

H.876

An act relating to making miscellaneous amendments and technical corrections to education laws

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

* * * Education Quality Standards * * *

Sec. 1. 16 V.S.A. § 165 is amended to read:

§ 165. ~~STANDARDS OF QUALITY FOR PUBLIC SCHOOLS~~

EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL
OPPORTUNITIES; INDEPENDENT SCHOOL MEETING
QUALITY STANDARDS

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

(1) The school ~~shall~~, through a process including parents, teachers, students and community members, ~~develop, implement, and annually update a comprehensive action~~ develops, implements, and annually updates a continuous improvement plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve their goals. The plan shall also address the effectiveness of efforts made since the previous

~~action~~ continuous improvement plan to ensure the school maintains a safe, orderly, civil, and positive learning environment ~~which~~ that is free from harassment, hazing, and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title.

(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:

* * *

(C) information indicating progress toward meeting the goals of an annual ~~action~~ continuous improvement plan;

* * *

(b) Every two years, the 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 Secretary determines that a school is not meeting the education 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 Secretary shall recommend to the State Board one or more of the following actions:

* * *

(e) If the Secretary determines at any time that the failure of a school to meet the ~~school~~ education 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 one or more of the actions listed in subsection (b) of this section. The State Board shall then follow the procedure of subsection (c) of this section.

(f) In order to be designated an independent school meeting ~~school~~ education quality standards, an independent school shall participate in the ~~school~~ education 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~~ education quality standards unless the State Board, after opportunity for hearing, finds that:

(1) the school has discontinued its participation in the ~~school~~ education 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. 2. 16 V.S.A. § 11(a)(8) is amended to read:

(8) “Independent school” means a school other than a public school, which provides a program of elementary or secondary education, or both. An “independent school meeting ~~school~~ education quality standards” means an independent school in Vermont ~~which~~ that undergoes the ~~school~~ education quality standards process and meets the requirements of subsection 165(b) of this title.

Sec. 3. 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 and maintain one or more approved high schools in which high school education is provided for its resident students unless:

(1) the electorate authorizes the school board to close an existing high school and to provide for the high school education of its students by paying

tuition to a public high school, an approved independent high school, or an independent school meeting ~~school~~ education quality standards, to be selected by the parents or guardians of the student, within or outside the State; or

* * *

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

* * *

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

* * *

Sec. 4. 16 V.S.A. § 824(b) is amended to read:

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

(1) If a payment made to a public high school or an independent school meeting ~~quality~~ education quality standards is three percent more or less than the calculated net cost per secondary pupil in the receiving school district or

independent school for the year of attendance then the district or school shall be reimbursed, credited, or refunded pursuant to section 836 of this title.

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

Sec. 5. 16 V.S.A. § 826(a) and (b) are amended to read:

(a) A school board, or the board of trustees of an independent school meeting ~~school~~ education quality standards that proposes to increase tuition charges shall notify the school board of the school district from which its nonresident students come, and the 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.

(b) A school board or the board of trustees of an independent school meeting ~~school~~ education quality standards may establish a separate tuition for one or more special education programs. No such tuition shall be established

unless the ~~state board~~ State Board has by rule defined the program as of a type which may be funded by a separate tuition. Any such tuition shall be announced in accordance with the provisions of subsection (a) of this section. The amount of tuition shall reflect the net cost per pupil in the program. The announcement of tuition shall describe the special education services included or excluded from coverage. Tuition for part-time ~~pupils~~ shall be reduced proportionally.

Sec. 6. 16 V.S.A. § 828 is amended to read:

§ 828. TUITION TO APPROVED SCHOOLS; ~~AGE~~; ~~APPEAL~~

A school district shall not pay the tuition of a ~~pupil~~ student except to a public school, an approved independent school, an independent school meeting ~~school~~ education quality standards, a tutorial program approved by the ~~state board~~ State Board, an approved education program, or an independent school in another state or country approved under the laws of that state or country, nor shall payment of tuition on behalf of a person be denied on account of age.

Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the amount of tuition payable, or the school he or she may attend, may appeal to the ~~state board~~ State Board and its decision shall be final.

Sec. 7. STATUTORY REVISION

In its statutory revision capacity under 2 V.S.A. § 424, the Office of Legislative Council shall, where appropriate, replace the words “school quality standards” with the words “education quality standards” wherever those words appear in the Vermont Statutes Annotated.

* * * Online Postsecondary Degree Programs * * *

Sec. 8. 16 V.S.A. § 176 is amended to read:

§ 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

* * *

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

(1) Programs of education sponsored by a trade, labor, business, or professional organization that are conducted solely for that organization’s membership or for members of the particular industries or professions served by that organization.

* * *

(m) Nothing in this chapter shall prohibit the State from participating in any interstate reciprocity agreement for the purpose of authorizing online postsecondary programs. For purposes of reciprocity between states for institutional authorization, the Secretary, or other Vermont agency as

appropriate, shall investigate any complaints related to Vermont institutions participating in a recognized interstate reciprocity agreement.

Sec. 9. 16 V.S.A. § 176a(e) is amended to read:

(e) Exemptions. The following are exempt from the provisions of this section:

(1) Programs of education sponsored by a trade, labor, business, or professional organization that are conducted solely for that organization's membership or for members of the particular industries or professions served by that organization.

* * *

(6) Programs of education offered solely via the Internet or electronic media, provided that the program's home state has entered into an interstate reciprocity agreement with Vermont and the program:

(A) is a member in good standing of the agreement within the home state; and

(B) has no "physical presence" in Vermont as that term is defined in the agreement.

* * * Residency; Out-of-State Placement; Adoptions * * *

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

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

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

* * *

(B) if the minor is in the custody of a legal guardian or pre-adoptive family appointed by a Vermont court or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian or pre-adoptive family resides;

* * *

Sec. 11. 16 V.S.A. § 11(28) is amended to read:

(28) “State-placed student” means:

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

(B) a Vermont 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~~ State agency, a Vermont licensed child placement agency, ~~or~~ a designated community mental health agency, or by a court of competent

jurisdiction in another state, territory, or country, 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 student's parent or parents; or

* * *

* * * Career Technical Education Centers * * *

Sec. 12. 16 V.S.A. § 1521(a) is amended to read:

(a) It is the policy of the ~~state~~ State of Vermont that all Vermonters should ~~receive~~ have access to educational services that ~~enable them to master the skills essential for further education and training or~~ provide them with the knowledge, skills, and work habits needed for further education and training, increase their employment options, and prepare them for successful entry into or advancement in the workplace.

Sec. 13. 16 V.S.A. § 1522 is amended to read:

§ 1522. DEFINITIONS

As used in this chapter:

(1) "Secondary CTE student" means a resident of this State, of any age, who has not completed high school and is enrolled in a secondary career technical education program approved by the Agency.

* * *

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

* * *

(15) “Program of study” means the comprehensive delivery of academic and career technical education that prepares students for postsecondary education or training and career success. At a minimum, a program of study: incorporates and aligns secondary and postsecondary education; includes academic and CTE content in a coordinated, nonduplicative progression of courses; offers the opportunity, when appropriate, for secondary students to earn postsecondary credit; prepares students for successful entry into or advancement in the workplace; and leads to an industry-recognized credential or certificate at the postsecondary level or to an associate or baccalaureate degree.

Sec. 14. 16 V.S.A. § 1531 is amended to read:

§ 1531. RESPONSIBILITY OF STATE BOARD

(a) The State Board has overall responsibility for the effectiveness of career technical education. This requires the ~~board~~ Board to collect suitable

information and to take appropriate steps within its legal, financial, and personnel resources to ensure that:

(1) career technical education is equally available to students and is of consistent quality in all parts of the State, including areas remote from ~~technical~~ CTE centers;

(2) the timing and content of career technical education is ~~properly and flexibly coordinated with academic instruction~~ fully integrated with rigorous academics;

(3) career technical education is available to adult students, particularly in areas where unemployment is high or occupational retraining needs are great. ~~This, which~~ includes entering into contracts with postsecondary educational institutions or with any resource supplier to provide adult programs at ~~technical~~ CTE centers;

(4) career technical education programs ~~and courses of study~~ are demonstrably useful to their graduates in pursuing postsecondary education and training, obtaining employment, or improving the quality of their employment; and

(5) career technical education programs are well coordinated with related ~~state~~ State programs in education and training. ~~This, which~~ includes ensuring that career technical education graduates receive appropriate credit

toward requirements in apprenticeship programs and professional licensing programs.

