

H.524

An act relating to making technical amendments to education laws

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

* * * 16 V.S.A. chapter 1; Administration Generally * * *

Sec. 1. 16 V.S.A. § 11 is amended to read:

§ 11. CLASSIFICATIONS AND DEFINITIONS

(a) ~~For the purposes of~~ As used in this title, unless the context otherwise clearly requires:

(1) ~~“Commissioner”~~ “Secretary” means the ~~commissioner of education~~ Secretary of Education.

* * *

(13) “Superintendent” means the ~~superintendent of schools elected as~~ the chief executive officer of a school district or a supervisory union and each school board within it.

(14) ~~“Department of Education”~~ “Agency of Education” means the ~~commissioner, Secretary and the staff necessary to carry out the functions of the department~~ Agency.

* * *

(23) “Supervisory union” means an administrative, planning, and educational service unit created by the ~~state board~~ State Board under section 261 of this title, ~~which that~~ which consists of two or more school districts; if the

context clearly allows, the term ~~may also include~~ also means a supervisory district.

* * *

(28) "State-placed student" means:

(A) a Vermont ~~pupil~~ student who has been placed in a school district other than the district of residence of the ~~pupil's~~ student's parent, parents, or guardian or in an approved residential facility by a Vermont state agency, a Vermont licensed child placement agency, a designated community mental health agency, or any other agency as defined by the ~~commissioner~~ Secretary; or

(B) a Vermont ~~pupil~~ student who:

(i) is 18 years of age or older;

(ii) is living in a community residence as a result of placement by a Vermont state agency, a Vermont licensed child placement agency, or a designated community mental health agency, and whose residential costs are paid for in whole or in part by one of these agencies; and

(iii) resides in a school district other than the district of the ~~pupil's~~ student's parent or parents; or

(C) [Deleted.]

(D) A Vermont ~~pupil~~ student who:

(i) ~~Is~~ is in either:

(I) ~~The~~ the legal custody of the ~~commissioner for children and families~~ Commissioner for Children and Families; or

(II) ~~The~~ the temporary legal custody of an individual pursuant to 33 V.S.A. § 5308(b)(3) or (4), until a disposition order has been entered pursuant to section 5318 of that title; and

(ii) ~~Is~~ is determined by the ~~commissioner of education~~ Secretary of Education to be in particular need of educational continuity by attending a school in a district other than the ~~pupil's~~ student's current district of residence;

(E) ~~But~~ but does not mean a ~~pupil~~ student placed within a correctional facility or in the Woodside Juvenile Rehabilitation Center.

* * *

(b) ~~Name:~~ Each school district shall be known by the name of the municipality in which it lies or in the case of union, incorporated, and interstate school districts, by a number and by a name given the district by its school board and approved by the ~~commissioner~~ Secretary.

Sec. 2. 16 V.S.A. § 12 is amended to read:

§ 12. OATH

A superintendent, a principal or teacher in a public school of the state, ~~or~~ a professor, instructor, or teacher who will be employed ~~hereafter~~ by a university, or college in the state, ~~which~~ that is supported in whole or in part by public funds, or ~~in~~ a headmaster or teacher who will be employed by an

independent school or other educational institution accepted by the ~~state~~
~~department of education~~ Agency as furnishing equivalent education, before
entering upon the discharge of his or her duties, shall subscribe to an oath or
affirmation to support the ~~constitution of the United States of America~~ U.S.
Constitution, the ~~constitution of the state of~~ Vermont Constitution, and the
~~laws of the United States and the state of Vermont~~ all state and federal laws;
provided, however, that ~~such an~~ an oath shall not be required of any person ~~so~~
~~employed~~ who is a citizen of a foreign country.

Sec. 3. 16 V.S.A. § 133 is amended to read:

§ 133. SUPERVISOR; COMPREHENSIVE HEALTH EDUCATION

(a) The ~~commissioner~~ Secretary with the approval of the ~~state board~~ State
Board may appoint one qualified person to supervise the preparation of
appropriate curricula for use in the public schools, to promote programs for the
preparation of teachers to teach these curricula, and to assist in the
development of comprehensive health education programs.

(b) ~~The commissioner shall evaluate and report the status of the~~
~~comprehensive health education program as defined above to the board of~~
~~education and to the chairmen of the house and senate committees on~~
~~education no later than January 15, 1979. [Repealed.]~~

(c) Vermont school districts may include a module within the secondary
school health class curricula relating to cervical cancer and the human

papillomavirus. The ~~department of education~~ Agency shall work with relevant medical authorities to update the current model module to reflect up-to-date information and practices for health education in this area.

Sec. 4. 16 V.S.A. § 135 is amended to read:

§ 135. PROGRAM DEVELOPMENT; COMMUNITY ADVISORY
COUNCIL

(a) The ~~department~~ Agency shall offer assistance to school districts and supervisory unions to provide teacher instruction in comprehensive health education.

(b) Any school district board or supervisory union board may establish a comprehensive health education community advisory council to assist the school board in developing and implementing comprehensive health education. The school board shall provide public notice to the community to allow all interested parties to apply for appointment. The school board shall endeavor to appoint members ~~that~~ who represent various points of view within the community regarding comprehensive health education.

Sec. 5. 16 V.S.A. § 216 is redesignated to read:

§ ~~216~~ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON
WELLNESS AND COMPREHENSIVE HEALTH

Sec. 6. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
AND COMPREHENSIVE HEALTH

(a) ~~In~~ As used in this section:

(1) “Fitness program” means a program ~~which~~ that includes a physical education program and a physical activity program.

(2) “Nutrition” includes all food and beverages sold or served in the food service program, vending machines, snack bars, and school stores.

(3) “Physical activity program” means a program ~~which~~ that includes, in addition to regular physical education classes, minimum daily physical activity for each student provided through activities such as recess and other recreation periods, and participation in athletics either during or after regular school hours. “Physical activity” means moderate and vigorous physical activities.

(4) “Physical education program” means a ~~program which is a~~ sequential, developmentally appropriate program that is an enjoyable experience for students and is designed to help students develop the knowledge, skill, self-management skill, attitudes, and confidence needed to adopt and maintain physical fitness throughout their lives.

(5) “Wellness program” means a program ~~which~~ that includes fitness and nutrition.

(b) The ~~commissioner~~ Secretary with the approval of the ~~state board~~ State Board shall establish an ~~advisory council on wellness and comprehensive health which~~ Advisory Council on Wellness and Comprehensive Health that shall include at least three members associated with the health services field. The members shall serve without compensation but shall receive their actual expenses incurred in ~~pursuit of~~ connection with their duties relating to wellness and comprehensive health programs. The ~~council~~ Council shall assist the ~~department of education in planning, coordinating, and encouraging~~ Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools.

(c) The ~~commissioner~~ Secretary shall collaborate with other agencies and councils working on childhood wellness to:

* * *

(3) establish and maintain a website ~~which~~ that displays data from a youth risk behavior survey in a way that enables the public to aggregate and disaggregate the information;

* * *

(4) create a process for schools to share with the ~~department of health~~ Department of Health any data collected about the height and weight of students in kindergarten through grade six. The ~~commissioner of health~~ Commissioner of Health may report any data compiled under this subdivision

on a countywide basis. Any reporting of data must protect the privacy of individual students and the identity of participating schools.

(d) The ~~department~~ Agency shall offer assistance to school districts and supervisory unions to provide teacher instruction in wellness programs.

* * *

Sec. 7. REDESIGNATION; ADDITION OF SUBCHAPTER

16 V.S.A. chapter 3, subchapter 1, which shall include §§ 161–167a, is added to read:

Subchapter 1. General Provisions

* * *

Sec. 8. 16 V.S.A. § 164(7) is amended to read:

(7) ~~Make regulations under and in accordance with chapter 25 of Title 3~~
Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or appropriate for the execution of its powers and duties and of the powers and duties of all persons under its supervision and control.

Sec. 9. 16 V.S.A. § 164(16) and (17) are amended to read:

(16) In cooperation with the ~~commissioner~~ Secretary, ensure that the Agency develops information, plans, and assistance ~~are developed by the department~~ to aid in making technology and telecommunications available and coordinated in all school districts. The ~~board~~ State Board shall develop guidelines for distribution of federal, state, or private funds designated for the

development or expansion of distance learning technologies. The guidelines shall encourage, consistent with any terms or conditions established by the funding source, collaboration between schools and school districts to realize economic and educational efficiencies.

(17) Report annually on the condition of education statewide and on a school by school basis. The report shall include information on attainment of standards for student performance adopted under subdivision ~~164(9)~~ (9) of this section, number and types of complaints of harassment ~~or, hazing, or bullying~~ made pursuant to ~~section 565~~ chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school to determine its strengths and weaknesses. The ~~commissioner~~ Secretary shall use the information in the report ~~in determining~~ to determine whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title.

Sec. 10. 16 V.S.A. § 180 is redesignated to read:

§ ~~180~~164a. STATEWIDE STRATEGIC EDUCATION PLAN

Sec. 11. 16 V.S.A. § 164a is amended to read:

§ 164a. STATEWIDE STRATEGIC EDUCATION PLAN

~~By Beginning on July 1, 1998, the state board of education~~ State Board shall adopt through a public process a statewide strategic education plan to describe how the ~~agency~~ Agency will help school boards to improve student performance. ~~Every five years thereafter, the state board~~ The State Board shall update and readopt the plan at least every five years. The goals of the plan shall be to strengthen coherence and consistency among state and local education goals, standards for student performance, assessments, professional development opportunities, and action plans; and to provide support for local curriculum development. The plan shall include information as to the economic costs of implementation and the education benefits to be derived.

Sec. 12. 16 V.S.A. § 165 is amended to read:

§ 165. STANDARDS OF QUALITY FOR PUBLIC SCHOOLS; EQUAL
EDUCATIONAL OPPORTUNITIES; INDEPENDENT SCHOOL
MEETING SCHOOL QUALITY STANDARDS

(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities ~~which~~ that are substantially equal in quality, each Vermont public school, including each career technical center, shall meet the following school quality standards:

* * *

(2) The school, at least annually, reports student performance results to community members in a format selected by the school board. In the case of a regional career technical center, the community means the school districts in the service region. The school report shall include:

* * *

(K) data provided by the ~~commissioner~~ which Secretary that enable a comparison with other schools, or school districts if school level data are not available, for cost-effectiveness. The ~~commissioner~~ Secretary shall establish which data are to be included pursuant to this subdivision and, notwithstanding that the other elements of the report are to be presented in a format selected by the school board, shall develop a common format to be used by each school in presenting the data to community members. The ~~commissioner~~ Secretary shall provide the most recent data available to each school no later than October 1 of each year. Data to be presented ~~may~~ include student-to-teacher ratio, administrator-to-student ratio, administrator-to-teacher ratio, and cost per pupil.

* * *

(8) The school maintains a safe, orderly, civil, and positive learning environment, ~~which that~~ is free from hazing, harassment, and bullying, and is based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

(b) Every two years, the ~~commissioner~~ Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the ~~commissioner~~ Secretary determines that a school is not meeting the quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress by the end of the next two-year period, the ~~commissioner~~ Secretary shall recommend to the ~~state board~~ State Board one or more of the following actions:

- (1) continue technical assistance;
- (2) adjust supervisory union boundaries or responsibilities of the superintendency;
- (3) assume administrative control only to the extent necessary to correct deficiencies; or
- (4) close the school and require that the school district pay tuition to another public school or an approved independent school pursuant to chapter 21 of this title.

(c) The ~~state-board~~ State Board, after offering the school board an opportunity for a hearing, shall either dismiss the ~~commissioner's~~ Secretary's recommendation or order that one or more of the actions listed in subsection (b) of this section be taken. The action ordered by the ~~state-board~~ State Board shall be the least intrusive consistent with the need to provide students attending the school substantially equal educational opportunities. A school board aggrieved by an order of the ~~state-board~~ State Board may appeal the order in accordance with the Rules of Civil Procedure.

(d) Nothing ~~herein~~ in this section shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district. Further, nothing ~~herein~~ in this section shall create a private right of action.

(e) If the ~~commissioner~~ Secretary determines at any time that the failure of a school to meet the school quality standards listed in subsection (a) of this section is severe or pervasive, potentially results in physical or emotional harm to students, or significant deprivation of equal education opportunities, and the school has either unreasonably refused to remedy the problem or its efforts have proved ineffective, he or she may recommend to the ~~state-board~~ State Board one or more of the actions listed in subsection (b) of this section. The ~~state-board~~ State Board shall then follow the procedure of subsection (c) of this section.

(f) In order to be designated an independent school meeting school quality standards, an independent school shall participate in the school quality standards process of subsection (b) of this section. An independent school shall receive technical assistance in accordance with the provisions of subsection (b), but shall not be subject to subdivisions (b)(2)-(4) of this section. The school shall be an independent school meeting school quality standards unless the ~~state board~~ State Board, after opportunity for hearing, finds that:

(1) the school has discontinued its participation in the school quality standards process; or

(2) two or more years following a determination that the school is not meeting the quality standards or that the school is making insufficient progress in improving student performance, the school fails to meet the standards or make sufficient progress toward meeting the standards.

Sec. 13. 16 V.S.A. § 166 is amended to read:

§ 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

(a) Authority. An independent school may operate and provide elementary education or secondary education if it is either approved or recognized as set forth herein.

(b) Approved independent schools. On application, the ~~state board~~ State Board shall approve an independent school ~~which~~ that offers elementary or

secondary education if it finds, after opportunity for hearing, that the school provides a minimum course of study pursuant to section 906 of this title and that it substantially complies with the ~~board's~~ Board's rules for approved independent schools. Except as provided in subdivision (6) of this subsection, the ~~board's~~ Board's rules must at minimum require that the school has the resources required to meet its stated objectives, including financial capacity, faculty who are qualified by training and experience in the areas in which they are assigned, and physical facilities and special services that are in accordance with any state or federal law or regulation. Approval may be granted without ~~state-board~~ State Board evaluation in the case of any school accredited by a private, state, or regional agency recognized by the ~~state-board~~ State Board for accrediting purposes.

(1) On application, the ~~state-board~~ State Board shall approve an independent school ~~which~~ that offers kindergarten but no other graded education if it finds, after opportunity for hearing, that the school substantially complies with the board's rules for approved independent kindergartens. The ~~state-board~~ State Board may delegate to another state agency the authority to evaluate the safety and adequacy of the buildings in which kindergartens are conducted, but shall consider all findings and recommendations of any such agency in making its approval decision.

(2) Approvals under this ~~section~~ subsection (b) shall be for a term established by rule of the ~~board~~ Board but not greater than five years.

(3) An approved independent school shall provide to the parent or guardian responsible for each of its ~~pupils~~ students, prior to accepting any money for ~~that pupil~~ a student, an accurate statement in writing of its status under this section, and a copy of this section. Failure to comply with this provision may create a permissible inference of false advertising in violation of 13 V.S.A. § 2005.

(4) Each approved independent school shall provide to the ~~commissioner~~ Secretary on October 1 of each year the names, genders, dates of birth, and addresses of its enrolled ~~pupils~~ students. Within seven days of the termination of a ~~pupil's~~ student's enrollment, the approved independent school shall notify the ~~commissioner~~ Secretary of the name and address of the ~~pupil~~ student. The ~~commissioner~~ Secretary shall ~~forthwith~~ notify the appropriate school officials as provided in section 1126 of this title.

(5) The ~~state board~~ State Board may revoke or suspend the approval of an approved independent school, after opportunity for hearing, for substantial failure to comply with the minimum course of study, for failure to comply with the ~~board's~~ Board's rules for approved independent schools, or for failure to report under subdivision (b)(4) of this section. Upon revocation or suspension, students required to attend school who are enrolled in that school shall become

truant unless they enroll in ~~an approved~~ a public school, an approved or recognized independent school, ~~or approved home instruction~~ a home study program.

(6) This subdivision (6) applies to an independent school located in Vermont that offers a distance learning program and that, because of its structure, does not meet some or all the rules of the ~~state board~~ State Board for approved independent schools. In order to be approved under this subdivision, a school shall meet the standards adopted by rule of the ~~state board~~ State Board for approved independent schools that can be applied to the applicant school and any other standards or rules adopted by the ~~state board~~ State Board regarding these types of schools. A school approved under this subdivision shall not be eligible to receive tuition payments from public school districts under chapter 21 of this title.

(7) Approval for independent residential schools under this subsection is also contingent upon proof of the school's satisfactory completion of an annual fire safety inspection by the ~~department of public safety~~ Department of Public Safety or its designee pursuant to 20 V.S.A. chapter 173, subchapter 2. A certificate executed by the inspecting entity, declaring satisfactory completion of the inspection and identifying the date by which a new inspection must occur, shall be posted at the school in a public location. The school shall provide a copy of the certificate to the ~~commissioner of education~~ Secretary of

Education after each annual inspection. The school shall pay the actual cost of the inspection unless waived or reduced by the inspecting entity.

(c) Recognized independent schools. Upon filing an enrollment notice, a recognized independent school may provide elementary or secondary education in Vermont. The enrollment notice shall be on a form provided by the ~~commissioner~~ Secretary and shall be filed with the ~~commissioner~~ Secretary no earlier than three months before the beginning of the school year for the public schools in the town in which the applicant proposes to locate.

* * *

(2) If the ~~commissioner~~ Secretary has information that creates significant doubt about whether the school would be able to meet the requirements set forth ~~above~~ in this subsection (c), the ~~commissioner~~ Secretary may call a hearing. At the hearing, the school shall establish that it can meet the requirements for recognized independent schools. Failure to do so shall result in a finding by the ~~commissioner~~ Secretary that the school must take specified action to come into compliance within a specified time frame or the children enrolled must attend another recognized independent school, a public school, an approved independent or public school, or a home study program, or be declared truant unless absent with legal excuse.

(3) A recognized independent school shall provide to each student's parent or guardian a copy of its currently filed statement of objectives and a

copy of this section. The copy shall be provided when the ~~pupil~~ student enrolls or before September 1, whichever comes later. Failure to comply with this subsection may create a permissible inference of false advertising in violation of 13 V.S.A. § 2005.

(4) A recognized independent school shall renew its enrollment notice annually. An independent school shall be recognized for a period not to exceed five years by the ~~commissioner~~ Secretary without need for filing an annual enrollment notice if:

(A) it is recognized by an organization approved by the ~~state board~~ State Board for the purpose of recognizing such school; or

(B) it is accredited by a private, state, or regional agency approved by the ~~state board~~ State Board for accrediting purposes. ~~Nothing contained herein;~~ provided, however, nothing in this subdivision (4) shall be construed to prohibit the ~~commissioner~~ Secretary from initiating a hearing under this ~~section~~ subsection (c).

(5) If the ~~commissioner~~ Secretary has information that creates significant doubt about whether the school, once in operation, is meeting the requirements for recognized independent schools, the ~~commissioner~~ Secretary may call a hearing. At the hearing, the school shall establish that it has met the requirements for recognized independent schools. Failure to do so shall result in a finding by the ~~commissioner~~ Secretary that:

(A) the school may not be in operation for the remainder of the school year and that the children are truant unless absent with legal excuse or enrolled in ~~an approved a public or school, an~~ independent school, another recognized independent school, or a home study program; or

(B) the school must take specified action to come into compliance within a specified time frame or the school will not be permitted to operate for the remainder of the school year.

(6) Each recognized independent school shall provide to the ~~commissioner~~ Secretary on October 1 of each year the names, genders, dates of birth, and addresses of its enrolled ~~pupils~~ students. Within seven days of the termination of a ~~pupil's~~ student's enrollment, the recognized independent school shall notify the ~~commissioner~~ Secretary of the name and address of the ~~pupil~~ student. The ~~commissioner~~ Secretary shall ~~forthwith~~ notify the appropriate school officials ~~designated as provided~~ in section 1126 of this title.

(7) After the filing of the enrollment notice or at a hearing, if the school is unable to comply with any specific requirements due to deep religious conviction shared by an organized group, the ~~commissioner~~ Secretary may waive such requirements if he or she determines that the educational purposes of this subsection are being or will be substantially met.

(d) Council of independent schools. A ~~council of independent schools~~ Council of Independent Schools is created consisting of ~~eleven~~ 11 members,

no fewer than three of whom shall be representatives of recognized independent schools. The ~~commissioner~~ Secretary shall appoint nine members from within the independent schools' community. The ~~commissioner~~ Secretary shall appoint two members from the public-at-large. Each member shall serve for two years and may be reappointed for up to an additional two terms, ~~except that five of the first eleven appointments shall be for an initial term of one year. The council shall hold its organizational meeting before March 1, 1990 at the call of the commissioner and shall.~~ The Council shall adopt rules for its own operation. A chair shall be elected by and from among the members. The duties of the ~~council~~ Council shall include advising the ~~commissioner~~ Secretary on policies and procedures with respect to independent schools. No hearing shall be initiated under this section before the ~~state board~~ State Board, or by the ~~commissioner under this section~~ Secretary, until the recommendations of the ~~council~~ Council have been sought and received. The recommendations of the ~~advisory council~~ Council, including any minority reports, shall be admissible at the hearing.

(e) Harassment, hazing, and bullying policies. The board of trustees of an approved or recognized independent school operating in Vermont shall adopt harassment ~~and~~, hazing, and bullying prevention policies, establish procedures for dealing with harassment ~~and~~, hazing, and bullying of students, and provide notice of these. The provisions of ~~section 565~~ chapter 9, subchapter 5 of this

title for public schools shall apply to this subsection, except that the board shall follow its own procedures for adopting policy.

(f) An approved independent school ~~which~~ that accepts students for whom the district of residence pays tuition under chapter 21 of this title shall bill the sending district monthly for a state-placed student and shall not bill the sending district for any month in which the state-placed student was not enrolled.

(g) An approved independent school ~~which~~ that accepts students for whom the district of residence pays tuition under chapter 21 of this title shall use the assessment or assessments required under subdivision 164(9) of this title to measure attainment of standards for student performance of those ~~pupils~~ students. In addition the school shall provide data related to the assessment or assessments as required by the ~~commissioner~~ Secretary.

Sec. 14. 16 V.S.A. § 166b is amended to read:

§ 166b. HOME STUDY PROGRAM

(a) Enrollment notice. A home study program shall send a written enrollment notice to the ~~commissioner~~ Secretary whenever it intends to enroll a child. Enrollments ~~at~~ in home study programs shall expire on July 1. If a home study program intends to re-enroll a child for the following school year, a new notice under this section is required and may be submitted at any time after March 1. A notice under this subsection shall include the following:

- (1) The name ~~and~~, age, and month and year of birth, of the child.

* * *

(6) The names, addresses, telephone numbers, and signatures of the persons who will provide ongoing instruction in ~~the subject areas specified in subdivisions 906(b)(1), (2), (4), and (5) of this title~~ each subject area of the minimum course of study, as defined in subsection (i) of this section.

(7) The signatures of all custodial parents or guardians who are legally authorized to make educational decisions for the student.

(b) Notice to home study programs. Within 14 business days of receiving an enrollment notice, the ~~commissioner~~ Secretary or designee shall send the home study program a written acknowledgment of receipt. The acknowledgment shall include a determination:

(1) either that the enrollment notice is complete and no further information is needed, or specifically identifying information required under subsection (a) of this section which is missing. If information is missing, the home study program shall provide the additional information in writing within 14 days; and

(2) either that the child may be enrolled immediately or that the child may be enrolled 45 days after the enrollment notice was received. At any time before the child may be enrolled, the ~~commissioner~~ Secretary may order that a hearing be held. After notice of such a hearing is received, the child shall not

be enrolled until after an order has been issued by the hearing officer to that effect.

(c) Enrollment reports. Each home study program shall notify the ~~commissioner~~ Secretary within seven days of the day that any student ceases to be enrolled in the program. Within ten days of receiving any enrollment report, the ~~commissioner~~ Secretary shall notify the appropriate superintendent of schools.

(d) Progress assessment. Each home study program shall assess annually the progress of each of its students. Progress shall be assessed in each subject area of the minimum course of study, as defined in subsection (i) of this section, by one or more of the following methods:

(1) A report in a form designated by the ~~commissioner~~ Secretary, by a teacher licensed in Vermont. In determining the form of the report, the ~~commissioner~~ Secretary shall consult with parents who have provided home study programs for their children. Nothing in this section shall be construed to require the ~~commissioner~~ Secretary to consult with parents on an individual basis regarding the form of a teacher report.

(2) A report prepared by the ~~parents~~, the student's parents or instructor, or a teacher advisory service report from a publisher of a commercial curriculum, together with a portfolio of the student's work that includes work

samples to demonstrate progress in each subject area in the minimum course of study.

(3) The complete results of a standardized achievement test approved by the ~~commissioner~~ Secretary, administered in a manner approved by the testing company, and scored in accordance with this subdivision. In selecting the list of tests to be approved, the ~~commissioner~~ Secretary shall:

(A) Consult with parents who have provided home study programs for their children. Nothing in this section shall be construed to require the ~~commissioner~~ Secretary to consult with parents on an individual basis regarding the test to be administered as a progress assessment for their own home study programs.

(B) Select at least four tests to be scored by a testing company, and at least four tests to be administered and scored by a teacher licensed in Vermont who is not the parent or legal guardian of the student.

(e) Hearings before enrollment. If the ~~commissioner~~ Secretary has information that creates a significant doubt about whether a home study program can or will provide a minimum course of study for a student who has not yet enrolled, the ~~commissioner~~ Secretary may call a hearing. At the hearing, the home study program shall establish that it has complied with this section and will provide the student with a minimum course of study.

(f) Hearings after enrollment. If the ~~commissioner~~ Secretary has information that reasonably could be expected to justify an order of termination under this section, he or she may call a hearing. At the hearing, the ~~commissioner~~ Secretary shall establish one or more of the following:

- (1) the home study program has substantially failed to comply with the requirements of this section;
- (2) the home study program has substantially failed to provide a student with the minimum course of study;
- (3) the home study program will not provide a student with the minimum course of study.

(g) Notice and procedure. Notice of any hearing shall include a brief summary of the material facts and shall be sent to each parent or guardian and each instructor of the student or students involved who are known to the ~~commissioner~~ Secretary. The hearing shall occur within 30 days of the day that notice is given or sent. If a notice concerns a child not yet enrolled in a home study program, enrollment shall not occur until an order has been issued after the hearing. The hearing shall be conducted by an impartial hearing officer appointed by the ~~commissioner~~ Secretary from a list approved by the ~~state board~~ State Board. At the request of the child's parent or guardian, the hearing officer shall conduct the hearing at a location in the vicinity of the home study program.

(h) Order following hearing. After hearing evidence, the hearing officer shall enter an order within ten working days. If the child is not enrolled, the order shall provide that the child be enrolled or that enrollment be disallowed. If the child is enrolled, the order shall provide that enrollment be continued or that the enrollment be terminated. An order shall take effect immediately. Unless the hearing officer provides for a shorter period, an order disallowing or terminating enrollment shall extend until the end of the following school year, as defined in this title. If the order is to disallow or terminate the enrollment, a copy shall be given to the appropriate superintendent of schools, who shall take appropriate action to ensure that the child is enrolled in a school as required by this title. Following a hearing, the ~~commissioner~~ Secretary may petition the hearing officer to reopen the case only if there has been a material change in circumstances.

(i) The minimum course of study required under this section shall be provided every school year, and the educational content provided shall be adapted in each area of study to the age and ability of each child and adapted to any disability of the child. Nothing in this section requires that a home study program follow the program or methods used by the public schools. In this section, "minimum course of study" means:

(1) For a child who is ~~less~~ younger than 13 years of age, the subject areas listed in section 906 of this title.

(2) For a child who is 13 years of age or older, the subject areas listed in subdivisions 906(b)(1), (2), (4), and (5) of this title, and other subject areas selected by the home study program. ~~However, the~~ The child's progress in the elective areas shall not be subject to the annual progress assessment.

(j) After the filing of the enrollment notice or at a hearing, if the home study program is unable to comply with any specific requirements due to deep religious conviction shared by an organized group, the ~~commissioner~~ Secretary may waive such requirements if he or she determines that the educational purposes of this section are being or will be substantially met.

(k) A Vermont home study program ~~which~~ that has successfully completed the last two consecutive school years of home study with any enrolled child, provided those two years fall within the most recent five years, shall not thereafter be required to submit an annual detailed outline or narrative describing the content of the minimum course of study. For the purposes of this subsection, successful completion of a home study program shall mean that, in each of the two consecutive years, the program has not been disallowed by order of a hearing officer, the previously enrolled student made progress commensurate with age and ability in all subject areas of the minimum course of study, and the home study program has otherwise complied with the requirements of this section.

(l) A home study program ~~which~~ that has successfully completed two consecutive school years of home study as defined in subsection (k) of this section shall not be exempt from any other requirements of this section and shall annually submit a description of special services and adaptations to accommodate any disability of the child, consistent with subsection (i) of this section. In addition, the program shall submit a detailed outline or narrative describing the content to be provided in each subject area of the minimum course of study as part of its enrollment notice for each child who is 12 years old at the time the enrollment notice is submitted.

Sec. 15. 16 V.S.A. § 173 is redesignated to read:

§ ~~173~~ 167a. CONTRACT FOR SALE AND DISTRIBUTION OF
HISTORICAL TEXTBOOK

Sec. 16. REDESIGNATION; ADDITION OF SUBCHAPTER

16 V.S.A. chapter 3, subchapter 2, which shall include §§ 168–172, is
added to read:

Subchapter 2. Federal Funds

* * *

Sec. 17. 16 V.S.A. § 168 is amended to read:

§ 168. AUTHORITY OF STATE BOARD OF EDUCATION TO ~~UTILIZE~~
USE FEDERAL FUNDS TO AID EDUCATION

(a) The ~~state board~~ State Board is designated as the sole state agency to establish and administer through the ~~department of education~~ Agency any statewide plan ~~which is now or hereafter may be required as a condition for receipt of federal funds as may be made available to the state of Vermont by the Congress of the United States, or administrative ruling pursuant thereto,~~ State for any educational purposes, including technical education and adult education and literacy. ~~It~~ The Board shall also be the agency to accept and administer federal funds ~~which federal legislation requires that require administration by~~ a state education agency having jurisdiction of elementary and secondary education ~~to administer~~.

(b) Subject to the approval of the ~~governor~~ Governor, the ~~board~~ Board may accept and ~~utilize such~~ use federal funds. It may establish criteria and procedures to conform with any requirements established for the use of such funds and may take such other action as may be required to comply with any condition for receipt of such federal aid.

Sec. 18. 16 V.S.A. § 169 is amended to read:

§ 169. ACCEPTANCE, DISTRIBUTION AND ACCOUNTING OF
FEDERAL FUNDS

(a) The ~~state treasurer~~ State Treasurer, acting upon the order of the ~~commissioner or his or her authorized representative~~ Secretary, shall accept, distribute, and account for federal funds available for use by the ~~state board~~ State Board. Funds shall be distributed and accounted for by the ~~state treasurer~~ State Treasurer in accordance with the laws of ~~this state~~ Vermont, but if there is a conflict between those laws, and the laws or regulations of the United States, then federal law shall apply. The ~~commissioner~~ Secretary shall ~~cause to be submitted to the United States such detailed statements of the amounts so~~ prepare and submit federally required statements of funds received and disbursed as ~~shall be required by the United States~~. The ~~commissioner~~ Secretary shall cause an audit to be made of ~~such~~ the federal funds and shall submit a copy thereof to a ~~properly authorized official of the United States of~~ the audit as required by ~~the laws or regulations of the United States~~ federal law. ~~Such~~ The audit shall be supported by any reports from the supervisory union, local school districts, or other recipients of federal funds as may be required by the ~~commissioner or the United States~~ Secretary or the federal government.

(b) ~~The state treasurer may deliver to the superintendent or~~ State Treasurer
may directly deposit checks payable to a supervisory union or ~~to~~ any school
district within ~~that supervisory union~~ it or may deliver checks to the
superintendent of the supervisory union.

* * *

Sec. 19. 16 V.S.A. § 144b is redesignated to read:

§ ~~144b~~ 171. FEDERAL EDUCATION AID FUNDS; ADMINISTRATION;
LOCAL EDUCATION AGENCY

Sec. 20. 16 V.S.A. § 171 is added to read:

§ 171. FEDERAL EDUCATION AID FUNDS; ADMINISTRATION;
LOCAL EDUCATION AGENCY

(a) ~~The state board of education~~ State Board, as sole state agency, may
administer ~~such federal funds as may be made available to the state~~ State under
~~Public Law 89-10, known as the Elementary and Secondary Education Act of~~
~~1965, Public L. No. 89-10, as amended, and Public Law 107-110, known as~~
~~the No Child Left Behind Act of 2001, Public L. No 107-110.~~ Those funds
may be accepted and shall be distributed and accounted for by the ~~state~~
~~treasurer~~ State Treasurer in accordance with that law and rules and regulations
of the United States issued under it if there is conflict between that law or those
rules and regulations and the laws of this ~~state~~ State.

(b) For purposes of distribution of funds under this section, a supervisory union ~~or supervisory district~~ shall be a local education agency as that term is defined in 20 U.S.C. § 7801(26).

(c) For purposes of determining pupil performance and application of consequences for failure to meet standards and for provision of compensatory and remedial services pursuant to 20 U.S.C. §§ 6311-6318, a school district shall be a local education agency.

Sec. 21. 16 V.S.A. § 172 is amended to read:

§ 172. FEDERAL FUNDS; SCHOOL FOOD PROGRAMS

The ~~state board~~ State Board is authorized to accept and use federal funds made available ~~by legislation of the congress to the several states~~ to the State for school food programs under the National School Lunch Act, ~~The the~~ the Child Nutrition Act, and any amendments ~~thereto~~ to those laws.

Sec. 22. REDESIGNATION; ADDITION OF SUBCHAPTER

16 V.S.A. chapter 3, subchapter 3, which shall include §§ 175–178, is
added to read:

Subchapter 3. Postsecondary Schools

* * *

Sec. 23. 16 V.S.A. § 176(b) is amended to read:

(b) Definitions. As used in this ~~section~~ subchapter:

* * *

Sec. 24. 16 V.S.A. § 176a is amended to read:

§ 176a. POSTSECONDARY SCHOOLS NOT CHARTERED IN
VERMONT

(a) Applicability. Except as provided in subsection (e) of this section, a postsecondary school that operates primarily outside the ~~state of~~ State of Vermont, offers or operates a program of college or professional education for credit or a degree, and wishes to operate in Vermont is subject to this section and to subsections 176(g) through (l) of this title.

(b) ~~Definitions. All words and phrases defined in section 176 of this title shall have the same meanings in this section. [Repealed.]~~

(c) Requirements. A postsecondary school subject to this section shall:

* * *

(5) register with the ~~department of education~~ Agency pursuant to ~~state board~~ State Board rule; and

* * *

Sec. 25. 16 V.S.A. § 177 is amended to read:

§ 177. POSTSECONDARY APPROVAL; FEES

* * *

(b) If a postsecondary school that is subject to section 176 of this title and is operating within an unexpired certification period files an application to offer a new degree at the same level as a degree previously approved by the

~~state board~~ State Board, then the fee shall be based upon the actual costs to the ~~department~~ Agency but shall not be less than \$1,000.00 for each new degree.

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

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

(2) a fee of \$1,000.00 for initial registration with the ~~department~~ Agency pursuant to subdivision 176a(c)(5) of this title; and

(3) an annual fee of \$500.00 to renew its registration to operate in Vermont pursuant to subsection 176a(d) of this title.

(d) Fees assessed under this section are not refundable.

(e) Fees assessed under this section shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the ~~department~~ Agency to offset the costs of approval.

Sec. 26. 16 V.S.A. § 178 is amended to read:

§ 178. HARASSMENT AND HAZING PREVENTION POLICIES;

POSTSECONDARY SCHOOLS

(a) The board of trustees or other governing body of each postsecondary school, ~~as defined in subdivision 140a(1) of this title,~~ operating in Vermont shall adopt and ensure enforcement of a policy establishing that harassment as defined in subdivision 11(a)(26) of this title is a form of unlawful discrimination and therefore prohibited. The board shall also require the

establishment of procedures to address complaints of discriminatory harassment and to initiate educational programs designed to prevent such conduct.

