H.521

Introduced by Committee on Education

Date:

Subject: Education

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

An act relating to making miscellaneous amendments to education law

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

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

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

§ 706g. ~~STATE BOARD~~ DESIGNATION OF DISTRICTS AS UNION SCHOOL DISTRICT, RECORDING BY SECRETARY OF STATE

Within ~~ten days of the vote~~ 45 days after the vote or 15 days after an unsuccessful vote to reconsider or rescind the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each district voting on the proposal to

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

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

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

§ 4029. USE OF FUNDS FOR EDUCATION

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

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

* * *

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

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

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

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

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

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

(2) a new modified union school district (the "modified union school district") shall be established that shall:

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

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

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

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

(f) ~~Continued enrollment~~ Enrollment.

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

~~(1)~~(A) the student graduates;

~~(2)~~(B) the student is no longer a Vermont resident; or

~~(3)~~(C) the student is expelled from school in accordance with adopted school policy.

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

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

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

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

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

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

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

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

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

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

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

(B) the record no longer exists;

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

(D) as otherwise required by this chapter.

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

* * * Attendance Registers * * *

Sec. 8. 16 V.S.A. chapter 29 is amended to read:

CHAPTER 29. REGISTERS ~~AND RETURNS~~

§ 1321. FORM AND CONTENTS OF REGISTER

With the approval of the ~~board of education, the commissioner shall prescribe and procure forms for a school register for keeping a record of the~~

~~daily attendance of pupils and containing interrogatories for procuring~~ State Board, the Secretary shall prescribe the content of school registers used to keep records of student enrollment and daily attendance and to obtain statistical and other information from teachers and school officers. ~~School systems keeping their record of attendance of pupils by machine processes approved by the commissioner are exempt from this prescription~~ Schools shall maintain an electronic system for recording enrollment and attendance.

§ 1322. TRANSMISSION TO SUPERINTENDENTS AND TEACHERS

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

§ 1323. REGISTRAR'S DUTIES

~~A registrar shall be appointed for each school by the superintendent. The registrar shall keep in the prescribed form a record of the daily attendance of~~

~~each pupil and correct answers to the questions in the registers, and shall deliver such registers to the superintendent by June 30 of each school year.~~ .

The superintendent shall appoint a registrar for each school within the supervisory union. Pursuant to the school register, the registrar shall maintain the record of student enrollment, daily attendance, and other requested information and shall oversee transmission of student data to the Secretary on or before July 15 annually.

§ 1324. SUPERINTENDENT'S DUTIES

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

~~(b) The superintendent shall verify that the register is accurate. The register shall include the name of the registrar for each school, the name of the teacher or teachers of the school during the year for which the register was kept, and the date and character of the license held by the teacher or teachers. On or before August 15, the superintendent shall ensure that the register is filed in a secure location within the supervisory union. The commissioner of education may providing for the central collection and storage of the annual~~

~~school registers. However, nothing herein shall prohibit the clerk of the school district from keeping the register if the superintendent and the clerk agree.~~

* * * Miscellaneous Outdated Provisions * * *

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

§ 1123. ATTENDANCE MAY BE EXCUSED

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

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

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

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

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

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

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

§ 1421. EQUIPMENT

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

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

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

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

§ 242. DUTIES OF SUPERINTENDENTS

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

* * *

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

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

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

§ 561. ELECTION OF SCHOOL BOARD MEMBERS~~,~~; OATH~~,~~; CHAIR~~,~~; CLERK

(a) School ~~directors~~ board members shall be sworn before entering upon the duties of their office. At the meeting next following the election of a school board member, the school board shall elect one of ~~their~~ its number to serve as the chair and one other of ~~their~~ its number to serve as the clerk. The

clerk may be paid upon order of the school board. The clerk shall keep a permanent record of the proceedings of the school board. In the clerk's absence, another member of the school board shall assume the clerk's duties.

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

(A) educational leadership;

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

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

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

(E) collective bargaining; and

(F) education funding and school finance laws.

* * * Secretary's Salary * * *

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

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

Base Salary as
of July 1, 2012

* * *

(K) Education ~~84,834~~ 90,745

* * *

* * * Repeal * * *

Sec. 15. REPEAL

The following sections of Title 16 are repealed:

(1) § 1124 ("pupils mentally or physically unfit").

(2) § 1125a ("pupil without suitable clothing").

(3) § 1566 (incentive grants; funding source repealed in 2002).

(4) chapter 75, subchapter 2, §§ 2321–2327 (University of Vermont; Agricultural College; miscellaneous sections).

(5) § 2361 (University of Vermont; College of Medicine; agreement for practice or refund by resident students).

(6) §§ 2531a–2531e and § 2834(b) (senatorial scholarships).

(7) Chapter 121, §§ 3224–3226 (sale of grammar school lands and related reporting requirements).

(8) § 3449 (awards for construction completed 1947–1953).

* * * Creation of New Independent Schools * * *

~~Sec. 16. 16 V.S.A. § 821(e) is added to read:~~

~~(e) Notwithstanding the authority of a school district to cease operation of an elementary school and to begin paying tuition on behalf of its resident elementary students pursuant to subdivision (a)(1) or subsection (d) of this~~

~~section, a school district shall not cease operation of an elementary school with~~ the intention, for the purpose, or with the result of having the school building or buildings reopen as an independent school serving essentially the same population of students.

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

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

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

(8) Notwithstanding any other provision of law, approval under this subsection of a new or existing independent school that proposes to operate in a building in which a school district operated a school is subject to either 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) 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 Education and on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance.

(d) The committee shall cease to exist on December 15, 2013.

Sec. 17. [Deleted.]

Sec. 18. [Deleted.]

* * * Teacher Advisory Groups * * *

Sec. 19. TEACHER ADVISORY GROUPS; BEST PRACTICES GUIDELINES

(a) In order to increase the prevalence and value of teacher advisory groups in Vermont secondary schools, the Secretary of Education shall convene a working group to consist of the representatives of the Vermont Principals Association and other interested parties to:

(1) identify the Vermont secondary schools that use teacher advisory groups and other similar groups designed to ensure that every student has a personal relationship with at least one adult in the school;

(2) explore how each of these schools implements its teacher advisory system; and

(3) develop best practices guidelines for the creation and operation of teacher advisory systems.

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

* * * Effective Date * * *

Sec. 20. EFFECTIVE DATE

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