

1 S.100

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; postsecondary approval; school food services; dual
5 enrollment; driver education; technology; special education; early
6 education

7 Statement of purpose: This bill proposes to make miscellaneous amendments
8 to education law. It would simplify the process by which postsecondary
9 institutions are approved and by which federal grant money is made available
10 for school food programs. It would also require secondary schools to award
11 credit toward graduation for approved postsecondary courses successfully
12 completed by a student. Finally, it would require reports on driver education
13 programs, a statewide special education management system, and other issues.

14 An act relating to making miscellaneous amendments to education laws

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

16 * * * Technical Corrections; Miscellaneous * * *

17 Sec. 1. 16 V.S.A. § 563(12) is amended to read:

18 (12) Shall employ such persons as may be required to carry out the work
19 of the school district ~~and dismiss any employee when necessary. The school~~
20 ~~board shall consider the recommendation of the superintendent before~~

1 ~~employing or dismissing any person pursuant to the provisions of subdivision~~
2 ~~242(3) of this title.~~

3 Sec. 2. 16 V.S.A. § 1122 is amended to read:

4 § 1122. PUPILS OVER ~~SIXTEEN~~ 16

5 A person having the control of a child over ~~sixteen~~ 16 years of age who
6 allows ~~such~~ the child to become enrolled in a public school, shall cause ~~such~~
7 the child to attend ~~such~~ the school continually for the full number of the school
8 days of the term in which he or she is ~~so~~ enrolled, unless ~~such~~ the child is
9 mentally or physically unable to continue, or is excused in writing by the
10 superintendent or a majority of the school directors. In case of such
11 enrollment, ~~such~~ the person, and the teacher, child, superintendent, and school
12 directors shall be under the laws and subject to the penalties relating to the
13 attendance of children between the ages of ~~seven~~ six and ~~sixteen~~ 16 years.

14 Sec. 3. 16 V.S.A. § 1221 is amended to read:

15 ~~§ 1221. CONTROL AND REGULATION~~

16 ~~The board of school directors shall control and regulate the transportation~~
17 ~~and board of pupils in the schools under its charge as hereinafter provided, and~~
18 ~~contracts therefor shall be made by it. To transport such pupils properly, the~~
19 ~~board may purchase, maintain and operate the necessary equipment in the~~
20 ~~name of the school district pursuant to section 559 of this title.~~

* * * Special Education * * *

1
2 Sec. 4. 16 V.S.A. § 2945(a) and (b) are amended to read:

3 (a) There is created an advisory council on special education ~~which~~ that
4 shall consist of 17 members. Fifteen of the members shall be appointed by the
5 governor with the advice of the commissioner of education. Among the
6 gubernatorial appointees shall be teachers of children with disabilities,
7 representatives of other state agencies involved in the financing or delivery of
8 related services to children with disabilities, representatives of independent
9 schools, at least one representative of a vocational, community, or business
10 organization concerned with the provision of transition services to children
11 with disabilities, representatives from the state juvenile and adult corrections
12 agency, ~~handicapped~~ individuals with disabilities, parents of children with
13 disabilities, local education administrators or school board members, and
14 special education program administrators. A majority of the members ~~must~~
15 shall be either individuals with disabilities or parents of children with
16 disabilities. In addition, two members of the general assembly shall be
17 appointed, one from the house of representatives and one from the senate. The
18 house member shall be appointed by the speaker, and the senate member shall
19 be appointed by the committee on committees. All members of the council
20 shall serve for a term of three years, beginning from April 1 of the year of
21 appointment or until their successors are appointed. ~~For the purpose of~~

1 ~~implementing this section, the governor shall make initial appointments as~~
2 ~~follows: Approximately one third of the members shall be appointed to one-~~
3 ~~year terms, one third to two year terms, and one third to three year terms. As~~
4 ~~the terms expire, the new appointees shall be appointed to fill three year terms.~~

5 (b) The council shall elect its own ~~chairman~~ chair from among its
6 membership. The council shall meet annually at the call of the ~~chairman~~ chair,
7 and other meetings may be called by the ~~chairman~~ chair at such times and
8 places as he or she may determine to be necessary.