(b) The board of trustees or other governing body of each postsecondary school, ~~as defined in subdivision 140a(1) of this title,~~ operating in Vermont shall adopt and ensure enforcement of a policy prohibiting hazing, which shall define hazing in a manner that is at least as stringent as the definition contained in subdivision 11(a)(30) of this title. The policy shall include penalties or sanctions or both for organizations that or individuals who engage in hazing; revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing; and clear delineation of circumstances under which hazing will be reported to a law enforcement agency. A summary of the policy shall be distributed to all students at least annually.

Sec. 27. 16 V.S.A. chapter 5 is redesignated to read:

CHAPTER 5. ~~COMMISSIONER~~ SECRETARY OF EDUCATION

Subchapter 1. ~~Commissioner~~ Secretary of Education

Sec. 28. 16 V.S.A. § 212 is amended to read:

§ 212. ~~COMMISSIONER'S~~ SECRETARY'S DUTIES GENERALLY

The ~~commissioner~~ Secretary shall execute those policies adopted by the ~~state board~~ State Board in the legal exercise of its powers and shall:

(1) Coordinate the educational work of the public schools, with higher education in the state.

(2) Identify the educational goals of the public schools, provide alternative methods of attaining those goals, and ~~promoting~~ promote education in the state.

* * *

(5) Supervise and direct the execution of the laws relating to the public schools and ~~see that they are complied with~~ ensure compliance.

(6) Supervise the expenditure and distribution of all money appropriated by the state under the provisions of this title for public ~~elementary and high~~ schools.

(7) Arrange conferences and summer schools for superintendents and ~~for~~ teachers and employ suitable speakers, lecturers, and instructors for the same; fix the amount of tuition ~~therefor~~ for the instruction; provide for educational gatherings, institutes, summer schools, and other ~~like~~ supplementary educational activities and ~~for cooperation with the free public library commission~~; and provide for cooperation with the Board of Libraries established by 22 V.S.A. § 602.

(8) ~~Provide methods whereby the people may be informed as to the educational conditions~~ Inform citizens of the condition of and opportunities within the ~~scope of public instruction~~ public education system and ~~for such~~

provide other educational publicity ~~as may, in his judgment contribute to~~ for the enlightenment and well-being of the citizens of the state.

(9) Establish requirements for information to be submitted by school districts, including necessary statistical data and other information. ~~The commissioner shall~~ and ensure, to the extent possible, that ~~any data which is used to determine financial aid shall be~~ data are reported in a uniform way.

(10) Make recommendations to school boards regarding transportation policies.

(11) Provide an educational facilities planning service to make available technical assistance and comprehensive information on school construction, school systems design, component technology and suppliers, and similar subjects to ~~elementary or secondary~~ public schools, school districts ~~or, and~~ independent schools, for the purpose of helping ~~those schools or independent schools~~ them to achieve flexibility and economy in construction, to retain the potential for modification and expansion of educational facilities, and to attain the lowest maintenance costs consistent with educational needs.

* * *

(14) Annually communicate to each superintendent a list of information that a supervisory union, a school board, a school district, a school district employee, or a supervisory union employee is required under state or federal law to make available to the electorate, community members, parents,

or students. It is the intent of this subdivision that the ~~commissioner of education~~ Secretary shall make a good faith effort to compile a complete list of the information to be made available ~~to the electorate, community members, parents or guardians, and students. However, due.~~ Due to the difficult nature of compiling such a list, it is also the intent that failure to include relevant information on the list shall not constitute grounds for an action against the ~~commissioner~~ Secretary.

* * *

Sec. 29. 16 V.S.A. § 213 is amended to read:

§ 213. ~~DEPUTY COMMISSIONERS AND HELPING TEACHERS~~
SECRETARIES

The ~~board~~ Secretary shall employ such number of deputy ~~commissioners~~ and such number of competent helping teachers as it secretaries as he or she deems necessary. ~~It shall determine the tenure of office of the deputy commissioners and helping teachers and fix the compensation of the helping teachers which shall be paid by the state. The board may remove such staff as the best interest of the schools from time to time may require.~~

Sec. 30. 16 V.S.A. § 215 is amended to read:

§ 215. CHALLENGE TO EXCELLENCE GRANTS

(a) Purpose and findings. It is a goal of the ~~general assembly~~ General Assembly to promote quality education for every Vermont child and to create

an opportunity for every Vermont student to achieve his or her personal best, while respecting divergent student goals and personal learning styles and abilities. The ~~general assembly further~~ General Assembly finds that a school's climate for learning is improved when parents, community members, and business leaders actively participate in promoting educational opportunities for every student. Further, it is the compassion and innovation of individual teachers and school personnel that often create the impetus for students to achieve excellence in education.

(b) The ~~commissioner~~ Secretary shall establish and implement a challenge to excellence grant program for the purpose of promoting quality education for Vermont students. Eligible applicants include Vermont public ~~elementary, middle, secondary and vocational~~ schools, including regional career technical centers, and Vermont supervisory unions on behalf of a school or schools. All proposals shall be to develop or carry out a comprehensive plan, which may be an action plan pursuant to subdivision 165(a)(1) of this title, to create educational opportunities for each student within the school. Any ~~such plan must be or must have been~~ shall be developed with the involvement of parents and other community members, staff, and business representatives, and shall be designed to assist students in meeting ~~state board~~ State Board and school board standards. Grants shall be for up to \$50,000.00 and shall include a 1-1 match from other sources of funding, including grants from businesses,

foundations, or other federal or local funding. Priority shall be given to schools ~~which the commissioner~~ that the Secretary finds are having difficulty meeting the quality standards listed in subsection 165(a) of this title or are making insufficient progress in improving student performance in relation to the standards set forth in subdivision 164(9) of this title. Eligible activities include:

- (1) ~~A~~ a comprehensive planning and goal-setting process to promote a quality education for all students within the school;
- (2) ~~Activities~~ activities to carry out a comprehensive plan to promote quality education for students within the school; and
- (3) ~~Innovative~~ innovative methods to create educational opportunities for students according to a comprehensive plan, including ~~but not limited to~~ special classes and activities; mentorship; summer institutes on math, science, reading and language arts, social studies, service, the arts, or technology; partnerships for learning with businesses, ~~post-secondary institutions~~ postsecondary schools, and community organizations; tutorials; programs for at-risk or gifted students; and guidance, peer counseling, and career planning activities.

Sec. 31. 16 V.S.A. § 241(a) is amended to read:

- (a) Each supervisory union ~~or supervisory district~~ board, with the advice of the ~~commissioner~~ Secretary, may employ a superintendent of schools.

Sec. 32. 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:

* * *

(4)(A) provide data and information required by the ~~commissioner~~
Secretary;

(B) report all financial operations within the supervisory union to the
~~commissioner and state board~~ Secretary and State Board for the preceding
school year on or before August 15 of each year, using a format approved by
the ~~commissioner~~ Secretary;

(C) report all financial operations for each member school district to
the ~~commissioner and state board~~ Secretary and State Board for the preceding
school year on or before August 15 of each year, using a format approved by
the ~~commissioner~~ Secretary; and

* * *

Sec. 33. 16 V.S.A. § 244(b) is amended to read:

(b) Without the approval of the ~~state board of education, high~~ State Board,
secondary school principals shall not be charged with supervisory
responsibility outside of the ~~high~~ the secondary school.

Sec. 34. 16 V.S.A. § 254 is amended to read:

§ 254. EDUCATOR LICENSURE; EMPLOYMENT OF
SUPERINTENDENTS

(a) The ~~commissioner~~ Secretary shall sign and keep a user agreement with the Vermont ~~criminal information center~~ Crime Information Center (VCIC).

(b) The ~~commissioner~~ Secretary shall request and obtain from the ~~Vermont criminal information center~~ VCIC the criminal record for any person applying for an initial license as a professional educator or for reinstatement of a license that has lapsed pursuant to subdivision 256(a)(1)(C) of this title or for any person who is offered a position as superintendent of schools in Vermont.

(c) A request made under subsection (b) of this section shall be accompanied by a release signed by the person on a form provided by the ~~Vermont criminal information center~~ VCIC, a set of the person's fingerprints, and a fee established by the ~~Vermont criminal information center~~ VCIC ~~which~~ that shall reflect the cost of obtaining the record. The fee shall be paid by the applicant. The release form to be signed by the applicant shall include a statement informing the applicant of:

(1) the right to challenge the accuracy of the record by appealing to the ~~Vermont criminal information center~~ VCIC pursuant to rules adopted by the ~~commissioner of public safety~~ Commissioner of Public Safety; and

(2) the ~~commissioner of education's~~ Secretary of Education's policy regarding maintenance and destruction of records and the person's right to request that the record or notice be maintained for purposes of using it to comply with future criminal record check requests made pursuant to section 256 of this title.

(d) Upon completion of a criminal record check required by subsection (b) of this section, the ~~Vermont criminal information center~~ VCIC shall send to the ~~commissioner~~ Secretary either a notice that no record exists or a copy of the record. If a copy of a criminal record is received, the ~~commissioner~~ Secretary shall forward it to the person and shall inform the person in writing of:

(1) the right to challenge the accuracy of the record by appealing to the ~~Vermont criminal information center~~ VCIC pursuant to rules adopted by the ~~commissioner of public safety~~ Commissioner of Public Safety; and

(2) the ~~commissioner of education's~~ Secretary of Education's policy regarding maintenance and destruction of records and the person's right to request that the record or notice be maintained for purposes of using it to comply with future criminal record check requests made pursuant to section 256 of this title.

(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. 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.

(f) A person convicted of a sex offense that requires registration pursuant to
13 V.S.A. chapter 167, subchapter 3 shall not be eligible for an initial license
as a professional educator, renewal of a license, reinstatement of a lapsed
license, or employment as a superintendent of schools in Vermont under this
section.

Sec. 35. 16 V.S.A. § 255 is amended to read:

§ 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;
CONTRACTORS

* * *

(b) After signing a user agreement, a superintendent or a headmaster shall make a request directly to the Vermont ~~criminal information center~~ Crime Information Center (VCIC). A contractor shall make a request through a superintendent or headmaster.

(c) A request made under subsection (b) of this section shall be accompanied by a set of the person's fingerprints and a fee established by the ~~Vermont criminal information center~~ VCIC which shall reflect the cost of obtaining the record from the FBI. The fee shall be paid in accordance with adopted school board policy.

(d)(1) Upon completion of a criminal record check, the ~~Vermont criminal information center~~ VCIC shall send to the superintendent a notice that no record exists or, if a record exists, a copy of any criminal record.

(2) Upon completion of a criminal record check, the ~~Vermont criminal information center~~ VCIC shall send to the headmaster a notice that no record exists or, if a record exists:

(A) A copy of Vermont criminal convictions.

(B) A notice of any criminal record ~~which~~ that is located in either another state repository or FBI records, but not a record of the specific convictions. However, if there is a record relating to any crimes of a sexual nature involving children, the ~~Vermont criminal information center~~ VCIC shall send this record to the ~~commissioner~~ Secretary who shall notify the headmaster in writing, with a copy to the person about whom the request was made, that the record includes one or more convictions for a crime of a sexual nature involving children.

* * *

(f) Information sent to a person by the ~~commissioner~~ Secretary, a headmaster, a superintendent, or a contractor under subsection (e) of this section shall be accompanied by a written notice of the person's rights under subsection (g) of this section, a description of the policy regarding maintenance and destruction of records, and the person's right to request that the notice of no record or record be maintained for purposes of using it to comply with future criminal record check requests pursuant to section 256 of this title.

(g)(1) Following notice that a headmaster was notified that a criminal record which is located in either another state repository or FBI records exists, a person may:

(A) Sign a form authorizing the ~~Vermont criminal information center~~
VCIC to release a detailed copy of the criminal record to the person.

(B) Decline or resign employment.

(2) Any person subject to a criminal record check pursuant to this
section may challenge the accuracy of the record by appealing to the ~~Vermont~~
~~criminal information center~~ VCIC pursuant to rules adopted by the
~~commissioner of public safety~~ Commissioner of Public Safety.

* * *

Sec. 36. 16 V.S.A. § 256 is amended to read:

§ 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

MAINTENANCE OF RECORDS

* * *

(b) A superintendent or headmaster who receives criminal record or
registry information under this subchapter shall maintain the record or
information pursuant to the user agreement for maintenance of records. At the
end of the time required by the user agreement for maintenance of the
information, the superintendent or headmaster shall destroy the information in
accordance with the user agreement unless the person authorizes maintenance
of the record. If authorized by the person, the superintendent or headmaster
shall:

(1) if the information is a notice of no criminal record, securely maintain the information indefinitely; or

(2) if the information is a criminal record or notice of the existence of a criminal record, send it to the ~~commissioner~~ Secretary for secure maintenance in a central records repository.

(c) Upon authorization by the person, the ~~commissioner~~ Secretary shall release information maintained in the central records repository to a requesting superintendent or, in the case of a requesting headmaster, to the person. The ~~commissioner~~ Secretary shall maintain the notice or record in the repository at least until the person ceases working for a Vermont school district or independent school for a period of one year or more or until the person requests that the record be destroyed.

(d) The ~~state board~~ State Board may adopt rules regarding maintenance of records.

Sec. 37. 16 V.S.A. § 259(c) is amended to read:

(c) In addition to any other penalties described in this section, the ~~commissioner~~ Secretary may initiate a review of the professional licensure of any person who ~~willfully~~ willfully discloses criminal record check information received under this subchapter.

Sec. 38. 16 V.S.A. § 260 is amended to read:

§ 260. SCHOOL BOARD POLICIES

Each school board shall, ~~by July 1, 1999,~~ adopt a policy on supervision of volunteers and work study students. Policies shall require that superintendents, headmasters of recognized or approved independent schools, and their contractors check the names and birth dates of any work study students with the Vermont Internet ~~sex-offender registry~~ Sex Offender Registry prior to allowing work study students unsupervised contact with schoolchildren. A person who is on the ~~Vermont Internet sex-offender registry~~ the Registry shall not be eligible to be a work study student.

Sec. 39. 16 V.S.A. § 261a is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

(a) Duties. The board of each supervisory union shall:

* * *

(6) provide special education services on behalf of its member districts and, except as provided in section 144b of this title, compensatory and remedial services, and provide or coordinate the provision of other educational services as directed by the ~~state board~~ State Board or local boards; provided, however, if a supervisory union determines that services would be provided more efficiently and effectively in whole or in part at the district level, then it may ask the ~~commissioner~~ Secretary to grant it a waiver from this provision;

* * *

(8) provide the following services for the benefit of member districts in a manner that promotes the efficient use of financial and human resources, which shall be provided pursuant to joint agreements under section 267 of this title whenever feasible; provided, however, if a supervisory union determines that services would be provided more efficiently and effectively in another manner, then it may ask the ~~commissioner~~ Secretary to grant it a waiver from this subdivision:

* * *

(12) adopt supervisory union-wide truancy policies consistent with the model protocols developed by the ~~commissioner~~ Secretary.

* * *

Sec. 40. 16 V.S.A. § 262(a) is amended to read:

(a) Within ~~thirty~~ 30 days from the date a supervisory union is established by the ~~state board, the commissioner or his or her designee~~ State Board, the Secretary shall call a meeting of the school directors of the school districts in the supervisory union. The number of directors shall be determined and directors shall be elected according to section 266 of this title. Within 30 days thereafter, the ~~commissioner or his or her designee~~ Secretary shall call a meeting and the board shall elect a ~~chairman~~, chair and other necessary officers to serve until the first regular annual election of officers.

Sec. 41. 16 V.S.A. § 267 is amended to read:

§ 267. JOINT AGREEMENTS AMONG SUPERVISORY UNIONS

* * *

(b) The supervisory union may provide any authorized or required services by contract with any person, partnership, corporation, school district within or outside the supervisory union, or with other supervisory unions. The supervisory union may also provide such services to any independent school in the supervisory union area on such terms as the supervisory union board deems proper. Contracts shall be approved by the board and signed by the ~~chairman~~ chair or ~~his~~ the chair's designee. A contract may be for a term not to exceed four years renewable for successive four year periods.

(c) The expense of carrying on these shared programs, services, and facilities shall be allocated according to a plan mutually agreed upon by the participating supervisory unions and the ~~commissioner of education~~ Secretary of Education, including agreement on revision and adequate auditing procedures to allocate costs.

* * *

Sec. 42. 16 V.S.A. chapter 7, subchapter 2 is redesignated to read:

Subchapter 2. Supervisory Union Expenses

Sec. 43. 16 V.S.A. § 301 is amended to read:

§ 301. APPORTIONMENT OF EXPENSES

Unless otherwise agreed upon, each school district shall pay a proportionate share of the salary and expenses of the superintendent and the expenses of the supervisory union based on the number of enrolled ~~pupils~~ students in each member school district. “Enrolled ~~pupils~~ students” shall be defined by the ~~commissioner~~ State Board by rule, including the treatment of tuition students, special education students, students enrolled in career technical centers, and other particular circumstances.

Sec. 44. 16 V.S.A. chapter 7, subchapter 3 is redesignated to read:

Subchapter 3. ~~Central District~~ Supervisory Union Treasury, ~~Etc.~~;

Treasurer; Audits

Sec. 45. 16 V.S.A. § 324 is amended to read:

§ 324. TERM OF OFFICE; VACANCY

The term of office of a ~~central~~ supervisory union treasurer shall be for one year from July 1 through June 30. If the office becomes vacant, the voting members of the supervisory union board shall elect a new ~~central~~ supervisory union treasurer to take office on election for the unexpired term.

Sec. 46. 16 V.S.A. § 325 is amended to read:

§ 325. REMOVAL FROM OFFICE

A ~~central~~ supervisory union treasurer may be removed from office for cause by a majority vote of the ~~school directors~~ members of the supervisory union board present and eligible to vote at a meeting called for that purpose.

Sec. 47. 16 V.S.A. § 426(a) is amended to read:

(a) The town treasurer shall be treasurer of the town school district unless, by vote of the town school district, a town school district treasurer is elected. He or she shall keep in a separate bank account all the money appropriated or given for the use of the school district. Within 20 days after the date the school taxes become due and payable or within such other period of time as may be agreed upon in writing by both the ~~board of selectmen~~ selectboard and the board of school directors, he or she shall deposit in the school account, payments of the school tax levy received. However, if notification of the amount to be transferred by the Secretary of Education to the school district ~~by the commissioner~~ has not been received within 20 days of the date taxes are due and payable, the transfer shall be effected within 20 days of notification by the ~~commissioner~~ Secretary.

Sec. 48. 16 V.S.A. § 428(b) is amended to read:

(b) If the electorate of a school district votes for its budget by Australian ballot, it shall do so using ballot language jointly developed by the

~~commissioner and secretary of state~~ Secretary of Education and the Secretary of State and adopted by the ~~commissioner~~ State Board, by rule.

Sec. 49. 16 V.S.A. § 471 is amended to read:

§ 471. APPLICATION OF OTHER LAWS

(a) The provisions of this title relating to the administration and maintenance of public schools, school meetings, and voting therein, to grand lists, to the raising and expending of school ~~moneys~~ monies, to ~~moneys~~ monies apportioned by the ~~board of education~~ State Board, to sharing in other state aid, to the election, appointment, powers, duties, and liabilities of school officers, to elementary and higher instruction, to transportation, board and attendance of ~~pupils~~ students, to truancy and truant officers, to furnishing of textbooks and appliances, ~~to medical inspectors~~ and to all other matters pertaining to schools in a town district, unless otherwise provided, and if not inconsistent with the rights granted by their charters, shall apply to schools maintained, similar school officers, and all matters pertaining to schools in incorporated school districts.

(b) An incorporated school district, if it is so voted at an annual or special meeting duly warned for that purpose, may elect to be governed by any one or more provisions of this title in lieu of any inconsistent provisions of special legislation relating to such district. Provisions of this title ~~so~~ adopted by a

district shall continue to apply ~~thereto~~ unless ~~and until such~~ the vote is rescinded at an annual or special meeting duly warned for that purpose.

Sec. 50. 16 V.S.A. § 472 is amended to read:

§ 472. MEETINGS; WARNINGS

(a) A district may, if it so votes at its annual meeting on the first Tuesday in March, fix a different date for holding its annual meetings, provided ~~such~~ the date is not earlier than March 15 nor later than June 30. A notice of the proposed change shall be inserted in the warning of the annual meeting upon the written request of five percent of the voters of the district. Special meetings shall be warned on the application of five percent of the voters of the district.

(b) Meetings shall be warned by the clerk or, in case of his or her inability to act, by the prudential committee, by posting a notice ~~thereof~~, specifying the time, place, and business of the meeting, in two public places in the district, at least seven days before the time therein specified, and warnings shall be recorded before being posted.

(c) When a person whose duty it is to warn a school meeting neglects to do so for ten days, after application made as ~~hereinbefore~~ provided in this section, he or she shall forfeit to the district \$20.00 for each ten days' neglect, to be recovered in an action on this statute.

Sec. 51. 16 V.S.A. § 475 is amended to read:

§ 475. STATISTICAL INFORMATION

Annually, on or before August 15, the prudential committee shall return to the ~~commissioner~~ Secretary answers to the statistical inquiries ~~which~~ that he or she may be addressed address to them.

Sec. 52. 16 V.S.A. § 492(b) is amended to read:

(b) Before entering upon their duties, the collector and treasurer shall give a bond to the district conditioned for the faithful performance of their duties, in such sum as may be required. When a collector or treasurer for ten days neglects to give a bond as required, his or her office shall be vacant.

Sec. 53. 16 V.S.A. § 493 is amended to read:

§ 493. MODERATOR

The moderator shall preside at such district meetings; and, in his or her absence, a moderator pro tempore shall be chosen to preside.

Sec. 54. 16 V.S.A. § 494 is amended to read:

§ 494. COLLECTOR OF TAXES

The district may elect the collector of town taxes to be collector of ~~such~~ taxes for the district although he or she is not an inhabitant ~~thereof~~ of that district. When ~~such a~~ collector accepts the office, he or she shall do so in writing and ~~such~~ the acceptance shall be recorded by the clerk.

Sec. 55. 16 V.S.A. § 496 is amended to read:

§ 496. BOOKS AND PAPERS TO BE TURNED OVER TO SUCCESSOR

When a district office becomes vacant by expiration of the term of office of the incumbent or otherwise, and a successor is elected or appointed, ~~such~~ the successor shall, on demand, be entitled to receive the books and papers of ~~such~~ the office from the last incumbent or anyone having the ~~same~~ books and papers in his or her possession. A person having ~~such~~ books or papers in his or her possession who refuses for ten days, after demand, to surrender ~~the same~~ them to ~~such~~ the successor shall be fined \$10.00.

Sec. 56. 16 V.S.A. § 511 is amended to read:

§ 511. BUDGET

(a) At a meeting legally warned for that purpose, the electorate within an incorporated school district shall vote such sums of money as it deems necessary for the support of schools. If ~~such~~ the sums are not approved or acted upon at the annual meeting, the electorate shall vote ~~such~~ the questions at a duly warned special school district meeting. A district may vote money necessary for the support of schools ~~therein~~ to the end of the full school year next ensuing.

(b) If the electorate of an incorporated school district votes for its budget by Australian ballot, it shall do so using ballot language jointly developed by

the ~~commissioner and secretary of state~~ Secretary of Education and Secretary of State and adopted by the ~~commissioner~~, State Board by rule.

Sec. 57. 16 V.S.A. § 512 is amended to read:

§ 512. PAYMENT OF MONEYS COLLECTED TO TREASURER

On the written request of one or more members of the prudential committee, a school district tax collector shall pay to the treasurer ~~moneys~~ monies belonging to the district that have been collected ~~by him~~ to the date of ~~such~~ notice the request, and submit his or her tax book and list to the treasurer for inspection and computation. A tax collector who neglects ~~so~~ to do ~~for so~~ within ten days after receiving ~~such~~ the request shall forfeit to the school district \$100.00 to be recovered in an action on this statute, and ~~his~~ the office of tax collector shall be vacant.

Sec. 58. 16 V.S.A. § 514 is amended to read:

§ 514. ABATEMENT

The officers of the district, except the tax collector, shall be a board for the abatement of district taxes, and it shall have the same power ~~which~~ that the board for the abatement of town taxes has in the abatement of ~~such~~ municipal taxes. On request of the tax collector, the prudential committee shall call a meeting of ~~such~~ the board in the month of February in each year, by posting a notice ~~thereof~~ in three public places in ~~such~~ the district at least five days before ~~such~~ the meeting.

Sec. 59. 16 V.S.A. § 551 is amended to read:

§ 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

Unless otherwise specifically provided in statute with respect to a class of school district, or in ~~the charter of a city~~ a municipal charter, the laws of this title, the laws pertaining to municipal corporations, and the ~~regulations~~ rules of the ~~state board~~ State Board shall apply to all school districts.

Sec. 60. 16 V.S.A. § 552 is amended to read:

§ 552. VALIDATION OF SCHOOL DISTRICTS AND BONDS VOTED
FOR SCHOOL CONSTRUCTION

No action shall be brought directly or indirectly attacking, questioning, or in any manner contesting the legality of the formation, or the existence as a body corporate and politic of any union school district created pursuant to chapter 11 of this title; after six months from the date of recording in the office of the ~~secretary of state of~~ Secretary of State the certificate of the ~~commissioner of education~~ Secretary of Education designating ~~such the~~ district as required by section 706g of this title; nor shall any action be brought directly or indirectly attacking, questioning, or in any manner contesting the legality or validity of bonds, issued or unissued, voted by ~~any a~~ school district, after six months from the date upon which voters in ~~any such the~~ school district met pursuant to warning and voted affirmatively to issue bonds to defray the cost of school improvements. This section shall be liberally construed to effect the legislative

purpose to validate and make certain the legal existence of all school districts in this state and the validity of bonds issued by school districts, and to bar every right to question the existence of a school district or the validity of a bond voted by it, in any manner, and to bar every remedy therefor notwithstanding any defects or irregularities, jurisdictional or otherwise, after the expiration of the ~~six month~~ six-month period.

Sec. 61. 16 V.S.A. § 553 is amended to read:

§ 553. QUALIFICATION OF VOTERS AT SCHOOL DISTRICT
MEETINGS

A person is qualified to vote at a school district meeting if by meeting day he or she would be eligible to vote at a town meeting held on that day.

Sec. 62. 16 V.S.A. § 555 is amended to read:

§ 555. NO LIABILITY FOR UNAUTHORIZED OR DEFICIT SPENDING

(a) It is the intent of the ~~general assembly~~ General Assembly that school boards should spend within the amount authorized by the electorate ~~under sections 428, 511 or 711a of~~ pursuant to this title and should not incur a deficit. However, the ~~general assembly~~ General Assembly recognizes that in the course of a school district budget year it may be necessary for expenditures to exceed revenues received or the amount authorized by the electorate.

(b) A school board member shall not be liable under any law, including any criminal law, on the sole basis that the board has spent more than authorized

under ~~sections 428, 511 or 711a~~ of this title or that a deficit, as defined in ~~section 24 V.S.A. § 1523 of Title 24~~, has occurred.

Sec. 63. 16 V.S.A. § 556 is amended to read:

§ 556. LIABILITY FOR DAMAGE TO TEXTBOOK OR LEARNING
MATERIALS

The parent or guardian of a ~~pupil~~ student shall be liable to a school district for damage occasioned by loss, destruction, injury, or detention by ~~such pupil~~ the student of a textbook or other learning materials, to be recovered in an action on this statute in the name of the district.

Sec. 64. 16 V.S.A. § 557 is amended to read:

§ 557. GRATUITY OR COMPENSATION PROHIBITED

(a) A member of the ~~state board~~ State Board, a supervisory union board, or a school board, the ~~commissioner or~~ Secretary, and any person employed by ~~them~~ one of the boards or by the Agency shall not solicit or receive directly or indirectly any gift or compensation for recommending or voting on any finding, ruling, decision, or report, or voting to procure any service, thing, or supply purchased with public funds. A violation of this provision ~~shall be~~ is subject to 13 V.S.A. § 1106(b).

(b) ~~Nor shall a member of any such board~~ A member of the State Board, a supervisory union board, or a school board, and any person employed by one of the boards shall not receive directly or indirectly anything of value by

contract or otherwise, from the school district or supervisory union he or she serves unless it is received:

(1) as a result of a contract accepted after a public bid in accordance with law;

(2) in public recognition of service or achievement;

(3) as regular salary or expenses allowed by law for official duties performed as a member of ~~such~~ the board; or

(4) for employment according to the provisions of section 558 of this title.

(c) No school board member or supervisory union board member shall vote on any contract or purchase in which he or she has a direct or indirect interest.

(d) A person who violates subsection (b) or (c) of this section shall be fined not more than \$1,000.00 and shall be incapable of holding elective or appointed office in this state for two years next ensuing.

Sec. 65. 16 V.S.A. § 558 is amended to read:

§ 558. ELIGIBILITY FOR ELECTION TO A SCHOOL BOARD;

EMPLOYMENT OF SCHOOL BOARD MEMBERS

(a) A legal voter in a school district shall be eligible for election to a school board; however, a member of a school board may not be regularly employed by the school district or by a school district within the same supervisory union, or by the same supervisory union during the board member's term of office.

~~This section shall not apply to a school board member in office on the date of passage, but shall apply to any subsequent terms of office held by such persons.~~

(b) The ~~commissioner~~ Secretary may waive the provisions of this section for employment of a specific individual as a substitute teacher, coach, or supervisor of extracurricular activities for a period not to exceed one year, which may be renewed, ~~in circumstances in which~~ if the school district or supervisory union is unable to hire another qualified person through no fault of its own.

Sec. 66. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

* * *

(b) When a school construction contract exceeds \$500,000.00:

(1) The ~~state board~~ State Board shall establish, in consultation with the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The ~~department of buildings and general services~~ Department of Buildings and General Services, upon notice by the ~~commissioner of education~~ Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

* * *

(d) Construction management. The school board may contract for the service of construction management to assist in a school construction project. The ~~state board~~ State Board, in consultation with the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services and other knowledgeable sources, shall adopt rules defining the term “construction management” and specifying the nature of bidding requirements under construction management services in order to assist school boards in ~~complying~~ to comply with the public bidding requirements of this section.

(e) Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be ~~null and~~ void; provided, however, that:

(1) the provisions of this section shall not apply to contracts for the purchase of books or other materials of instruction;

(2) a school board may name in the specifications and invitations for bids under this section, the particular make, kind, or brand of article or articles to be purchased or contracted ~~for~~;

* * *

(6) nothing in this section shall require a school board to invite or advertise for bids if it elects to purchase goods, materials, or supplies through

the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services, pursuant to 29 V.S.A. chapter 49; and

* * *

(f) ~~Exceptions~~ Waivers. The ~~state board~~ State Board shall by rule adopt standards governing the authority of the ~~commissioner~~ Secretary to grant individual ~~exceptions~~ waivers to the provisions of this section. The rules, at minimum, shall require the school board seeking the ~~exception~~ waiver to demonstrate to the ~~commissioner~~ Secretary that ~~the board~~ it is unable to comply with the bidding procedure through no fault of its own, and that ~~the school board~~ it has proposed an alternative method of ~~keeping~~ minimizing costs ~~down~~ through a fair and public process.

(g) Violations. The ~~state board~~ State Board may deny state aid for school construction and for debt service on a project ~~which~~ that proceeds in violation of this section.

Sec. 67. 16 V.S.A. § 561 is amended to read:

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

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.

Sec. 68. 16 V.S.A. § 562 is amended to read:

§ 562. POWERS OF ELECTORATE

At a school district meeting, the electorate:

* * *

(9) May authorize the school board to borrow money ~~by issuance of not in excess of anticipated revenue for the school year by issuing~~ bonds, or notes ~~not in excess of anticipated revenue for the school year;~~

* * *

Sec. 69. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; ~~FORM OF VOTE IF BUDGET EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE AVERAGE~~

The school board of a school district, in addition to other duties and authority specifically assigned by law:

(1) Shall determine the educational policies of the school district. Board policies shall be of general application to the district, and shall be in writing, codified, and made available to the public. Board policies shall be adopted at regular or special school board meetings. A school board shall give public

notice of its intent to adopt a board policy, stating the substance of the proposed policy, at least ten days prior to its adoption. A school board may also approve or disapprove rules and regulations proposed by the principal or superintendent for the conduct and management of public schools in the district.

(2) May take any action, ~~which~~ that is required for the sound administration of the school district. The ~~commissioner~~ Secretary, with the advice of the ~~attorney general~~ Attorney General, upon application of a school board, shall decide whether any action contemplated or taken by a school board under this subdivision is required for the sound administration of the district and is proper under this subdivision. The ~~commissioner's~~ Secretary's decision shall be final.

* * *

(9) Shall establish with the advice and consent of the ~~auditor of accounts and the commissioner~~ Secretary and the Auditor of Accounts, a system of accounts for the proper control and reporting of school district finances and for stating the annual financial condition of the school district.

* * *

(11)(A) Shall prepare and distribute annually a proposed budget for the next school year according to such major categories as may from time to time be prescribed by the ~~commissioner~~ Secretary.

~~(B) If the proposed budget contains education spending in excess of the Maximum Inflation Amount, and the district's education spending per equalized pupil in the fiscal year preceding the year for which the budget is proposed was in excess of the statewide average district education spending per equalized pupil in that same fiscal year, as determined by the commissioner of education, then in lieu of any other statutory or charter form of budget adoption or budget vote, the board shall present the budget to the voters by means of a divided question, in the form of vote provided in subdivision (ii) of this subdivision (11)(B).~~

~~(i) "Maximum Inflation Amount" in this section means:~~

~~(1) the statewide average district education spending per equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year preceding the year for which the budget is proposed, as determined by the commissioner of education, multiplied by the New England Economic Project Cumulative Price Index percentage change, as of November 15 preceding distribution of the proposed budget, for state and local government purchases of goods and services for the fiscal year for which the budget is proposed, plus one percentage point; plus the district's education spending per equalized pupil in the fiscal year preceding the year for which the budget is proposed, as determined by the commissioner of education;~~

~~(II) multiplied by the higher of the following amounts as
determined by the commissioner of education:~~

~~(aa) the district's equalized pupil count in the fiscal year
preceding the year for which the budget is proposed; or~~

~~(bb) the district's equalized pupil count in the fiscal year for
which the budget is proposed.~~

~~(ii) The ballot shall be in the following form:~~

~~"The total proposed budget of \$_____ is the amount determined
by the school board to be necessary to support the school district's educational
program. State law requires the vote on this budget to be divided because (i)
the school district's spending per pupil last year was more than the statewide
average and (ii) this year's proposed budget is greater than last year's budget
adjusted for inflation.~~

~~"Article #1 (School Budget):~~

~~Part A. Shall the voters of the school district authorize the school
board to expend \$_____, which is a portion of the amount the school board
has determined to be necessary?~~

~~Part B. If Part A is approved by the voters, shall the voters of the
school district also authorize the school board to expend \$_____, which is the
remainder of the amount the school board has determined to be necessary?"~~

~~(C)~~ At a school district's annual or special meeting, the electorate may vote to provide notice of availability of the school budget required by this subdivision to the electorate in lieu of distributing the budget. If the electorate of the school district votes to provide notice of availability, it must specify how notice of availability shall be given, and such notice of availability shall be provided to the electorate at least 30 days before the district's annual meeting. The proposed budget shall be prepared and distributed at least ten days before a sum of money is voted on by the electorate. Any proposed budget shall show the following information in a format prescribed by the ~~commissioner of education~~ Secretary:

* * *

(19) Shall allow any high school student, who meets the academic requirements of the high school, to graduate and receive a diploma in ~~less~~ fewer than four years.

(20) Shall establish policies and procedures designed to avoid the appearance of board member conflict of interest.

(21) Shall have the authority to engage in short-term borrowing to cover the costs of those portions of projects approved by the ~~state board and which~~ State Board that will be reimbursed ~~by the state board~~ under sections 3447-3456 of this title, but for which payments will be delayed. However, the school district board shall borrow under this subdivision only amounts ~~which~~

that it would receive from the State if the ~~state board~~ State could fund its obligation and may borrow no earlier than the time it would have received the funds. The ~~state~~ State shall not pay for costs of borrowing funds under this subdivision.

* * *

(24) Shall adopt a policy ~~which~~ that, in accordance with rules adopted by the ~~state board of education~~ State Board, will integrate home study students into its schools through enrollment in courses, participation in cocurricular and extracurricular activities, and use of facilities.

