

1 H.488
2 Introduced by Representatives Head of South Burlington, O'Sullivan of
3 Burlington, Pugh of South Burlington, Stuart of Brattleboro,
4 and Townsend of South Burlington

5 Referred to Committee on

6 Date:

7 Subject: Education; independent schools; public funding

8 Statement of purpose of bill as introduced: This bill proposes to prohibit
9 public funding of independent schools.

10 An act relating to prohibiting public funding of independent schools

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

12 Sec. 1. 16 V.S.A. § 821 is amended to read:

13 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY
14 SCHOOLS OR PAY TUITION

15 * * *

16 (d) ~~Notwithstanding subdivision (a)(1) of this section, the electorate of a~~
17 ~~school district that does not maintain an elementary school may grant general~~
18 ~~authority to the school board to pay tuition for an elementary pupil at an~~
19 ~~approved independent elementary school or an independent school meeting~~
20 ~~school quality standards pursuant to sections 823 and 828 of this chapter upon~~

1 ~~notice given by the pupil's parent or legal guardian before April 15 for the next~~
2 ~~academic year. [Repealed.]~~

3 Sec. 2. 16 V.S.A. § 822 is amended to read:

4 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
5 PAY TUITION

6 (a) Each school district shall provide, furnish, and maintain one or more
7 approved high schools in which high school education is provided for its pupils
8 unless:

9 (1) ~~The~~ the electorate authorizes the school board to close an existing
10 high school and to provide for the high school education of its pupils by paying
11 tuition in accordance with law. Tuition for its pupils shall be paid to a public
12 high school, ~~an approved independent high school, or an independent school~~
13 ~~meeting school quality standards~~, to be selected by the parents or guardians of
14 the pupil, within or without the state; or

15 (2) ~~The~~ the school district is organized to provide only elementary
16 education for its pupils.

17 * * *

18 (c) The school board may both maintain a high school and furnish high
19 school education by paying tuition to a public school as in the judgment of the
20 board may best serve the interests of the pupils, ~~or to an approved independent~~
21 ~~school or an independent school meeting school quality standards if the board~~

1 ~~judges that a pupil has unique educational needs that cannot be served within~~
2 ~~the district or at a nearby public school. Its judgment shall be final in regard to~~
3 ~~the institution the pupils may attend at public cost.~~

4 Sec. 3. 16 V.S.A. § 823 is amended to read:

5 § 823. ELEMENTARY TUITION

6 * * *

7 (b) ~~Unless the electorate of a school district authorizes payment of a higher~~
8 ~~amount at an annual or special meeting warned for the purpose, the tuition paid~~
9 ~~to an approved independent elementary school or an independent school~~
10 ~~meeting school quality standards shall not exceed the least of:~~

11 (1) ~~the average announced tuition of Vermont union elementary schools~~
12 ~~for the year of attendance;~~

13 (2) ~~the tuition charged by the approved independent school for the year~~
14 ~~of attendance; or~~

15 (3) ~~the average per pupil tuition the district pays for its other resident~~
16 ~~elementary pupils in the year in which the pupil is enrolled in the approved~~
17 ~~independent school. [Repealed.]~~

18 Sec. 4. 16 V.S.A. § 824 is amended to read:

19 § 824. HIGH SCHOOL TUITION

20 (a) Tuition for high school pupils shall be paid by the school district in
21 which the pupil is a resident.

1 (b) Except as otherwise provided for technical students, the district shall
2 pay the full tuition charged its pupils attending a public high school in
3 Vermont or an adjoining state ~~or a public or approved independent school in~~
4 ~~Vermont functioning as an approved area technical center, or an independent~~
5 ~~school meeting school quality standards~~; provided:

6 (1) If a payment made to a public high school ~~or an independent school~~
7 ~~meeting school quality standards~~ is three percent more or less than the
8 calculated net cost per secondary pupil in the receiving school district or
9 independent school for the year of attendance, then the district or school shall
10 be reimbursed, credited, or refunded pursuant to section 836 of this title.

11 (2) Notwithstanding the provisions of this subsection or of subsection
12 825(b) of this title, the board of the receiving public school district, ~~public or~~
13 ~~approved independent school functioning as an area technical center, or~~
14 ~~independent school meeting school quality standards~~ may enter into tuition
15 agreements with the boards of sending districts that have terms differing from
16 the provisions of those subsections, provided that the receiving district or
17 school must offer identical terms to all sending districts, and further provided
18 that the statutory provisions apply to any sending district that declines the
19 offered terms.

20 (c) ~~The district shall pay an amount not to exceed the average announced~~
21 ~~tuition of Vermont union high schools for the year of attendance for its pupils~~

1 ~~enrolled in an approved independent school not functioning as a Vermont area~~
2 ~~technical center, or any higher amount approved by the electorate at an annual~~
3 ~~or special meeting warned for that purpose. [Repealed.]~~

4 Sec. 5. 16 V.S.A. § 826 is amended to read:

5 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

6 (a) A school board, ~~or the board of trustees of an independent school~~
7 ~~meeting school quality standards that proposes to increase tuition charges~~ shall
8 notify the school board of the school district from which its nonresident pupils
9 come, and the ~~commissioner~~ Secretary, of the proposed increase on or before
10 January 15 in any year; such increases shall not become effective without the
11 notice and not until the following school year.