9 Sec. 5. 16 V.S.A. § 2967(b) is amended to read:

10 (b) The total expenditures made by the state in any fiscal year pursuant to
11 this chapter shall be 60 percent of the statewide total special education
12 expenditures of funds ~~which~~ that are not derived from federal sources. Special
13 education expenditures shall include:

14 (1) costs eligible for grants and reimbursements under sections 2961
15 through 2963a of this title;

16 (2) costs for services for the visually ~~handicapped~~ impaired and hearing
17 impaired;

18 (3) costs for the interdisciplinary team program;

19 (4) costs for regional ~~multi-handicapped~~ specialists in multiple
20 disabilities;

1 education fund, a school district shall report the error or change to the
2 commissioner as soon as possible. Any budget deficit or surplus due to the
3 error or change shall be carried forward to the following year.

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

7 (1) ~~the adjusted education payments due under section 4011 of this title;~~

8 ~~(2) transportation aid due under Sec. 98 of Act No. 71 of 1998~~ section
9 4016 of this title; and

10 ~~(3)~~(2) the small school support grant due under section 4015 of this title.

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

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

18 (d) The commissioner shall not use data corrected due to an error submitted
19 following the deadlines to recalculate the equalized pupil ratio under
20 subdivision 4001(3) of this title. The commissioner shall not adjust ~~payments~~
21 ~~to or from the education fund~~ average daily membership counts if an error or

1 change is reported more than three fiscal years following the date that the
2 original data was due. ~~Adjustments to payments to or from the education fund~~
3 ~~under this section shall be made on the earliest date possible after the fiscal~~
4 ~~year in which the error was reported, and in accordance with the schedules set~~
5 ~~forth in subsection 4028(a) of this title and section 5402 of Title 32, and after~~
6 ~~the necessary appropriation by the general assembly.~~

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

9 * * * Agency of Human Services * * *

10 Sec. 8. 16 V.S.A. § 212(13) is amended to read:

11 (13) Ensure the provision of services to children and adolescents with a
12 severe emotional disturbance in coordination with the ~~departments of mental~~
13 ~~health and mental retardation and social and rehabilitation services in~~
14 ~~accordance with the provisions of chapter 2 of Title 3~~ department of mental
15 health, the department for children and families, and the department of
16 disabilities, aging, and independent living pursuant to the provisions of chapter
17 43 of Title 33.

1 Sec. 9. 16 V.S.A. § 910 is amended to read:

2 § 910. COORDINATION OF SERVICES TO CHILDREN AND

3 ADOLESCENTS WITH A SEVERE EMOTIONAL DISTURBANCE

4 Each town, city, interstate, incorporated, unified, or union school district
5 shall cooperate with the ~~departments of mental health and mental retardation,~~
6 ~~social and rehabilitation services~~ department of mental health, the department
7 for children and families, the department of disabilities, aging, and independent
8 living, and the department of education in coordinating educational services to
9 children and adolescents with a severe emotional disturbance, ~~in accordance~~
10 ~~with the provisions of chapter 2 of Title 3~~ pursuant to the provisions of chapter
11 43 of Title 33.

12 Sec. 10. 16 V.S.A. § 1075(i) is amended to read:

13 (i) The commissioner ~~of social and rehabilitation services~~ for children and
14 families shall continue to provide social services and financial support in
15 accordance with ~~16 V.S.A. § section~~ 2950 of this title on behalf of individuals
16 under his or her care and custody while in a residential placement, until they
17 reach their ~~nineteenth~~ 19th birthday.

18 Sec. 11. 16 V.S.A. § 1166(b)(1) is amended to read:

19 (1) A provision that any student who brings a firearm to or possesses a
20 firearm at school shall be referred to a law enforcement agency. In addition to
21 any other action the law enforcement agency may take, it may report the

1 incident to the department ~~of social and rehabilitation services~~ for children and
2 families.

3 Sec. 12. 16 V.S.A. § 2845 is amended to read:

4 § 2845. TRUST FUND; GRANTS; STUDENTS IN ~~SRS~~ DCF CUSTODY

5 (a) The board shall establish a trust fund to be used to provide grants for
6 students who do not have parental support and are or have been under the
7 custody of the commissioner ~~of social and rehabilitation services~~ for children
8 and families. The board may draw up to 90 percent of the assets in the fund
9 for these purposes.