(25) Shall, if it is a school board of a school district ~~which~~ that maintains a secondary school, upon request, award a high school diploma to any Vermont resident who served in the military in World War II, the Korean War, or during the Vietnam era, was honorably separated from active federal military service, and does not hold a high school diploma. The ~~state board~~ State Board shall develop and make available an application form for veterans who wish to request a high school diploma.

(26) Shall carry out the duties of a local education agency, as that term is defined in 20 U.S.C. § 7801(26), for purposes of determining pupil performance and application of consequences for failure to meet standards and for provision of compensatory and remedial services pursuant to 20 U.S.C. §§ 6311-6318.

(27) Annually, shall inform each secondary student and the student's parents or guardians of the right to opt out of the federal requirement that student contact information be provided to military recruiters or institutions of higher education pursuant to 20 U.S.C. § 7908(a). A school board shall enable the secondary student and the student's parents or guardians to disallow provision of student contact information to either military recruiters or institutions of higher education, while allowing provision of information to the other. For purposes of this subdivision, "secondary student" means a ~~pupil~~ student in grade 9, 10, 11, or 12.

* * *

(31) Subject to the requirements of section 571 of this title, may enter into contracts with other school boards to provide joint programs, services, facilities, and professional or other staff. ~~Nothing herein shall be construed to permit the designation by a school district that does not maintain a secondary school of another school district's secondary school as the secondary school of the district.~~

(32) May enter into a contract or contracts with a school offering a distance learning program that is approved by one or more accrediting agencies recognized by the U.S. Department of Education or is approved in Vermont pursuant to subdivision 166(b)(6) of this title.

Sec. 70. 16 V.S.A. § 563a is amended to read:

§ 563a. PREVENTION, IDENTIFICATION, AND

REPORTING OF CHILD SEXUAL ABUSE AND SEXUAL
VIOLENCE

Each school board of a school district and governing body of an approved or recognized independent school shall ensure that adults employed in the schools within its jurisdiction receive orientation, information, or instruction on the prevention, identification, and reporting of child sexual abuse, as defined in 33 V.S.A. § 4912(8), and sexual violence. This shall include information regarding the signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing the dangers of child sexual abuse in and close to the home, and other predatory behaviors of sex offenders. The school board or governing body shall also provide opportunities for parents, guardians, and other interested persons to receive the same information. The ~~department of education and the agency of human services~~ Agencies of Education and of Human Services shall provide materials and technical support to any school board or governing body that requests assistance in implementing this section.

Sec. 71. 16 V.S.A. § 567 is amended to read:

§ 567. SURPLUS

If an audit ~~conducted pursuant to subdivision 563(17) of this title or section 1681 of Title 24~~ reveals that a school district has surplus funds, the school board shall carry the funds into the next year as revenue unless authorized by the voters, at an annual or special meeting warned for the purpose, to:

- (1) deposit the funds into a reserve fund established pursuant to 24 V.S.A. § 2804; or
- (2) use the funds for a specific purpose.

Sec. 72. 16 V.S.A. chapter 9, subchapter 5 is amended to read:

Article 1. Duties of School Districts

§ 570. HARASSMENT, HAZING, AND BULLYING PREVENTION
POLICIES

* * *

(b) Prevention policies. Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the ~~commissioner~~ Secretary. Any school board that fails to adopt one or more of these policies

shall be presumed to have adopted the most current model policy or policies published by the ~~commissioner~~ Secretary.

* * *

(d) Duties of the ~~commissioner~~ Secretary. The ~~commissioner~~ Secretary shall:

(1) develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and

(2) establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The council shall report annually in January to the ~~state board and the house and senate committees on education~~ State Board and the House and Senate Committees on Education. The council shall include:

* * *

(G) other members selected by the ~~commissioner~~ Secretary, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

(e) Definitions. In this subchapter:

(1) "Educational institution" and "school" mean a public school or an approved or recognized independent school as defined in section 11 of this title.

(2) "Organization," "pledging," and "student" have the same meanings as in ~~subdivisions 140a(2), (3), and (4)~~ section 570i of this title.

(3) "Harassment," "hazing," and "bullying" have the same meanings as in subdivisions 11(a)(26), (30), and (32) of this title.

(4) "School board" means the board of directors or other governing body of an educational institution when referring to an independent school.

§ 570a. HARASSMENT

(a) Policies and plan. The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that harassment, as defined in subdivision 11(a)(26) of this title, is prohibited and may constitute a violation of the public accommodations act as more fully described in ~~section 14 of this title~~ article 2 of this subchapter 5.

* * *

(b) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the headmaster

or superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the ~~commissioner~~ Secretary of education and the ~~human rights commission~~ Human Rights Commission and maintained by the ~~commissioner~~ Secretary. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

* * *

(8) The ~~commissioner~~ Secretary may adopt rules implementing this subsection.

§ 570b. HAZING

The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that hazing, as defined in subdivision 11(a)(30) of this title, is prohibited and may be subject to civil penalties pursuant to ~~subchapter 9 of chapter 1 of this title~~ article 3 of this subchapter 5.

* * *

[§§ 570d–570e. Reserved.]

Sec. 73. REDESIGNATION; ADDITION OF ARTICLE

16 V.S.A. chapter 9, subchapter 5, article 2, which shall include
§§ 570f–570h, is added to read:

Article 2. Unlawful Harassment

* * *

Sec. 74. 16 V.S.A. § 14 is redesignated to read:

§ 14 570f. HARASSMENT; NOTICE AND RESPONSE

Sec. 75. 16 V.S.A. § 570f is amended to read:

§ 570f. HARASSMENT; NOTICE AND RESPONSE

(a)(1) An educational institution that receives actual notice of alleged conduct that may constitute harassment shall promptly investigate to determine whether harassment occurred. After receiving notice of the alleged conduct, the school shall provide a copy of its harassment policy, including its harassment investigation procedure, to the alleged victim and the alleged perpetrator. If either the alleged victim or the alleged perpetrator is a minor, the copy of the policy shall be provided to the person's parent or guardian. Nothing ~~herein~~ in this section shall be construed to prohibit educational institutions from investigating and imposing disciplinary consequences upon students for misconduct. Elementary and secondary school officials shall strive to implement the plan developed in accordance with subdivision 1161a(a)(6) of this title in order to prevent misconduct from escalating to the level of harassment.

* * *

(d) As used in this ~~section~~ article:

* * *

Sec. 76. 16 V.S.A. chapter 1, subchapter 9 is redesignated to read:

~~Subchapter 9. Hazing.~~

Sec. 77. REDESIGNATION; ADDITION OF ARTICLE

16 V.S.A. chapter 9, subchapter 5, article 3, which shall include
§§ 570i–570z, is added to read:

Article 3. Unlawful Hazing

* * *

Sec. 78. 16 V.S.A. § 140a is redesignated to read:

§ ~~140a~~ 570i. DEFINITIONS

Sec. 79. 16 V.S.A. § 140b is redesignated to read:

§ ~~140b~~ 570j. UNLAWFUL CONDUCT

Sec. 80. 16 V.S.A. § 140c is redesignated to read:

§ ~~140c~~ 570k. CIVIL PENALTY; JUDICIAL BUREAU; WAIVER

PENALTY

Sec. 81. 16 V.S.A. § 140d is redesignated to read:

§ ~~140d~~ 570l. CRIMINAL PROSECUTION AND CIVIL ACTION

Sec. 82. 16 V.S.A. § 701a(b) is amended to read:

(b) The provisions of general law relating to the administration and maintenance of schools, to school meetings and voting thereat at the meetings, to grand lists, to the raising and expending of school money, to money

apportioned by the ~~state board of education~~ State Board, to sharing in other state or federal aid, to the election, appointments, powers, duties, and liabilities of school officers, to secondary and elementary instruction, to transportation, board, and attendance of ~~pupils~~ students, to textbooks and appliances, ~~to~~ ~~medical inspectors~~ and to all other matters pertaining to schools in a town school district, unless inconsistent with this act or otherwise provided for in this subchapter, shall apply to schools maintained, similar school officers, and all matters pertaining to schools of the union school district.

Sec. 83. 16 V.S.A. § 706b(a) is amended to read:

(a) Study committee. When a study committee is appointed, the members shall elect a chair who shall notify the ~~commissioner of education~~ Secretary of Education of the appointment. The ~~commissioner~~ Secretary shall cooperate with the study committee and may make ~~department~~ Agency staff available to assist in the study of the proposed union school district. The committee is a public body pursuant to 1 V.S.A. § 310(3). The committee shall cease to exist when the clerk of each district voting on a proposal to establish a union school district has certified the results of the vote to the ~~commissioner of education~~ Secretary pursuant to section 706g of this chapter.

Sec. 84. 16 V.S.A. § 706c(b) is amended to read:

(b) The study committee shall transmit the report to the ~~commissioner~~ Secretary who shall submit the report with his or her recommendations to the

~~state board of education~~ State Board. ~~That board after~~ After providing notice to the study committee and after giving the committee an opportunity to be heard, the State Board shall consider the report and the ~~commissioner's~~ Secretary's recommendations, and decide whether the formation of such union school district will be ~~for~~ in the best ~~interest~~ interests of the ~~state~~ State, the students, and the school districts proposed to be members of the union. The ~~board~~ State Board may request that the ~~commissioner~~ Secretary and the study committee ~~to~~ make further investigation and may consider any other information deemed by it to be pertinent. If, after due consideration and any further meetings ~~as it may deem~~ it deems necessary, the ~~board~~ State Board finds that the formation of the proposed union school district is in the best interests of the ~~state~~ State, the students, and the school districts, it shall approve the report submitted by the committee, together with any amendments, as a final report of the study committee, and shall give notice of its action to the committee. The chair of the study committee shall file a copy of the final report with the town clerk of each proposed member district at least 20 days prior to the vote to establish the union.

Sec. 85. 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, 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. 86. 16 V.S.A. § 706i is amended to read:

§ 706i. ORGANIZATION MEETING, NOTICE

Within 60 days after the copies of the certificate have been filed in the office of the clerk of each school district to be included as members of the union school district, the voters in the union district shall hold an organization meeting within the district. Notice of the day, hour, and place of the meeting shall be posted in at least one public place in each member school district of the union school district and published once in a newspaper circulating in the union district. Publication and posting shall be made not more than 40 days nor less than 30 days before the date of the meeting. The warning for such meeting shall be drawn by the ~~commissioner~~ Secretary or by such person or persons who are voters in the union school district as ~~he or she~~ the Secretary may designate for the purpose. The cost of giving notice shall be borne by the union school district.

Sec. 87. 16 V.S.A. § 706j(a) is amended to read:

(a) The meeting shall be called to order by the ~~commissioner~~ Secretary or a person designated by the ~~commissioner~~ Secretary, and at such meeting or at an adjournment thereof:

* * *

Sec. 88. 16 V.S.A. § 706o is amended to read:

§ 706o. STATISTICAL INFORMATION

Annually, on or before August 15, the directors shall give or cause to be given to the ~~commissioner of education~~ Secretary of Education answers to statistical inquiries ~~which~~ that may be addressed to the district by the ~~commissioner~~ Secretary.

Sec. 89. 16 V.S.A. § 706q(b) is amended to read:

(b) Before entering upon the duties of their office, the board of school directors shall give a blanket bond and the treasurer shall give a personal bond to the district, conditioned upon the faithful performance of their duties. The treasurer's bond shall be in such sum as the board of school directors shall require. The board of school directors' bond shall be in such sum as shall be required by the ~~commissioner of education~~ Secretary of Education. When a board of school directors or treasurer for 10 days neglects to give a bond as required, the office shall become vacant.

Sec. 90. 16 V.S.A. § 721 is amended to read:

§ 721. INCLUSION OF ADDITIONAL SCHOOL DISTRICTS

(a) Action initiated by district outside the union. After preliminary study by a district school board and approval by the ~~state board of education~~ State Board, and when a majority of voters present and voting at a school district meeting duly warned for that purpose, vote to apply to a neighboring union school district for admission as a member of the union district, the vote shall be certified by the clerk of the school district to the clerk of the union school district and to the ~~commissioner of education~~ Secretary of Education. If, within two years from the date of that vote a majority of those voting at a meeting of the union school district duly warned for that purpose, votes to include the additional school district as a member of the union, the clerk of the union shall certify the results of that vote to the ~~commissioner of education~~ Secretary of Education. The ~~commissioner of education~~ Secretary of Education shall designate the additional school district a member of the union, and so certify to the secretary of state. The ~~secretary~~ Secretary of State shall record such certification in accordance with the provisions of section 706g of this title, which shall have the effect as provided therein.

(b) Action initiated by union school district. When it appears to the union board of directors that the boundaries of the union school district should be changed to include another school district, the union board shall submit a plan

for incorporation of the other school district in the union district, to the ~~state board of education~~ State Board. Following approval of the plan by the ~~state board of education~~ State Board, the union district directors shall insert an article fully describing the proposed change in the warning for a regular or special meeting of the union district. When a majority of the voters voting at the meeting vote to include an additional school district within the boundaries of the union school district as a member of the union, the board of directors shall notify the legislative branch of that additional district of the vote. Within 180 days thereafter, the legislative branch of the additional district proposed to be included shall duly warn a meeting thereof, setting forth in the warning the vote of the union district and the proposed change in its boundaries. If a majority of the voters voting at the meeting of the additional district vote to be included within the union school district, the result of that vote and the result of the vote already taken by the union school district shall be certified by the respective clerks to the ~~commissioner of education~~ Secretary of Education. The ~~commissioner of education and the secretary of state~~ Secretary of Education and the Secretary of State shall then take the action specified in section 706g of this title ~~which shall have the effect as provided therein~~.

(c) A union school district ~~as so~~ enlarged pursuant to this section shall have all the powers and responsibilities given it by this subchapter. Unless otherwise agreed between the union district board and the additional member

district school board, the additional member shall share in the expenses of the union district in the proportion provided in this subchapter for other member districts from the date the certificate of the ~~secretary of state~~ Secretary of State is filed in the office of the clerk of the union district and the office of the clerk of the additional school district member.

Sec. 91. 16 V.S.A. § 721a is amended to read:

§ 721a. WITHDRAWAL FROM DISTRICT

* * *

(b) When a majority of the voters of a school district that is a member of a union school district present and voting at a school district meeting duly warned for that purpose votes to withdraw from ~~a the~~ the union school district, the vote shall be certified by the clerk of the school district to the ~~secretary of state~~ Secretary of State who shall record the certificate in his or her office and give notice of the vote to the ~~commissioner of education~~ Secretary of Education and to the other ~~member districts~~ members of the union school district. Within 90 days after receiving notice, those ~~member districts~~ other members shall vote by Australian ballot on the same day during the same hours whether to ratify withdrawal of the member ~~district~~. Withdrawal by a member ~~district~~ shall be effective only if approved by an affirmative vote of each of the other ~~member school districts within~~ members of the union school district.

(c) If the vote to ratify the withdrawal of a member ~~district~~ is approved by each of the other ~~member districts~~ members, the union school district shall notify the ~~commissioner of education~~ Secretary of Education who shall advise the ~~state board of education~~ State Board. At a meeting held thereafter, if the ~~state board~~ State Board finds that the ~~pupils~~ students in the withdrawing ~~district member~~ will attend a school that is in compliance with the rules adopted by the ~~board~~ Board pertaining to educational programs, ~~the board then~~ the State Board shall declare the membership of the withdrawing ~~school district member~~ in the union school district to end as of July 1 immediately following or as soon thereafter as the obligations of the withdrawing ~~district member~~ have been paid to, or an agreement made with, the union school district in an amount satisfactory to the electorate of each member ~~district~~ of the union school district. The ~~board~~ State Board shall give notice to the remaining ~~member districts~~ members in the union of its meeting and give representatives of the remaining ~~member districts~~ members an opportunity to be heard. It shall then determine whether it is in the best interests of the ~~state~~ State, the students, and the ~~school districts~~ members remaining in the union district for the union to continue to exist. The ~~board~~ State Board may declare the union district dissolved as of July 1 immediately following or as soon thereafter as each ~~member district's~~ member's obligations have been satisfied, or it may declare that the union district shall continue to exist despite the

withdrawal of the former member ~~district~~. The ~~state board of education~~ State Board shall file the declaration with the ~~secretary of state~~ Secretary of State, the clerk of the withdrawing ~~district~~ member, and the clerk of the union school district concerned.

(d) A vote of withdrawal taken after a union school district has become a body politic and corporate as provided in section 706g of this title but less than one year after that date shall be ~~null and~~ void.

Sec. 92. 16 V.S.A. § 724(c) is amended to read:

(c) If the vote to ratify the withdrawal of the town or city is approved by each of the other towns or cities, the unified union school district clerk shall notify the ~~commissioner of education~~ Secretary of Education who shall advise the ~~state board of education~~ State Board. At a meeting held thereafter, if the state board finds that the students in the withdrawing town or city will attend a school that is in compliance with the rules adopted by the ~~board~~ State Board pertaining to educational programs, the ~~board~~ State Board shall declare the membership of the withdrawing town or city to be at an end as of July 1 immediately following or as soon thereafter as the obligations of the withdrawing district have been paid to, or an agreement made with, the union school district in an amount satisfactory to the electorate of each of the other towns and cities within the unified union school district. In addition, the ~~state board~~ State Board shall declare the preexisting school district corresponding to

the withdrawing town or city to be reconstituted. The ~~board~~ State Board shall give notice to the remaining towns and cities in the unified union school district of its meeting and give the relevant representatives an opportunity to be heard. It shall then determine whether it is in the best interests of the ~~state~~ State, the students, and the school districts remaining in the unified union school district that the unified union district continue to exist. The ~~board~~ State Board may declare the unified union school district dissolved as of July 1 immediately following or as soon thereafter as each remaining town's or city's obligations have been satisfied, or it may declare that the unified union district shall continue to exist despite the withdrawal of the former town or city member. The ~~state board of education~~ State Board shall file its declaration with the ~~secretary of state~~ Secretary of State, the clerk of the withdrawing town or city, and the clerk of the affected unified union school district.

Sec. 93. 16 V.S.A. § 771 is amended to read:

§ 771. GENERAL PROVISIONS-ARTICLE I

* * *

C. Definitions. The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

* * *

h. "Commissioner" shall refer to ~~commissioner of education~~ the New Hampshire Commissioner of Education or the Vermont Secretary of Education, individually or collectively as appropriate. "State departments of education" shall refer collectively to the New Hampshire Department of Education and the Vermont Agency of Education.

* * *

Sec. 94. 16 V.S.A. § 791 is amended to read:

§ 791. GENERAL PROVISION-ARTICLE I

* * *

C. Definitions. The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

* * *

h. "Commissioner" shall refer to ~~commissioner of education~~ the New York Commissioner of Education or the Vermont Secretary of Education, individually or collectively as appropriate. "State departments of education" shall refer collectively to the New York State Education Department and the Vermont Agency of Education.

* * *

Sec. 95. 16 V.S.A. § 821 is amended to read:

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

(a) Elementary school. Each school district shall maintain one or more approved schools within the district in which elementary education for its resident ~~pupils~~ students in kindergarten through grade six is provided unless:

(1) the electorate authorizes the school board to provide for the elementary education of the ~~pupils~~ students by paying tuition in accordance with law to one or more public elementary schools in one or more school districts;

(2) the school district is organized to provide only high school education for its ~~pupils~~ students; or

(3) the ~~general assembly~~ General Assembly provides otherwise.

(b) [Repealed.]

(c) Notwithstanding subsection (a) of this section, without previous authorization by the electorate, a school board in a district that operates an elementary school may pay tuition for elementary ~~pupils~~ students who reside near a public elementary school in an adjacent district upon request of the ~~pupil's~~ student's parent or guardian, if in the board's judgment the ~~pupil's~~ student's education can be more conveniently furnished there due to geographic considerations. Within 30 days of the board's decision, a parent or

guardian who is dissatisfied with the decision of the board under this subsection may request a determination by the ~~commissioner~~ Secretary, who shall have authority to direct the school board to pay all, some, or none of the ~~pupil's~~ student's tuition and whose decision shall be final.

(d) Notwithstanding subdivision (a)(1) of this section, the electorate of a school district that does not maintain an elementary school may grant general authority to the school board to pay tuition for an elementary ~~pupil~~ student at an approved independent elementary school or an independent school meeting school quality standards pursuant to sections 823 and 828 of this chapter upon notice given by the ~~pupil's~~ student's parent or legal guardian before April 15 for the next academic year.

Sec. 96. 16 V.S.A. § 822 is amended to read:

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

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

(1) ~~The~~ the electorate authorizes the school board to close an existing high school and to provide for the high school education of its ~~pupils~~ students by paying tuition ~~in accordance with law. Tuition for its pupils shall be paid to~~ a public high school, an approved independent high school, or an independent

school meeting school quality standards, to be selected by the parents or guardians of the ~~pupil~~ student, within or ~~without~~ outside the ~~state~~ State; or

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

(b) For purposes of this section, a school district ~~which provides, furnishes and that is organized to provide kindergarten through grade 12 and~~ maintains a program of education for only the first eight years of compulsory school attendance shall be obligated to pay tuition for its ~~pupils~~ resident students for at least four additional years.

(c) ~~The~~ (1) A school ~~board~~ district may both maintain a high school and furnish high school education by paying tuition:

(A) to a public school as in the judgment of the school board may best serve the interests of the ~~pupils~~, students; or

(B) to an approved independent school or an independent school meeting school quality standards if the school board judges that a ~~pupil~~ student has unique educational needs that cannot be served within the district or at a nearby public school. ~~Its~~

(2) The judgment of the board shall be final in regard to the institution the ~~pupils~~ students may attend at public cost.

Sec. 97. 16 V.S.A. § 822a is amended to read:

§ 822a. PUBLIC HIGH SCHOOL CHOICE

* * *

(c) Capacity. On or before February 1 each year, the board of a high school district shall define and announce its capacity to accept students under this section. The ~~commissioner~~ Secretary shall develop, review, and update guidelines to assist high school district boards to define capacity limits. Guidelines may include limits based on the capacity of the program, class, grade, school building, measurable adverse financial impact, or other factors, but shall not be based on the need to provide special education services.

* * *

(l) Waiver. If a high school board determines that participation under this section would adversely affect students in its high school, then it may petition the ~~commissioner~~ Secretary for an exemption. The ~~commissioner's~~ Secretary's decision shall be final.

(m) Report. Notwithstanding 2 V.S.A. § 20(d), the ~~commissioner~~ Secretary shall report annually in January to the ~~senate and house committees on education~~ Senate and House Committees on Education on the implementation of public high school choice as provided in this section, including a quantitative and qualitative evaluation of the program's impact on

the quality of educational services available to students and the expansion of educational opportunities.

Sec. 98. 16 V.S.A. § 825 is amended to read:

§ 825. MAXIMUM TUITION RATE, CALCULATED NET COST PER
PUPIL DEFINED

(a) Calculated net cost per pupil for purposes of this chapter shall be defined by the ~~commissioner~~ Secretary. Expenditures shall include those for equipment and school building construction, additions, or renovations.

Expenditures excluded shall be:

- (1) Transportation costs incurred by the receiving school district for its resident ~~pupils~~ students;
- (2) Transportation costs for which the receiving school district receives reimbursement;
- (3) That portion of the total cost which is provided by direct grants from state or federal sources for salaries or other specific expenses;
- (4) Expenditures for maintenance, and payments of principal and interest for buildings used exclusively for boarding students if any;
- (5) Expenditures for special education;
- (6) Tuition payments for technical education.

(b) In no case shall the tuition charged be such that the ratio of the total tuition received to the total cost of operation of the receiving school, or school

district, exceeds the ratio of the number of ~~tuition-paying pupils~~ tuition-paying students to the total number of ~~pupils~~ students enrolled in the receiving school, or school district.

(c) The ~~commissioner~~ Secretary shall investigate complaints by a school board regarding tuition and may, within the limits of funds appropriated for this specific purpose, contract for limited scope audits of the annual statistical reports submitted by school districts for the purpose of determining the accuracy of the allocation of revenues and expenditures to elementary and secondary tuition rates.

Sec. 99. 16 V.S.A. § 826(a) is amended to read:

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

Sec. 100. 16 V.S.A. § 829 is amended to read:

§ 829. PREKINDERGARTEN EDUCATION; RULES

The ~~commissioner of education and the commissioner for children and families~~ The Secretary of Education and the Commissioner for Children and

Families shall jointly develop and agree to rules and present them to the state board of education for adoption under 3 V.S.A. chapter 25 as follows:

* * *

(6) To ensure transparency and accountability by requiring private providers under contract with a school district to report costs for prekindergarten programs to the school district and by requiring school districts to report these costs to the ~~commissioner of education~~ Secretary.

* * *

(8) To require school districts to report to both the departments their Secretary and the Commissioner the annual expenditures made in support of prekindergarten care and education, with distinct figures provided for expenditures made from the general fund, from the education fund, and from all other sources, which shall be specified.

* * *

(10) To establish the minimum quality standards necessary for a district to include prekindergarten children within its average daily membership. At a minimum, the standards shall include the following requirements:

(A) The prekindergarten education program, whether offered by or through the district, shall have received:

* * *

(iii) Three stars in the STARS system if the provider has developed a plan, approved by the ~~commissioner for children and families~~ Commissioner for Children and Families and the ~~commissioner of education~~ Secretary, to achieve four or more stars within three years with at least two points in each of the five arenas, and the provider has met intermediate milestones; and

* * *

(11) To establish a process for documenting the progress of children enrolled in prekindergarten programs and to require public and private providers to use the process to collect and report child progress data to the ~~commissioner of education~~ Secretary on an annual basis.

* * *

Sec. 101. 16 V.S.A. § 836(a) is amended to read:

(a) Annually, on or before November 1, the ~~commissioner~~ Secretary shall inform each school board of a receiving public school, each board of trustees of a receiving approved independent school for which the ~~commissioner~~ Secretary has calculated a net cost per pupil, and each sending school district in Vermont of the calculated net cost per elementary or secondary pupil in the receiving schools. Each school board or board of trustees of a receiving school shall then determine whether it overcharged or undercharged any sending

district for tuition charges and shall notify the district by December 15 of the same year of the amount due or the amount to be refunded or credited.

Sec. 102. 16 V.S.A. § 836(a) is amended to read:

(a) Annually, on or before November 1, the ~~commissioner~~ Secretary shall inform each school board of a receiving public school, each board of trustees of a receiving approved independent school for which the ~~commissioner~~ Secretary has calculated a net cost per pupil, and each sending school district in Vermont of the calculated net cost per elementary or secondary pupil in the receiving schools. Each school board or board of trustees of a receiving school shall then determine whether it overcharged or undercharged any sending district for tuition charges and shall notify the district by December 15 of the same year of the amount due or the amount to be refunded or credited.

Sec. 103. 16 V.S.A. § 909 is amended to read:

§ 909. TOBACCO USE, ALCOHOL AND DRUG ABUSE PREVENTION
EDUCATION CURRICULUM

(a) The ~~department of education~~ Secretary, in conjunction with the ~~alcohol and drug abuse council~~ Alcohol and Drug Abuse Council, and where appropriate, with the ~~division of health promotion~~, is hereby authorized and ~~directed to~~ Division of Health Promotion, shall develop a sequential alcohol and drug abuse prevention education curriculum for elementary and secondary

schools. The curriculum shall include teaching about the effects and legal consequences of the possession and use of tobacco products.

(b) The ~~department of education~~ Secretary shall:

(1) provide for pre-service and in-service training programs for school personnel on alcohol and drug abuse prevention and on the effects and legal consequences of the possession and use of tobacco products. At least one training program shall be made available in electronic format. Each superintendent shall determine the content, duration, and frequency of training on issues concerning alcohol and drug abuse for the districts in his or her supervisory union;

(2) provide teaching materials ~~which~~ that are appropriate to the age and learning ability of the students;

(3) provide technical assistance to the local school districts for implementation of the curriculum; and

(4) encourage coordination of effort with existing community resources.

(c) [Repealed.]

Sec. 104. 16 V.S.A. § 910 is amended to read:

§ 910. COORDINATION OF SERVICES TO CHILDREN AND

ADOLESCENTS WITH A SEVERE EMOTIONAL DISTURBANCE

Each town, city, interstate, incorporated, unified, or union school district shall cooperate with the ~~department of mental health, the department for~~

~~children and families, the department of disabilities, aging, and independent living, and the department of education in~~ Agency of Education and the Departments of Mental Health, for Children and Families, and of Disabilities, Aging, and Independent Living when coordinating educational services to children and adolescents with a severe emotional disturbance pursuant to the provisions of 33 V.S.A. chapter 43.

Sec. 105. 16 V.S.A. § 1045 is amended to read:

§ 1045. DRIVER TRAINING COURSE

(a) A driver education and training course, approved by the ~~department of education and the department of motor vehicles~~ Agency of Education and the Department of Motor Vehicles shall be made available to ~~pupils~~ students whose parent or guardian is a resident of Vermont and who have reached their ~~fifteenth~~ 15th birthday and who are regularly enrolled in a public or independent high school approved by the ~~state board~~ State Board.

(b) ~~After June 30, 1984, all~~ All driver education courses shall include a course of instruction, approved by the ~~state board and the council on the effects of alcohol and drugs on driving~~ State Board and the Alcohol and Drug Abuse Advisory Council on the effects of alcohol and drugs on driving.

(c) All driver education courses shall include instruction on motor vehicle liability insurance and the motor vehicle financial responsibility laws of the ~~state~~ State.

Sec. 106. 16 V.S.A. § 1046 is amended to read:

§ 1046. ARRANGEMENT

Subject to the approval of the ~~commissioner~~ Secretary, each superintendent ~~of schools~~ shall arrange for the establishment of a driver education and training course for all public and approved independent schools located within his or her ~~supervisory~~ jurisdiction that so request.

Sec. 107. 16 V.S.A. § 1047a(b) is amended to read:

(b) The ~~commissioner of motor vehicles and the commissioner of education~~ Commissioner of Motor Vehicles and the Secretary of Education shall cooperatively establish and implement a driver's education grant program that improves the availability and quality of driver's education programs. Eligible applicants shall include Vermont public secondary and ~~vocational schools~~ career and technical centers and supervisory unions on behalf of a school or schools. Grant awards shall be up to \$12,500.00. Eligible activities shall include one or more of the following:

* * *

Sec. 108. 16 V.S.A. § 1048 is amended to read:

§ 1048. ADMINISTRATION

The administration of this subchapter, including the training and qualification of instructors, and selection of instructional material and visual aids, shall be in the ~~department of education~~ Agency.

Sec. 109. 16 V.S.A. § 1049 is amended to read:

§ 1049. PROGRAMS

(a) The ~~commissioner of education~~ Secretary may provide programs designed to fit the individual needs and circumstances of adult students. Programs authorized under this section shall give priority to those adult persons with the lowest levels of literacy skills.

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

(2) The ~~adult diploma program means~~ Adult Diploma Program (ADP) is an assessment process administered by the ~~Vermont department of education~~ Agency through which an adult can receive a local high school diploma granted by one of the program's participating high schools.

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

(c) Fees collected under this section shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 ~~of Title~~

32, and shall be available to the ~~department~~ Agency to offset the costs of providing those services.

Sec. 110. 16 V.S.A. § 1049a is amended to read:

§ 1049a. HIGH SCHOOL COMPLETION PROGRAM

(a) In this section:

(1) “Graduation education plan” means a written plan leading to a high school diploma for a person who is 16 to 22 years of age and has not received a high school diploma, who may or may not be enrolled in a public or approved independent school. The plan shall define the scope and rigor of services necessary for the student to attain a high school diploma, and may describe educational services to be provided by a public high school, an approved independent high school, an approved provider, or by a combination of ~~these~~ providers.

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

(3) “Contracting agency” means an agency that has entered into a contract with the ~~department~~ Agency of education to provide adult education services in Vermont.

(b) If a person who wishes to work on a graduation education plan is not enrolled in a public or approved independent school, then the ~~commissioner~~

Secretary shall assign the prospective student to a high school district, which shall be the district of residence whenever possible. The school district in which a student is enrolled or to which a non-enrolled student is assigned shall work with the contracting agency and the student to develop a graduation education plan. The school district shall award a high school diploma upon successful completion of the plan.

(c) The ~~commissioner~~ Secretary shall reimburse, and net cash payments where possible, a school district that has agreed to a graduation education plan in an amount:

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

(2) negotiated by the ~~commissioner~~ Secretary and the contracting agency, with the approved provider, for services and outcomes purchased from the approved provider on behalf of the student pursuant to the graduation education plan.

(d) [Repealed.]

Sec. 111. 16 V.S.A. § 1052 is amended to read:

§ 1052. DEFINITIONS AND CONSTRUCTION

(a) ~~Unless otherwise expressly provided the words and phrases in this chapter mean~~ As used in this chapter, unless the context otherwise clearly requires:

(1) ~~Periodic released time: A program whereby~~ “Periodic released time” means time, occurring at least once weekly, during which public school students are released from school at least once a week to attend religious education courses sponsored by and given under the authority of a religious group.

(2) ~~Religious group: Any~~ “Religious group” means any association of persons for religious purposes, including any organization of religious denominations, communions, or traditions.

(3) ~~Periodic~~ “Periodic released time religious education courses:
~~Courses~~ course” means a course offered by a religious group during periodic released time.

(b) This chapter shall be construed liberally to carry out the policies stated herein.

Sec. 112. 16 V.S.A. § 1054(b) is amended to read:

(b) No periodic released time program shall ~~be conducted so as to~~ interfere with the completion by any student of requirements for graduation as established from time to time by the ~~state department of education~~ Agency.

Sec. 113. 16 V.S.A. § 1071 is amended to read:

§ 1071. SCHOOL YEAR AND SCHOOL DAY

(a) Minimum number of days. Except as provided in this section, each public school shall be maintained and operated for:

(1) at least ~~one hundred seventy-five~~ 175 student attendance days in each school year. For purposes of this section, a majority of students enrolled in a school must be recorded on the school roll as in attendance on any day counted as a student attendance day.

* * *

(e) Regional calendar. Before April 1 of each year, the superintendents of schools and the headmasters ~~public schools not managed by school boards~~ approved independent schools in an area shall meet, and by majority vote, establish a uniform calendar within that area for the following school year. The calendar shall include student attendance days, periods of vacation, holidays, and teacher in-service education days and shall comply with subsection (a) of this section. Unless permitted by the ~~commissioner~~

Secretary, no area served by a regional technical center shall be divided into two or more calendar regions.

* * *

(g) Upon application of one or more school districts, after approval by the voters of each such district, the ~~state board~~ State Board may grant a waiver of the requirements of subsection (a) of this section if it is satisfied that equivalent educational programming will be maintained or improved. The waiver may be granted for any purpose, including the conservation of energy.

Sec. 114. 16 V.S.A. § 1072 is amended to read:

§ 1072. LEGAL HOLIDAYS

All conditions of employment relating to legal holidays, including ~~but not limited to~~ decisions such as the closing or opening of schools and compensation for work performed on ~~such a day~~ a holiday, shall be proper matters for collective bargaining pursuant to ~~16 V.S.A.~~ chapter 57 of this title.

Sec. 115. 16 V.S.A. § 1073 is amended to read:

§ 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL

(a) “Legal pupil” means an individual who has attained the age of five years on or before January 1 next following the beginning of the school year. However, a school district may ~~establish and enforce a regulation which requires~~ require that students admitted to kindergarten have attained the age of five on or before any date between August 31 and January 1.

(b) Access to school.

(1) Right to a public education. No legal pupil attending school at public expense, including a married, pregnant, or parenting ~~pupil~~ student, shall be deprived of or denied the opportunity to participate in or complete a public school education.

(2) Right to enroll in a public or independent school. Notwithstanding the provisions of sections 822 and 1075 of this title, a pregnant or parenting ~~pupil~~ student may enroll in any approved public school in Vermont or an adjacent state, any approved independent school in Vermont, or any other educational program approved by the ~~state-board~~ State Board in which any other legal pupil in Vermont may enroll.

(3) Teen parent education program.