(b) In order to provide regional career technical education services efficiently, the State Board shall designate a service region for each ~~technical CTE~~ center. ~~However,; provided, however, that if a region is not served by a CTE center, then~~ the Board may designate a service region for two or more comprehensive high schools ~~if that region is not served by a technical center,~~ which shall work jointly to serve the needs of a region.

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Sec. 15. 16 V.S.A. § 1532 is amended to read:

§ 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

(a) The ~~state board~~ State Board shall adopt by rule:

(1) minimum standards for the operation and performance of ~~technical CTE~~ centers which include the ~~school~~ education quality standards adopted by the ~~state board~~ State Board under subdivision 164(9) and section 165 of this title;

(2) standards for student ~~performance~~ outcomes based on the standards adopted by the ~~state board~~ State Board under subdivision 164(9) of this title and standards for industry recognized credentials;

(3) the minimum number of days of ~~technical~~ CTE instruction for each academic year;

- (4) the minimum number of hours of instruction for each ~~course~~ program of study within career technical education;
 - (5) the availability of remedial programs offered to ~~technical~~ CTE students by ~~technical~~ CTE centers or by another school, agency, or program;
 - (6) accounting procedures and standards, including methods for calculating tuition for career technical education;
 - (7) a system of equipment inventory, amortization and maintenance; and
 - (8) procedures and requirements for measurement of student knowledge and skill upon entry into and exit from the ~~technical~~ CTE program. The purpose of the measurement shall be to determine student achievement in relation to the standards for academic and technical ~~competence~~ proficiency as adopted under subdivision (2) of this subsection. Aggregate results shall be reported to the communities in the service region along with other items reported pursuant to subdivision 165(a)(2) of this title.
- (b) The following shall be adopted by procedure or rule:
- (1) ~~competencies~~ technical proficiencies that graduates of each kind of technical program should be able to demonstrate, including technical ~~competencies~~ proficiencies necessary for the student's intended employment;
 - (2) minimum admissions ~~competencies~~ requirements for entrance into each career technical ~~course~~ program of study;

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

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

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

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

Sec. 16. 16 V.S.A. § 1533 is amended to read:

§ 1533. CAREER TECHNICAL CENTER EVALUATION

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

(b) Evaluations of ~~technical~~ CTE centers shall consider at least the following areas:

- (1) compliance with this chapter and the rules of the ~~state board~~ State Board;
- (2) the condition and suitability of the facility and its equipment;
- (3) the size, scope, and quality of the course each program of study;
~~including faculty development policies and instruction~~;
- (4) the overall success of the center at ~~combining~~ integrating academic
~~education instruction~~, skill training, and employability trait development into
its ~~program~~ programs;
- (5) the overall success of the center in providing regionwide services
and a flexible response to student needs, integrating its ~~courses~~ programs of
study into a coherent program, and coordinating its ~~program~~ programs with
postsecondary career technical education services;
- (6) the satisfaction of the center's customer groups, including graduates,
sending schools, and local industry;
- (7) the adequacy and effectiveness of the center in meeting the
educational and employment needs of all its eligible students, including its
success in taking steps to encourage each student to consider enrolling in
courses not traditional for that student's ~~sex~~ gender;
- (8) faculty development policies and instruction;

(9) the center's alignment with and responsiveness to State and regional workforce needs as identified by the Department of Labor in its then-current long-term and short-term occupational projections; and

(10) the center's alignment with the State's economic development policies and initiatives.

(c) [Repealed.]