10 * * *

11 (e) A child who is under the custody of the commissioner ~~of social and~~
12 ~~rehabilitation services~~ for children and families, or a young adult between the
13 ages of 18 and 24 who was under the custody of the commissioner ~~of social~~
14 ~~and rehabilitation services~~ for children and families for at least six months
15 when that person was between the ages of 16 and 18, and who is accepted for
16 degree study at the Vermont state colleges, the University of Vermont, or a
17 Vermont independent college, is eligible for an annual grant under this section,
18 to the extent that funds are available in the trust fund. Upon certification by
19 the Vermont state colleges, the University of Vermont, or a Vermont
20 independent college that a Vermont resident student who is eligible under this
21 section has matriculated in a degree program at a Vermont college or

1 university, the student may receive a grant if the student's financial aid
2 eligibility leaves remaining financial need following the student and the family
3 contributions, if any, and the availability of all other sources of gift aid. Each
4 grant, together with the student and the family contributions, if any, and all
5 other sources of gift aid, shall not exceed the full cost of tuition, fees, room and
6 board, and no individual annual grant may exceed \$3,000.00. The board may
7 prorate the funds appropriated for use under this section where the collective
8 need of the eligible applicants exceeds the funds appropriated. In addition, the
9 board may prorate a grant based on a student's full- or part-time enrollment
10 status.

11 * * *

12 (g) The board shall coordinate implementation of this section with the
13 commissioner of ~~social and rehabilitation services~~ for children and families,
14 the president of the association of Vermont independent colleges, the
15 chancellor of the Vermont state colleges, and the president of the University of
16 Vermont. The board may establish procedures and policies or adopt rules to
17 implement this section.

1 Sec. 13. 16 V.S.A. § 2943 is amended to read:

2 § 2943. COMMISSIONER OF EDUCATION FOR CHILDREN WITH
3 DISABILITIES; POWERS

4 The commissioner of education, by virtue of ~~his~~ the office, shall be
5 commissioner of education for children with disabilities; and, ~~as such~~
6 ~~commissioner~~ shall superintend all matters relating to the essential early
7 education and special education of children with disabilities, ~~and~~. In addition,
8 the commissioner, in coordination with the ~~departments of mental health and~~
9 ~~mental retardation and social and rehabilitation services~~ department of mental
10 health, the department of disabilities, aging, and independent living, and the
11 department for children and families, shall ensure that appropriate educational
12 services are provided to children and adolescents with a severe emotional
13 disturbance in accordance with the provisions of chapter 43 of Title 33 and
14 may accept gifts, grants, or other donations to carry out the purpose of this
15 chapter.

16 Sec. 14. 16 V.S.A. § 2948(f) is amended to read:

17 (f) If a student is being provided education or special education or both in a
18 school operated by the department of corrections ~~or the department of mental~~
19 ~~health and mental retardation~~, the ~~agency~~ department of corrections shall serve
20 the student as if the ~~agency~~ department were the school district of residence of
21 the student.

1 Sec. 15. 16 V.S.A. § 2948(n) is amended to read:

2 (n) If a student is being provided education or special education, or both in
3 a school operated by the department ~~of social and rehabilitation services for~~
4 children and families, the funding and provision of services shall be the
5 responsibility of the department ~~of social and rehabilitation services for~~
6 children and families and special education procedural responsibility shall be
7 the responsibility of the district of residence of the student's parent, parents, or
8 guardian.

9 Sec. 16. 16 V.S.A. § 2950(b) is amended to read:

10 (b) Residential payments.

11 (1) For a student in the care and custody of the commissioner ~~of social~~
12 ~~and rehabilitation services for children and families~~ who is placed in a 24-hour
13 residential facility within or outside Vermont, the commissioner of education
14 shall pay the education costs, and the commissioner ~~of social and rehabilitation~~
15 ~~services for children and families~~ shall arrange for the payment of the
16 remainder of the costs. However, ~~where~~ if the state interagency team, as
17 defined in ~~section 33 V.S.A. § 4302 of Title 33, has found~~ finds such
18 placement inappropriate for the student's education needs, then the
19 commissioner of education shall pay none of the education costs of the
20 placement and the commissioner ~~of social and rehabilitation services for~~

1 children and families shall arrange for the payment of the full cost of the
2 placement.