(A) Residential teen parent education programs. The ~~commissioner~~ Secretary shall pay the educational costs for a pregnant or parenting ~~pupil~~ student attending a ~~state-board-approved~~ state-board-approved teen parent education program in a 24-hour residential facility for up to eight months after the birth of the child. The ~~commissioner~~ Secretary may approve extension of payment of educational costs based on a plan for reintegration of the student into the community or for exceptional circumstances as determined by the ~~commissioner~~ Secretary. The district of residence of a ~~pupil~~ student in a 24-hour residential facility shall remain responsible for coordination of the

~~pupil's~~ student's educational program and for planning and facilitating her subsequent educational program.

(B) Nonresidential teen parent education programs.

(i) The pregnant or parenting ~~pupil's~~ student's district of residence or the approved independent or public school to which that district pays tuition for its students ("the enrolling school") shall be responsible for planning, coordinating, and assessing the enrolled ~~pupil's~~ student's education plan while attending a teen parent education program and for planning, assessing, and facilitating the ~~pupil's~~ student's subsequent education plan, including the ~~pupil's~~ student's transition back to the public or approved independent school. As determined by the district of residence or the enrolling school, as appropriate, the ~~pupil's~~ student's educational plan while attending a teen parent education program shall include learning experiences that are the substantial equivalent of the learning experiences required by the district of residence or the enrolling school to obtain a high school diploma.

(ii) A pregnant or parenting ~~pupil~~ student may attend a nonresidential teen parent education program for a length of time to be determined by agreement of the ~~pupil's~~ student's district of residence, the enrolling school, the teen parent education program, and the ~~pupil~~ student.

(iii) In the event of a dispute regarding any aspect of this subdivision (B), the district of residence, the enrolling school, the teen parent

education program, or the ~~pupil~~ student or any combination of these may request a determination from the ~~commissioner~~ Secretary whose decision shall be final; any determination by the ~~commissioner~~ Secretary regarding “substantial equivalency” pursuant to subdivision (i) of this subdivision (b)(3)(B) shall be based on the ~~commissioner’s~~ Secretary’s analysis of the course syllabus or the course description provided by the district of residence or enrolling school.

(c) An individual who is not a legal pupil may be enrolled in a public school in a prekindergarten program offered by or through a public school pursuant to rules adopted under section 829 of this title or in a program of essential early education offered pursuant to section 2956 of this title.

Sec. 116. 16 V.S.A. § 1074 is amended to read:

§ 1074. AGE OF ~~PUPIL~~ STUDENT; “BETWEEN” DEFINED

The word “between,” as used in this title in respect to a specified age of a ~~pupil~~ student, shall mean the period of time commencing on the birthday of ~~such the~~ child when he or she becomes of the age first specified and ending on the day next preceding the birthday of ~~such the~~ child when he or she becomes of the age last specified.

Sec. 117. 16 V.S.A. § 1075 is amended to read:

§ 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND
PAYMENT OF EDUCATION OF ~~PUPILS~~ STUDENT

(a) For the purpose of this title, except as otherwise set forth ~~herein~~, the legal residence or residence of a ~~pupil~~ student shall be as follows:

(1) in the case of a minor, legal residence is where his or her parents reside, except that:

(A) if the parents live apart, legal residence is where either parent resides, but if a parent with sole custody lives outside the state of Vermont, the ~~pupil~~ student does not have a legal residence in Vermont;

* * *

(b) The ~~commissioner~~ Secretary shall determine the legal residence of all state-placed students pursuant to the provisions of this section. In all other cases, the ~~pupil's~~ student's legal residence shall be determined by the school board of ~~school directors~~ of the district in which the ~~pupil~~ student is seeking enrollment or, if the ~~pupil~~ student is seeking payment of tuition, the school board of ~~directors~~ from which the ~~pupil~~ student is seeking tuition payment. If a ~~pupil~~ student is denied enrollment at any stage, the ~~pupil~~ student and his or her parent or guardian shall be notified in writing, within 24 hours, of the provisions of this section. If the ~~pupil~~ student is not in attendance as a result of a preliminary decision by school officials and a decision from the school board

~~of school directors~~ will not be available by the end of the second school day after the request for enrollment is made, the ~~commissioner~~ Secretary may issue a temporary order requiring enrollment. Any interested person or taxpayer who is dissatisfied with the decision of the school board as to the ~~pupil's~~ student's legal residence may appeal to the ~~commissioner of education~~ Secretary, who shall determine the ~~pupil's~~ student's legal residence, and the decision of the ~~commissioner~~ Secretary shall be final. Pending appeal under this subsection, the ~~commissioner~~ Secretary shall issue a temporary order requiring enrollment.

(c) State-placed students.

(1) A state-placed student, other than one placed in a 24-hour residential facility and except as otherwise provided in this subsection, shall be educated by the school district in which the ~~pupil~~ student is living, unless an alternative plan or facility for the education of the ~~pupil~~ student is agreed upon by the ~~commissioner of education~~ Secretary. In the case of a dispute as to where a state-placed student is living, the ~~commissioner~~ Secretary shall conduct a hearing to determine which school district is responsible for educating the ~~pupil~~ student. The ~~commissioner's~~ Secretary's decision shall be final.

(2) If a ~~pupil~~ student is a state-placed student pursuant to subdivision 11(a)(28)(D)(i)(I) of this title, then the ~~department for children and families~~ Department for Children and Families shall assume responsibility for the

~~pupil's~~ student's transportation to and from school, unless the receiving district chooses to provide transportation.

(3) A ~~pupil~~ student who is in temporary legal custody pursuant to 33 V.S.A. § 5308(b)(3) or (4) and is a state-placed student pursuant to subdivision 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal custodian's discretion, in the district in which the ~~pupil's~~ student's parents reside, the district in which either parent resides if the parents live in different districts, the district in which the ~~pupil's~~ student's legal guardian resides, or the district in which the temporary legal custodian resides. If the ~~pupil~~ student enrolls in the district in which the temporary legal custodian resides, the district shall provide transportation in the same manner and to the same extent it is provided to other students in the district. In all other cases, the temporary legal custodian is responsible for the ~~pupil's~~ student's transportation to and from school, unless the receiving district chooses to provide transportation.

(4) If a ~~pupil~~ student who had been a state-placed student pursuant to subdivision 11(a)(28) of this title is returned to live in the district in which one or more of the ~~pupil's~~ student's parents or legal guardians reside, then, at the request of the ~~pupil's~~ student's parent or legal guardian, the ~~commissioner of education~~ Secretary may order the ~~pupil~~ student to continue his or her enrollment for the remainder of the academic year in the district in which the

~~pupil student~~ resided prior to returning to the parent's or guardian's district and the ~~pupil student~~ will continue to be funded as a state-placed student. Unless the receiving district chooses to provide transportation:

(A) If the ~~pupil student~~ remains in the legal custody of the ~~commissioner for children and families~~ Commissioner for Children and Families, then the ~~department for children and families~~ Department for Children and Families shall assume responsibility for the ~~pupil's student's~~ transportation to and from school.

(B) In all other instances under this subdivision (4), the parent or legal guardian is responsible for the ~~pupil's student's~~ transportation.

* * *

(i) The ~~commissioner for children and families~~ Commissioner for Children and Families shall continue to provide social services and financial support in accordance with section 2950 of this title on behalf of individuals under his or her care and custody while in a residential placement, until they reach their 19th birthday.

* * *

Sec. 118. 16 V.S.A. § 1076 is amended to read:

§ 1076. PENALTIES

(a) A superintendent or truant officer who fails to perform the duties imposed on him or her by this chapter shall be fined not more than \$100.00.

(b) A teacher who violates a provision of this chapter shall be fined not more than \$25.00 nor less than \$5.00.

Sec. 119. 16 V.S.A. chapter 25, subchapter 2 is redesignated to read:

~~Subchapter 2. Assignment of Pupils to Schools; Tuition~~

Sec. 120. 16 V.S.A. § 1093 is amended to read:

§ 1093. NONRESIDENT ~~PUPILS~~ STUDENTS

~~The A school~~ board may receive into the schools under its charge nonresident ~~pupils~~ students under such terms and restrictions as it deems best, and money received for the instruction of ~~such pupils~~ the students shall be paid into the school fund of the district.

Sec. 121. 16 V.S.A. § 1126 is amended to read:

§ 1126. FAILURE TO ATTEND; NOTICE ~~BY TEACHER~~

When a ~~pupil~~ student between the ages of six and 16 years, who is not excused or exempted from school attendance, fails to enter school at the beginning ~~thereof~~ of the academic year, or being enrolled, fails to attend the ~~same school~~, and when a ~~pupil~~ student who ~~has become~~ is at least 16 years of age becomes enrolled in a public school and fails to attend, the teacher or principal shall ~~forthwith~~ notify the truant officer and either the superintendent or ~~the school directors, and the truant officer~~ board unless the teacher or principal is satisfied ~~upon information~~ that the ~~pupil~~ student is absent on account of ~~sickness~~ illness.

Sec. 122. 16 V.S.A. § 1127 is amended to read:

§ 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall ~~forthwith~~ inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, ~~he~~ the truant officer shall give written notice to the person having the control of the child that the child is absent from school without cause, and ~~he~~ shall also notify that person to cause the child to attend school regularly thereafter.

(b) When, after receiving ~~such~~ notice, a person fails, without legal excuse, to cause a child to attend school as required by this chapter, he or she shall be fined not more than \$1,000.00 pursuant to subsection (c) of this section.

(c) The truant officer shall ~~forthwith~~ enter a complaint to the town grand juror of the town in which such person resides, or to the state's attorney of the county, and shall ~~furnish him with~~ provide a statement of the evidence upon which the complaint is based, ~~and the~~. The grand juror or state's attorney shall prosecute the person. In the prosecution, the complaint, information, or indictment shall be deemed sufficient if it states that the respondent, (naming ~~him~~ the respondent) having the control of a child of school age, (naming ~~him~~ the child) neglects to send that child to ~~an approved~~ a public school or an approved or ~~reporting~~ recognized independent school or a home study program as required by law.

Sec. 123. 16 V.S.A. § 1161a(c) is amended to read:

(c) No person employed by or agent of a public or approved independent school shall inflict or cause to be inflicted corporal punishment upon a ~~pupil~~ student attending the school or the institution. However, this section does not prohibit a person from using reasonable and necessary force:

- (1) to quell a disturbance;
- (2) to obtain possession of weapons or other dangerous objects upon the person of or within the control of a ~~pupil~~ student;
- (3) for the purpose of self defense; or
- (4) for the protection of persons or property.

Sec. 124. 16 V.S.A. § 1163 is amended to read:

§ 1163. TRANSFER OF SUSPENSION OR EXPULSION TO OTHER
SCHOOLS

(a) If a student transfers from one Vermont public or independent school to another, a ~~Vermont public or independent school~~, following then upon application by the student and after a review of whether ~~or not~~ the school can provide the student with appropriate services, the new school may choose to continue a suspension or expulsion imposed by the ~~other Vermont public or independent original~~ school.

* * *

(c) A school district ~~which~~ that provides for the education of a suspended or expelled student by paying tuition to ~~an approved~~ a public or approved independent school may, at the discretion of the school board, provide for the education of the student during the period of suspension or expulsion by paying tuition to another ~~approved~~ approved public or approved independent school.

Sec. 125. 16 V.S.A. § 1165 is amended to read:

§ 1165. ALCOHOL AND DRUG ABUSE

(a) The ~~state board~~ State Board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The ~~state board~~ State Board shall adopt ~~guidelines pursuant to 3 V.S.A. chapter 25~~ rules for all school districts. ~~The guidelines shall~~ that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education, and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the state board's ~~guidelines~~ rules setting forth: recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in

accordance with section 1162 of this title. Nothing ~~contained herein~~ in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

(d) [Repealed.]

(e) No municipality, school district, or ~~the officers and or employees~~ officer or employee of the school district shall be liable for civil damages in connection with the implementation of ~~and carrying out~~ the purposes of this section so long as they have acted in good faith and not knowingly in violation of the constitutional or civil rights of any person.

(f), (g) [Repealed.]

Sec. 126. 16 V.S.A. § 1166 is amended to read:

§ 1166. POSSESSION OF A FIREARM AT SCHOOL

(a) In this section, the terms “to school” and “firearm” shall have the same meaning that the terms have in ~~the~~ 18 U.S.C. § 921. ~~However, the~~ The school board may expand the definitions, however, provided they remain consistent with federal law.

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to

any other action the law enforcement agency may take, it may report the incident to the ~~department for children and families~~ Department for Children and Families.

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school. ~~However; provided, however,~~ the school board may modify the expulsion on a ~~case-by-case~~ case-by-case basis. Modifications may be granted in circumstances such as ~~but not limited to:~~

(A) The ~~pupil~~ student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The ~~pupil~~ student did not intend to use the firearm to threaten or endanger others.

(C) The ~~pupil is disabled~~ student has a disability and the misconduct is related to the student's disability.

(D) The ~~pupil~~ student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the ~~pupil~~ student.

(c) Annually at a time and on a form determined by the ~~commissioner~~ Secretary, each superintendent shall provide the ~~commissioner~~ Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.

Sec. 127. 16 V.S.A. § 1167 is amended to read:

§ 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF
UNDERSTANDING

(a) Neither the ~~state board nor the department~~ State Board nor the Agency shall regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358.

(b) School boards and law enforcement agencies are encouraged to enter into memoranda of understanding relating to:

(1) the possession and use of weapons and devices by a school resource officer on school property; and

(2) the nature and scope of assistance that a school resource officer will provide to the school system.

Sec. 128. 16 V.S.A. chapter 27 is amended to read:

CHAPTER 27. TRANSPORTATION AND BOARD

§ 1221. CONTROL AND REGULATION

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

§ 1222. ~~PUPILS~~ STUDENTS WHO MAY BE FURNISHED

TRANSPORTATION

(a) Each legal pupil, as defined in section 1073 of this title, who is entitled or required to attend an elementary school, or a secondary school may be furnished with total or partial transportation to school, or board, as in the opinion of the school board ~~of school directors~~ is reasonable and necessary to enable ~~him~~ the student to attend school. Each school board shall adopt a transportation policy for ~~pupils~~ students required to attend school in accordance with the procedure specified in ~~section~~ subdivision 563(1) of this title. ~~This policy must take into consideration~~ The policy shall consider the transportation needs of ~~pupils supported by, but not limited to~~ students, including such factors as the age and health of ~~pupils~~ a student, distance to be travelled, and condition ~~of the road~~ and type of highway. The policy ~~shall be adopted by the board prior to September 1, 1971 and filed in the office of the principal of each school in the district. Any and any~~ subsequent amendments ~~in policy shall also~~ shall be filed in the principal's office in each school in the district. ~~Such compensation~~ Compensation may be paid to parents or guardians, and shall be payable only in return for actual transportation or board as shall be stipulated by the school ~~directors~~ board.

(b) The provisions of ~~section~~ 23 V.S.A. § 376 of Title 23 relative to the use of motor vehicles for a municipal purpose shall apply to this section.

(c) Expenditures by a school district for transportation or board under this ~~act~~ chapter shall be included in computing current school expenses under chapter 123 of this title.

§ 1224. REPORTS

The superintendent shall include in his or her annual report to the school board ~~of school directors~~ of each ~~town~~ district, ~~a report as to the pupils of such~~ regarding the students in the district who have been transported or boarded under the provisions of this chapter; and the ~~expense thereof~~ associated expenses. Annually, at a time ~~which shall be~~ fixed by the ~~board of education~~ State Board, the superintendent shall ~~make a report to such board as to all~~ pupils report to the Board regarding the students transported or boarded under the provisions of this chapter; and the ~~expense thereof~~ associated expenses.

Sec. 129. 16 V.S.A. chapter 27, subchapter 2 is redesignated to read:

Subchapter 2. School ~~Lunches~~ Food Programs

Sec. 130. 16 V.S.A. § 1262a is amended to read:

§ 1262a. AWARD OF GRANTS

(a)(1) The ~~state board of education~~ State Board may, from funds appropriated for this subsection to the ~~department of education~~ Agency, award grants to:

(A) supervisory unions for the use of member school boards that establish and operate food programs;

(B) independent school boards that establish and operate food programs; and

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

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

(b) The ~~state board~~ State Board may, from funds available to the ~~department of education~~ Agency for this subsection, award grants to supervisory unions consisting of one or more school districts that need to initiate or expand food programs in order to meet the requirements of section 1264 of this title and that seek assistance in meeting the cost of initiation or expansion. The amount of the grants shall be limited to 75 percent of the cost deemed necessary by the ~~commissioner~~ Secretary to construct, renovate, or acquire additional facilities and equipment to provide lunches to all ~~pupils~~ students, and shall be reduced by the amount of funds available from federal or other sources, including those funds available under section 3448 of this title. The ~~state board~~ State Board, upon recommendation of the ~~commissioner~~

Secretary, shall direct supervisory unions seeking grants under this section to share facilities and equipment within the supervisory union and with other supervisory unions for the provision of lunches wherever more efficient and effective operation of food programs can be expected to result.

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

Sec. 131. 16 V.S.A. § 1262b is amended to read:

§ 1262b. ~~REGULATIONS~~ RULES

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

Sec. 132. 16 V.S.A. § 1264(b) is amended to read:

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

Sec. 133. 16 V.S.A. § 1265 is amended to read:

§ 1265. EXEMPTION; PUBLIC DISCUSSION

(a) The school board of a public school district that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to offer either the school lunch program or the school breakfast program, or both, for a period of one year.

(b) If a public school is exempt from offering a breakfast or lunch program, its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a

regular or special school board meeting publicly noticed in accordance with 1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the ~~commissioner~~ Secretary and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.

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

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

(e) The ~~commissioner~~ Secretary may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner.

Sec. 134. 16 V.S.A. § 1422 is amended to read:

§ 1422. PERIODIC HEARING AND VISION SCREENING; GUIDELINES

~~Periodic~~ School districts and primary care providers shall conduct periodic hearing and vision screening of school-aged children ~~shall be conducted by~~

~~school districts and primary care providers~~ pursuant to research-based guidelines developed by the ~~commissioner of health~~ Commissioner of Health in consultation with the ~~commissioner of education~~ Secretary of Education. School districts and primary care providers will attempt to avoid duplicating services provided by the other and will share information as practicable and allowable by law.

Sec. 135. 16 V.S.A. § 1431(b) is amended to read:

(b) Guidelines and other information. The ~~commissioner of education or designee~~ Secretary, assisted by members of the Vermont Principals' Association selected by that association, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

* * *

Sec. 136. 16 V.S.A. § 1481 is amended to read:

§ 1481. FIRE AND EMERGENCY PREPAREDNESS DRILLS

(a) The principal or person in charge of a public or independent school or another educational institution, other than a university or college, shall drill the ~~pupils~~ students so that they ~~may be~~ are able to leave the school building or perform other procedures described in the school's emergency preparedness plan, or both in the shortest possible time and without panic or confusion.

(b) A drill shall be held at least once in each month during the school year and a record of the date and time of ~~such~~ the drill together with the time consumed in completing the procedure, shall be kept in the official school register, and such register shall be open at all times for inspection by representatives from the ~~fire safety division of the department of public safety or the department of education~~ Fire Safety Division of the Department of Public Safety or the Agency of Education.

(c) A school district, independent school, or educational institution whose administrative personnel neglect to comply with the provisions of this section shall be fined not more than \$500.00.

Sec. 137. 16 V.S.A. § 1482 is amended to read:

§ 1482. SAFETY PATROLS

(a) In the exercise of authorized control and supervision over ~~pupils~~ students attending schools and other educational institutions in this ~~state~~ State, both public and independent, the school board ~~of school directors~~ or other directing authority of ~~any such~~ a school or institution may organize and supervise school safety patrols and the appointment, with the permission of parents, of ~~pupils~~ students as members ~~thereof~~, for the purpose of influencing and encouraging other ~~pupils~~ students to refrain from crossing public highways at points other than at regular crossings, and for the purpose of directing ~~pupils~~

students not to cross highways at times when the presence of traffic would ~~render such~~ make crossing unsafe.

(b) ~~Such~~ The school board ~~of school directors~~ or other directing authority shall obtain and keep in force adequate accident insurance to protect ~~pupils~~ students acting as safety patrols during the performance of their services.

(c) The ~~commissioner of public safety~~ Commissioner of Public Safety shall, upon the request of a school board ~~of school directors~~ or other directing authority of any public or independent educational institution, assign an officer or officers of the ~~state police~~ State Police to assist ~~such~~ the school authorities ~~in the organization and supervision of~~ to organize and supervise school safety patrols, advise and make recommendations concerning the elimination of traffic hazards endangering the safety of ~~school children~~ students, and otherwise assist in promoting safety education in the schools of the ~~state~~ State. Within the appropriation of ~~his department, the commissioner of public safety~~ the Department of Public Safety, the Commissioner shall furnish ~~such~~ any equipment, material, and supplies ~~as he may deem~~ that he or she deems necessary for the proper functioning of the school safety patrols. Nothing ~~herein contained~~ in this section shall be construed to authorize or permit ~~the use of~~ any safety patrol member ~~for the purpose of directing~~ to direct vehicular traffic.

(d) Liability shall not attach either to ~~the~~ a school, educational institution, governing board ~~or any~~, individual director, trustee, superintendent, teacher, or other school authority, parent ~~or any~~, sponsor, sponsoring organization, or representative ~~thereof~~ of a sponsor, or to the ~~department of public safety or to any individual member thereof~~ Department of Public Safety or to any of its employees, by virtue of the organization, maintenance, or operation of ~~such~~ a school safety patrol and school safety patrol field day activity organized, maintained, and operated under the authority of this section because of injuries sustained by any ~~pupil~~ student or person, whether a member of the patrol or otherwise, by reason of the operation and maintenance ~~thereof~~.

Sec. 138. 16 V.S.A. § 1483 is amended to read:

§ 1483. CHAPTER PRINTED IN MANUALS OR HANDBOOKS

This chapter shall be printed in ~~such~~ manuals or handbooks ~~as may be~~ prepared for the guidance of teachers in a school or institution subject to the provisions ~~thereof~~ of this chapter.

Sec. 139. 16 V.S.A. chapter 37 is redesignated to read:

CHAPTER 37. CAREER TECHNICAL TRAINING EDUCATION

Sec. 140. 16 V.S.A. § 1522 is amended to read:

§ 1522. DEFINITIONS

As used in this chapter:

(1) “Secondary ~~technical~~ CTE student” means a resident of this ~~state~~ State, of any age, who has not completed high school and is enrolled in a secondary career technical education program.

(2) “Adult student” means a resident of this ~~state~~ State, of any age, who has completed high school and who needs additional career technical education for entry into the labor force or who needs to upgrade skills to qualify for higher pay or for more dependable employment.

(3) “Secondary career technical education” or “secondary CTE” means an educational program leading to a high school diploma, designed to provide students with career and technical knowledge, skills, and attitudes that will prepare them for further education, enhance their employment options, or lead to an industry-recognized credential.

(4) “Regional ~~technical~~ CTE center” means any of the 16 regional ~~technical~~ CTE centers operating with state support on January 1, 1984, and any other centers so designated thereafter by rule of the ~~state board~~ State Board.

(5) “Sending district” means a school district paying tuition on behalf of a ~~pupil~~ student to a school district ~~which furnishes technical~~ that provides CTE courses.

(6) “Receiving district” means a school district, inside or outside of this ~~state~~ State, receiving tuition on behalf of a ~~pupil~~ student to whom it ~~furnishes~~ provides career technical education. The classification of a school district as a

receiving district is not altered by reason of the participation of that district in a contract for management of the regional ~~technical~~ CTE center under section 1543 of this title.

(7) "Service region" means, for each regional ~~technical~~ CTE center, a region surrounding it ~~so~~ designated by rule of the ~~state board~~ State Board under section 1531 of this title. The ~~state board~~ State Board may designate a service region for two or more comprehensive high schools if that region is not served by a technical center.

(8), (9) [Repealed.]

(10) "~~Technical~~ CTE tuition" means the amount calculated by subtracting from total regional technical CTE center costs all expenditures from state and federal grants (~~but not except for~~ incentive grants, adult education grants, or other state grants as defined by ~~the state board by rule~~) State Board rule, then dividing the result by the sum of the actual number of full-time equivalent out-of-state students and the average of the full-time equivalent Vermont students for the three prior years.

(11) "Adult technical education" or "adult CTE" means an educational program ~~or course of study, that is~~ not part of a postsecondary degree program ~~and which, that~~ does not award postsecondary credit, ~~which and that~~ provides students with career and technical knowledge, skills, and attitudes that will

prepare them for further education, enhance their employment options, or lead to an industry-recognized credential.

(12) “Postsecondary technical education” or “postsecondary CTE” means an educational program or course of study ~~which~~ that awards postsecondary credit, and is designed to provide students with career and technical knowledge, skills, and attitudes that will prepare them for further education, enhance their employment options, or lead to an industry-recognized credential.

(13) “Postsecondary ~~technical~~ CTE student” means a resident of this ~~state~~ State, of any age, who desires to enroll in, or is enrolled in, a postsecondary ~~technical education~~ CTE program.

(14) “Comprehensive high school” means a public or independent school other than a technical center that provides secondary career technical education approved under section 1533 of this title.

Sec. 141. 16 V.S.A. § 1532(b) is amended to read:

(b) The following shall be adopted by procedure or rule:

(1) competencies ~~which~~ that graduates of each kind of technical program should be able to demonstrate, including technical competencies necessary for the student’s intended employment;

(2) minimum admissions competencies for entrance into each technical course of study;

(3) procedures by which the ~~commissioner or designee~~ Secretary will review and comment on the employment qualifications of candidates for positions at technical centers for whom state salary assistance will be requested;

(4) requirements for technical centers to provide programs designed to acquaint prospective students with technical courses of study;

(5) procedures by which the ~~commissioner~~ Secretary will review and approve use of course of study credits in technical education to meet state graduation requirements;

(6) procedures, including communications with the sending school districts, to identify unique or specific circumstances relative to a student's progress or safety.

Sec. 142. 16 V.S.A. § 1533(a) is amended to read:

(a) At least once in each period of five years, and in coordination with the ~~Vermont advisory council on technical education, the commissioner or his designee~~ Vermont Advisory Council on Technical Education, the Secretary shall evaluate the effectiveness of each technical center in the ~~state~~ State. The ~~state board~~ State Board by rule shall prescribe the method for conducting these evaluations.

Sec. 143. 16 V.S.A. § 1534(a) is amended to read:

(a) At least once in each period of five years, and in coordination with the ~~Vermont advisory council on technical education, the commissioner or his designee~~ Vermont Advisory Council on Technical Education, the Secretary shall evaluate the effectiveness of each course of study offered by any technical center in the ~~state~~ State. The ~~state-board~~ State Board by rule shall prescribe the method for conducting these evaluations.

Sec. 144. 16 V.S.A. chapter 37, subchapter 3 is redesignated to read:

Subchapter 3. Local Career Technical Education Programs

Sec. 145. 16 V.S.A. § 1541 is amended to read:

§ 1541. RESPONSIBILITY OF LOCAL SCHOOL BOARDS WHICH
MANAGE THAT OPERATE CAREER TECHNICAL CENTERS

(a) A school board ~~which~~ that operates a ~~technical~~ CTE center has responsibility for providing secondary and adult technical education services within its service region.

(b) A school board ~~which~~ that operates a ~~technical~~ CTE center shall establish a regional advisory board. It shall give due regard to the policy and financial recommendations of its regional advisory board. When the school board rejects a written recommendation of a regional advisory board, or fails to adopt ~~such~~ a recommendation after 30 days, it shall ~~so~~ notify the advisory board and the ~~commissioner or designee~~ Secretary in writing, stating its

reasons. If the ~~state board~~ State Board designates a service region for two or more comprehensive high schools, the boards of the high schools shall establish a joint regional advisory board.

(c) In consultation with its regional advisory board, a school board ~~which~~ that operates a regional ~~technical~~ CTE center shall:

* * *

(8) coordinate use of the center with the Vermont ~~state colleges,~~ State Colleges, with other state programs, including licensing, job training, and apprenticeship programs, and ~~with~~ other approved institutions, for the provision of postsecondary technical education programs and charge fees not exceeding actual direct and indirect costs of the use of the center;

(9) offer programs designed to acquaint prospective students with ~~technical CTE~~ CTE programs, ~~but which~~ that do not require an enrollment commitment; and

(10) ~~After~~ after giving due consideration to efficient and ~~cost-effective~~ cost-effective use of the center, establish fees for building and equipment use.

(d) A school board ~~which~~ that operates a ~~technical~~ CTE center:

(1) ~~Shall~~ shall establish a ~~technical~~ CTE tuition;:

(2) ~~Shall~~ shall make the center's facilities and equipment available for providing ~~technical~~ CTE education to adults;: and

(3) ~~Shall~~ shall use and maintain all facilities designed and constructed for technical education in a manner consistent with that purpose, except when those facilities are not needed for ~~technical education~~ CTE and the ~~commissioner or his designee~~ Secretary consents.

Sec. 146. 16 V.S.A. § 1541a is amended to read:

§ 1541a. RESPONSIBILITY OF LOCAL SCHOOL BOARDS IN SENDING
DISTRICTS

(a) A school board of a sending district ~~which~~ that offers public education in ~~grades~~ grade 11 or 12 shall:

* * *

(3) if the ~~technical~~ CTE center for the region does not offer a course of study desired by a student, pay tuition on behalf of that student who applies and is accepted to another ~~technical~~ CTE center ~~which does offer such a~~ that offers the course of study. The district of residence is not responsible for providing transportation for a student attending a ~~technical~~ CTE center under this subdivision.

(b) ~~School boards that maintain secondary schools~~ A school district that maintains a secondary school shall provide the names and addresses of 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.

Sec. 147. 16 V.S.A. § 1542 is amended to read:

§ 1542. REGIONAL ADVISORY BOARD

(a) Each regional advisory board shall consist of:

(1) one member from each public high school in the center's service region, elected by and from among the members of that high school board for a term determined by that high school board; and

(2) the superintendent or his or her designee of each supervisory ~~district~~ ~~or~~ union within the center's service region; and

(3) one member elected for a term of three years by and from among the school board of each sending district in the center's service region ~~which that~~ does not have a public high school represented on the advisory board under subdivision (1) of this section; except, that if there are more than three such districts in the center's service area, the advisory board shall select three school boards to represent the interests of all such districts, shall rotate its selections among the districts, and shall stagger the expiration of initial terms; and

(4) one member of the board of each independent comprehensive high school ~~board of trustees~~ within a service region, elected by the members of that ~~high school~~ board for a term determined by that ~~high school~~ board; and

(5) once constituted, the regional advisory board shall elect three additional members for terms of three years to represent the interests of employers or employees, provided that no two terms shall expire in any year.

(b) A regional advisory board, with the consent of the ~~workforce investment board~~ Workforce Development Council, may delegate its responsibilities to the ~~regional workforce investment board~~ grantee that performs workforce development activities in the region pursuant to 10 V.S.A. § 542. In this case, the ~~workforce investment board~~ grantee shall become the regional advisory board unless and until the school board ~~which~~ that operates the technical center requests that the regional advisory board be reconstituted pursuant to subsection (a) of this section.

Sec. 148. 16 V.S.A. § 1544 is amended to read:

§ 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

~~High schools may include within their courses of study, in accordance with such~~ Subject to any direction and regulations as to courses, teachers, or equipment ~~as the state board~~ that the State Board may prescribe by rule, high schools may include within their courses of study pretechnical or career technical courses or both. Before establishing such a program, a high school shall consult with the regional advisory board for its ~~technical~~ CTE service region.

Sec. 149. 16 V.S.A. § 1545 is amended to read:

§ 1545. CREDITS AND GRADES EARNED

(a) Grades earned in a ~~technical education~~ course offered within a ~~technical education~~ CTE program approved by the ~~state board~~ State Board shall not be

altered by any public ~~or school or approved or recognized~~ independent school in Vermont and shall be applied by the school toward any state graduation requirements in accordance with rules adopted by the ~~state board~~ State Board. Any ~~state board~~ State Board rules regarding earning of credits shall allow flexibility with respect to the integration of ~~technical~~ CTE education and other academic courses.

(b) The credits earned for a technical education program approved by the ~~state board~~ State Board shall be honored by any public or independent school within Vermont. If necessary to enable a student to participate in career technical education and graduate with his or her class, the credits earned shall be applied toward any school district or independent school graduation requirements exceeding the minimum number of credits required by the ~~state board~~ State Board. The school board of the high school from which the student wishes to graduate shall make a determination as to whether the credits shall be applied toward graduation requirements. A decision of ~~the a school~~ board may be appealed to the ~~commissioner~~ Secretary who shall construe this section to favor participation in career technical education.

(c) For any student attending the Vermont ~~academy for science and technology~~ Academy for Science and Technology pursuant to subsection 4011(e) of this title, the credits and grades earned shall, upon request of the student or the student's parent or guardian, be applied toward graduation

requirements at the Vermont high school ~~which~~ that the student attended prior to enrolling in the ~~academy~~ Academy.

Sec. 150. 16 V.S.A. § 1546 is amended to read:

§ 1546. COMPREHENSIVE HIGH SCHOOLS

(a) In the sections referenced in this section, when applied to an independent comprehensive high school, the term “school board” or “school district” means “the school’s board of trustees.”

(b) A comprehensive high school shall charge and receive tuition pursuant to section 824 of this title. A comprehensive high school shall be a technical center for the purposes of receiving funding for grants per full-time equivalent student under ~~16 V.S.A. § section~~ 1561 of this title, for tryout classes under ~~16 V.S.A. § section~~ 1562 of this title, for equipment replacement under ~~16 V.S.A. § section~~ 1564 of this title, for incentive grants under ~~16 V.S.A. § section~~ 1566 of this title, and for reporting requirements under ~~16 V.S.A. § section~~ 1568 of this title. Funds received under this section shall be used for support of technical education programs within the comprehensive high school.

(c) ~~In addition, two~~ Two or more comprehensive high schools for which the ~~state board~~ State Board has designated a service region shall be a technical center for the purposes of accountability to the ~~state board of education~~ State Board under subchapter 2 of this chapter, responsibilities of the technical center under subchapter 3 of this chapter, and receiving state financial

assistance under subchapter 5 of this chapter, excluding the per equalized pupil general state support grant under subsection 1561(b), ~~of this chapter~~. The regional advisory board shall determine how funds received under subchapter 5 shall be distributed. A comprehensive high school aggrieved by a decision of the regional advisory board may appeal to the ~~commissioner~~ Secretary who, after opportunity for hearing, may affirm or modify the decision.

Sec. 151. 16 V.S.A. § 1568 is amended to read:

§ 1568. REPORTING OF INFORMATION

(a) Annually, in accordance with a time line, format, and process established by ~~the state board~~ by State Board rule, each ~~technical CTE~~ CTE center shall report its costs and student enrollment, achievement, and performance measures to the ~~commissioner~~ Secretary. ~~Technical CTE~~ CTE center financial accounts shall be kept separately from those of the host high school in accordance with rules adopted by the ~~state board~~ State Board, which shall ~~establish clear delineation of~~ clearly delineate relevant costs and revenues.

(b) If a ~~technical CTE~~ CTE center fails to file financial or student information required under this section within the time lines established by rule of the ~~state board~~ State Board, the ~~commissioner~~ Secretary may withhold funds due under this chapter and shall subtract \$100.00 per business day from funds due the center under this chapter. The ~~commissioner~~ Secretary may waive the \$100.00 penalty upon appeal by the center for good cause.

Sec. 152. 16 V.S.A. chapter 37, subchapter 5A is redesignated to read:

Subchapter 5A. Regional Career Technical Center School Districts

Sec. 153. 16 V.S.A. § 1571 is amended to read:

§ 1571. DEFINITIONS

In this subchapter:

(1) “Regional career technical center school district” ~~means and~~
“regional CTE center school district” ~~mean~~ a district ~~which that~~ maintains a
regional career technical center under a governance structure approved by vote
of the electorate pursuant to this subchapter.

(2) “School district” means a school district ~~which that~~ maintains a high
school.