12 (b) A school board ~~or the board of trustees of an independent school~~
13 ~~meeting school quality standards~~ may establish a separate tuition for one or
14 more special education programs. No such tuition shall be established unless
15 the ~~state board~~ State Board has by rule defined the program as of a type which
16 may be funded by a separate tuition. Any such tuition shall be announced in
17 accordance with the provisions of subsection (a) of this section. The amount
18 of tuition shall reflect the net cost per pupil in the program. The announcement
19 of tuition shall describe the special education services included or excluded
20 from coverage. Tuition for part-time ~~pupils~~ students shall be reduced
21 proportionally.

1 (c) Excess special education costs incurred by a district in providing special
2 education services beyond those covered by tuition may be charged to the
3 pupil's district of residence. However, only actual costs or actual
4 proportionate costs attributable to the student may be charged.

5 (d) The ~~state board~~ State Board shall adopt rules relating to the types of
6 special education programs which may establish tuition charges and relating to
7 methods and times of calculating excess charges.

8 Sec. 6. 16 V.S.A. § 827 is amended to read:

9 § 827. DESIGNATION OF A PUBLIC HIGH SCHOOL ~~OR AN~~

10 ~~APPROVED INDEPENDENT HIGH SCHOOL~~ AS THE SOLE

11 PUBLIC HIGH SCHOOL OF A SCHOOL DISTRICT

12 (a) A school district not maintaining ~~an approved~~ a public high school may
13 vote on such terms or conditions as it deems appropriate, to designate ~~an~~
14 ~~approved independent school~~ or a public school as the public high school of
15 the district.

16 (b) Except as otherwise provided in this section, if the ~~board of trustees or~~
17 ~~the~~ school board of the designated school votes to accept this designation, the
18 school shall be regarded as a public school for tuition purposes under
19 subsection 824(b) of this title and the sending school district shall pay tuition
20 to that school only, until such time as the sending school district or the
21 designated school votes to rescind the designation.

1 (c) A parent or legal guardian who is dissatisfied with the instruction
2 provided at the designated school or who cannot obtain for his or her child the
3 kind of course or instruction desired there, or whose child can be better
4 accommodated in ~~an approved independent or a~~ public high school nearer his
5 or her home during the next academic year, may request on or before April 15
6 that the school board pay tuition to another ~~approved independent or~~ public
7 high school selected by the parent or guardian.

8 (d) The school board may pay tuition to another ~~approved~~ high school as
9 requested by the parent or legal guardian if in its judgment that will best serve
10 the interests of the pupil. Its decision shall be final in regard to the institution
11 the pupil may attend. If the board approves the parent's request, the board
12 shall pay tuition for the pupil in an amount not to exceed the least of:

13 (1) ~~The~~ the statewide average announced tuition of Vermont union high
14 schools;

15 (2) ~~The~~ the per-pupil tuition the district pays to the designated school in
16 the year in which the pupil is enrolled in the nondesignated school; or

17 (3) ~~The~~ the tuition charged by the ~~approved~~ nondesignated school in the
18 year in which the pupil is enrolled.

1 (e) Notwithstanding any other provision of law to the contrary:

2 (1) ~~the~~ The school districts of Pawlet, Rupert, and Wells may designate
3 a public high school located in New York as the public high school of the
4 district pursuant to the provisions of this section;

5 (2) ~~unless otherwise directed by an affirmative vote of the school~~
6 ~~district, when the Wells board approves parental requests to pay tuition to a~~
7 ~~nondesignated approved independent or public school, the board shall pay~~
8 ~~tuition in an amount not to exceed the base education amount as determined~~
9 ~~under section 4011 of this title for the fiscal year in which tuition is being paid;~~
10 ~~and [Repealed.]~~

11 (3) ~~unless otherwise directed by an affirmative vote of the school~~
12 ~~district, when the Strafford board approves a parental request to pay tuition to a~~
13 ~~nondesignated approved independent or public school, the board shall pay~~
14 ~~tuition to the nondesignated school pursuant to section 824 of this title for the~~
15 ~~year in which the pupil is enrolled; provided, however, that it shall not pay~~
16 ~~tuition in an amount that exceeds the tuition paid to the designated school for~~
17 ~~the same academic year. [Repealed.]~~

18 Sec. 7. 16 V.S.A. § 828 is amended to read:

19 § 828. TUITION TO APPROVED SCHOOLS, AGE, APPEAL

20 A school district shall not pay the tuition of a pupil except to a public
21 school, ~~an approved independent school, an independent school meeting school~~

1 ~~quality standards~~, a tutorial program approved by the state board, or an
2 approved education program, ~~or an independent school in another state or~~
3 ~~country approved under the laws of that state or country~~, nor shall payment of
4 tuition on behalf of a person be denied on account of age. Unless otherwise
5 provided, a person who is aggrieved by a decision of a school board relating to
6 eligibility for tuition payments, the amount of tuition payable, or the school he
7 or she may attend, may appeal to the ~~state board~~ State Board and its decision
8 shall be final.

9 Sec. 8. STATUTORY REVISION

10 On or before December 15, 2013, the Office of Legislative Council shall
11 prepare a draft bill that identifies all statutory references to an independent
12 school that receives public funds.

13 Sec. 9. EFFECTIVE DATE

14 This act shall take effect on July 1, 2013 and shall apply to the 2014–2015
15 academic year and after.