3 (2) For a student who is placed in a 24-hour residential facility within or
4 outside Vermont by a Vermont licensed child placement agency, a designated
5 community mental health agency, any other agency as defined by the
6 commissioner of education, or a Vermont state agency or department other
7 than the department of corrections or the department ~~of social and~~
8 ~~rehabilitation services~~ for children and families, the commissioner of education
9 shall pay the education costs and the agency or department in whose care the
10 student is placed shall arrange for the payment of the remainder of the costs.
11 However, ~~where~~ if the state interagency team, as defined in ~~section 33 V.S.A.~~
12 ~~§ 4302 of Title 33, has found~~ finds such placement inappropriate for the
13 student's education needs, then the commissioner of education shall pay none
14 of the education costs of the placement and the agency or department in whose
15 care the student is placed shall arrange for payment of the full cost of the
16 placement. This subdivision does not apply to a student for whom a residential
17 placement is:

- 18 (A) specified in the student's individualized education program; and
19 (B) funded in collaboration with another agency.

1 Sec. 17. 16 V.S.A. § 4001(8) is amended to read:

2 (8) "Poverty ratio" means the number of persons in the school district
3 who are aged six through 17 and who are from economically deprived
4 backgrounds, divided by the long-term membership of the school district. A
5 person from an economically deprived background means a person who
6 resides with a family unit receiving ~~Food Stamps~~ nutrition benefits. A person
7 who does not reside with a family unit receiving ~~Food Stamps~~ nutrition
8 benefits but for whom English is not the primary language shall also be
9 counted in the numerator of the ratio. The commissioner shall use a method of
10 measuring the ~~Food Stamps~~ nutrition benefits population which produces data
11 reasonably representative of long-term trends. Persons for whom English is
12 not the primary language shall be identified pursuant to subsection 4010(e) of
13 this title.

14 * * * Supervisory Union Duties; Transportation Employees;
15 Transitional Language * * *

16 Sec. 18. Sec. 18 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is
17 amended to read:

18 Sec. 18. TRANSITION

19 Each supervisory union shall provide for any transition of employment of
20 special education and transportation staff by member districts to employment

1 by the supervisory union, pursuant to Sec. 9 of this act, 16 V.S.A. § 261a(6)
2 and (8)(E), by:

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

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

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

16 (4) containing an agreement with the recognized representatives of the
17 employees of the member districts that is effective on the day the supervisory
18 union assumes obligations of existing agreements regarding how the
19 supervisory union, prior to reaching its first collective bargaining agreement
20 with its special education employees and with its transportation employees,
21 will address issues of seniority, reduction in force, layoff, and recall.

1 (4) "Operate" means to establish, keep, or maintain any facility or
2 location from or through which education is offered or given, or educational
3 degrees are offered or granted. The term includes contracting with any person
4 to perform any such act.

5 (5) "Accredited" means accredited by any regional ~~or~~ national, or
6 programmatic institutional accrediting agency recognized by the ~~state board~~
7 U.S. Department of Education.

8 (c) State board approval.

9 (1) Every postsecondary school ~~which~~ that is subject to this section
10 shall:

11 (A) apply for a certificate of approval from state board prior to
12 registering its name with the secretary of state pursuant to Title 11, Title 11A,
13 or Title 11B;

14 (B) apply for and receive a certificate of approval from the state
15 board prior to offering postsecondary credit-bearing courses or programs and
16 prior to admitting the first student; and

17 (C) ~~notify~~ provide written notification to each applicant for
18 admission or enrollment in writing, on an application, enrollment, or
19 registration form to be signed by the applicant, that credits earned at the school
20 are transferable at the discretion of the receiving school.

1 (2) Every postsecondary school shall secure a certificate of
2 degree-granting authority from the state board before it confers or offers to
3 confer a degree.

4 (d) Exemptions. The following are exempt from ~~all~~ the requirements of
5 this section except for the requirements of subdivision (c)(1)(C) of this section:

6 (1) Programs of education sponsored by a ~~bona fide~~ trade, labor,
7 business, or professional organization ~~recognized by the state board if they are:~~

8 ~~(A)~~ that are conducted solely for that organization's membership or
9 for members of the particular industries or professions served by that
10 organization; ~~and~~

11 ~~(B) not available to the public on a fee basis.~~

12 (2) The University of Vermont and the Vermont State Colleges.

13 (3) Postsecondary schools currently licensed or approved by a Vermont
14 state occupational licensing board.

15 (4) Postsecondary schools ~~which~~ that are accredited.

16 (5) Nondegree-granting and noncredit-granting postsecondary schools
17 ~~which~~ that offer only training in ~~the~~ specific trades or vocations.