Sec. 154. 16 V.S.A. § 1572 is amended to read:

§ 1572. FORMATION OF A PLANNING COMMITTEE

(a) Any two or more of the following may establish a committee to plan the
formation of a regional ~~technical center~~ CTE school district with an alternative
governance structure for governance of the regional ~~technical~~ CTE center:
either the school board of a school district ~~which that~~ operates a regional
~~technical~~ CTE center or all the school boards ~~which that~~ operate a
comprehensive high school ~~which that~~ have been designated as the regional
~~technical~~ CTE center; the majority of the school boards of the other school
districts in the ~~technical~~ CTE center region; or a ~~workforce investment board~~

an entity that performs workforce development activities pursuant to 10 V.S.A. § 542 in a ~~technical~~ CTE center region. The planning committee shall consist of representatives of the school district ~~which~~ that operates a regional ~~technical~~ CTE center, the school districts ~~which~~ that send students to the regional ~~technical~~ CTE center, regional employers, and residents of the ~~technical~~ CTE center region.

(b) The planning committee may determine that no change to the governance structure is needed, or it may prepare a report in the form of an agreement between the school districts ~~which~~ that are located in the ~~technical~~ CTE center region. The report shall describe:

(1) The makeup of the governing board. At least 60 percent of the board members shall be elected by direct vote of the voters, or chosen from member school district boards by the member school district boards, or a combination of the two. If the board is to have additional members, who may constitute up to 40 percent of the board, the additional members shall be appointed by the elected and chosen members from member school district boards for the purpose of acquiring expertise in areas they consider desirable. The appointed members may be selected from nominations submitted by the ~~regional workforce investment board~~ the entity that performs workforce development activities pursuant to 10 V.S.A. § 542 or other workforce organizations, or may be chosen without nomination by an organization. Notwithstanding any

provision of law to the contrary, a resident of an unorganized town, grant, or
gore that sits within the regional ~~technical~~ CTE center school district who is
otherwise eligible to vote under 17 V.S.A. § 2121 may vote for the board
members and may be elected to or appointed as a member of the governing
board;

- (2) [Repealed.]
- (3) Proposed bylaws;
- (4) A plan for transition from the existing governance structure;
- (5) The disposition of the existing ~~technical~~ CTE center land and facilities;
- (6) How existing collective bargaining agreements and employee contracts
will be addressed;
- (7) Transportation to be provided;
- (8) The term of office of the board members and other officers, how other
officers are selected, and how board members will be replaced when a vacancy
occurs;
- (9) The date on which the proposal will be submitted to the voters and
whether the votes will be commingled;
- (10) A process for amending or dissolving the governance structure; and
- (11) Any other matter which the committee considers pertinent.

Sec. 155. 16 V.S.A. § 1573 is amended to read:

§ 1573. APPROVAL BY STATE BOARD OF EDUCATION

The planning committee shall transmit the report to the ~~commissioner~~ Secretary who, after consultation with the chair of the ~~human resources investment council~~ entity that performs workforce development activities pursuant to 10 V.S.A. § 542, shall submit the report with his or her recommendations to the ~~state board of education. That board~~ State Board. The State Board, after notice to the planning committee and after giving the committee and other interested parties an opportunity to be heard, shall consider the report and the ~~commissioner's~~ Secretary's recommendations, and decide whether the establishment of an alternative governance structure will be in the best interests of the students and the region. The ~~board~~ State Board may request the ~~commissioner~~ Secretary or the planning committee, or both, to make further investigation, and may consider any other information deemed by it to be pertinent. If, after due consideration and any further meetings as it may deem necessary, the ~~board~~ State Board finds that establishment of the alternative governance structure is in the best interests of the students and the region involved, it shall approve the report submitted by the committee, together with any amendments, as a final report of the planning committee, and shall give notice of its action to the committee. The chair of the planning committee shall file a copy of the final report with the clerk of each town

school district, incorporated school district, unified union school district, and city school district in the region at least 20 days prior to the vote to adopt the alternative governance structure.

Sec. 156. 16 V.S.A. § 1575 is amended to read:

§ 1575. CERTIFICATION

Within ten days of any vote held in accordance with this subchapter, the clerks of the participating school districts shall certify the results of the vote to the ~~commissioner of education~~ Secretary of Education, or, if the ballots are to be commingled, each municipal clerk shall appoint a member of the board of civil authority to transport the uncounted ballots to a predetermined location where the appointed members of each participating school district shall count the commingled ballots. If a majority of the voters vote to approve the formation of the governance system and creation of a regional technical center district, the ~~commissioner~~ Secretary shall declare the existing governance structure of the technical center to be void, the region to be designated a career technical center school district, and the new governance system to be authorized, all as of the date specified in the application, and shall certify the declaration to the ~~secretary of state~~ Secretary of State.

Sec. 157. 16 V.S.A. § 1577 is amended to read:

§ 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE
BOARD

The governance board of a ~~technical~~ CTE center authorized under this subchapter, in addition to other duties and authority specifically assigned by law to the governing authority of a ~~technical~~ CTE center, shall have the following duties and authority:

* * *

(2) To take any action required for the sound administration of the center. The ~~commissioner~~ Secretary of Education, with the advice of the ~~attorney general~~ Attorney General, upon application by a board, shall decide whether any action contemplated or taken under this subdivision is required for the sound administration of the center and is consistent with law. The ~~commissioner's~~ Secretary's decision shall be final.

* * *

(6) To establish and maintain a system for receipt, deposit, disbursement, accounting, control, and reporting procedures that meets the criteria established by the ~~state board~~ State Board pursuant to subdivision 164(15) of this title and that ensures all payments are lawful and in accordance with the budget adopted pursuant to terms approved by the ~~state board~~ State Board. The ~~board~~ Board may authorize a subcommittee, a superintendent of

schools, or a designated employee of the ~~board~~ Board to examine claims against the district for center expenses, and draw orders for such as shall be allowed by it payable to the party entitled thereto. Such orders shall state definitely the purpose for which they are drawn, and shall serve as full authority to the treasurer to make such payments. It shall be lawful for a board to submit to its treasurer a certified copy of those portions of the board minutes, properly signed by the clerk and chair, or a majority of the board, showing to whom, and for what purpose, each payment is to be made by the treasurer, and ~~such~~ the certified copy shall serve as full authority to the treasurer to make the approved payments ~~as thus approved~~.

(7) To establish, with the advice and consent of the ~~auditor of accounts and the commissioner~~ Auditor of Accounts and the Secretary of Education, a system of accounts for the proper control and reporting of center finances, and for stating the annual financial condition of the center.

* * *

(11) To employ ~~such~~ persons ~~as may be required~~ to carry out the work of the center, and dismiss any employee when necessary. The board shall consider the recommendation of the director or superintendent before employing or dismissing any person.

(12) To provide, at the expense of the center, subject to the approval of the director or superintendent, all textbooks, learning materials, equipment, and supplies.

* * *

(17) To present informational materials, at the expense of the center, to the electorate on any matter to be voted. ~~However, such; provided, however,~~ that the materials shall be limited to those that are reasonably designed to inform, educate, and explain to the electorate the board's position on the matter.

Sec. 158. 16 V.S.A. chapter 37, subchapter 6 is redesignated to read:

Subchapter 6. Postsecondary Career Technical Education

Sec. 159. 16 V.S.A. § 1601 is amended to read:

§ 1601. DEFINITIONS

~~The following definitions apply~~ As used in this chapter:

(1) "Articulation agreement" means a written agreement between a secondary school and a postsecondary institution or registered apprenticeship ~~setting forth~~ program specifying the responsibilities for each party to the agreement with respect to student apprentices working towards completion of a registered apprenticeship program or a postsecondary degree. The agreement may include acceptance of a student apprentice into a registered apprenticeship

program or postsecondary school pending completion of a student apprenticeship program.

(2) "Industry competency standards" mean performance criteria developed jointly by educators and business representatives and adopted by the ~~state board of education~~ State Board that define skills and knowledge which are needed in the workplace.

* * *

(6) "Student apprenticeship program" means a skill-based education program ~~which~~ that coordinates and integrates classroom instruction with a structured, work-based learning experience. ~~The~~ An individual participating in a student apprenticeship program receives academic instruction and training in a skilled occupation ~~which will prepare the student~~ that prepares him or her for postsecondary education, advanced training, or direct employment in a position higher than entry level.

* * *

Sec. 160. 16 V.S.A. § 1691a(8) is amended to read:

(8) "Office" means the office within the ~~department of education~~ Agency responsible for professional standards and educator licensing.

Sec. 161. 16 V.S.A. § 1693 is amended to read:

§ 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

* * *

(d) Compensation. The ~~department of education~~ Agency shall compensate ~~standards board~~ Standards Board members for the performance of their duties and reimburse them for their actual and necessary expenses in accordance with ~~section~~ 32 V.S.A. § 1010.

(e) Administration. The ~~standards board~~ Standards Board shall be attached for administrative purposes to the office. With respect to the ~~standards board~~ Standards Board, the ~~commissioner~~ Secretary shall:

(1) with the advice of the ~~standards board~~ Standards Board, employ a director, prepare an annual budget, and administer money appropriated to the ~~standards board~~ Standards Board by the ~~general assembly~~ General Assembly. The budget of the ~~standards board~~ Standards Board shall be part of the budget of the ~~department~~ Agency;

(2) employ administrative staff of the office;

(3) incur such other expenses as the ~~commissioner~~ Secretary determines are necessary;

(4) act as custodian of the records of the ~~standards board~~ Standards Board; and

(5) annually, conduct a training for members of the ~~standards board~~ Standards Board and the hearing panels established in this chapter, which shall include workshops regarding the powers and duties of the ~~standards board~~ Standards Board and the panels and an opportunity for the ~~standards board~~ Standards Board

Standards Board and hearing panel members to discuss the practical application of standards in quasi-judicial proceedings.

Sec. 162. 16 V.S.A. § 1695 is amended to read:

§ 1695. REVIEW OF LICENSING STANDARDS

Prior to the prefiling by the ~~standards board~~ Standards Board of a licensing standard or procedure proposed for rulemaking pursuant to 3 V.S.A. § 820, the ~~commissioner~~ Secretary may object to it before the ~~state board of education~~ State Board on the grounds that it would have significant adverse financial or operational impact on the public school system. If the ~~state board of education~~ State Board agrees, it may remand the proposed rule to the ~~standards board~~ Standards Board for further deliberations consistent with its written decision. The ~~commissioner~~ Secretary may also object on the same grounds to a substantive change to a proposed rule, once initiated, before a final proposal is filed pursuant to 3 V.S.A. § 841.

Sec. 163. 16 V.S.A. § 1696 is amended to read:

§ 1696. LICENSING

(a) Qualifications of applicants. An applicant shall submit to the ~~commissioner~~ Secretary evidence satisfactory to the ~~commissioner~~ Secretary that the applicant either has completed all requirements of an approved educator preparation program or has otherwise acquired the knowledge and

skills required for a license through coursework and experiences apart from an approved educator preparation program.

* * *

(e) Denial of license. The ~~commissioner~~ Secretary may deny a license for:

(1) Failure to meet the conditions for issuance of a license or endorsement or renewal or reinstatement thereof; or

(2) Failure of a licensee to demonstrate the competencies specified in the rules of the standards board.

(f) Appeal. An applicant aggrieved by a decision of the ~~commissioner~~ Secretary regarding the issuance or renewal of a license may appeal that decision by notifying the ~~commissioner~~ Secretary in writing within 30 days of receiving the decision. The ~~commissioner forthwith~~ Secretary shall transmit notice of the appeal to the administrative officer for hearing panels to initiate the appeal process set forth in section 1700 of this title.

Sec. 164. 16 V.S.A. § 1699 is amended to read:

§ 1699. REPORTS OF ALLEGED UNPROFESSIONAL CONDUCT OR
INCOMPETENCE

(a) An individual who has reasonable cause to believe a licensee has engaged in unprofessional conduct or is incompetent may, and a superintendent who has reasonable cause to believe a licensee has engaged in unprofessional conduct or is incompetent shall, submit a written report to the

~~commissioner~~ Secretary concerning allegations of unprofessional conduct or incompetence about a licensee. A principal submitting a report under this section shall submit it to the superintendent and may also submit it to the ~~commissioner~~ Secretary.

(b) Except as provided in section 1708 of this title, information provided the licensing office under this section shall be confidential.

(c) A person who acts in good faith under the provisions of this section shall not be liable for damages in any civil action.

Sec. 165. 16 V.S.A. § 1700 is amended to read:

§ 1700. INVESTIGATION

(a) Investigation committee. Upon receiving notice of either an applicant's appeal of a licensing office decision or an allegation of unprofessional conduct or incompetence on the part of a licensee, the hearing panel administrative officer shall assign one or more of its licensee members to serve on an investigation committee with an investigator and prosecuting attorney assigned by the ~~commissioner of education~~ Secretary of Education to investigate the licensing decision or allegation and make recommendations to the ~~commissioner~~ Secretary in accordance with subsections (b) and (d) of this section. Teacher members shall be assigned to assist in the investigation of matters involving teachers and administrator members in matters involving administrators. Members shall not serve on a hearing panel regarding any

matter they assisted in investigating. If the administrative officer is unable to assign one or more members to the investigation committee by reason of disqualification, resignation, vacancy, or necessary absence, the officer shall appoint ad hoc members who shall meet the requirements of subsection 1693(b) of this title.

(b) Preliminary review. After conducting a preliminary review of an allegation of unprofessional conduct or incompetence or of a denial of a license based on alleged unprofessional conduct or incompetence, the investigation committee shall make a recommendation to the ~~commissioner~~ Secretary regarding whether to conduct a formal investigation.

(c) Formal investigation. If the ~~commissioner~~ Secretary decides to conduct a formal investigation, the ~~commissioner~~ Secretary shall:

(1) notify the educator and direct the investigation committee to proceed with a formal investigation; and

(2) notify the superintendent of the school district in which the educator may be employed, or if the educator is currently employed as a superintendent, the chair of the board of the supervisory union or supervisory district that employs the superintendent, that the office has commenced a formal investigation of an allegation of unprofessional conduct or incompetence and shall specify the provisions of section 1698 of this title that best describe the allegation.

(d) Recommendation. Upon completing its investigation, the investigation committee shall recommend that the ~~commissioner~~ Secretary, with respect to a license application, affirm, or reverse a licensing office decision or, with respect to alleged unprofessional conduct or incompetence, issue, or not issue formal charges.

(e) Professional guidance. In its recommendation as to whether the ~~commissioner~~ Secretary should issue formal charges and, if so, what form they should take, the committee may consider the effect it believes its professional guidance may have in mitigating the need for and nature of licensing action.

Sec. 166. 16 V.S.A. § 1701 is amended to read:

§ 1701. ~~COMMISSIONER'S~~ SECRETARY'S DETERMINATION

(a) Matters involving denial of licensure. With respect to an applicant's appeal, the ~~commissioner~~ Secretary shall, within 10 days of receiving the committee's recommendation, affirm or reverse the licensing decision and notify the applicant in writing. If the ~~commissioner~~ Secretary reverses the decision, the office shall issue a license accordingly. If the ~~commissioner~~ Secretary affirms the decision, the applicant may appeal by notifying the ~~commissioner~~ Secretary in writing within 10 days of receiving the ~~commissioner's~~ Secretary's decision. The ~~commissioner~~ Secretary shall ~~forthwith~~ notify the hearing panel administrative officer of the appeal.

(b) Matters involving alleged unprofessional conduct or incompetence.

With respect to a licensee alleged either incompetent or to have engaged in unprofessional conduct, the ~~commissioner~~ Secretary shall, within 10 days of receiving the investigation committee's recommendation, determine whether to issue a formal charge and what, if any, licensing action should be imposed. If the ~~commissioner~~ Secretary determines no formal charge is warranted, the ~~commissioner~~ Secretary shall notify in writing the licensee and, if the licensee is employed, the superintendent of the school district of employment. If the ~~commissioner~~ Secretary determines a formal charge is warranted, the ~~commissioner~~ Secretary shall prepare a formal charge, file it with the hearing panel administrative officer, and cause a copy to be served upon the licensee charged together with a notice of hearing and procedural rights, as provided in this chapter. The ~~commissioner~~ Secretary shall provide a copy of the formal charge to the superintendent of the school district, if any, in which the licensee is employed, or if the licensee is employed as a superintendent, to the chair of the supervisory union that employs the superintendent, provided the superintendent or board chair agrees to maintain the confidentiality and privileged status of the information as provided in subsection 1708(d) of this title. If the ~~commissioner~~ Secretary finds that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in the formal charge, the hearing panel may order summary suspension

of a license pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Sec. 167. 16 V.S.A. § 1702 is amended to read:

§ 1702. HEARING PANELS

* * *

(b) Administration. The hearing panels shall be attached for administrative purposes to the office. Annually, the panel members shall meet collectively to:

(1) elect an administrative officer for the purpose of assigning hearing panels in licensing matters;

(2) approve a pool, based upon the ~~commissioner's~~ Secretary's recommendation, of impartial hearing officers who shall be attorneys admitted to practice in this state; and

(3) plan professional development activities.

(c) Powers and duties of hearing panels. Hearing panels shall have the authority to determine compliance by applicants, licensees, and the office with standards board standards according to which individuals may obtain, renew, and retain a license. Upon notification that the applicant has appealed under subsection 1701(a) of this title or that the ~~commissioner~~ Secretary has issued a formal charge under subsection 1701(b) of this title, the administrative officer shall appoint a hearing officer and a panel, as well as a chair for the panel.

Panels hearing appeals of teachers shall comprise two teacher members and

one public member. Panels hearing appeals of administrators shall comprise two administrator members and one public member. In the conduct of proceedings, the hearing officer, or the panel if it takes additional evidence under subsection 1706(a) of this title, may:

- (1) Issue subpoenas to compel the attendance of witnesses and the furnishing of evidentiary material in connection with a hearing;
- (2) Authorize depositions to be taken as needed in any investigation, hearing, or proceeding;
- (3) Conduct administrative hearings in accordance with this section, section 1705 of this title, and 3 V.S.A. chapter 25 of ~~Title 3~~ regarding appeals of licensing decisions and charges of unprofessional conduct or incompetence;
- (4) In the case of the hearing officer, recommend and, in the case of a hearing panel, make decisions regarding appeals of licensing decisions and formal charges; and
- (5) Undertake any other actions and procedures specified in or required or appropriate to carry out the provisions of this chapter.

Sec. 168. 16 V.S.A. § 1704(b) is amended to read:

(b) Alleged unprofessional conduct or incompetence. The burden of proof in matters involving alleged unprofessional conduct or incompetence, including denial of a license based on alleged unprofessional conduct or incompetence, shall be on the ~~commissioner~~ Secretary by a preponderance of

the evidence, except that in the case of revocation or suspension for more than one year, the proof shall be by clear and convincing evidence.

Sec. 169. 16 V.S.A. § 1706(a) is amended to read:

(a) Hearing panel decision. The hearing panel may take additional evidence and may accept, reject, or modify the recommendations of the hearing officer and shall issue findings of fact, conclusions of law, and an order within 30 days of receiving the recommendations, unless the hearing panel grants an extension for good cause. The hearing panel shall provide a copy of the decision to the ~~commissioner~~ Secretary and, by certified mail, the applicant or licensee charged. If formal charges are not substantiated, the hearing panel shall include in its order a statement that the charges were not substantiated by the evidence, and it shall dismiss the charges.

Sec. 170. 16 V.S.A. § 1708 is amended to read:

§ 1708. ACCESSIBILITY AND CONFIDENTIALITY OF LICENSING
MATTERS

* * *

(c) The ~~commissioner~~ Secretary shall prepare and maintain a register of all complaints, which shall be a public record and which shall show:

* * *

(d) The hearing panel and the ~~commissioner~~ Secretary shall not disclose to anyone but the applicant or the licensee charged any information regarding a

complaint, proceeding, or record, except the information required to be released under this section.

(e) A licensee or applicant shall have the right to inspect and copy all information in the possession of the ~~department of education~~ Agency pertaining to the licensee or applicant, except investigatory files not resulting in formal charges and attorney work product.

(f) Nothing in this section shall prohibit the disclosure of information:

(1) Regarding complaints to state or federal law enforcement agencies in the course of an investigation, provided the state or federal law enforcement agency agrees to maintain the confidentiality and privileged status of the information as provided in subsection (d) of this section;

(2) Regarding denials of licensure for cause, and license suspensions or revocations, and including reinstatements of licenses, to the National Association of State Directors of Teacher Education and Certification, consistent with the member agreement executed between it and the ~~state~~ State of Vermont. For the purposes of this subdivision, "cause" includes any circumstance or activity also deemed to be a revocable offense; or

(3) As is necessary in investigating a complaint, to the superintendent of a school district in which the licensee is employed or, if the licensee is employed as a superintendent, to the chair of the board that employs the superintendent, provided the superintendent or chair agrees to maintain the

confidentiality and privileged status of the information as provided in subsection (d) of this section. Where, in the judgment of the ~~commissioner~~ Secretary, the alleged unprofessional conduct or incompetence places the students in immediate physical or emotional jeopardy, the office shall inform the superintendent of the school district in which the licensee is employed. The superintendent may take only such action as is both necessary to protect students and consistent with the rights of the licensee. The superintendent shall not do anything ~~which~~ that compromises the integrity of the investigation.

Sec. 171. 16 V.S.A. § 1756 is amended to read:

§ 1756. PROTECTION OF ~~SCHOOL DIRECTORS~~, TEACHERS,

EMPLOYEES, AND BOARD MEMBERS IN DAMAGE SUITS

(a) A town, city, incorporated, or union school district, and a supervisory union shall indemnify and save harmless to the extent of the policy limits provided in subsection (b) of this section, any person employed by the school district or supervisory union and any member of its executive, supervisory, or administrative staff, including ~~without limitation~~ members of the school board ~~of school directors of the district~~, from financial loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property, within or ~~without~~ outside the school building, provided ~~such~~ that the indemnified person

at the time of the accident resulting in such injury, damage, or destruction, was acting in the discharge of his or her duties within the scope of his or her employment or under the direction of the board of ~~school directors~~ the school district or of the supervisory union board of directors as the case may be.

(b) Each board of a school directors district or a supervisory union board of directors shall insure against the liability imposed upon it by this section in any insurance company organized in this state or in any insurance company of another state authorized by law to write ~~such~~ insurance in this ~~state~~ State, or through participation in an intermunicipal insurance agreement established under 24 V.S.A. chapter 121, subchapter 6, with minimum coverage in the form of a comprehensive general liability policy including liability for the operation of owned and nonowned motor vehicles and including the employees as additional insureds and with minimum limits of not less than \$500,000.00 per person and \$2 million per occurrence for bodily injury and for property damage.

(c) Each board of a school directors district or a supervisory union board of directors required to insure against the liability imposed upon it by this section shall furnish proof of insurance with the minimum limits ~~herein~~ prescribed by this section to the ~~commissioner~~ Secretary of education ~~and such proof, which~~ shall be evidence of the insuring against the liability and property damage required by this section. In the event of cancellation, the board shall provide at

least 30 days' prior notice of cancellation is to be given to the commissioner of education Secretary.

Sec. 172. 16 V.S.A. § 1942 is amended to read:

§ 1942. BOARD OF TRUSTEES; MEDICAL BOARD; ACTUARY; RATE
OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

(a) The general administration and the responsibility for the proper operation of the system and for making effective the provisions of this chapter are hereby vested in the board of trustees of the system, which shall be organized immediately after three of the trustees provided for in this section have qualified.

(b) The board shall consist of six trustees, as follows:

- (1) The ~~commissioner of education~~ Secretary of Education, ex-officio;
- (2) The ~~state treasurer~~ State Treasurer, ex-officio;
- (3) The ~~commissioner of financial regulation~~ Commissioner of Financial Regulation, ex-officio;

(4) Two trustees and one alternate, who shall be members of the system and who shall be elected by the members of the system for a term of four years according to such rules and regulations as the board shall adopt to govern such election; and

(5) One trustee and one alternate, who shall be elected by the board of directors, Association of Retired Teachers of Vermont, who shall be a retired

member of the system receiving retirement benefits, for a term of four years
~~beginning July 1, 1972.~~

* * *

(e) Each trustee shall be entitled to one vote on the board. Four concurring votes shall be necessary for a decision by the trustees at any meeting of the board, and four trustees shall constitute a quorum of the board. Any ex officio trustee may designate in writing a person within the trustee's department, agency, or office to attend a meeting or meetings of the board of trustees in the trustee's place. The designation shall be filed with the secretary of the board. A person so designated and an alternate attending on behalf of an elected or appointed trustee under this section shall have the same voting rights and responsibilities as the absent trustee at such meeting or meetings, except that the designee or alternate shall not automatically assume the trustee's place as an officer of the board.

* * *

Sec. 173. 16 V.S.A. chapter 57 is redesignated to read:

CHAPTER 57. LABOR RELATIONS FOR TEACHERS AND
ADMINISTRATORS

Sec. 174. 16 V.S.A. § 1983 is amended to read:

§ 1983. RIGHT TO BE HEARD

Nothing ~~contained herein~~ in this chapter shall prohibit any individual or organization representative, subject to reasonable rules of procedure ~~which that~~ may be adopted by the school board, from appearing before the school board to be heard, but not to negotiate, on any matters of school district operation.

Sec. 175. 16 V.S.A. § 1991(a) is amended to read:

(a) Teachers and administrators may select organizations to represent them on their negotiations council in collective negotiations with the school board negotiations council. The school board shall recognize an organization as the exclusive representative of the teachers or of the administrators in the school district when that organization has proved its claim to sole and exclusive representative status of the respective group as ~~hereinafter~~ provided in this chapter. The superintendent, the assistant superintendent, and the principal shall not serve as negotiating agents for the teachers' organization.

Sec. 176. [Deleted.]

Sec. 177. 16 V.S.A. § 2061 is amended to read:

§ 2061. POWERS OF ~~COMMISSIONER~~ SECRETARY OF EDUCATION

The "designated State official" for this ~~state~~ State shall be the ~~commissioner of education~~ Secretary of Education. ~~He~~ The Secretary shall enter into

contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the ~~state board of education~~ State Board.

Sec. 178. 16 V.S.A. § 2171 is amended to read:

§ 2171. CORPORATION ESTABLISHED; PURPOSES; POWERS

(a) There is ~~hereby~~ created as a part of the educational system of the state of Vermont a public corporation to be known as “Vermont State Colleges,” which shall plan, supervise, administer, and operate facilities for education ~~above the high school~~ at the postsecondary level supported in whole or in substantial part with state funds; however, while the corporation shall maintain cooperative relations with the University of Vermont and State Agricultural College, nothing in this chapter shall give the corporation any responsibility for the planning, supervision, administration, or operation of the university.

(b) The corporation shall own the real and personal property of the Castleton, Johnson, and Lyndon teachers colleges and the Vermont Agricultural and Technical Institute and of other ~~state-operated~~ state-operated institutions of higher education ~~which that~~ may be established. It shall protect, preserve, and improve the ~~property~~ properties and promote ~~its~~ their use as institutions of higher education.

(c) The corporation may acquire, hold, and dispose of property in fee or in trust, or any other estate, except as provided in subsection (d) of this section, shall have a common seal, and shall be an instrumentality of the ~~state~~ State for

the purposes set forth in this section. The ~~state~~ State of Vermont shall support and maintain the corporation.

(d) The corporation shall not abandon, lease, sell, or dispose of any of the institutions under its control unless ~~such~~ that action is specifically authorized by the ~~general assembly~~ General Assembly. The terms of any such sale, lease, or other disposal shall be prescribed by the agency of administration, with the approval of the ~~governor~~ Governor, within the terms of the authorization of the ~~general assembly~~ General Assembly.

(e) The corporation may make expenditures for capital improvements. The corporation is authorized to borrow money for building purposes, to give security ~~therefor as~~ that may be required, and to execute necessary ~~or proper~~ related instruments ~~in connection therewith~~, and is also authorized to accept, use, and administer ~~such~~ any funds ~~as may be~~ made available to it for any of its corporate purposes by the United States or any of its agencies, and to agree to any terms and conditions ~~with reference thereto which~~ that may be required ~~thereby~~ that are not inconsistent with its corporate purposes.

Sec. 179. 16 V.S.A. § 2173 is amended to read:

§ 2173. BOARD OF TRUSTEES; ORGANIZATION

In addition to the ~~fourteen~~ 14 elected and appointed trustees, the board of trustees shall include as a member the ~~governor of the state~~ Governor of Vermont. A majority of the trustees shall constitute a quorum for the

transaction of business. ~~At the first meeting of the board and annually thereafter~~ Annually, the board shall elect one of its voting members to serve as ~~chairman~~ its chair.

Sec. 180. 16 V.S.A. § 2175 is amended to read:

§ 2175. ~~TENURE~~; RETIREMENT SYSTEM

~~The bylaws shall contain regulations concerning tenure for the teaching faculty and terms of employment for other members of staff, but without diminishing the rights as to tenure and status now held by those officers and employees transferred to the corporation from the other state institutions replaced by this corporation.~~ The corporation may deduct from funds appropriated to it for salaries, employer contributions to a retirement system established by its board of trustees, or to such other retirement system as the board may choose.

Sec. 181. 16 V.S.A. § 2177 is amended to read:

§ 2177. CONTROLS AND AUDITS; FINANCIAL REPORTS; OTHER
REPORTS

(a) Control of funds appropriated and of the work carried on shall be vested in the board of trustees.

(b) The financial statements of the corporation shall be audited annually as of June 30 by an independent public accounting firm registered in Vermont in accordance with government auditing standards issued by the ~~United States~~

U.S. Government Accountability Office (~~GAO~~). The auditor of accounts or his or her designee shall be the ~~state's~~ State's nonvoting representative to an audit committee established by the board.

(c) [Repealed.]

(d) [Repealed.]

(e) With the approval of the ~~governor, the secretary of administration,~~
~~through the deputy secretary of administration or such any departments of the~~
~~agency of administration as that the secretary of administration~~ Governor, the
Secretary of Administration, through the Deputy Secretary of Administration
or any departments of the Agency of Administration that the Secretary may
designate, shall have ~~the following powers, duties and functions:~~

(1) ~~The~~ the authority to allot ~~from time to time~~ to the corporation the
appropriation made by the ~~general assembly~~ General Assembly for the
corporation. ~~The allotment, which~~ may be ~~made~~ on a monthly basis or as the
work of the corporation may progress;

(2) ~~The~~ the keeping of such controlling accounts as may be necessary in
order to determine the accuracy and limit of the expenditures made under the
allotments; and

(3) ~~Have~~ access to and the right to copy any records of the corporation
under such regulations as the governor may prescribe.

(f) The corporation shall be governed by the allotments made ~~as provided herein pursuant to this section~~ and shall not at any time exceed the sums ~~thus~~ allotted. ~~But nothing contained herein shall authorize any decrease in any appropriation by the secretary of administration; provided, however, that nothing in this section authorizes the Secretary of Administration, the Deputy Secretary, or any department commissioner designated pursuant to subsection (e) of this section to decrease any appropriation, except to the extent that actual annual receipts are less than estimated receipts.~~

Sec. 182. 16 V.S.A. § 2179(6) is amended to read:

(6) chapters 3 and 5 of this title, dealing with the ~~state board of education and the commissioner of education~~ State Board and the Secretary of Education

Sec. 183. 16 V.S.A. chapter 77 and its subchapters are redesignated to read:

CHAPTER 77. ~~MIDDLEBURY COLLEGE AND NORWICH UNIVERSITY~~

~~Subchapter 1. Middlebury College~~

~~Subchapter 2. Norwich University~~

Sec. 184. 16 V.S.A. § 2535 is amended to read:

§ 2535. TOWN SCHOLARSHIPS

A town, at any legal meeting of the voters ~~thereof~~, may appropriate from its general funds; money to pay all or part of the tuition and incidental expenses of one or more students from the town in any institution of higher learning.

When a town makes such an appropriation, a committee consisting of the superintendent of the district ~~wherein~~ in which the town is located, the ~~chairman of the board of school directors~~ chair of the school board, the ~~chairman~~ chair of the prudential committee, if any, in ~~such~~ the town, and the principals of each high school and academy in ~~such~~ the town, or if there is not a high school or academy ~~therein~~, the principal of the high school usually attended by the resident students ~~thereof~~ shall constitute a board of selection. On or before August 1 following ~~such~~ an appropriation, the board shall designate, on the basis of scholarship and need, the number of students authorized by ~~such~~ the appropriation. The choice of the institution shall be made by ~~the respective students so designated~~ each student receiving a scholarship.

Sec. 185. 16 V.S.A. § 2832(b) is amended to read:

(b) The board shall serve without compensation except for expenses actually and necessarily incurred by them in the performance of their duties under this ~~article~~ chapter.

Sec. 186. 16 V.S.A. § 2844(c) is amended to read:

(c) Vermont resident students enrolled at the ~~medical college~~ Medical College of the University of Vermont or enrolled in a program leading to the degree of Doctor of Veterinary Medicine shall be eligible to apply for an incentive grant and shall be subject to the provisions of subsection (b) of this

section. In addition, veterinary students ~~entering in 1996 and thereafter~~ shall be eligible for grants not to exceed twice the amount of the average grant award made to full-time undergraduate students in the previous year under subsection (a) of this section.

Sec. 187. 16 V.S.A. § 2845 is redesignated to read:

§ 2845. TRUST FUND; GRANTS; STUDENTS IN ~~DCF~~ DEPARTMENT
FOR CHILDREN AND FAMILIES CUSTODY

Sec. 188. 16 V.S.A. § 2869 is amended to read:

§ 2869. LOAN CANCELLATION; MATHEMATICS, SCIENCE, AND
COMPUTER SCIENCE TEACHERS

(a) Loans obtained under this subchapter may be partially or completely cancelled and forgiven; for a borrower who is employed for a complete academic school year as a full-time licensed teacher:

(1) in a Vermont elementary or secondary school ~~which~~ that is approved by the ~~state board of education~~ State Board; and

(2) in the subject area of mathematics, science, or computer science during a year when there is a critical shortage of licensed teachers in that area.

(b) Annually the board of the corporation shall determine, after consultation with the ~~commissioner~~ Secretary, whether a critical shortage of licensed teachers exists in each of the subject areas of mathematics, science, and computer science.

(c) The board shall determine the amount of loan to be cancelled for each complete academic year of teaching service. The amount ~~so~~ cancelled for each year shall not exceed 25 percent of the original principal amount plus any accrued interest.

(d) This section is subject to the availability of funds specifically appropriated for loan cancellations under this section.

Sec. 189. 16 V.S.A. § 2875 is amended to read:

§ 2875. ~~LEGISLATIVE~~ FINDINGS AND INTENT

(a) The general welfare and well-being of the ~~state~~ State are directly related to the educational levels and skills of its citizens.

(b) It is the policy of the ~~state~~ State to advance postsecondary education opportunities by ~~utilizing~~ using the ~~state's~~ State's limited resources in an effective, efficient, and equitable manner.

(c) Given the cost of postsecondary education to students, families, and the taxpayers of the ~~state~~ State, it is in the public interest of the ~~state~~ State to support supplemental means ~~which will~~ that enable its citizens to pursue their educational aspirations.

(d) It is a valid and vital public purpose ~~of the state~~ to create a means of encouraging the savings and investing of funds for future postsecondary education, in compliance with the Internal Revenue Code of 1986, as amended.

(e) The implementation ~~and effectuation~~ of the Vermont higher education investment plan as provided by this subchapter furthers this public purpose.

Sec. 190. 16 V.S.A. § 2877(a) is amended to read:

(a) There is created a program of the ~~state~~ State to be known as the Vermont ~~higher education investment plan~~ Higher Education Investment Plan to be administered by the Vermont ~~student assistance corporation~~ Student Assistance Corporation as an instrumentality of the ~~state~~ State.

Sec. 191. 16 V.S.A. § 2885(d) and (e) are amended to read:

(d)(1) During the first quarter of each fiscal year, the ~~secretary of administration or the secretary's designee and the higher education subcommittee of the prekindergarten-16 council created~~ Secretary of Administration or the Secretary's designee and the individuals identified in section subsection 2905(d) of this title may authorize the state treasurer State Treasurer to make an amount equal to ~~up to~~ no more than two percent of the assets available, in equal amounts, to ~~Vermont public institutions the~~ University of Vermont and the Vermont State Colleges for the purpose of creating or increasing a permanent endowment.