Sec. 17. 16 V.S.A. § 1534 is amended to read:

§ 1534. ~~COURSE OF STUDY~~ PROGRAM EVALUATION

(a) At least once in each period of five years, ~~and in coordination with the Vermont Advisory Council on Technical Education,~~ the Secretary shall evaluate the effectiveness of each ~~course of study~~ program offered by any ~~technical~~ CTE center in the State. The State Board by rule shall prescribe the method for conducting these evaluations.

(b) Evaluations of ~~courses of study~~ programs shall consider at least the following areas as they apply in every center offering that ~~course~~ program:

(1) the content, size, scope, and quality of the program, including the ~~scope of instruction and the academic and practical competencies~~ technical proficiencies required for completion;

(2) the length of the ~~course~~ program;

(3) the adequacy of equipment used in the ~~course~~ program, including instructional technology;

- (4) the appropriateness of the program and its content in light of later career and ~~higher~~ postsecondary education choices made by recent graduates;
- (5) the usefulness of the program to recent graduates;
- (6) coordination with other ~~state~~ State programs, especially licensing, job training, and apprenticeship programs;
- (7) possibilities for decentralization of the program;
- (8) participation and completion rates in the program;
- (9) compliance with State Board rules;
- (10) the program's alignment with and responsiveness to State and regional workforce needs as identified by the Department of Labor in its then-current long-term and short-term occupational projections; and
- (11) the program's alignment with the State's economic development policies and initiatives.

(c) [Repealed.]

Sec. 18. 16 V.S.A. § 1541a(a) is amended to read:

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

* * *

- (3) if the ~~technical~~ CTE center for the region does not offer a ~~course of study~~ program 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 course of study that offers the program.~~ The district of residence is not responsible for providing transportation for a student attending a ~~technical~~ CTE center under this subdivision.

Sec. 19. 16 V.S.A. § 1542(a) is amended to read:

(a) ~~Each~~ For each CTE region, there is created a regional advisory board that shall consist of:

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

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

(3) one member elected for a term of three years by and from among the members of the school board of each sending district in the CTE center's service region that does not ~~have a public~~ operate a high school ~~represented on the advisory board under subdivision (1) of this section; except ; provided,~~ however, that if there are more than three such districts in the CTE center's service area, then 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 within ~~a~~ the service region, elected by the members of that board for a term determined by that board; and

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

Sec. 20. 16 V.S.A. § 1544 is amended to read:

§ 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

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

Sec. 21. 16 V.S.A. § 1545(a) is amended to read:

(a) Grades earned ~~in a course offered within~~ as part of a CTE program approved by the State Board shall not be altered by any public school or approved or recognized independent school in Vermont and shall be applied by the school toward any ~~state~~ State graduation requirements in accordance with rules adopted by the State Board. Any State Board rules regarding earning of

credits shall ~~allow flexibility with respect to~~ require the integration of CTE ~~education and other academic courses~~ instruction.

Sec. 22. 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 career technical center for the purposes of receiving funding for grants per full-time equivalent student under section 1561 of this title, for ~~tryout~~ pretechnical classes under section 1562 of this title, ~~for equipment replacement under section 1564 of this title~~, for incentive grants under section 1566 of this title, and for reporting requirements under section 1568 of this title. Funds received under this section shall be used for support of approved career technical education programs within the comprehensive high school.

(c) Two or more comprehensive high schools ~~for which~~ designated by the State Board ~~has designated a service region shall be a~~ to provide career technical education in a region of the State jointly shall operate a career technical center for the purposes of accountability to the State Board under subchapter 2 of this chapter, responsibilities of the career technical center

under subchapter 3 of this chapter, and receiving ~~state~~ State financial assistance under subchapter 5 of this chapter, excluding the per equalized pupil general ~~state~~ State support grant under subsection 1561(b). 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 Secretary who, after opportunity for hearing, may affirm or modify the decision.

Sec. 23. 16 V.S.A. § 1551 is amended to read:

§ 1551. SECONDARY STUDENT ELIGIBILITY

(a) A secondary student shall be enrolled in a program of part-time or full-time career technical education at a career technical center if he or she:

- (1) applies for the program; and
- (2) is accepted into the program by the career technical center.