18 (6) Religious instruction ~~which~~ that does not result in earning credits or
19 a degree.

20 (e) Issuance. On proper application, the state board shall issue a certificate
21 of approval or a certificate of degree-granting authority, or both, to an

1 applicant whose goals, objectives, programs, and resources, including
2 personnel, curriculum, finances, and facilities, are found by the state board to
3 be adequate and appropriate for the stated purpose and for the protection of
4 students and the public interest. ~~In the case of a course or program offered by~~
5 ~~correspondence, the applicant shall provide proof of application for a license~~
6 ~~pursuant to chapter 85 of this title.~~ The certificate shall be for a term not
7 exceeding five years. The certificate may be subject to conditions, terms, or
8 limitations.

9 * * *

10 Sec. 20. 16 V.S.A. § 176a is amended to read:

11 § 176a. POSTSECONDARY SCHOOLS NOT CHARTERED IN
12 VERMONT

13 (a) Applicability. ~~All~~ Except as provided in subsection (e) of this section, a
14 postsecondary school whose primary operation lies school that operates
15 primarily outside the state of Vermont ~~are~~ offers or operates a program of
16 college or professional education for credit or a degree, and wishes to operate
17 in Vermont is subject to this section and to subsections 176(g) through (l) of
18 this title.

19 (b) Definitions. All words and phrases defined in section 176 of this title
20 shall have the same meanings in this section.

1 (c) ~~State board approval.~~ Every Requirements. A postsecondary school
2 subject to this section shall:

3 (1) ~~apply for a certificate of approval from the state board prior to~~
4 ~~registering~~ register its name with the secretary of state pursuant to Title 11,
5 Title 11A, or Title 11B;

6 (2) secure accreditation by any regional, national, or programmatic
7 institutional accrediting agency recognized by the U.S. Department of
8 Education;

9 (3) apply for and receive a certificate of approval or a certificate of
10 degree-granting authority or both pursuant to subsection 176(e) of this title
11 prior to offering postsecondary credit-bearing courses or programs and prior to,
12 admitting the first student;

13 (3) ~~secure a certificate of degree-granting authority from the state board~~
14 ~~before it confers or offers to confer,~~ or conferring or offering to confer a degree
15 to a student enrolled in its Vermont school;

16 (4) meet any requirements for approval in its state of primary operation
17 for the specific degree or credit-bearing course or program that it intends to
18 offer in Vermont ~~as a condition of approval to operate in Vermont;~~

19 (5) register with the department of education pursuant to state board
20 rule; and

1 (6) provide written notification to each applicant for admission or
2 enrollment, on an application, enrollment, or registration form to be signed by
3 the applicant, that credits earned at the school are transferable at the discretion
4 of the receiving school.

5 (d) Renewal. After receiving initial approval, a postsecondary school
6 subject to this section shall register annually with the state board of education
7 by providing evidence of accreditation and approval by the state in which it
8 primarily operates and any other documentation the board requires. The state
9 board may refuse or revoke registration at any time for good cause.

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

13 (1) Programs of education sponsored by a ~~bona fide~~ trade, labor,
14 business, or professional organization ~~recognized by the state board if they~~ that
15 are:

16 ~~(A)~~ conducted solely for that organization's membership or for
17 members of the particular industries or professions served by that organization;
18 and

19 ~~(B) not available to the public on a fee basis.~~

20 (2) Postsecondary schools currently licensed or approved by a Vermont
21 occupational licensing board.

1 (3) Nondegree-granting or noncredit-granting postsecondary schools
2 ~~which that~~ offer only training in the specific trades or vocations.

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

5 (5) Programs of education offered solely via correspondence, the
6 Internet, or electronic media, provided that the postsecondary school has no
7 physical presence in Vermont. Evidence of a “physical presence” includes the
8 existence of administrative offices, seminars conducted by a person who is
9 physically present at the seminar location, the provision of direct services to
10 students, and required physical gatherings.