(2) In this subsection, "assets" means the average of the fund's market values at the end of each quarter for the most recent 12 quarters, or all quarters of operation, whichever is less. ~~Therefore, up~~ Up to two percent of the fund assets are hereby annually allocated pursuant to this section, provided that the

amount allocated shall not exceed an amount ~~which~~ that would bring the fund balance below the initial funding made in fiscal year 2000 plus any additional contributions to the principal. One-half of the amount allocated shall be available to the University of Vermont and one-half shall be available to the Vermont State Colleges. The University of Vermont ~~or~~ and the Vermont State Colleges may withdraw funds upon certification by the withdrawing institution to the ~~commissioner of finance and management~~ Commissioner of Finance and Management that it has received private donations ~~which~~ that are double the amount it plans to withdraw.

(e) Annually, by September 30, the ~~state treasurer~~ Treasurer shall render a financial report on the receipts, disbursements, and earnings of the fund for the preceding fiscal year to the ~~secretary of administration or the secretary's designee and the higher education subcommittee~~ Secretary of Administration and the individuals identified in subsection 2905(d) of this title.

Sec. 192. 16 V.S.A. § 2902 is amended to read:

§ 2902. EDUCATIONAL SUPPORT SYSTEM AND EDUCATIONAL
SUPPORT TEAM

* * *

(c) The educational support team for each public school in the district shall be composed of staff from a variety of teaching and support positions and shall:

* * *

(6) Report no less than annually to the ~~commissioner~~ Secretary, in a form the ~~commissioner~~ Secretary prescribes, on the ways in which the educational support system has addressed the needs of students who require additional assistance in order to succeed in school or to complete secondary school and on the additional financial costs of complying with this subsection (c).

* * *

(e) The ~~commissioner~~ Secretary shall establish guidelines for teachers and administrators in following federal laws relating to provision of services for children with disabilities and the implementation of this section.

* * *

Sec. 193. 16 V.S.A. § 2904 is amended to read:

§ 2904. REPORTS

Annually, each superintendent shall report to the ~~commissioner~~ Secretary in a form prescribed by the ~~commissioner~~ Secretary, on the status of the educational support systems in each school in the supervisory union. The report shall describe the services and supports that are a part of the education support system, how they are funded, and how building the capacity of the educational support system has been addressed in the school action plans, and shall be in addition to the report required of the educational support team in

subdivision 2902(c)(6) of this chapter. The superintendent's report shall include a description and justification of how funds received due to Medicaid reimbursement under section 2959a of this title were used.

Sec. 194. 16 V.S.A. § 2905 is amended to read:

§ 2905. PREKINDERGARTEN-16 COUNCIL

* * *

(b) The ~~council~~ Council shall be composed of:

(1) the ~~commissioner of education~~ Secretary of Education or designee;

* * *

(d) Together with the ~~secretary of administration or the secretary's designee, a higher education subcommittee of the council~~ Secretary of Administration or the Secretary's designee, the following members of the Council shall perform any statutory or other duties required of ~~it~~ them, including duties in connection with the ~~higher education endowment trust fund~~. ~~The following members of the council shall be the members of the higher education subcommittee~~ Higher Education Endowment Trust Fund: the ~~president~~ President of the University of Vermont, the ~~chancellor~~ Chancellor of the Vermont State Colleges, the ~~president~~ President of the Vermont Student Assistance Corporation, the ~~president~~ President of the Association of Vermont Independent Colleges, the representative from the business and industry

community, the member of the ~~house of representatives~~ House of Representatives, and the member of the ~~senate~~ Senate.

(e) The legislative and higher education staff shall provide support to the ~~council~~ Council as appropriate to accomplish its tasks. Primary administrative support shall be provided by the ~~legislative council~~ Office of Legislative Council.

* * *

(h) ~~The council~~ Notwithstanding the provisions of 2 V.S.A. § 2(a) to the contrary, the Council shall report on its activities to the ~~house and senate committees on education and to the state board of education~~ House and Senate Committees on Education and to the State Board each year in January.

Sec. 195. 16 V.S.A. § 2941 is amended to read:

§ 2941. POLICY AND PURPOSE

It is the policy of the ~~state~~ State to ensure equal educational opportunities for all children in Vermont. ~~As applied to children with disabilities, this~~ This means that ~~such~~ children with disabilities are entitled to receive a free appropriate public education. It is further the policy of the ~~state~~ State to pay 60 percent of the statewide costs expended by public education ~~to~~ for children with disabilities. The purpose of this chapter is to enable the ~~state department of education~~ Agency to ensure the provision of the special educational

facilities and instruction ~~which are~~ necessary to meet the needs of children with disabilities.

Sec. 196. 16 V.S.A. § 2942 is amended to read:

§ 2942. DEFINITIONS

As used in this chapter

* * *

(4) “Federal law” means the ~~Education of the Handicapped Act, codified at~~ Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1485, and its implementing regulations, as amended from time to time.

(5) “Residential placement” means the placement of an eligible child, as part of an individualized education ~~plan~~ program, in a 24-hour residential facility within or outside Vermont which provides educational services consistent with the child’s ~~plan~~ program.

(6) “Individualized education ~~plan~~ program” means a ~~plan~~ program established for an eligible child pursuant to 20 U.S.C. § 1401(19) and the implementing federal and state regulations.

(7) “Unilateral placement” means a placement of a child eligible for special education by a person or persons having legal custody of the child in an educational placement other than one recommended by the child’s duly constituted individualized education ~~plan~~ program team as defined in 20 U.S.C. § 1401(19).

Sec. 197. 16 V.S.A. § 2943 is amended to read:

§ 2943. ~~COMMISSIONER~~ SECRETARY OF EDUCATION FOR
CHILDREN WITH DISABILITIES; POWERS

The ~~commissioner of education~~ Secretary of Education, by virtue of the office, shall be ~~commissioner of education~~ Secretary of Education for children with disabilities and shall superintend all matters relating to the essential early education and special education of children with disabilities. In addition, the ~~commissioner~~ Secretary, in coordination with the ~~department of mental health, the department of disabilities, aging, and independent living, and the department for children and families~~ Department of Mental Health, the Department of Disabilities, Aging, and Independent Living, and the Department for Children and Families, shall ensure that appropriate educational services are provided to children and adolescents with a severe emotional disturbance in accordance with the provisions of 33 V.S.A. chapter 43 and may accept gifts, grants, or other donations to carry out the purpose of this chapter.

Sec. 198. 16 V.S.A. § 2944(d) and (e) are amended to read:

(d) The ~~commissioner~~ Secretary with the advice of the ~~board~~ State Board may make grants for programs and may make grants, subject to conditions ~~which the commissioner~~ which the Secretary shall establish, to persons whom he or she

finds qualified for either part-time or full-time study in programs designed to qualify them as special education personnel.

(e) Within the limits of the funds made available for the purposes of this chapter, the ~~commissioner~~ Secretary may provide for the extension of special education to a person with a disability, having attained the age of 21, in order to complete a program of special education in which the person has participated. Reimbursement and state aid provisions of this chapter shall apply to individuals provided education under this subsection.

Sec. 199. 16 V.S.A. § 2945 is amended to read:

§ 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

(a) There is created an ~~advisory council on special education~~ Advisory Council on Special Education that shall consist of 19 members. All members of the ~~council~~ Council shall serve for a term of three years or until their successors are appointed. Terms shall begin on April 1 of the year of appointment. A majority of the members shall be either individuals with disabilities or parents of children with disabilities.

(1) Seventeen of the members shall be appointed by the ~~governor~~ Governor with the advice of the ~~commissioner of education~~ Secretary. Among the gubernatorial appointees shall be:

* * *

(d) The ~~advisory council~~ Council shall:

- (1) assume all responsibilities required of the state advisory panel by federal law;
- (2) review periodically the rules, regulations, standards, and guidelines pertaining to special education and recommend to the ~~state board of education~~ State Board any changes ~~which~~ it finds necessary;
- (3) comment on any new or revised rules, regulations, standards, and guidelines proposed for issuance; and
- (4) advise the ~~state board of education~~ State Board in the development of any state plan for provision of special education.

Sec. 200. 16 V.S.A. § 2948(g) is amended to read:

(g) Notwithstanding any law to the contrary, a child with a disability who is residing in a state school, hospital, or community residential facility or in a ~~state-approved~~ state-approved private residential facility shall be provided special education in accordance with this chapter by the school district in which the facility is located; provided, however, that this special education may be directly provided by the facility in which the child resides when the child's individualized education program and treatment plans indicate that the facility is the most appropriate educational placement for the child. Programs of special education provided by a facility described in this subsection shall be subject to the approval of the ~~commissioner~~ Secretary.

Sec. 201. 16 V.S.A. § 2950 is amended to read:

§ 2950. STATE-PLACED STUDENTS

(a) School district reimbursement. The school district responsible for educating a state-placed student under section 1075 of this title may claim and the ~~commissioner~~ Secretary shall reimburse 100 percent of all special education costs for the student, including costs for mainstream services. As a condition of receiving this reimbursement, the district shall provide documentation in support of its claim, sufficient to enable the ~~commissioner~~ Secretary to determine whether to recommend appropriate cost-saving alternatives. The ~~commissioner~~ Secretary may approve any costs incurred in educating a state-placed student who is not eligible for special education that are incurred due to the special needs of the student, and, if approved, the ~~commissioner~~ Secretary shall pay those costs. When a state agency places and registers a student in a new district, the district may request and the ~~department of education~~ Agency of Education, the agency that placed the student, or both, shall provide prompt consultative and technical assistance to the receiving district.

(b) Residential payments.

(1) For a student in the care and custody of the ~~commissioner for children and families~~ Commissioner for Children and Families who is placed in a 24-hour residential facility within or outside Vermont, the ~~commissioner~~

~~of education~~ Secretary of Education shall pay the education costs, and the ~~commissioner for children and families~~ Commissioner for Children and Families shall arrange for the payment of the remainder of the costs. However, if the state interagency team, as defined in 33 V.S.A. § 4302, finds such placement inappropriate for the student's education needs, then the ~~commissioner of education~~ Secretary of Education shall pay none of the education costs of the placement and the ~~commissioner for children and families~~ Commissioner for Children and Families shall arrange for the payment of the full cost of the placement.

(2) For a student who is placed in a 24-hour residential facility within or outside Vermont by a Vermont licensed child placement agency, a designated community mental health agency, any other agency as defined by the ~~commissioner of education~~ Secretary of Education, or a Vermont state agency or department other than the ~~department of corrections or the department for children and families, the commissioner of education~~ Department of Corrections or the Department for Children and Families, the Secretary of Education shall pay the education costs and the agency or department in whose care the student is placed shall arrange for the payment of the remainder of the costs. However, if the state interagency team, as defined in 33 V.S.A. § 4302, finds such placement inappropriate for the student's education needs, then the ~~commissioner of education~~ Secretary shall pay none of the education costs of

the placement and the agency or department in whose care the student is placed shall arrange for payment of the full cost of the placement. This subdivision does not apply to a student for whom a residential placement is:

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

(c) Out-of-state placement: For a state-placed student who is placed outside Vermont and who is attending a public school outside Vermont, the ~~commissioner of education~~ Secretary of Education shall pay the education costs for the student.

Sec. 202. 16 V.S.A. § 2958 is amended to read:

§ 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL
PLACEMENTS

(a) A school district shall notify the parents and the ~~commissioner~~ Secretary when it believes residential placement is a possible option for inclusion in a child's individualized education ~~plan~~ program.

(b) The ~~commissioner~~ Secretary may establish from within the ~~department~~ Agency a Residential Placement Review ~~a residential placement review team~~ Team. At the discretion of the ~~commissioner~~ Secretary, other persons not employed by the ~~department~~ Agency may be appointed to serve on the ~~residential placement review team~~ Team. The ~~team~~ Team shall make every effort to assist school districts and parents in understanding the range of

educational options available as early as possible in the planning process for the child. The ~~team~~ Team shall:

* * *

(c) The ~~state board of education~~ State Board shall by rule establish policies and procedures for the operations of the ~~residential placement review team~~ Residential Placement Review Team. The rules shall be consistent with federal law and, at minimum, shall include the following:

(1) provision for the ~~commissioner~~ Secretary to initiate a due process proceeding to challenge the need for residential placement where the team believes that a less restrictive educational placement is both available and appropriate for the child with a disability, and to reimburse the school district and the parents or guardian of the child for reasonable costs and ~~attorney~~ attorney's fees in the event the ~~commissioner~~ Secretary does not prevail;

(2) provision for technical assistance, a plan for correction, or withholding of funds under this section where a school district places a child in a residential facility more expensive than an available and appropriate alternative residential facility, however, such withholding of funds shall not exceed the difference between the cost of the two facilities and the rule shall provide an opportunity for appeal of the withholding; and

(3) procedures and timelines to ensure that residential placement of ~~children~~ a child with disabilities is not delayed or disrupted so as to adversely affect the ~~children~~ child.

(d) Whenever a residential placement is determined to be necessary and appropriate for a child with a disability, the ~~residential placement review team~~ Residential Placement Review Team shall include in the child's ~~plan~~ individualized education program goals and objectives designed to reintegrate the child into a local school district.

(e) Costs for residential placement shall be reimbursed under subchapter 2 of this chapter only if the residential facility is approved by the ~~state board of education~~ State Board for the purposes of providing special education and related services to children with disabilities.

Sec. 203. 16 V.S.A. § 2959 is amended to read:

§ 2959. RULEMAKING; MEDIATION

(a) The ~~state board~~ State Board shall adopt rules governing the determination of a child's eligibility for special education, accounting and financial reporting standards, program requirements, procedural requirements, and the identification of the district or agency responsible for each child with a disability.

(b) Subject to rules established by the ~~state board, the commissioner~~ State Board, the Secretary shall offer mediation to parents, children with disabilities, and districts and agencies involved in special education disputes.

Sec. 204. 16 V.S.A. § 2959a is amended to read:

§ 2959a. EDUCATION MEDICAID RECEIPTS

(a) It is the intent of the ~~general assembly~~ General Assembly that the ~~state~~ State of Vermont shall maximize its receipt of federal Medicaid dollars available for reimbursement of ~~medically related~~ medically related services provided to students who are Medicaid eligible. It is further the intent that:

(1) Each supervisory union identify special education and other students eligible for Medicaid reimbursement and, to the extent possible, submit Medicaid bills for services reimbursement.

(2) The ~~department of education and the agency of human services~~ Agencies of Education and of Human Services work with local school districts to maximize reimbursements, including services to non-IEP students.

(b) A Medicaid ~~reimbursement special fund~~ Reimbursement Special Fund is established within the ~~department of education~~ Agency of Education. Funds received by the ~~state~~ State under this section shall be transferred to the Medicaid ~~reimbursement special fund~~ Reimbursement Special Fund. The ~~fund~~ Fund receipts shall be allocated in accordance with this section.

(c) At least annually, the ~~commissioner of education~~ Secretary of Education shall pay to each supervisory union submitting Medicaid bills under this section, 50 percent of the reimbursed funds generated by the supervisory union's bill, excluding claims generated by state-placed students. Unless the supervisory union has agreed to use the funds to operate a supervisory unionwide program or to distribute the funds in a different manner, upon receipt, the supervisory union shall distribute the funds to its member school districts based on how the funds were generated. The ~~commissioner of education~~ Secretary may withhold payment due a school district pursuant to section 2950 of ~~Title 16~~ this title for a Medicaid-eligible state-placed student if the school district has not submitted a Medicaid claim for reimbursable services for that student.

(d) If the amount of Medicaid reimbursement funds received for services provided in the prior state fiscal year exceeds \$25,000,000.00, in addition to the 50 percent of ~~said the~~ funds paid to supervisory unions submitting Medicaid bills, 25 percent of the amounts in excess of the \$25,000,000.00 shall be paid into an incentive fund ~~hereby~~ created in the ~~department of education~~ Agency of Education. These funds shall be used for an incentive payment to supervisory unions with student participation rates of over 80 percent in accordance with a formula to be developed by the ~~department of education~~ Agency, in consultation with the Vermont Superintendents Association. For

any incentive payments made subsequent to fiscal year 2007, the \$25,000,000.00 threshold of this subsection shall be increased by the percentage increase of the most recent New England Economic Project cumulative price index, as of November 15, for state and local government purchases of goods and services from fiscal year 2005 through the fiscal year for which the payment is being determined, plus an additional one-tenth of one percent.

(e) School districts shall ~~utilize~~ use funds received under this section to pay for reasonable costs of administering the Medicaid claims process, and for prevention and intervention programs in ~~grades pre-K~~ prekindergarten through grade 12. The programs shall be designed to facilitate early identification of and intervention with children with disabilities and to ensure all students achieve rigorous and challenging standards ~~adopted in the Vermont framework of standards and learning opportunities~~ approved and adopted by the State Board or locally adopted standards. A school district shall provide an annual written justification to the ~~commissioner of education~~ Secretary of Education of the use of the funds. Such annual submission shall show how the funds' use is expressly linked to those provisions of the school district's action plan that directly relate to improving student performance. A school district shall include in its annual report the amount of the prior year's Medicaid

reimbursement revenues and the use of Medicaid funds consistent with the purposes set forth in this subsection.

(f) Up to 30 percent of Medicaid reimbursements received under this section shall be available for ~~agency of human services and department of education~~ administrative costs of the Agencies of Education and of Human Services related to the collection, processing, and reporting of education Medicaid reimbursements and statewide programs. The ~~commissioner of education and the secretary of human services~~ Secretaries of Education and of Human Services shall expend monies from the ~~fund~~ Fund only as appropriated by the ~~general assembly~~ General Assembly.

(g) Remaining reimbursed funds shall be deposited into the ~~education fund~~ Education Fund.

Sec. 205. 16 V.S.A. § 2962(c) is amended to read:

(c) As used in this subchapter, “extraordinary special education expenditures” means a school district’s allowable expenditures ~~which~~ that for any one child exceed \$50,000.00 for a fiscal year. In this subsection, child means a ~~pupil~~ student with disabilities who is three years of age or older in the current school year. The ~~state board~~ State Board shall define allowable expenditures ~~which~~ that shall include any expenditures required under federal law, and any costs of mediation conducted by a mediator who is approved by the ~~commissioner~~ Secretary.

Sec. 206. 16 V.S.A. § 2963a is amended to read:

§ 2963a. EXCEPTIONAL CIRCUMSTANCES

(a) ~~The commissioner of education, in place~~ In lieu of reimbursement under section 2963 of this title, the Secretary shall reimburse a school district for 80 percent of the following expenditures:

* * *

(b) An eligible school district may apply to the ~~commissioner~~ Secretary to receive reimbursement under this section. The ~~commissioner~~ Secretary shall award reimbursement to a school district under this section if the ~~commissioner~~ Secretary makes a determination that the school district considered all the cost-effective and appropriate available alternatives for placement and programs for students before incurring these costs. A decision of the ~~commissioner~~ Secretary shall be final.

Sec. 207. 16 V.S.A. § 2964 is amended to read:

§ 2964. SERVICE PLAN

(a) As a condition of receiving assistance under this subchapter, a supervisory union ~~or supervisory district~~ shall file a service plan with the ~~commissioner~~ Secretary annually on or before October 15. The service plan shall contain the anticipated special education expenditures for the following school year. The plan shall be in a form prescribed by the ~~commissioner~~

Secretary and shall include information on services planned and anticipated expenditures.

(b) If a supervisory union ~~or district~~ fails to file a service plan by October 15, the ~~commissioner~~ Secretary may withhold any funds due the supervisory district or school districts under this title until a service plan is filed and accepted by the ~~commissioner~~ Secretary as properly completed.

Sec. 208. 16 V.S.A. § 2965 is amended to read:

§ 2965. WITHHOLDING OF AID

If a district or agency fails to meet its legally established obligations toward a child with a disability or the child's parent, and as a result the ~~department of education~~ Agency of Education incurs costs to meet these obligations beyond those otherwise incurred under this chapter, the ~~commissioner~~ Secretary shall withhold the amount of funds ~~so~~ incurred from any grants due the district or agency under this subchapter.

Sec. 209. 16 V.S.A. § 2967 is amended to read:

§ 2967. AID PROJECTION; STATE SHARE

(a) On or before December 15, the ~~commissioner~~ Secretary shall publish an estimate, by town school district, city school district, union school district, unified union school district, incorporated school district, and the member school districts of an interstate school district, of the amount of state assistance

necessary to fully fund sections 2961 through 2963 of this title in the ensuing school year.

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

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

(2) costs for services for ~~the persons who are~~ visually impaired and ~~hearing impaired persons who are deaf and hard of hearing~~;

(3) costs for the interdisciplinary team program;

(4) costs for regional specialists in multiple disabilities;

(5) funds expended for training and programs to meet the needs of students with emotional behavioral problems under subsection 2969(c) of this title; and

(6) funds expended for training under subsection 2969(d) of this title.

Sec. 210. 16 V.S.A. § 2968 is amended to read:

§ 2968. REPORTS

(a) On or before November 15, March 15, and August 1 of each school year, each supervisory union and ~~supervisory~~ school district shall file a financial report with the ~~commissioner~~ Secretary in a form prescribed by the

~~commissioner~~ Secretary. The report shall describe total expenditures for special education actually incurred during the preceding period, and shall describe revenues derived from different funding sources, including ~~but not limited to~~ federal assistance, state assistance under this section, and local effort.

(b) If a supervisory union or school district fails to file a complete report by August 1, until the properly completed August 1 report is filed and accepted by the ~~commissioner~~ Secretary, the ~~commissioner~~ Secretary may withhold any funds due the supervisory union or school district under this title and shall subtract \$100.00 per business day from funds due to the supervisory union or school district under this title for that fiscal year. The ~~commissioner~~ Secretary may waive the \$100.00 penalty required under this subsection upon appeal by the supervisory union or school district. The ~~commissioner by rule~~ Secretary shall establish procedures for administration of this subsection.

(c) The ~~commissioner~~ Secretary shall review and monitor the reports ~~set forth in~~ received pursuant to subsection (a) of this section as well as the service plans ~~set forth in~~ received pursuant to section 2964 of this title, and shall assist supervisory unions and school districts to complete and submit these documents in a timely and accurate fashion.

(d) Special education receipts and expenditures shall be included within the audits required of supervisory unions and school districts pursuant to sections 323 and 563(17) of this title.

Sec. 211. 16 V.S.A. § 2969(c) and (d) are amended to read:

(c) For the purpose of meeting the needs of students with emotional behavioral problems, each fiscal year the ~~commissioner~~ Secretary shall use for training, program development, and building school and regional capacity, up to one percent of the state funds appropriated under this subchapter.

(d) ~~Each fiscal year the commissioner shall use for~~ For the training of teachers, administrators, and other personnel in the identification and evaluation of, and provision of education services to children who require educational supports, each fiscal year the Secretary shall use up to 0.75 percent of the state funds appropriated under this subchapter. In order to set priorities for the use of these funds, the ~~commissioner~~ Secretary shall identify effective practices and areas of critical need. The ~~commissioner~~ Secretary may expend up to five percent of these funds for statewide training and shall distribute the remaining funds to school districts or supervisory unions.

(e) School districts and supervisory unions that apply for funds under this section must submit a plan for training ~~which~~ that will result in lasting changes in their school systems and give assurances that at least 50 percent of the costs of training including in-kind costs will be assumed by the applicant. The

~~commissioner~~ Secretary shall establish written procedures and criteria for the award of such funds. In addition, the ~~commissioner~~ Secretary may identify schools most in need of training assistance and may pay for 100 percent of ~~help~~ the assistance provided to these schools.

Sec. 212. 16 V.S.A. § 2973 is amended to read:

§ 2973. INDEPENDENT SCHOOL TUITION RATES

(a) The ~~commissioner~~ Secretary shall establish minimum standards of services for students receiving special education in independent schools in Vermont; shall set, after consultation with independent schools in Vermont, the maximum rates to be paid by the ~~department~~ Agency and school districts for tuition, room, and board based on the level of services; and may advise independent schools as to the need for certain special education services in Vermont.

(b) Neither school districts nor any state agency shall pay rates for tuition, room, and board, for students receiving special education in independent schools outside of Vermont; that are in excess of allowable costs approved by the authorized body in the ~~state~~ State in which the independent school is located, except in exceptional circumstances or for a child who needs exceptional services, as approved by the ~~commissioner~~ Secretary.

(c) The ~~state board~~ State Board is authorized to enter into interstate compacts with other states to regulate rates for tuition, room, and board for students receiving special education in independent schools.

Sec. 213. 16 V.S.A. § 2974 is amended to read:

§ 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

(a) Annually, the ~~commissioner~~ Secretary shall report to the ~~state board~~ State Board regarding:

* * *

(b) The ~~commissioner's~~ Secretary's report shall include the following data for both high and low spending districts:

* * *

(c) The ~~commissioner~~ Secretary shall review low spending districts to determine the reasons for their spending patterns and whether those districts used cost-effective strategies appropriate to replicate in other districts.

* * *

(e) The ~~commissioner~~ Secretary and ~~department~~ Agency staff shall assist the high spending districts, who have been identified in subsection (a) of this section and have not presented an explanation for their spending that is satisfactory to the ~~commissioner~~ Secretary, to identify reasonable alternatives and to develop a remediation plan. Development of the remediation plan shall include an on-site review. The district shall have two years to make progress

on the remediation plan. At the conclusion of the two years or earlier, the district shall report its progress on the remediation plan.

(f) Within 30 days of receipt of the district's report of progress, the ~~commissioner~~ Secretary shall notify the district that its progress is either satisfactory or not satisfactory.

(1) If the district fails to make satisfactory progress, the ~~commissioner~~ Secretary shall notify the district that, in the ensuing school year, the ~~commissioner~~ Secretary shall withhold 10 percent of the district's special education expenditures reimbursement pending satisfactory compliance with the plan.

(2) If the district fails to make satisfactory progress after the first year of withholding, 10 percent shall be withheld in each subsequent year pending satisfactory compliance with the plan; provided, however, before funds are withheld in any year under this subdivision (f)(2), the district shall explain to the ~~state board of education~~ State Board either the reasons the district believes it made satisfactory progress on the remediation plan or the reasons it failed to do so. The ~~board's~~ State Board's decision whether to withhold funds under this subdivision shall be final.

(3) If the district makes satisfactory progress under any subdivision of this subsection, the ~~commissioner~~ Secretary shall release to the district any

special education expenditures reimbursement withheld for the prior fiscal year only.

(g) Within 10 days after receiving the ~~commissioner's~~ Secretary's notice under subdivision (f)(1) of this section, the district may challenge the ~~commissioner's~~ Secretary's decision by filing a written objection to the ~~state board of education~~ State Board outlining the reasons the district believes it made satisfactory progress on the remediation plan. The ~~commissioner~~ Secretary may file a written response within 10 days after the district's objection is filed. The ~~board~~ State Board may give the district and the ~~commissioner~~ Secretary an opportunity to be heard. The ~~board's~~ State Board's decision shall be final. The ~~state~~ State shall withhold no portion of the district's reimbursement before the ~~state board~~ State Board issues its decision under this subsection.

(h) Nothing in this section shall prevent a school district from seeking and receiving the technical assistance of ~~department~~ Agency staff to reduce its special education spending.

Sec. 214. 16 V.S.A. § 2975 is amended to read:

§ 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL
ASSISTANCE

The ~~commissioner~~ Secretary may use up to two percent of the funds appropriated for special education expenditures, as that term is defined in

subsection 2967(b) of this title, to directly assist school districts with special education expenditures of an unusual or unexpected nature. These funds shall not be used for exceptional circumstances that are funded under section 2963a of this title. The ~~commissioner's~~ Secretary's decision regarding a district's eligibility for and amount of assistance shall be final.

Sec. 215. 16 V.S.A. § 3224 is redesignated to read:

§ ~~3224~~ 564. ANNUAL REPORT OF TREASURER

Sec. 216. 16 V.S.A. § 564 is amended to read:

§ 564. ANNUAL REPORT OF TREASURER

The treasurer shall report at each annual district meeting the amount of moneys received for school purposes, the source from which it was received, and how ~~the same has been~~ it was expended.

Sec. 217. 16 V.S.A. § 3448 is amended to read:

§ 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
PROJECTS; RENEWABLE ENERGY

(a) Construction aid.

(1) Preliminary application for construction aid. A district or independent school eligible for assistance under section 3447 of this title, ~~which~~ that intends to construct or purchase a new school, or make extensive additions or alterations to its existing school, and desires to avail itself of state school construction aid, shall submit a written preliminary application to the

~~commissioner~~ Secretary. A preliminary application shall include information required by the ~~state board~~ State Board by rule and shall specify the need for and purpose of the project.

(2) Approval of preliminary application.

(A) When reviewing a preliminary application for approval, the ~~commissioner~~ Secretary shall consider:

* * *

(B) The ~~commissioner~~ Secretary may approve a preliminary application if:

(i) ~~The~~ the project or part of the project fulfills a need occasioned by:

(I) conditions ~~which~~ that threaten the health or safety of students or employees;

(II) facilities ~~which~~ that are inadequate to provide programs required by state or federal law or regulation;

(III) excessive energy use resulting from the design of a building or reliance on fossil fuels or electric space heat; or

(IV) deterioration of an existing building;

(ii) ~~The~~ the need addressed by the project cannot reasonably be met by another means; and

(iii) ~~The~~ the proposed type, kind, quality, size, and estimated cost of the project are suitable for the proposed curriculum and meet all legal standards.

(3) Priorities. Following approval of a preliminary application and provided that the district has voted funds or authorized a bond for the total estimated cost of a project, the ~~state board~~ State Board shall assign points to the project so that the project can be placed on a priority list based on the number of points received. Once a project receives points, if it does not receive funding in a given year, it shall not lose points in subsequent years and, pursuant to rule of the board and provided the scope of the project remains the same, it shall gain points due to length of time on the list and may gain points for any other reason. The points shall be assigned ~~so that~~ in the following priority:

(A) First priority is given to emergency projects in excess of \$100,000.00 ~~which~~ that address threats to the safety and health of students or employees created by unanticipated circumstances or events.

(B) Second priority is given to construction projects in excess of \$10,000.00 ~~which~~ that address a need occasioned by deterioration of an existing building or equipment pursuant to subdivision (2)(A) of this subsection, and ~~which~~ that extend the useful life of the building but ~~which~~ that do not make additions or extensive alterations to existing school facilities in

which students are provided services. Examples of projects given priority under this subdivision are replacement, addition, or repair to utilities; projects ~~which~~ that address environmental quality issues; repair of a roof; replacement of an existing space-heating, water-heating, cooling, or refrigeration system; and replacement or upgrading of mechanical equipment.

(C) Remaining projects are given priority based on consideration of the relative degree of need pursuant to subdivision (2)(A) of this subsection.

(4) Request for legislative appropriation. By January 15 of each year, the ~~state board~~ State Board shall present the ~~house and senate institutions committees~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions with its annual capital construction funding request. Following receipt of the request, the ~~committee on institutions~~ Committees shall recommend a total school construction appropriation for the next fiscal year to the ~~general assembly~~ General Assembly. The ~~general assembly~~ General Assembly shall not revise the order of the project priorities presented by the ~~state board~~ State Board. The funding request to the ~~committee on institutions~~ Committees shall be in the form of separate line items as follows:

(A) a list of projects ~~which~~ that have been assigned points in their order of priority, including the voted funds or authorized bond amount for each project;

(B) the cost of emergency projects ~~which that~~ the ~~state board~~ State Board has approved but not yet reimbursed due to insufficient funds, as well as the estimated cost of those ~~which that~~ might be approved in the coming year under subsection (d) of this section;

(C) the cost of projects to extend the life of a building ~~which that~~ the ~~board~~ State Board has approved but not yet reimbursed due to insufficient funds, as well as the estimated cost of those ~~which that~~ might be approved by the ~~state board~~ State Board in the coming fiscal year under subdivision (3)(B) of this subsection.

(5) Final approval for construction aid.

(A) Unless approved by the ~~commissioner~~ Secretary for good cause in advance of commencement of construction, a school district shall not begin construction before the ~~state board of education~~ State Board approves a final application. A school district may submit a written final application to the ~~state board~~ State Board at any time following approval of a preliminary application.

(B) The ~~state board~~ State Board may approve a final application for a project provided that:

* * *

(C) The board of trustees of an independent school may submit a written final application to the ~~state board~~ State Board for a project for which a

preliminary application has been approved by the ~~commissioner~~ Secretary, provided that each municipality represented on the board of trustees has voted funds or authorized a bond issue for 100 percent of the municipality's estimated share of the project in an amount determined by the ~~commissioner~~ Secretary under this section.

(D) The ~~state board~~ State Board may provide that a grant for a high school project is conditioned upon the agreement of the recipient to provide high school instruction for any high school pupil living in an area prescribed by the board who may elect to attend the school.

(E) A district may begin construction upon receipt of final approval. ~~However, the project shall remain eligible for capital construction aid, provided the project otherwise meets the requirements of this section.~~ However, a district shall not be reimbursed for debt incurred due to borrowing of funds in anticipation of aid under this section.

(6) [Repealed.]

(7) Award of construction aid.

(A) Except as provided in other subdivisions of this subdivision (7) and elsewhere in law, the amount of an award shall be 30 percent of the approved cost of the project.

(B) The amount of an award for the incremental costs associated with the installation of a space heating, water heating, cooling, or refrigeration

system that uses biomass, a ~~geothermal/ground-source~~ geothermal ground-source, wind, or solar energy as the primary heating or cooling source shall be 75 percent of the approved cost of those elements of the project specifically related to the renewable fuel source being used; provided that those elements may include the costs of necessary equipment, a chimney, air quality technology, and additional square footage necessary to house the heating unit and fuel; and further provided that those elements shall not include the costs of staff areas, site improvements relating to fuel delivery, and other ancillary costs as determined by the ~~commissioner~~ Secretary.

(C) The amount of an award shall be 50 percent of the approved cost of a project or applicable portion of a project ~~which that~~ results in consolidation of two or more school buildings and ~~which that~~ will serve the educational needs of students in a more cost-effective and educationally appropriate manner as compared to individual projects constructed separately. A decision of the ~~commissioner~~ Secretary as to eligibility for aid under this subdivision (C) shall be final. This subdivision (C) shall apply only to a project ~~which that~~ has received preliminary approval by June 30, 2013.

(8) Eligible construction cost.

(A) Space and cost parameters. Only those portions of a project shall be eligible for construction aid ~~which that~~ meet space and cost parameters adopted by the ~~state board~~ State Board. The parameters shall define maximum

square footage costs, maximum gross square footage per student by grade range and school size, and ~~shall include~~ minimum and maximum square footage allowances per student for programs and services.

(B) Eligible costs. Construction costs eligible for state aid may include: the cost of a preliminary land test on an approved project as required under 10 V.S.A. chapter 151; and any expenditures of federal funds for retrofitting to conserve energy or for asbestos abatement. Expenditures of federal funds for any other purpose shall not be eligible for reimbursement by state aid under this chapter. Expenditures of funds borrowed under subdivision 563(21) of this title shall not be eligible for reimbursement by state aid.

(9) Payment. Upon satisfactory evidence that a project approved under subdivision (5) of this subsection is under construction or has been constructed, and upon appropriation of funds sufficient to fund the state aid due under this section, the ~~state board~~ State Board shall certify an award for the project to the ~~commissioner of finance and management~~ Commissioner of Finance and Management who shall issue a warrant for the payment of one-half of the award, or the entire award if the project is complete. After a project has been completed according to approved plans and specifications and the cost thereof has been audited by the ~~department~~ Agency, the ~~commissioner~~ Secretary shall certify the remainder of the award due for the project to the ~~commissioner of finance and management~~ Commissioner of Finance and

Management who shall issue a warrant for the payment. Provided, however, if a project that is included on a prioritized list, for which list the ~~general assembly~~ General Assembly has appropriated funds in any year, is not eligible to be certified for one-half of the award or for the entire award, and if another project of lesser priority is eligible for certification, nothing in this section shall preclude the ~~state board~~ State Board from certifying an award for the lesser priority project prior to the higher priority project.

(b) Refund upon sale. Upon the sale by a district of any item, building, or unit that may be relocated, for which state construction aid was awarded under this title, the district shall refund to the state a percentage of the sale price equal to the percentage of construction aid received. In no event shall the sum refunded be in excess of the amount of the original state aid received for the purchase of the item, building, or unit. All refunds shall be deposited with the ~~state treasurer~~ State Treasurer and used for school construction aid awards.

