support grant pursuant to section 4015 of this title, the student's full-time equivalency shall be computed according to time attending the school.

** * * Effective Dates * * **

Sec. 29. EFFECTIVE DATES

(a) Sec. 28 of this act (out-of-state career technical education) shall take effect on July 1, 2013 and shall apply to enrollments in academic year 2013–2014 and after.

(b) This section and all other sections of this act shall take effect on passage; provided, however, that Sec. 14 of this act (salary) shall apply retroactively beginning on January 2, 2013.