11 ~~(e) Other provisions:~~

12 ~~(1) All provisions of subsections (e) through (1) of 16 V.S.A. § 176~~
13 ~~shall apply to all postsecondary schools subject to this section.~~

14 ~~(2) All postsecondary schools subject to this section shall notify each~~
15 ~~applicant for enrollment in writing, on an application, enrollment, or~~
16 ~~registration form to be signed by the applicant, that credits earned at the school~~
17 ~~are transferable only at the discretion of the receiving school.~~

1 Sec. 21. 16 V.S.A. § 177 is amended to read:

2 § 177. ~~COSTS OF APPROVAL~~ POSTSECONDARY APPROVAL; FEES

3 (a) ~~Fees for certification of postsecondary schools shall be \$2,000.00,~~
4 ~~except that certification for degree-granting schools shall be \$2,500.00.~~ A
5 postsecondary school subject to section 176 of this title shall pay:

6 (1) a fee of \$4,000.00 for an application for approval to offer
7 credit-bearing courses;

8 (2) a fee of \$5,000.00 for an application for degree-granting authority if
9 the postsecondary school is approved to offer credit-bearing courses; and

10 (3) a fee of \$7,500.00 if the school seeks approval under subdivisions
11 (1) and (2) of this subsection simultaneously;

12 (b) ~~Fees for~~ If a postsecondary school that is subject to section 176
13 of this title seeking and is operating within an unexpired certification period
14 files an application to offer a new degree at the same level as a degree
15 previously approved by the state board, while operating within a certification
16 period previously granted by the state board, then the fee shall be based upon
17 the actual costs to the department but shall not be less than \$1,000.00 for each
18 new degree.

19 (c) A postsecondary school subject to section 176a of this title shall pay:

20 (1) the fees set forth in subsection (a) of this section for initial review
21 and approval pursuant to subdivision 176a(c)(3) of this title;

1 (3) “Independent school board” means a governing body responsible for
2 the administration of a nonprofit independent school exempt from United
3 States income taxes.

4 § 1262a. AWARD OF GRANTS

5 (a)(1) The state board of education may, from funds appropriated for this
6 subsection to the department of education, award grants to:

7 (A) supervisory unions for the use of member school boards which
8 that establish and operate food programs, provided the:

9 (B) independent school board that establish and operate food
10 programs; and

11 (C) approved education programs, as defined in subdivision
12 11(a)(34) of this title and operating under private nonprofit ownership as
13 defined in the National School Lunch Act, that establish and operate food
14 programs for students engaged in a teen parent education program or students
15 enrolled in a Vermont public school.

16 (2) The amount of any grant awarded under this subsection shall not be
17 more than the amount necessary, in addition to the charge made for the meal
18 and any reimbursement from federal funds, to pay the actual cost of the meal.

19 (b) The state board may, from funds available to the department of
20 education for this subsection, award grants to supervisory unions consisting of
21 one or more school districts which that need to initiate or expand food

1 programs in order to meet the requirements of section 1264 of this title and
2 ~~which~~ that seek assistance in meeting the cost of initiation or expansion. The
3 amount of the grants shall be limited to ~~seventy-five~~ 75 percent of the cost
4 deemed necessary by the commissioner to construct, renovate or acquire
5 additional facilities and equipment to provide lunches to all pupils, and shall be
6 reduced by the amount of funds available from federal or other sources,
7 including those funds available under section 3448 of this title. The state
8 board, upon recommendation of the commissioner, shall direct ~~school districts~~
9 supervisory unions seeking grants under this section to share facilities and
10 equipment within the supervisory union and with other supervisory unions for
11 the provision of lunches wherever more efficient and effective operation of
12 food programs can be expected to result.

13 (c) On a quarterly basis, from state funds appropriated to the department of
14 education for this subsection, the state board shall award to each ~~school district~~
15 supervisory union, independent school board, and approved education program
16 as described in subsection (a) of this section a sum equal to the amount that
17 would have been the student share of the cost of all breakfasts actually
18 provided in the district during the previous quarter to students eligible for a
19 reduced price breakfast under the federal school breakfast program.

1 § 1262b. REGULATIONS

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

8 § 1264. FOOD PROGRAM

9 (a)(1) Each school board operating a public school shall cause to operate
10 within the school district a food program that makes available a school lunch,
11 as provided in the National School Lunch Act as amended, and a school
12 breakfast, as provided in the National Child Nutrition Act as amended, to each
13 attending pupil every school day.

14 (2) Each school board operating a public school shall offer a summer
15 snack or meals program funded by the Summer Food Service program or the
16 National School Lunch Program for participants in a summer educational or
17 recreational program or camp if:

18 (A) At least 50 percent of the students in a school in the district were
19 eligible for free or reduced-price meals under subdivision (1) of this subsection
20 for at least one month in the preceding academic year;

1 (B) The district operates or funds the summer educational or
2 recreational program or camp; and

3 (C) The summer educational or recreational program or camp is
4 offered 15 or more hours per week.