(c) Repayment as a condition of general aid. No school district shall receive any state general aid unless the school district complies with subsection (b) of this section.

(d) Emergency aid. Notwithstanding any other provision of this section, the ~~commissioner~~ Secretary may grant aid pursuant to subdivision (a)(7) of this section for a project the ~~commissioner~~ Secretary deems to be an emergency, up to a maximum total project cost of \$100,000.00.

(e) Rules. The ~~state board~~ State Board shall adopt rules pertaining to school construction and capital outlay.

(f) Aid in excess of statutory percentages. Notwithstanding any provision of law to the contrary, no approved school construction project deemed eligible by the ~~commissioner of education~~ Secretary for state construction aid in excess of the percentages set forth in subdivision (a)(7) of this section shall be guaranteed such additional funding until the additional funding is approved by the ~~general assembly~~ General Assembly.

Sec. 218. 16 V.S.A. § 3448e is amended to read:

§ 3448e. CONSTRUCTION OF CAREER TECHNICAL EDUCATION
FACILITIES; APPROVAL AND FUNDING

* * *

(c) Approval of regional advisory board. The ~~commissioner~~ Secretary may approve a preliminary application for a project involving career technical education facilities if, in addition to meeting the other requirements of this chapter, the project has received the approval of the regional advisory board as defined under section 1542 of this title. This subsection shall not apply to a project proposed by a regional career technical center school district authorized under subchapter 5A of chapter 37 of this title.

* * *

(e) Award of construction aid. The amount of an award shall be 50 percent of the approved cost of the project. Where the construction of technical education facilities is undertaken in conjunction with the construction of nontechnical education facilities, the approved costs of the project shall be allocated as determined by the ~~commissioner of education~~ Secretary.

Sec. 219. 16 V.S.A. § 3448f(f) is amended to read:

(f) State funding for energy conservation measures.

(1) Application for construction aid. A district that intends to construct or install cost-saving measures under a performance contract and wishes to receive state school construction aid in connection with those measures shall submit a written application to the ~~commissioner~~ Secretary that:

(A) ~~Specifies~~ specifies the need for and purpose of the project, including details of the cost-saving measure or measures proposed;

(B) ~~Provides~~ provides details concerning the qualifications of the person with whom the district has entered or intends to enter into a performance contract and concerning the district's adherence to the selection process required by subsection (c) of this section, including detailed information regarding the assistance received from Efficiency Vermont, the ~~school energy management program~~ School Energy Management Program, and similar entities;

(C) ~~Provides~~ provides detailed information concerning the energy and operational cost-savings projected to result from the proposed cost-saving measures;

(D) ~~Provides~~ provides detailed information concerning the amount and schedule of payments to be made under the terms of the performance contract;

(E) ~~Provides~~ provides any other information the ~~commissioner~~ Secretary deems necessary for consideration of the application.

(2) Approval of application. After consultation with the ~~department of buildings and general services~~ Department of Buildings and General Services and any other expert resources that may be available, including Efficiency Vermont and the ~~school energy management program of the Vermont superintendents association, the commissioner~~ the School Energy Management Program, the Secretary may approve a complete application.

(3) Priorities. Following approval of a district's application, the ~~state board~~ State Board shall assign points, established by ~~board~~ Board rule, to the project so that the project can be placed on a priority list distinct from but similar to the list established under section 3448 of this title, based on the number of points received. Once a project receives points, if it does not receive funding in a given year, it shall not lose points in subsequent years and, pursuant to ~~board~~ Board rule and provided the scope of the project remains the

same, it shall gain points due to the length of time on the list and may gain points for any other reason. Prioritized projects under this section shall be included in the ~~state board's~~ State Board's request for legislative appropriation as a separate and distinct line item under section 3448 of this title. Any legislative appropriation made to fund the line item for performance contracts shall not exceed 20 percent of the appropriation made in the same year to fund state aid for school construction under section 3448.

(4) Award of state aid. A district shall not be reimbursed for debt incurred due to borrowing funds in anticipation of aid under this section. The total amount of an award shall be 20 percent of the approved total cost of the project, provided the total award shall not exceed the total payment that would be due from the district, less interest.

(5) Eligible costs. A project or portions of a project under this section shall be eligible for aid pursuant to criteria established by ~~state board~~ State Board rule.

(6) Payment. Upon ~~(A)~~ completion of the construction or installation of the cost-saving measure, ~~(B)~~ determination by the ~~department of buildings and general services~~ Department of Buildings and General Services that implementation of the cost-saving measures is expected to result in energy and operational cost savings, and ~~(C)~~ legislative appropriation sufficient to fund the state aid due under this section, the ~~state board~~ State Board shall certify an

award for the project to the ~~commissioner of finance and management~~

Commissioner of Finance and Management who shall issue a warrant for the payment of the award. A district awarded state aid under this section shall use the state aid solely for the purpose of paying all or a portion of the obligation due under the performance contract at the time the award is received.

Sec. 220. 16 V.S.A. § 3454 is amended to read:

§ 3454. DEFERRED MAINTENANCE

No state school construction aid shall be available under this title for any proposed project or construction if the ~~commissioner~~ Secretary finds the need for the project or construction has arisen in whole or in part from significant deferred maintenance. The ~~state board~~ State Board, by rule, shall define “significant deferred maintenance.”

Sec. 221. 16 V.S.A. § 3455a is amended to read:

§ 3455a. COMPUTER AIDED DESIGN

Whenever a school district or independent school makes final application for construction aid pursuant to ~~section~~ subdivision 3448(a)(5) of this title, the district or school shall submit to the ~~commissioner~~ Secretary copies of site plans and building plans either in computer-aided-design (CAD) format, if used, or, if not, in the form submitted by the architect or engineer to the school board or board of trustees.

Sec. 222. 16 V.S.A. § 3456 is amended to read:

§ 3456. LIMIT OF INDEBTEDNESS

The amount of indebtedness of an incorporated school district, town school district, or union ~~high~~ school district incurred to finance any project approved under sections 3447-3456 of this title shall not be considered a part of the indebtedness of such local district for the purpose of determining its debt limit, as provided by ~~section 24 V.S.A. § 1762 of Title 24~~, or otherwise.

Sec. 223. 16 V.S.A. § 3581 is amended to read:

§ 3581. ACCEPTANCE

~~The state board of education is hereby authorized and empowered to~~ State Board may accept, use, disburse, and account for federal funds made available ~~to the several states by legislation of the Congress~~ for the purposes of acquisition, construction, reconstruction, remodeling, or repair of public school buildings.

Sec. 224. 16 V.S.A. § 3582 is amended to read:

§ 3582. FORMULATION OF PLANS

~~The state board of education is further authorized and empowered to~~ State Board may formulate ~~such~~ any state plan, including preparation of surveys and estimates of school building needs, ~~as is necessitated by the provisions of congressional~~ required by federal legislation.

Sec. 225. 16 V.S.A. § 3741 is amended to read:

§ 3741. SCHOOL ~~BUILDINGS~~ CONSTRUCTION; DEBT SERVICE;
TAXATION

~~Each town district shall provide, furnish, maintain and control schoolhouses suitable for schools under the provisions of this title. When so authorized by the town district, the board of school directors shall have power to lease or purchase buildings or sites for schoolhouses, locate and erect schoolhouses, and sell or otherwise dispose of schoolhouses or sites for same. A school district which that issues bonded debt to pay for capital construction costs under this section is authorized under the provisions of sections 428 and 511 of this title to levy ad valorem taxes on the grand list to pay for debt service therefor as it becomes due and payable, and shall do so unless otherwise payable from other sources.~~

Sec. 226. 16 V.S.A. § 3742 is amended to read:

§ 3742. FLAG DISPLAY

~~The board shall cause to be erected on each schoolhouse, or on the premises belonging thereto, a suitable flag pole, Each school district shall erect a flag pole on the building or premises of each public school and, while school is in session, at such times as it directs, shall cause a United States flag, which shall not be lettered or marked in any way, to be displayed thereon; and may cause~~
a. A United States flag and a state State flag to may be displayed in such

~~schoolhouse~~ inside the school building. A person who violates a ~~provision of~~
this section shall be fined not more than \$10.00.

Sec. 227. 16 V.S.A. § 3821 is amended to read:

§ 3821. TRANSFER; ACCEPTANCE

An incorporated academy, institute, seminary, or other educational institution, having no capital stock, by vote of at least two-thirds of ~~the~~ its directors, trustees, or other governing body ~~thereof~~, may authorize the transfer of all of its real and personal property, including trust funds, ~~as hereinafter provided, to the town school district or incorporated school district, in which~~ such to the school district in which the academy, institute, seminary, or other educational institution is located as provided in this chapter. ~~The town school district or incorporated school district~~, at an annual or special meeting of the legal voters ~~thereof~~ warned for the purpose, may vote to accept the transfer of ~~such~~ real and personal property, including trust funds, ~~as hereinafter provided in this chapter~~, to be used for school purposes.

Sec. 228. 16 V.S.A. § 3822 is amended to read:

§ 3822. PROCEEDING IN SUPERIOR COURT

(a) An incorporated academy, institute, seminary, or other educational institution, and ~~the town school district or incorporated school district~~, having so voted, shall, before such transfer is made, a school district, upon completion of the votes required by section 3821 of this title and before transfer of any

property, shall apply to the superior court of the county ~~where the same in~~
which the property is located setting forth ~~such the~~ votes and ~~such any~~ other
material facts ~~as may be material~~.

(b) The court shall issue an order stating the substance of the bill and fixing
the time and place of hearing ~~on the same~~. The plaintiff shall cause ~~such the~~
order to be published in a newspaper named ~~therein~~ in the order, three weeks
successively, the last publication to be at least ten days prior to the date fixed
for the hearing. The plaintiff shall give ~~such~~ further notice as ~~the court in its~~
~~order shall direct~~ required by the order.

(c) Upon hearing, the court shall determine what portion, if any, of the real
and personal property to be transferred is held in trust ~~and~~, may order the
transfer ~~thereof~~ of that property subject to the terms of the trust, ~~or~~ may make
~~such any~~ other orders and decrees for the protection and disposition of the
same as it deems proper, and shall order the remainder of the real and personal
property to be transferred in accordance with the votes authorizing ~~such the~~
transfer for use for school purposes.

Sec. 229. 16 V.S.A. § 3851(c) is amended to read:

(c) "Eligible institution" means any:

(1) nonprofit library that serves the public;

(2) private or independent nonprofit university, college, ~~primary~~
elementary school, or secondary school in the state;

* * *

(5) any:

* * *

(D) nonprofit assisted living facility, nonprofit continuing care retirement facility, nonprofit residential care facility, or similar nonprofit facility for the continuing care of ~~the persons who are~~ elderly or the infirm ~~infirm~~, provided that ~~such~~ the facility is owned by or under common ownership with an otherwise eligible institution, and in the case of facilities to be financed for an eligible institution provided by this subdivision (5) of this subsection, for which the ~~department of financial regulation~~ Department of Financial Regulation, if required, has issued a certificate of need.

Sec. 230. 16 V.S.A. § 3852 is amended to read:

§ 3852. VERMONT EDUCATIONAL AND HEALTH BUILDINGS

FINANCING AGENCY; CREATION; MEMBERS

(a) A board of 13 members known as the Vermont ~~educational and health buildings financing agency~~ Educational and Health Buildings Financing Agency is created. It is a body corporate and politic constituting a public instrumentality of the ~~state~~ State. The ~~commissioner of education, the secretary of human services, the state treasurer~~ State Treasurer, or his or her designee, ~~and the secretary of administration~~ the Secretaries of Education, of Human Services, and of Administration shall be members ex officio. The

~~governor~~ Governor, with the advice and consent of the ~~senate~~ Senate, shall appoint seven members for six-year terms. The members appointed by the ~~governor~~ Governor shall appoint two additional members whose term of office shall be two years.

* * *

(c) ~~Notwithstanding subsection (a) of this section, to the first board the governor shall appoint two members to serve until February 1, 1968, two members to serve until February 1, 1970, and three members to serve until February 1, 1972, and the additional members to be appointed by the members appointed by the governor shall serve until February 1, 1968.~~

(d) Notwithstanding any general or special law to the contrary, the provisions of 8 V.S.A. chapter 73 shall not apply to the ~~agency~~ Agency or to any loan ~~heretofore or hereafter~~ made by the ~~agency~~ Agency in accordance with this title before or after the effective date of this section.

Sec. 231. 16 V.S.A. § 3859(a) is amended to read:

(a) ~~It is hereby found, determined and declared that the~~ The creation of the ~~agency~~ Agency and the carrying out of its corporate purposes is in all respects for the benefit of the people of the ~~state~~ State of Vermont, and for the improvement of their education, health, welfare, and prosperity, and is a public purpose, ~~and that the agency.~~ The Agency will be performing an essential governmental function in the exercise of the powers conferred upon it by this

chapter. The ~~state~~ State of Vermont covenants with the holders of the bonds and notes that the ~~agency~~ Agency shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision, or upon its activities in the operation and maintenance of facilities, or upon any moneys, revenues, or other income received by the ~~agency~~ Agency; and that the bonds and notes of the ~~agency~~ Agency and the income ~~therefrom~~ from them shall at all times be exempt from taxation, except for transfer and estate taxes.

Sec. 232. 16 V.S.A. § 3862 is amended to read:

§ 3862. REPORTS

~~The Vermont educational and health buildings finance agency~~
Notwithstanding the provisions of 2 V.S.A. § 20(d), the Vermont Education and Health Buildings Finance Agency shall prepare and annually submit, consistent with 2 V.S.A. § 20(a), to the governor annually by January 15 to the Governor a complete report listing all projects applied for, planned, in progress, and completed, and a complete financial report duly audited and certified by a certified public accountant.

Sec. 233. 16 V.S.A. § 4001(6)(A) is amended to read:

~~(A) For purposes of determining whether a proposed budget shall be presented by means of a divided question pursuant to subdivision 563(11)(A) of this title, “education spending” shall not include:~~

~~(i) Spending during the budget year for approved school capital construction for a project that received preliminary approval under section 3448 of this title, including interest paid on the debt; provided the district shall not be reimbursed or otherwise receive state construction aid for the approved school capital construction.~~

~~(ii) For a project that received final approval for state construction aid under chapter 123 of this title:~~

~~(I) Spending for approved school capital construction during the budget year that represents the district's share of the project, including interest paid on the debt;~~

~~(II) Payment during the budget year of interest on funds borrowed under subdivision 563(21) of this title in anticipation of receiving state aid for the project.~~

~~(iii) For a district that provides for the education of its resident pupils in one or more grades by paying tuition and does not maintain a school that includes the grade or grades, in the district's discretion, the district's anticipated spending for tuition in the year for which the budget is proposed; alternatively, the district may choose to include within its definition of "education spending" its estimated tuition expenditures for the budget year.~~

~~(iv) Spending attributable to the cost of planning the merger of a small school, which for purposes of this subdivision means a school with an average grade size of 20 or fewer students, with one or more other schools.~~

~~(v) Spending attributable to the district's share of spending for 21st Century Community Learning Centers after school programs.~~

~~(vi) Spending during the budget year attributable to the costs of providing alternative educational opportunities designed to encourage at-risk high school students to remain enrolled in and to graduate from high school, whether offered by the district or a contracting entity. [Repealed.]~~

Sec. 234. 16 V.S.A. § 4002 is amended to read:

§ 4002. PAYMENT; ALLOCATION

(a) State and federal funds appropriated for services delivered by the supervisory union and payable through the ~~department of education~~ Agency shall be paid to the order of the supervisory union and administered in accordance with the plan adopted under subdivision 261a(4) of this title. Funding for special education services under section 2969 of this title shall be paid to the districts in accordance with that section.

(b) The ~~commissioner~~ Secretary shall notify the superintendent or chief executive officer of each supervisory union in writing of federal or state funds disbursed to member school districts.

Sec. 235. 16 V.S.A. § 4003 is amended to read:

§ 4003. CONDITIONS

(a) No school district shall receive any aid under this chapter unless that school district complies with the provisions of law relative to teachers' salaries, appointment of superintendents, detailed financial reports to the ~~state department of education~~ Agency, and any other requirements of law.

(b) Aid to any district shall not be denied unless ~~such~~ the district unreasonably refuses to comply with ~~such~~ the requirements of law. Any school district denied aid by reason of the provisions of this section shall have the right within 60 days from the date of such denial to appeal to the superior court in the county where ~~such~~ the district is situated.

Sec. 236. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

(a) On or before the first day of December during each school year, the ~~commissioner~~ Secretary shall determine the average daily membership of each school district for the current school year. The determination shall list separately:

- (1) Resident prekindergarten children;
- (2) Resident ~~pupils~~ students being provided elementary or kindergarten education; and
- (3) Resident ~~pupils~~ students being provided secondary education.

(b) The ~~commissioner~~ Secretary shall determine the long-term membership for each school district for each student group described in subsection (a) of this section. The ~~commissioner~~ Secretary shall use the actual average daily membership over two consecutive years, the latter of which is the current school year. If, however, in one year, the actual average daily membership of kindergarten through 12th grade increases by at least 20 students over the previous year, the ~~commissioner~~ Secretary shall compute the long-term membership by adding 80 percent of the actual increase, to a maximum increase of 45 equalized pupils.

(c) The ~~commissioner~~ Secretary shall determine the weighted long-term membership for each school district using the long-term membership from subsection (b) of this section and the following weights for each class:

Prekindergarten 0.46

Elementary or kindergarten 1.0

Secondary 1.13

(d) The weighted long-term membership calculated under subsection (c) of this section shall be increased for each school district to compensate for additional costs imposed by students from economically deprived backgrounds. The adjustment shall be equal to the total from subsection (c) of this section, multiplied by 25 percent, and further multiplied by the poverty ratio of the district.

(e) The weighted long-term membership calculated under subsection (c) of this section shall be further increased by 0.2 for each ~~pupil~~ student in average daily membership for whom English is not the ~~pupil's~~ primary language.

(f) For purposes of the calculation under this section, a district's equalized pupils shall in no case be less than 96 and one-half percent of the district's equalized pupils in the previous year.

(g) The ~~commissioner~~ Secretary shall ~~adopt rules as necessary~~ develop guidelines to enable clear and consistent identification of ~~pupils~~ students to be counted under this section.

(h) On December 1 each year, the ~~commissioner~~ Secretary shall determine the equalized pupil count for the next fiscal year for district review. The ~~commissioner~~ Secretary shall make any necessary corrections on or before December 15, on which date the count shall become final for that year.

(i) The ~~commissioner~~ Secretary shall evaluate the accuracy of the weights established in subsection (c) of this section and, at the beginning of each biennium, shall propose to the ~~house and senate committees on education~~ House and Senate Committees on Education whether the weights should stay the same or be adjusted.

Sec. 237. 16 V.S.A. § 4011 is amended to read:

§ 4011. EDUCATION PAYMENTS

* * *

(c) Annually, each school district shall receive an education spending payment for support of education costs. An unorganized town or gore shall receive an amount equal to its adjusted education payment for that year for each student based on the weighted average daily membership count which shall not be equalized. ~~In fiscal years 2007 and after, no~~ A district shall not receive more than its education spending amount.

(d) [Repealed.]

(e) The ~~commissioner~~ Secretary shall pay an amount equal to 87 percent of the base education amount to the Vermont Academy of Science and Technology for each Vermont resident, 12th grade student enrolled.

(f) Annually, the ~~commissioner~~ Secretary shall pay to ~~a department or agency which~~ an entity that provides an adult diploma program, an amount equal to 26 percent of the base education amount for each student who completed the diagnostic portion of the program, based on an average of the previous two years.

(g) The ~~commissioner~~ Secretary shall pay to a school district a percentage of the base education amount for each resident student for whom the district is paying ~~a technical~~ tuition to a regional career technical center but who is not enrolled in the district and therefore not counted in the average daily membership of the district. The percentage of the base education amount to be

paid shall be the percentage of the student's full-time equivalent attendance at the career technical center multiplied by 87 percent.

(h) The ~~commissioner~~ Secretary shall make all payments required by subchapter 5 of chapter 23 of this title.

(i) Annually, by October 1, the ~~commissioner~~ Secretary shall send to school boards for inclusion in town reports and publish on the ~~department~~ Agency website the following information:

(1) the statewide average district spending per equalized pupil for the current fiscal year; and 125 percent of that average spending; and

(2) a statewide comparison of student-teacher ratios among schools ~~which~~ that are similar in number of students and number of grades.

Sec. 238. 16 V.S.A. § 4012 is amended to read:

§ 4012. STATE-PLACED STUDENTS

(a) A district ~~which~~ that provides for the education of its students by paying tuition to an approved independent school or a public school outside the district, shall receive from the ~~commissioner~~ Secretary an amount equal to the calculated net cost per pupil in the receiving school, as defined in section 825 of this title, prorated for the percentage of annual tuition billed for a state-placed student. If the calculated net cost per pupil in a receiving independent school or school located outside Vermont is not available, the ~~commissioner~~ Secretary shall pay the tuition charged. A district shall not

receive funds under this section if all the student's education costs are fully paid under subsection 2950(a) of this title.

(b) A school district shall request reimbursement under this section by submitting tuition bills and documentation of payment to the ~~commissioner~~ Secretary. The ~~commissioner~~ Secretary shall make reimbursement twice a year, once for requests submitted prior to January 1 and once for requests submitted prior to May 1. Requests submitted on or following May 1 shall be reimbursed in the next payment. The ~~commissioner~~ Secretary shall reconcile tuition overcharges in the year following payment to the school district pursuant to section 836 of this title. For the purpose of recovering any tuition overcharge, the ~~commissioner~~ Secretary shall be considered a receiving district.

Sec. 239. 16 V.S.A. § 4014 is amended to read:

§ 4014. EARLY EDUCATION

(a) Grants. The ~~commissioner~~ Secretary may grant funds for voluntary early education programs. The funds may be used for personnel costs, training of parents and staff, materials and educational equipment, and other costs related to early education programs.

(b) The ~~commissioner~~ Secretary shall solicit proposals for early education programs from community organizations serving young children. Community organizations include school districts, other public agencies, including Head

Start programs, and private agencies, including child care programs and parent-child centers.

(c) The ~~commissioner~~ Secretary also shall investigate to determine those areas ~~which~~ that are not served by early education programs and whose children are in greatest need of such services. In those areas, the ~~commissioner~~ Secretary shall provide assistance in preparing proposals for grants. In conducting the investigation, the ~~commissioner~~ Secretary shall collect and analyze demographic factors ~~which~~ that are likely to predict unusual community needs for early education services. The ~~commissioner~~ Secretary shall distribute the results of the analysis to all interested persons.

(d) The ~~commissioner~~ Secretary shall evaluate proposals based on the following criteria:

(1) The program will serve additional children with special needs, such as those who are economically disadvantaged, those who have limited English language skills, those ~~with disabling conditions~~ who have a disability, or those who have ~~suffered from~~ experienced or are at risk of; abuse or neglect.

(2) The program will rely on early screening of children's development to determine need.

(3) The program will provide experiential learning activities ~~which~~ that are developmentally appropriate for ~~three~~ three- and four-year olds. Such

activities may be provided in home or group settings or a combination of the two.

(4) The program will include active parental involvement in program design and in making decisions about services.

(5) The program has been cooperatively developed by community and school organizations that serve young children in a town or group of towns.

(6) There is a demonstrated need for the program.

(7) The program considers the transportation needs of children and parents.

(8) The program enables children with ~~disabling conditions~~ disabilities to be served in settings with peers who do not have a disability.

(9) The program includes voluntary training for parents.

(e) The ~~commissioner~~ Secretary shall give preference to programs to be offered in parts of the state ~~which~~ that do not have early education services at the time of the application.

(f) Grant proposals shall be submitted to the ~~commissioner~~ Secretary. Grants shall be for one year but may be renewed. No grant may exceed \$30,000.00. The ~~commissioner~~ Secretary may, in his or her discretion, set other terms of the grant.

Sec. 240. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) “Eligible school district” means a school district ~~which~~ that operates at least one school; and

(A) has a two-year average combined enrollment of fewer than 100 students in all the schools operated by the district; or

(B) has an average grade size of 20 or fewer.

* * *

(4) “Average grade size” means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, kindergarten and ~~pre-kindergarten~~ prekindergarten programs shall be counted together as one grade.

* * *

(b) Small schools support grant: Annually, the ~~commissioner~~ Secretary shall pay a small schools support grant to any eligible school district. The amount of the grant shall be the greater of:

* * *

(e) In the event that a school or schools ~~which~~ that have received a grant under this section merge in any year following receipt of a grant, and the consolidated school is not eligible for a grant under this section or the small

school grant for the consolidated school is less than the total amount of grant aid the schools would have received if they had not combined, the consolidated school shall continue to receive a grant for three years following consolidation.

The amount of the annual grant shall be:

(1) In the first year following consolidation, an amount equal to the amount received by the school or schools in the last year of eligibility.

(2) In the second year following consolidation, an amount equal to two-thirds of the amount received in the previous year.

(3) In the third year following consolidation, an amount equal to one-third of the amount received in the first year following consolidation.

Sec. 241. 16 V.S.A. § 4016 is amended to read:

§ 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

(a) A school district ~~which~~ or supervisory union that incurs allowable transportation expenditures shall receive a transportation reimbursement grant each year. The grant shall be equal to 50 percent of allowable transportation expenditures provided, however, that in any year the total amount of grants under this subsection shall not exceed the total amount of adjusted base year transportation grant expenditures. The total amount of base year transportation grant expenditures shall be \$10,000,000.00 for fiscal year 1997, increased each year thereafter by the annual price index for state and local government purchases of goods and services. If in any year the total amount of the grants

under this subsection exceed the adjusted base year transportation grant expenditures, the amount of each grant awarded shall be reduced proportionately. Transportation grants paid under this section shall be paid from the ~~education fund~~ Education Fund and shall be added to adjusted education payment receipts paid under section 4011 of this title.

(b) In this section, “allowable transportation expenditures” means the costs of transporting students to and from school for regular classroom services and shall not include expenditures for transporting students participating in curricular activities that take place off the school grounds ~~nor~~ or for transporting students participating in cocurricular activities. The ~~state board of education~~ State Board shall further define allowable transportation expenditures by rule.

(c) A district or supervisory union may apply and the ~~commissioner~~ Secretary may pay for extraordinary transportation expenditures incurred due to geographic or other conditions such as the need to transport students out of the school district to attend another school because the district does not maintain a public school. The ~~state board of education~~ State Board shall define extraordinary transportation expenditures by rule. The total amount of base year extraordinary transportation grant expenditures shall be \$250,000.00 for fiscal year 1997, increased each year thereafter by the annual price index for state and local government purchases of goods and services. Extraordinary

transportation expenditures shall not be paid out of the funds appropriated under subsection (b) of this section for other transportation expenditures.

Grants paid under this section shall be paid from the ~~education fund~~ Education Fund and shall be added to adjusted education payment receipts paid under section 4011 of this title.

Sec. 242. 16 V.S.A. § 4027 is amended to read:

§ 4027. EDUCATION FUND TRANSFER AMOUNTS

(a) [Repealed.]

(b) Annually, on or before June 1, each superintendent shall report to the ~~department of education~~ Agency, on a form prescribed by the ~~commissioner~~ Secretary, each education budget ~~which that~~ was adopted by May 1 for the following fiscal year by the member districts of the supervisory union and for which no petition for reconsideration has been filed. A superintendent shall report a budget adopted following May 1, to the ~~department of education~~ Agency, between 30 to 40 days following adoption, or, if a petition for reconsideration has been filed, within 10 days of final adoption of the budget.

Sec. 243. 16 V.S.A. § 4028 is amended to read:

§ 4028. FUND PAYMENTS TO SCHOOL DISTRICTS

(a) On or before September 10, December 10, and April 30 of each school year, one-third of the adjusted education payment under section 4011 of this title shall become due to school districts; except that districts ~~which that~~ have

not adopted a budget by 30 days before the date of payment under this subsection shall receive one-quarter of the base education amount, and upon adoption of a budget shall receive additional amounts due under this subsection.

(b) Payments made for special education under chapter 101 of this title, for technical education under chapter 37 of this title, and for other aid and categorical grants paid for support of education shall also be from the ~~education fund~~ Education Fund.

(c)(1) Any district that has adopted a school budget ~~which~~ that includes high spending, as defined in 32 V.S.A. § 5401(12), shall, upon timely notice, be authorized to use a portion of its high spending penalty to reduce future education spending ~~as follows~~:

(A) ~~By~~ by entering into a contract with an operational efficiency consultant or a financial systems consultant to examine issues such as transportation arrangements, administrative costs, staffing patterns, and the potential for collaboration with other districts;

(B) ~~By~~ by entering into a contract with an energy or facilities management consultant; or

(C) ~~By~~ by engaging in discussions with other school districts about reorganization or consolidation for better service delivery at a lower cost.

(2) To the extent approved by the ~~commissioner~~ Secretary, the ~~department~~ Agency shall pay the district from the property tax revenue to be generated by the high spending increase to the district's spending adjustment as estimated by the ~~commissioner~~ Secretary, up to a maximum of \$5,000.00. For the purposes of this subsection, "timely notice" means written notice from the district to the ~~commissioner~~ Secretary by September 30 of the budget year. If the district enters into a contract with a consultant pursuant to this subsection, the consultant shall not be an employee of the district or of the ~~department of education~~ Agency. A copy of the consultant's final recommendations or a copy of the district's recommendations regarding reorganization, as appropriate, shall be submitted to the ~~commissioner~~ Secretary, and each affected town shall include in its next town report an executive summary of the consultant's or district's final recommendations and notice of where a complete copy is available. No district is authorized to obtain funds under this section more than one time in every five years.

Sec. 244. 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.

(c) If the ~~commissioner of education~~ Secretary determines that a school district has spent funds paid under section 4028 of this title for an item that is not a legitimate item of current education expense, the treasurer of the municipality shall, within 90 days, remit the amount of the expenditure to the ~~education fund~~ Education Fund. The treasurer shall use funds raised pursuant to section 17 V.S.A. § 2664 of Title 17, section 20 V.S.A. § 2601 of Title 20, or section 24 V.S.A. § 1309 of Title 24 for this purpose. If the ~~commissioner of education~~ Secretary determines that a municipality other than a school district has spent funds for an item that is a legitimate item of current education expense, the treasurer of the municipality shall transfer the amount of the expenditure from the local education fund to the municipal fund.

(d) The legislative body of a school district or other municipality may appeal a decision of the ~~commissioner of education~~ Secretary under this section to the ~~state board of education~~ State Board, which shall hear the appeal de novo in the manner provided by 3 V.S.A. chapter 25 of Title 3 for the hearing of contested cases. A legislative body of a school district or other municipality may appeal a decision of the ~~state board of education~~ State Board to the superior court of the district in which the municipality is located. The superior court shall hear the matter de novo in the manner provided by Rule 74

of the Vermont Rules of Civil Procedure. An appeal from the decision of the superior court shall be to the supreme court under the Vermont Rules of Appellate Procedure.

(e) For the purposes of this section, notwithstanding any provision of municipal law to the contrary, “legitimate items of current educational expense” may include reasonable payments to a municipality for services performed on behalf of a school district by its corresponding town or city clerk, the town or city treasurer, or the town or city auditors.

(f) Annually, on a form prescribed by the ~~commissioner~~ Secretary, each school district shall report for the previous school year the amount it paid to or received from its corresponding municipality or municipal officials, including any payments made pursuant to subsection (e) of this section, and any property or in-kind services it donated to or received from its corresponding municipality.

Sec. 245. 16 V.S.A. § 4030 is amended to read:

§ 4030. DATA SUBMISSION; CORRECTIONS

(a) Upon discovering an error or change in data submitted to the ~~commissioner~~ Secretary for the purpose of determining payments to or from the education fund, a school district shall report the error or change to the ~~commissioner~~ Secretary as soon as possible. Any budget deficit or surplus due to the error or change shall be carried forward to the following year.

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

- (1) transportation aid due under section 4016 of this title; and
- (2) the small school support grant due under section 4015 of this title.

(c) The ~~commissioner~~ Secretary shall use data corrections regarding local education budget amounts submitted on or before June 15 prior to the fiscal year which begins the following July 1, in order to calculate the education payments due under section 4011 of this title. However, the ~~commissioner~~ Secretary may use data submitted after June 15 and prior to July 15 due to unusual or exceptional circumstances as determined by the ~~commissioner~~ Secretary.

(d) The ~~commissioner~~ Secretary shall not use data corrected due to an error submitted following the deadlines to recalculate the equalized pupil ratio under subdivision 4001(3) of this title. The ~~commissioner~~ Secretary shall not adjust average daily membership counts if an error or change is reported more than three fiscal years following the date that the original data was due.

(e) The ~~board~~ State Board may adopt rules as necessary to implement the provisions of this section.

* * * Title 3 * * *

Sec. 246. 3 V.S.A. § 212 is amended to read:

§ 212. DEPARTMENTS CREATED

The following administrative departments are hereby created, through the instrumentality of which the ~~governor~~ Governor, under the constitution, shall exercise such functions as are by law assigned to each department respectively:

* * *

(6) ~~The department of education~~ [Repealed.]

* * *

Sec. 247. 3 V.S.A. § 256(b) is amended to read:

(b) Notwithstanding any other provision of law, all secretaries of state agencies and all commissioners of state departments, ~~other than the commissioner of education,~~ shall take office only with the advice and consent of the ~~senate~~ Senate except in the case of an appointment to fill a vacancy when the general assembly is not in session in which case the appointee may take office subject to the provisions of section 257 of this title.

Sec. 248. 3 V.S.A. § 3026 is amended to read:

§ 3026. PARTNERSHIPS FOR CHILDREN, FAMILIES, AND
INDIVIDUALS

(a) ~~The secretary of human services, the commissioner of education, and the president~~ Secretary of Human Services, the Secretary of Education, and the

President of the University of Vermont shall establish a research partnership to study and make recommendations for improving the effectiveness of state and local health, human services, and education programs. Critical program outcomes relating to the well-being of Vermonters that should be addressed by the research partnership may include, without limitation, the following:

* * *

(b) ~~The secretary of human services and the commissioner of education~~
Secretaries of Human Services and of Education shall collaborate with regional partnerships for children, families, and individuals in each of the geographical regions of the state. Regional partnerships consist of citizens, consumers of health, human services, and education programs, family members, governmental agencies and nongovernmental organizations providing health, education, and human services, economic development representatives and business leaders, and any other individuals and groups who can contribute to the activities of the regional partnership. Regional partnerships shall develop and implement local strategies for improving the social well-being of Vermonters, and shall advise the ~~agency of human services and the department of education~~ Agencies of Human Services and of Education concerning effective implementation of state and local health, human services, and education programs.

(c) ~~The secretary of human services and the commissioner of education~~
Secretaries of Human Services and of Education shall collaborate with the state team for children, families, and individuals, consisting of representatives of the agencies and departments of state government which serve children, families, and individuals, state coordinators of interagency teams, directors of private sector service and advocacy organizations, institutions of higher education, coordinators for the regional partnerships, and any other individual or group who can contribute to the activities of the state team. The state team shall support the activities of the regional partnerships, and participate in the development and implementation of state policies and programs designed to improve the well-being of Vermonters.

(d) [Repealed.]

* * * Title 6 * * *

Sec. 249. 6 V.S.A. § 4701(b) is amended to read:

(b) ~~A sustainable agriculture council~~ Sustainable Agriculture Council is established, to be chaired by the ~~secretary of agriculture, food and markets~~
Secretary of Agriculture, Food and Markets. The ~~council~~ Council shall include the ~~commissioner of education~~ Secretary of Education and representatives, appointed by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets, of the ~~college of agriculture~~ College of Agriculture at the University of Vermont, the ~~extension service~~ Extension

Service at the University of Vermont, Vermont Technical College and farm organizations, and a representative of the low input sustainable agriculture program of the ~~United States~~ U.S. Department of Agriculture. The ~~council~~ Council shall meet on call of the secretary and shall make recommendations regarding:

* * *

Sec. 250. 6 V.S.A. § 4721(c) is amended to read:

(c) The ~~secretary and the commissioner of education~~ Secretaries of Agriculture, Food and Markets and of Education, in consultation with farmers, food service workers, and educators, shall jointly adopt rules relating to the content of the grant application and the criteria for making awards.

Sec. 251. 6 V.S.A. § 4722(b) is amended to read:

(b) For the purposes of this section and section 4723 of this title, the secretary may provide funds to one or more technical assistance providers to provide farm-to-school education and teacher training to more school districts and to assist the ~~secretary and the commissioner of education~~ Secretaries of Agriculture, Food and Markets and of Education to carry out farmer and food service worker training.

Sec. 252. 6 V.S.A. § 4723 is amended to read:

§ 4723. PROFESSIONAL DEVELOPMENT FOR FOOD SERVICE

PERSONNEL

(a) The ~~commissioner of education~~ Secretary of Education shall offer expanded regional training sessions for public school food service personnel and child care resource development specialists as funds are made available. Training shall include information about strategies for purchasing, processing, and serving locally grown foods, as well as information about nutrition, obesity prevention, coping with severe food allergies, and food service operations. The ~~commissioner of education~~ Secretary of Education may use a portion of the funds appropriated for this training session to pay a portion of or all expenses for attendees and to develop manuals or other materials to help in the training.

(b) The ~~commissioner of education~~ Secretary of Education shall train people as funds are made available to provide technical assistance to school food service personnel and use a portion of the funds appropriated for this purpose to enable the trained people to provide technical assistance at the school and school district levels.

(c) Training provided under this section shall promote the policies established in the Vermont nutrition and fitness policy guidelines developed by

the agency of agriculture, food and markets, the department of education, and the department of health, dated November 2005, or the guidelines' successor.

* * * Title 10 * * *

Sec. 253. 10 V.S.A. § 544 is amended to read:

§ 544. VERMONT CAREER INTERNSHIP PROGRAM

(a)(1) The ~~department of labor~~ Department of Labor, in consultation with the ~~department of education~~ Agency of Education, shall develop and implement a statewide Vermont career internship program for Vermonters who are in high school or in college and for those who are recent graduates of 24 months or less.

* * *

(b) The ~~department of labor~~ Department of Labor, in collaboration with the ~~agency of agriculture, food and markets, the department of education~~ Agencies of Agriculture, Food and Markets and of Education, state-funded postsecondary educational institutions, the ~~workforce development council~~ Workforce Development Council, and other state agencies and departments that have workforce development and training monies, shall:

* * *

Sec. 254. 10 V.S.A. § 1526(b) is amended to read:

(b) The ~~department of education~~ Agency of Education may incorporate information on this chapter in educational material which it normally

distributes to primary and secondary educational institutions within the ~~state~~ State. The ~~department~~ Agency may cooperate with the ~~agency of natural resources~~ Agency of Natural Resources in distributing any additional informative material on this chapter to schools in the ~~state~~ State.

* * * Title 15 * * *

Sec. 255. 15 V.S.A. § 1173(a)(3)(Q) is amended to read:

(Q) the ~~commissioner of the department of education~~ Secretary of Education or designee.

* * * Title 18 * * *

Sec. 256. 18 V.S.A. § 1123 is amended to read:

§ 1123. IMMUNIZATION RULES AND REGULATIONS

The ~~health department~~ Department of Health shall adopt rules for administering this subchapter. Such rules shall be developed in consultation with the ~~department of education~~ Agency of Education with respect to immunization requirements for Vermont schools, and in consultation with the ~~department for children and families~~ Department for Children and Families with respect to immunization requirements for child care facilities. Such rules shall establish which immunizations shall be required and the manner and frequency of their administration, and may provide for exemptions as authorized by this subchapter.

Sec. 257. 18 V.S.A. § 7401 is amended to read:

§ 7401. POWERS AND DUTIES

Except insofar as this part of this title specifically confers certain powers, duties, and functions upon others, the ~~commissioner~~ Commissioner shall be charged with its administration. The ~~commissioner~~ Commissioner may:

* * *

(17) ensure the provision of services to children and adolescents with or at risk for a severe emotional disturbance in coordination with the ~~commissioner of education and the commissioner for children and families~~ Secretary of Education and the Commissioner for Children and Families in accordance with the provisions of 33 V.S.A. chapter 43;

Sec. 258. 18 V.S.A. § 9503(d) is amended to read:

(d) The ~~department of education~~ Agency of Education shall administer school-based programs.

Sec. 259. 18 V.S.A. § 9504(b) is amended to read:

(b) The ~~board~~ Board shall consist of 14 members, including ex officio the ~~commissioner of health and the commissioner of education~~ Commissioner of Health and the Secretary of Education, or their designees; the ~~commissioner of the department of liquor control~~ Commissioner of Liquor Control or designee; the ~~attorney general~~ Attorney General or designee; a member of the ~~house of representatives~~ House of Representatives appointed by the ~~speaker of the~~

~~house~~ Speaker of the House; a member of the ~~senate~~ Senate appointed by the ~~committee on committees~~ Committee on Committees; a member representing a nonprofit organization qualifying under Section 501(c)(3) of the Internal Revenue Code and dedicated to anti-tobacco activities appointed by the ~~speaker of the house~~ Speaker of the House; a member representing the low income community appointed by the ~~senate committee on committees~~ Senate Committee on Committees; two persons under the age of 30, one appointed by the ~~speaker of the house~~ Speaker of the House and one appointed by the ~~senate committee on committees~~ Committee on Committees; and four members appointed by the ~~governor~~ Governor with the advice and consent of the ~~senate~~ Senate, including: one K-12 educator involved in prevention education; one tobacco use researcher; one member representing the health care community; and one tobacco industry countermarketing expert. The public members shall serve for three-year terms, beginning on July 1 of the year in which the appointment is made, except that the first members appointed by the ~~governor~~ Governor to the ~~board~~ Board shall be appointed, two for a term of two years, one for a term of three years and one for a term of four years. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term vacated.

Sec. 260. 18 V.S.A. § 9505 is amended to read:

§ 9505. GENERAL POWERS AND DUTIES

The ~~board~~ Board shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this section, and shall:

* * *

(5) review and make recommendations to the overall plan and any memorandum of understanding developed jointly by the ~~department of health and department of education~~ Department of Health and Agency of Education for school-based programs funded through the tobacco program fund;

* * *

* * * Title 20 * * *

Sec. 261. 20 V.S.A. § 3152(a) is amended to read:

(a) The Vermont ~~fire service training council~~ Fire Service Training Council is created. The ~~council~~ Council shall consist of 12 members. The ~~commissioner of labor, the commissioner of public safety, the director of fire safety, the commissioner of forests, parks and recreation, the commissioner of education, and the commissioner of health~~ Commissioner of Labor, the Commissioner of Public Safety, the Director of Fire Safety, the Commissioner of Forests, Parks and Recreation, the Secretary of Education, and the commissioner of health, or their designees, shall serve as ex officio members of the ~~council~~ Council. Six members shall be appointed by the ~~governor~~

Governor for three-year terms. Of the appointed members, the ~~governor~~
Governor shall appoint one member who during incumbency is a
representative of the Vermont ~~career fire chiefs association~~ Career Fire Chiefs
Association; one member who, at the time of appointment, is a representative
of the ~~professional firefighters~~ Professional Firefighters of Vermont; one
member, who, at the time of appointment, is a representative of the Vermont
~~fire chiefs association~~ Fire Chiefs Association and who is a fire chief of a
volunteer fire department; one member who, at the time of appointment, is a
representative of the Vermont ~~state firefighters association~~ State Firefighters
Association and who is a volunteer firefighter; one member who during
incumbency is an employee, officer, or director of an insurance company
domiciled in this ~~state~~ State and subject to the assessment under 32 V.S.A.
§ 8557; and one member of the public who is not involved in fire service. To
the extent possible, appointments shall be geographically representative.

* * * Title 21 * * *

Sec. 262. 21 V.S.A. § 432 is amended to read:

§ 432. RESTRICTIONS

(a) The ~~commissioner~~ Commissioner shall not issue a certificate for a child
under 16 pursuant to section 431 of this title until the ~~commissioner~~
Commissioner has received, examined, approved and filed the following
papers:

* * *

(4) Before a certificate approving the employment of a child as an actor or performer in motion pictures, theatrical productions, radio, or television is issued by the ~~commissioner~~ Commissioner, the ~~commissioner of education~~ Secretary of Education must approve the substance and conditions of the educational program being provided to the child during this employment which in no case shall be more than 90 days during the school year.

(b) The ~~commissioner~~ Commissioner shall refuse a certificate to a child under 16 years of age unless the child has completed the elementary school course, or received an equivalent education, or has been excused from further school attendance under the provisions of ~~section 1123 of Title 16 V.S.A.~~ § 1123.

Sec. 263. 21 V.S.A. § 435 is amended to read:

§ 435. EXAMINATION AND REPORT

When so ordered by the ~~commissioner of education~~ Secretary of Education, the superintendent of schools for the school district where the child under 16 years of age resides shall examine the child for the purpose of determining the child's eligibility for employment in accordance with the provisions of sections 432 and 433 of this title and shall, upon the completion of the examination, make a written report to the ~~commissioner of education~~ Secretary

of Education who shall transmit a copy of the report to the ~~commissioner~~
Commissioner.

Sec. 264. 21 V.S.A. § V.S.A. § 1101 is amended to read:

§ 1101. APPRENTICESHIP DIVISION AND COUNCIL

The ~~apprenticeship division and state apprenticeship council, hereinafter~~
~~referred to as the “council,”~~ Apprenticeship Division and the State
Apprenticeship Council (Council) shall be located within the ~~department of~~
~~labor~~ Department of Labor. The ~~commissioner of labor~~ Commissioner of
Labor shall supervise the work of the ~~division~~ Division, and shall be the chair
of the ~~council~~ Council. The ~~council~~ Council shall consist of 12 members, four
ex officio members and eight members who shall be appointed by the ~~governor~~
Governor. Of the ex officio members, one shall be the ~~commissioner of labor~~
Commissioner of Labor or designee, one shall be the ~~commissioner of public~~
~~safety~~ Commissioner of Public Safety or designee, one shall be the
~~commissioner of education~~ Secretary of Education or designee, and one shall
be the ~~director~~ Director of the ~~apprenticeship division~~ Apprenticeship Division
who shall act as secretary of the ~~council~~ Council without vote. The ~~council~~
Council shall be composed of persons familiar with apprenticeable
occupations. Of the appointed members, three shall be individuals who
represent employers, three shall be individuals who represent employee
organizations, and two shall be members of the public. Appointment of the

employer and the employee members shall be made for the term of three years except the employer and employee members first appointed shall be appointed for the term of one, two, and three years respectively. The ~~governor~~ Governor shall annually designate one member of the council as chair. Each member of the ~~council~~ Council who is not a salaried official or employee of the ~~state~~ State shall be entitled to compensation and expenses as provided in 32 V.S.A.

§ 1010.

Sec. 265. 21 V.S.A. § 1152(a) is amended to read:

(a) There is created a ~~youth in agriculture, natural resources, and food production consortium~~ Youth in Agriculture, Natural Resources, and Food Production Consortium of program providers in order that programs to build pathways to careers in agriculture, natural resources, and food production may be connected, developed, and supported in a coordinated manner. The ~~consortium~~ Consortium shall comprise employees of the ~~department of labor~~ Department of Labor assigned by the ~~commissioner of labor~~ Commissioner of Labor; employees of the ~~department of education~~ Agency of Education assigned by the ~~commissioner of education~~ Secretary of Education; employees of the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets appointed by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets; employees of the ~~agency of natural resources~~ Agency of Natural Resources appointed by the ~~secretary of~~

~~natural resources~~ Secretary of Natural Resources; representatives of the Extension Service of the University of Vermont selected by the ~~service~~ Service; and representatives from agriculture, food, and natural resources businesses appointed by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets.

Sec. 266. 21 V.S.A. § 1153(c) is amended to read:

(c) The consortium shall report by January 15, 2005 to the ~~commissioner of labor, the secretary of agriculture, food and markets, the secretary of natural resources, the commissioner of education, and the house and senate committees on agriculture and on education~~ Commissioner of Labor, the Secretary of Natural Resources, the Secretary of Education, and the house and Senate Committees on Agriculture and on Education on its progress, outcomes, and recommendations for expansion, development, and coordination of programs and pathways to careers in agriculture, natural resources, and food production in the ~~state~~ State.

Sec. 267. 21 V.S.A. § 1232(c) is amended to read:

(c) The ~~commissioner~~ Commissioner shall coordinate with existing services and other related state and federal organizations to assure communication and cooperation among programs and to share efforts and resources for new services and programs for displaced homemakers, including, ~~but not limited to: the department of education, the department for children and~~

~~families, VISTA, the state colleges, the University of Vermont, the Vermont extension service, and the governor's commission on women~~ the Secretary of Education, the Department for Children and Families, VISTA, the Vermont State Colleges, the University of Vermont, the Vermont Extension Service, and the Governor's Commission on Women.

* * * Title 23 * * *

Sec. 268. 23 V.S.A. § 607 is amended to read:

§ 607. JUNIOR OPERATOR'S LICENSE

(a) A junior operator's license may be issued initially only to persons who:

(1) are 16 and 17 years of age;

(2) have passed the driver examination required in subchapter 2 of this

chapter and a driver education and training course approved by the

~~commissioner of motor vehicles and the commissioner of education~~

Commissioner of Motor Vehicles and the Secretary of Education;

* * *

Sec. 269. 23 V.S.A. § 2012 is amended to read:

§ 2012. EXEMPTED VEHICLES

No certificate of title need be obtained for:

(1) A vehicle owned by the United States, unless it is registered in this

~~state~~ State;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or used by an educational institution approved by the ~~department of education~~ Agency of Education for driver training purposes, or a vehicle used by a manufacturer solely for testing;

* * *

* * * Title 24 * * *

Sec. 270. 24 V.S.A. § 1523(b) is amended to read:

(b) When a school district at the end of the fiscal year contemplated by section 1683 of this title has a deficit, unless the voters have voted to borrow funds to repay the deficit over a term of three years or less, or unless the deficit has been refunded pursuant to chapter 53 of this title, the school board shall add an amount sufficient to pay the deficit to its next adopted budget and report the total to the ~~commissioner of education~~ Secretary of Education for purposes of calculating education spending.

Sec. 271. 24 V.S.A. § 2804(b) is amended to read:

(b) If a reserve fund is established under subsection (a) of this section to pay a school district's future school capital construction costs approved under ~~chapter 123 of Title 16 V.S.A. chapter 123~~, any funds raised by the district as part of its education spending to pay for those future costs shall be considered "approved school capital construction spending" in calculating excess

spending under 32 V.S.A. § 5401(12). Districts shall submit to the ~~department of education~~ Agency of Education annually a report of deposits into and expenditures from a school capital construction reserve fund. If the ~~department of education~~ Agency of Education determines that any amount in the reserve fund has not been used for approved school capital construction within five years after deposit into the fund, then 150 percent of that amount shall be added to the district's education spending in the then-current year for purposes of calculating the excess spending penalty. The definitions in ~~chapter 133 of Title 16~~ V.S.A. chapter 133 shall apply to this subsection.

Sec. 272. 24 V.S.A. § 4413(a) is amended to read:

(a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(1) State- or community-owned and operated institutions and facilities.

(2) Public and private schools and other educational institutions certified by the ~~state department of education~~ Agency of Education.

* * *

* * * 24 Appendix * * *

Sec. 273. 24 App. V.S.A., chapter 107, § 6.6 is amended to read:

§ 6.6. GENERAL POWERS AND RESPONSIBILITIES OF THE SCHOOL
DIRECTORS

The school directors are responsible for the administration and maintenance of the public schools; and, in addition to other duties specifically assigned by law (See 16 V.S.A. § 563), shall:

* * *

(9) Establish, with the advice and consent of the ~~state auditor of accounts and the commissioner of education~~ Vermont Auditor of Accounts and Secretary of Education, an accounting system for the proper control of school district finances and for stating the annual financial condition of the school district.

* * *

Sec. 274. 24 App. V.S.A. chapter 129, § 603 is amended to read:

§ 603. RESPONSIBILITIES, POWERS AND DUTIES

* * *

(b) In particular, in addition to other duties specifically assigned by law, the Superintendent shall be the chief executive officer for the School Board and on behalf of the School Board shall:

* * *

(4) Furnish the ~~commissioner of education~~ Secretary of Education such data and information as ~~he/she~~ he or she may require.

* * *

* * * Title 26 * * *

Sec. 275. 26 V.S.A. § 3402(d) is amended to read:

(d) Nothing in subsection (a) of this section shall prevent a student from performing acupuncture under the supervision of a competent licensed acupuncturist instructor:

(1) within a school or a college or an acupuncture department of a college or university ~~which~~ that is licensed by the Vermont ~~state department of education~~ Agency of Education or certified by the Accreditation Commission for Acupuncture and Oriental Medicine; or

(2) as a student in a director-approved apprenticeship; or

(3) as an intern in any hospital.

Sec. 276. 26 V.S.A. § 4451(4) is amended to read:

(4) ~~“Department” means the department of education~~ “Agency” means the Agency of Education.

Sec. 277. 26 V.S.A. § 4455(a) is amended to read:

(a) The ~~secretary~~ Secretary, in consultation with the ~~commissioner of education~~ Secretary of Education, shall appoint two individuals to serve as advisors in matters related to audiology and speech-language pathology. One

advisor shall be a licensed speech-language pathologist, and one advisor shall be an audiologist. Advisors who are speech-language pathologists or audiologists shall have not less than three years' experience as audiologists or speech-language pathologists immediately preceding appointment, and shall be actively engaged in the practice of audiology or speech-language pathology in Vermont during incumbency. The advisors shall be appointed for staggered terms of three years, and shall serve at the pleasure of the secretary. One of the initial appointments may be for less than a three-year term.

Sec. 278. 26 V.S.A. § 4456 is amended to read:

§ 4456. ~~COMMISSIONER~~ SECRETARY OF EDUCATION; DUTIES

(a) The ~~commissioner of education~~ Secretary of Education shall administer the application and renewal process for all licensees under this chapter, and shall:

* * *

(b) The ~~department~~ Agency may contract with the ~~secretary~~ Secretary of State for provision of adjudicative services of one or more administrative law officers and other investigative, legal, and administrative services related to licensure and discipline of speech-language pathologists and audiologists.

* * * Title 28 * * *

Sec. 279. 28 V.S.A. § 121(a) is amended to read:

(a) A board is established for the purpose of advising the ~~director of corrections education~~ Director of Corrections Education when serving as the ~~superintendent~~ Superintendent of the Community High School of Vermont, the independent school established in section 120 of this title. The board shall have supervision over policy formation for the Community High School of Vermont, except as otherwise provided, shall recommend school policy to the director of corrections education, may create a structure for local advisory boards as it deems appropriate, and shall perform such other duties as requested from time to time by the ~~commissioner of education or of corrections~~ Secretary of Education or Commissioner of Corrections.

* * * Title 29 * * *

Sec. 280. 29 V.S.A. § 152(a)(15) is amended to read:

(15) The ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services is authorized to consult with the ~~commissioner of education~~ Secretary of Education, when requested by the ~~commissioner of education~~ Secretary, concerning school construction projects.

Sec. 281. 29 V.S.A. § 152(a)(26) is amended to read:

(26) Be available to consult with and share the ~~department's~~ Department's expertise with school districts regarding the design, construction,

or purchase of any new buildings or alterations of existing buildings in connection with any career technical center receiving funding under Title 16. The ~~commissioner~~ Commissioner, in collaboration with the ~~commissioner of education~~ Secretary of Education, shall periodically update the standards developed pursuant to Sec. 44 of No. 148 of the Acts of the 1999 Adj. Sess. (2000).

Sec. 282. 29 V.S.A. § 905(a) is amended to read:

(a) The ~~commissioner of buildings and general services and the commissioner of education~~ Commissioner of Buildings and General Services and the Secretary of Education, or their designees, shall develop and promote a program of centralized purchasing of equipment and supplies for public schools in Vermont, by which purchases may be combined in order to obtain volume purchasing discounts and other purchasing benefits.

* * * Title 32 * * *

Sec. 283. 32 V.S.A. § 5401(12) is amended to read:

(12) "Excess spending" means:

(A) the per-equalized-pupil amount of the district's education spending, as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a capital construction reserve fund under 24 V.S.A. § 2804(b);

(B) in excess of 125 percent of the statewide average district education spending per equalized pupil in the prior fiscal year, as determined

by the ~~commissioner of education~~ Secretary of Education on or before
November 15 of each year based on the passed budgets to date.

Sec. 284. 32 V.S.A. § 5402(c) is amended to read:

(c) The treasurer of each municipality shall by December 1 of the year in which the tax is levied and on June 1 of the following year pay to the ~~state treasurer~~ State Treasurer for deposit in the education fund ~~one-half~~ one-half of the municipality's statewide nonresidential tax and ~~one-half~~ one-half of the municipality's homestead education tax, as determined under subdivision (b)(1) of this section. The ~~commissioner of education~~ Secretary of Education shall determine the municipality's net nonresidential education tax payment and its net homestead education tax payment to the ~~state~~ State based on grand list information received by the ~~commissioner~~ Secretary no later than the March 15 prior to the June 1 net payment. Payment shall be accompanied by a return prescribed by the ~~commissioner of education~~ Secretary of Education. The municipality may retain 0.225 of one percent of the total education tax collected, only upon timely remittance of net payment to the ~~state treasurer~~ State Treasurer. The municipality may also retain \$15.00 for each late property tax adjustment claim filed after April 15 and before September 2, as notified by the ~~department~~ Department of Taxes, for the cost of issuing a new property tax bill.

Sec. 285. 32 V.S.A. § 5402b(a) is amended to read:

(a) Annually, by December 1, the ~~commissioner of taxes~~ Commissioner of Taxes shall recommend to the ~~general assembly~~ General Assembly, after consultation with the ~~department of education, the secretary of administration and the joint fiscal office~~ Agency of Education, the Secretary of Administration and the Joint Fiscal Office, the following adjustments in the statewide education tax rates under subdivisions 5402(a)(1) and (2) of this title:

* * *

Sec. 286. 32 V.S.A. § 5404(c) is amended to read:

(c) If a town clerk or the legislative body fails without good cause, as determined by the ~~commissioner~~ Commissioner, to transmit the grand list data or the tax data in a timely manner and in the format required by the director, the ~~commissioner~~ Commissioner shall notify the ~~secretary of transportation~~ Secretary of Transportation and the ~~commissioner of education~~ Secretary of Education, who shall withhold all general and other aid payments owing to the municipality until the grand list information is filed as required by the director under subsection (b) of this section. Federal funds are exempt from withholding if ~~the~~ either secretary ~~or commissioner~~ has an opinion of counsel that withholding would be a violation of federal law.

Sec. 287. 32 V.S.A. § 5406(b) is amended to read:

(b) Not later than April 1 of each year, the director shall certify to the ~~commissioner of education~~ Secretary of Education the equalized education property value and coefficient of dispersion for the prior year of every municipality of the state.

Sec. 288. 32 V.S.A. § 5408(b) is amended to read:

(b) Upon receipt of a petition for redetermination under subsection (a) of this section, the director shall, after written notice, grant a hearing upon the petition to the aggrieved town. The director shall thereafter notify the town and the ~~commissioner of education~~ Secretary of Education of his or her redetermination of the equalized education property value and coefficient of dispersion of the town or district, in the manner provided for notices of original determinations under section 5406 of this title.

* * * Title 33 * * *

Sec. 289. 33 V.S.A. § 703(b) is amended to read:

(b) The council shall consist of ~~eleven~~ 11 members:

(1) the ~~secretary of the agency of human services, commissioner of public safety, commissioner of education, commissioner of liquor control, and commissioner of motor vehicles~~ Secretary of Human Services, the Commissioner of Public Safety, the Secretary of Education, the Commissioner of Liquor Control, and the Commissioner of Motor Vehicles;

(2) one member shall be a member of a mental health agency who shall be appointed by the ~~governor~~ Governor; and

(3) five members shall be appointed by the ~~governor~~ Governor of which every consideration shall be given, if possible, to equal geographic apportionment. One of these members shall be a certified practicing teacher and one of these members shall be a school administrator.

Sec. 290. 33 V.S.A. § 706(c) is amended to read:

(c) Under the direction of the ~~commissioner of health~~ Commissioner of Health, the director shall review and approve all alcohol and drug programs developed or administered by any state agency or department, except for alcohol and drug education programs developed by the ~~department of education~~ Agency of Education in conjunction with the ~~alcohol and drug abuse council~~ Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.

Sec. 291. 33 V.S.A. § 1106(a) is amended to read:

(a) The ~~commissioner~~ Commissioner shall provide participating families case management services, periodic reassessment of service needs and the family development plan, and referral to any agencies or programs that provide the services needed by participating families to improve the family's prospects for job placement and job retention, including the following:

* * *

(9) Services for teen parents through the teen parent education program established in cooperation with the ~~department of education~~ Agency of Education.

(10) Any other services identified in the family development plan and determined by the ~~commissioner~~ Commissioner to be necessary and appropriate to achieve the purposes of this chapter.

Sec. 292. 33 V.S.A. § 1107(d) is amended to read:

(d) The ~~commissioner of education~~ Secretary of Education, with the assistance and support of the ~~commissioner for children and families, the commissioner of disabilities, aging, and independent living, and the commissioner of labor~~ Commissioner for Children and Families, the Commissioner of Disabilities, Aging, and Independent Living, and the Commissioner of Labor, shall develop and implement comparable and reciprocally recognized literacy assessment protocols that will be used for all clients seeking adult basic education, related services of the ~~department of education~~ Agency of Education, or the services of the ~~department of disabilities, aging, and independent living, the department of labor, or the department for children and families~~ Department of Disabilities, Aging, and Independent Living, the Department of Labor, or the Department for Children and Families, when such services are being sought for the purpose of developing or strengthening competencies or skills related to the clients'

current or future employment. Such protocols shall, to the extent practicable, utilize the same terminology and apply comparable criteria, consistent with individual program purposes and authorization, in determining when testing, other standardized measurement tools, or referrals to relevant professionals for evaluation or diagnosis are appropriate.

Sec. 293. 33 V.S.A. § 3304(b) is amended to read:

(b) By July 1, 1984, the ~~council~~ Council shall submit a prevention plan to the ~~governor and to the senate and house committees on health and welfare and appropriations~~ Governor and to the House Committees on Health Care and on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Appropriations. Such plan shall incorporate and consolidate the proposals and recommendations for primary prevention developed by:

(1) ~~department of education~~ Agency of Education;

* * *

Sec. 294. 33 V.S.A. § 3502 is amended to read:

§ 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC
SCHOOLS; 21ST CENTURY FUND

(a) Unless exempted under subsection (b) of this section, a person shall not operate a child care facility without a license, or operate a family child care home without registration from the department.

(b) The following persons are exempted from the provisions of subsection
(a) of this section:

* * *

(5) An after-school program that serves students in one or more grades from kindergarten through secondary school, that receives funding through the 21st Century Community Learning Centers program, and that is overseen by the ~~department of education~~ Agency of Education, unless the after-school program asks to participate in the child care subsidy program.

* * *

(d)(1) Regulations pertaining to child care facilities and family child care homes shall be designed to ensure that children in child care facilities and family child care homes are provided with wholesome growth and educational experiences, and are not subjected to neglect, mistreatment, or immoral surroundings.

(2) A licensed child care facility shall ensure that all individuals working at the facility receive orientation, based on materials recommended by the ~~agency of human services~~ Agency of Human Services and the ~~department of education~~ Agency of Education, on the prevention, identification, and mandatory reporting of child abuse, including child sexual abuse, signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing

the dangers of child sexual abuse in and close to the home, and other predatory behaviors of sex offenders.

* * *

Sec. 295. 33 V.S.A. § 4302 is amended to read:

§ 4302. STATE INTERAGENCY TEAM

(a) A state interagency team is created and shall consist of eight members:

(1) the ~~director~~ Director of the division responsible for special education for the ~~department of education~~ Agency of Education;

(2) the ~~department of education's~~ Agency of Education's consultant for children and adolescents with a severe emotional disturbance;

(3) the ~~director~~ Director of the division responsible for children's mental health services for the ~~department of developmental and mental health services~~ Department of Mental Health;

(4) the ~~children's program specialist for~~ Chief of the division responsible for ~~mental health services~~ Children, Adolescents, and Family Unit in the Division of Children's Mental Health Services for the ~~department of developmental and mental health services~~ Department of Mental Health;

(5) the ~~director of the division responsible for social services for the~~ Deputy Commissioner for the ~~department of social and rehabilitation services~~ Family Services Division of the Department for Children and Families;

(6) the placement consultant for the ~~division responsible for social services for the department of social and rehabilitation services~~ Family Services Division of the Department for Children and Families;

(7) a representative of the ~~secretary of the agency of human services~~ Secretary of Human Services; and

(8) a parent of a child or adolescent with a severe emotional disturbance. ~~Such~~ The parent shall receive compensation in accordance with the provisions of ~~section 1010 of Title 32 V.S.A. § 1010~~, and ~~such~~ the compensation shall be paid for by the ~~agency of human services~~ Agency of Human Services.

(b) The state interagency team shall have the following powers and duties:

(1) submit an annual report to the ~~commissioners of developmental and mental health services, social and rehabilitation services~~ Commissioners of Mental Health and for Children and Families and the Secretary of Education on the status of programs for children and adolescents with a severe emotional disturbance which shall include a system of care plan. The system of care plan shall identify the characteristics and number of children and adolescents with a severe emotional disturbance in need of services, describe the educational, residential, mental health, or other services needed, describe the programs and resources currently available, recommend a plan to meet the needs of such children and adolescents, and recommend priorities for the continuation or development of programs and resources;

(2) ~~ensure that local interagency teams are established by January 1, 1989;~~

~~(3)~~ develop and coordinate the provision of services to children and adolescents with a severe emotional disturbance;

~~(4)~~(3) make recommendations to the local interagency team for resolution of any case of a child or adolescent with a severe emotional disturbance referred by a local interagency team under subsection 4303(f) of this chapter; and

~~(5)~~(4) recommend to the ~~secretary of the agency of human services and to the commissioners of the departments of education, developmental and mental health services, and social and rehabilitation services~~ Secretaries of Human Services and of Education and the Commissioners of Mental Health and for Children and Families any fiscal, policy, or programmatic change at the local, regional, or state level necessary to enhance the ~~state's~~ State's system of care for children and adolescents with a severe emotional disturbance and their families.

Sec. 296. 33 V.S.A. § 4305 is amended to read:

§ 4305. COORDINATED SYSTEM OF CARE

(a)(1) Services provided by or through the ~~departments of developmental and mental health services, social and rehabilitation services and education~~ Departments of Mental Health and for Children and Families and the Agency

of Education to children and adolescents with a severe emotional disturbance shall be pursuant to a coordinated services plan, developed in accordance with the provisions of this chapter.

(2) Nothing in the provisions of this chapter shall be construed to grant an entitlement to any child or adolescent with a severe emotional disturbance to receive any educational, residential, mental health, or other service until and unless the ~~general assembly~~ General Assembly further provides that such children and adolescents or any subgroup thereof are so entitled.

* * *

(c) The ~~commissioners of developmental and mental health services, social and rehabilitation services and education~~ Commissioners of Mental Health and for Children and Families and the Secretary of Education shall jointly submit to the ~~general assembly~~ General Assembly a report on the status of programs for children and adolescents with a severe emotional disturbance and their families which shall include a system of care plan. The report shall be submitted together with the general appropriation bill provided for by ~~section 701 of Title 32~~ V.S.A. § 701. The system of care plan shall:

* * *

Sec. 297. 33 V.S.A. § 4509(b) is amended to read:

(b) The ~~secretary~~ Secretary may, with the cooperation of the ~~commissioner of education, the state board of education~~ Secretary of Education, the State

Board of Education, and the Vermont State Dental Society, establish an educational program for public school educators and pupils, covering adequately the fundamentals of oral hygiene, diet, and nutrition education.

Sec. 298. 33 V.S.A. § 4602(a) is amended to read:

(a) The ~~building bright futures program~~ Building Bright Futures Program shall be governed by a statewide council comprising no more than 23 members. The ~~building bright futures council's~~ Building Bright Futures Council's membership shall be as follows:

* * *

(3) the ~~commissioner of education~~ Secretary of Education;

* * *

Sec. 299. 33 V.S.A. § 4603 is amended to read:

§ 4603. POWERS AND DUTIES

The council established by section 4602 of this title shall have the following powers and duties necessary and appropriate to effectuating the purposes of this chapter:

* * *

(5) Work with the ~~secretaries of human services and of commerce and community development and the commissioner of education~~ Secretaries of Human Services, of Commerce and Community Development, and of

Education to ensure the coordination of existing budgets and policies that affect the care, health, and education of young children.

* * *

(7) Work with the ~~agencies of human services and of commerce and community development, the department of education~~ Agencies of Human Services, of Commerce and Community Development, and of Education, and the regional councils to coordinate and integrate the development of an early childhood budget that reflects alignment of funding with priorities identified in the system plan.

* * *

(14) Ensure children from birth to six years of age are included in statistical data systems developed by the ~~department of education~~ Agency of Education and other state agencies and that all such systems are interoperable.

* * *

Sec. 300. 33 V.S.A. § 4702 is amended to read:

§ 4702. SYSTEM FOR SERVICES TO CHILDREN AT RISK OF SCHOOL
FAILURE

* * *

(b) The ~~secretary of human services and the commissioner of education~~ Secretaries of Human Services and of Education shall develop and implement, through community-based organizations, a coordinated system of state and

local agencies that identifies children at risk of school failure, makes available to them and their families, as eligible and willing, coordinated early education and support services individually designed with each family and based on a family's identified needs, and encourages parents to use these services. After an informational meeting and prior to family participation in any screenings or services to be conducted in the home, the provider visiting the home shall explain the confidentiality policies and abuse and neglect reporting requirements. A parent shall be required to sign a form acknowledging their awareness of these policies and requirements. All services shall be voluntary, and when a local community chooses to offer services in the home, an alternative site shall be provided for families desiring services but not home visits.

(c) This system shall be accessible to local public review and comment in the agency of human services districts where these programs are in service through two warned public meetings per year. Two weeks in advance of these meetings, documents which fully describe program activities, including reports, budgets, plans, and working guidelines, shall be made available to school boards in program service areas and at the area lead agency. These meetings shall be co-chaired by an elected school board director or superintendent in the district and an official of the program's lead agency. The lead agency in each district, in cooperation with the ~~agency of human services~~

~~and the department of education~~ Agencies of Human Services and of Education, shall annually present a report of its activities and expenditures to appropriate committees of the ~~legislature~~ General Assembly.

(d) The ~~department of education and the agency of human services~~ Agency of Education and the Agency of Human Services shall have authority to adopt rules under ~~chapter 25 of Title 3 V.S.A. chapter 25~~ as necessary to implement this chapter. In addition, ~~the department or agency~~ either agency shall initiate rule-making if requested by a majority of the involved community-based lead agencies, or by the public as provided in ~~subsection 831(c) of Title 3 V.S.A.~~ § 831(c).

(e) Nothing in this chapter shall create an entitlement.

Sec. 301. 33 V.S.A. § 5318(c) is amended to read:

(c) Sixteen- to 17.5-year-olds. In the event that custody of a 16- to 17.5 year-old is transferred to the ~~department~~ Department pursuant to a petition filed under subsection 5309(d) of this title services to the child and to his or her family shall be provided through a coordinated effort by the ~~agency of human services, the department of education,~~ Agencies of Human Services and of Education and community-based interagency teams.

* * * Statutory Revision; Effective Date * * *

Sec. 302. STATUTORY REVISION; TITLE 16 REPUBLICATION

In its statutory revision capacity under 2 V.S.A. § 424, the Office of
Legislative Council shall, where appropriate,

(1) replace the word “pupil” with the word “student” except when
referring to “the net cost per pupil,” “equalized pupils,” “per pupil tuition,”
“full-time equivalent pupils,” and “legal pupils;”

(2) replace the words “technical education” with “career technical
education” or “CTE” and the words “technical center” with “career technical
center” or “CTE center;”

(3) replace the word “commissioner” with the word “Secretary” and the
word “department” with the word “Agency” when referring to the Secretary of
Education and the Agency of Education and make related grammatical
changes; and

(4) replace the word “plan” with the word “program” when referring to
an individualized education program.

Sec. 303. EFFECTIVE DATE

This act shall take effect on passage.