5 (b) In the event of an emergency, the school board may apply to the
6 department for a temporary waiver of the requirements in subsection (a) of this
7 section. The commissioner shall grant the requested waiver if he or she finds
8 that it is unduly difficult for the school district to provide a school lunch,
9 breakfast, or summer meals program, or any combination of the three, and if he
10 or she finds that the school district ~~has~~ and supervisory union have exercised
11 due diligence ~~in its efforts~~ to avoid the emergency situation that gives rise to
12 the need for the requested waiver. In no event shall the waiver extend for a
13 period to exceed 20 school days or, in the case of a summer meals program, the
14 remainder of the summer vacation.

15 (c) The state shall be responsible for the student share of the cost of
16 breakfasts provided to all students eligible for a reduced price breakfast under
17 the federal school breakfast program.

18 § 1265. EXEMPTION; PUBLIC DISCUSSION

19 (a) The school board of a public school district ~~which~~ that wishes to be
20 exempt from the provisions of section 1264 of this title may vote at a meeting
21 warned and held for that purpose to exempt itself from the requirement to

1 ~~operate~~ offer either the school lunch program or the school breakfast program,
2 or both, for a period of one year.

3 (b) If a public school board is exempt from ~~operating~~ offering a breakfast
4 or lunch program, ~~annually it~~ its school board shall conduct a discussion
5 annually on whether to continue the exemption. The pending discussion shall
6 be included on the agenda at a regular or special school board meeting publicly
7 noticed in accordance with ~~subsection 1 V.S.A. § 312(c) of Title 4,~~ and citizens
8 shall be provided an opportunity to participate in the discussion. The school
9 board shall send a copy of the notice to the commissioner and to the
10 superintendent of the supervisory union at least ten days prior to the meeting.
11 Following the discussion, the school board shall vote on whether to continue
12 the exemption for one additional year.

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

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

20 (e) The commissioner may grant a supervisory union or a school district a
21 waiver from duties required of it under this subchapter upon a demonstration

1 that the duties would be performed more efficiently and effectively in another
2 manner.

3 * * * Dual Enrollment; Secondary Credits * *

4 Sec. 23. 16 V.S.A. § 913 is added to read:

5 § 913. DUAL ENROLLMENT; SECONDARY CREDITS; POLICY

6 (a) Each public school and approved independent school offering
7 secondary education shall award credit toward graduation requirements to a
8 student who successfully completes a course offered by an accredited
9 postsecondary institution. The secondary school shall determine the number
10 and nature of credits it will award to the student for successful completion of
11 the course, including whether the course will satisfy one or more requirements
12 of the school, and shall inform the student prior to enrollment. Credits
13 awarded shall be based on performance and not solely on Carnegie units;
14 provided, however, that unless the school determines otherwise, a three-credit
15 postsecondary course shall be presumed to equal one-half of a Carnegie unit.
16 A student may request that the superintendent review the school's
17 determination regarding credits. The superintendent's decision shall be final.

18 (b) It is the policy of the state of Vermont to:

19 (1) encourage and support increased access to dual enrollment
20 opportunities for publicly funded students enrolled in public and approved
21 independent secondary schools;

1 (2) encourage and support increased dual enrollment opportunities for a
2 wide range of students, particularly those from groups who attend college at
3 disproportionately low rates, which will contribute to the statewide intent to
4 increase the rigor of high school coursework, improve high school graduation
5 rates, raise postsecondary aspiration rates, and better prepare more secondary
6 students for the transition to college and career;

7 (3) encourage and support increased opportunities for secondary
8 students to enroll in dual enrollment courses and earn both transcribed high
9 school credit and transcribed postsecondary credit for successful completion
10 of the course;

11 (4) recognize that instructors for dual enrollment courses are selected by
12 the postsecondary institution and may include qualified high school faculty;
13 and

14 (5) recognize that dual enrollment courses may be taught at the
15 secondary school, on the postsecondary campus, or by means of electronic or
16 other distance media.

17 (c) For purposes of this section:

18 (1) “Accredited postsecondary institution” means a postsecondary
19 institution that has been accredited by the New England Association of Schools
20 and Colleges or a similar national or regional accrediting agency recognized by
21 the U.S. Department of Education.

1 (2) “Carnegie unit” means a time-based unit of measuring secondary
2 student attainment under which one unit equals 50 minutes of class time if the
3 class is taken five days per week for 30 weeks.

4 (3) “Dual enrollment” means enrollment by a secondary student in a
5 course offered by an accredited postsecondary institution and for which, upon
6 successful completion of the course, the student will receive:

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

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

11 * * * Reports * * *

12 Sec. 24. DRIVER EDUCATION; RESTRUCTURING

13 (a) The department of education, in consultation with the department of
14 motor vehicles, the Vermont Driver and Traffic Safety Education Association,
15 the Vermont Superintendents Association, and other interested entities, shall
16 explore options for restructuring the delivery of driver education to
17 Vermonters between the ages of 15 and 20, including consideration of:

18 (1) the development, implementation, evaluation, and enforcement of
19 standards for teen driver education programs and instructors;

20 (2) the development and public dissemination of information regarding
21 teen driver education issues;

1 (3) the creation of an advisory board to oversee all teen driver education
2 programs, program instructors, and public communication efforts; and

3 (4) available funding sources for driver education programs and
4 advisory board responsibilities.

5 (b) On or before January 15, 2012, the department shall present a detailed
6 restructuring proposal to the house and senate committees on education and on
7 transportation.

8 Sec. 25. TECHNOLOGY IN SCHOOLS; REPORT

9 On or before January 15, 2012, the department of education shall report to
10 the senate and house committees on education regarding the current and
11 planned use of technology in public schools designed to increase educational
12 opportunities for students, including:

13 (1) efforts to increase the availability of individual learning
14 opportunities, dual enrollment, online, and other alternative learning programs;

15 (2) the expansion of flexible learning environments, including efforts to
16 develop and increase opportunities with out-of-state providers;

17 (3) results of the department's research concerning the possible
18 development of a statewide open document format that could be standardized
19 across the K-12 structure in Vermont, including consideration of tools
20 available, security risk inherent in each, and the viability of state agencies to

1 join efforts to help standardize systems and reduce costs on proprietary
2 software and solutions;

3 (4) implementation of the department's communication and
4 collaboration tool during the summer of 2011, focusing on uses of the tool by
5 both schools and department staff and addressing incentives and value-added
6 aspects of the tool; and

7 (5) review by the department and the state board of education of the
8 school quality standards and consideration of amendments focusing on the
9 continued evolution of teaching and learning supported by technology.

10 Sec. 26. SPECIAL EDUCATION INFORMATION MANAGEMENT
11 SYSTEM; REPORT AND PROPOSAL

12 (a) The department of education, in consultation with the Vermont
13 Superintendents Association, the Vermont School Boards Association, the
14 Vermont Principals' Association, the Vermont-National Education
15 Association, the Vermont council of special education administrators, and the
16 Vermont association for school business officials, shall investigate, evaluate,
17 and develop proposals for a statewide special education information
18 management system designed to improve the delivery of special education
19 services and student outcomes and to support:

20 (1) the department's mandated auditing responsibilities;

1 (2) the development and implementation of individualized education
2 plans pursuant to 16 V.S.A. § 261a(a)(6) and chapter 101;

3 (3) the integration and dissemination of financial and educational
4 information to supervisory unions and school districts necessary for effective
5 operation of the new management system; and

6 (4) a uniform approach to Medicaid reimbursement.

7 (b) On or before January 15, 2012, the department shall provide a report to
8 the senate and house committees on education detailing its proposal for the
9 information system designed pursuant to subsection (a) of this section and
10 identifying all statutory amendments necessary to implement the system.

11 Sec. 27. EARLY EDUCATION OFFERED BY AND THROUGH PUBLIC
12 SCHOOLS; REGULATION; REPORT

13 (a) The departments of education and for children and families, in
14 consultation with the Vermont Superintendents Association, the Vermont
15 School Boards Association, the Vermont Principals' Association, the
16 Vermont-National Education Association, the Vermont council of special
17 education administrators, Pre-K Vermont, the Vermont community preschool
18 collaborative, and other interested entities, shall review the statutes and rules
19 regarding prekindergarten education programs offered by and through school
20 districts and supervisory unions and shall determine ways in which the
21 regulation of these programs can be simplified.