(b) A secondary student who is eligible to enroll in a career technical center, but who resides in a sending school district, and who so applies, shall be enrolled for academic education in the high school associated with the career technical center if:

- ~~(1) the sending school district operates a high school but does not provide daily transportation at its expense to and from the technical center; or~~
- ~~(2) the sending school district does not operate a high school.~~

(c) A secondary student who enrolls in a career technical center may enroll part-time in any school to which he or she would otherwise be entitled to enroll for full-time attendance.

(d) Enrollment in a high school shall not be a precondition for enrollment in a CTE center for a student of any age without a diploma. For the purposes of this section, a general education development credential shall not be considered a high school diploma.

(e) A school district may establish reasonable procedures to require its resident students to discuss educational opportunities within CTE centers or the high school. Procedures shall not interfere with enrollment in a CTE center. If a student without a diploma who is not enrolled in a high school enrolls in a CTE center, within 10 days of enrollment, the CTE center shall notify the school district of residence of the enrollment.

Sec. 24. 16 V.S.A. § 1552(a) is amended to read:

(a) Each ~~technical~~ CTE center shall establish a tuition charge for secondary career technical education. The amount shall reflect the actual cost, as defined by rule of the ~~state board~~ State Board, of attendance in the technical ~~courses~~ programs offered by the center. The tuition charge shall be reduced proportionally for ~~pupils~~ students enrolled in a part-time program.

Sec. 25. 16 V.S.A. § 1562 is amended to read:

§ 1562. ~~TRYOUT CLASSES~~ PRETECHNICAL COURSES

From the monies annually available for use in career technical education, the ~~state board~~ State Board may reimburse part of the ~~program~~ cost attributable to ~~programs~~ courses designed to assist students ~~in deciding~~ to decide whether to enroll in career technical ~~courses~~ programs. As a condition of such assistance, the ~~program~~ course shall demonstrate that it has taken steps to encourage each student to consider enrolling in ~~courses~~ programs leading to occupations that are not traditional for that student's ~~sex~~ gender.

Sec. 26. 16 V.S.A. § 1563 is amended to read:

§ 1563. TRANSPORTATION ASSISTANCE

(a) It is the policy of the ~~general assembly~~ General Assembly to encourage Vermont students to enroll in career technical education ~~courses~~ programs. In furtherance of that policy, transportation assistance is provided ~~for~~ in this section to facilitate the enrollment of Vermont students in career technical education programs.

(b) Transportation assistance shall be paid from the ~~education fund~~ Education Fund to school districts ~~which~~ that provide transportation to and from approved career technical education programs, regardless of whether the program is offered in a ~~technical~~ CTE center in the district's designated service region or regions or is offered within ~~the~~ a career technical center region at a

location other than at a ~~technical~~ CTE center. Assistance shall be \$1.50 per mile for actual number of miles traveled, in 1998 dollars adjusted annually by the annual price index for state and local government purchases of goods and services. Payments shall be made on or before December 10 and June 10. Requests submitted on or following May 15 shall be reimbursed in the next payment.

(c) The ~~state board~~ State Board may adopt rules necessary to implement this section.

Sec. 27. 16 V.S.A. § 1565 is amended to read:

§ 1565. SALARY ASSISTANCE

(a) The ~~state board~~ State Board shall reimburse a school district operating a ~~technical~~ CTE center for a portion of its cost in paying the salary of the following persons:

- (1) the director of career technical education;
- (2) a person whose principal duty is to provide guidance services for career technical students;
- (3) a person whose principal duty is to find ~~job training~~ work-based learning opportunities for students during the time they are enrolled at the ~~technical~~ CTE center;
- (4) ~~an assistant director~~ a person whose principal duty is to coordinate programming for adult education;

(5) an assistant director of career technical education, if the ~~technical~~ CTE center has full-time equivalent enrollment of at least 150 and the sending school population is at least 30 percent of the ~~technical~~ CTE center's total full-time equivalent enrollment.

(b) Assistance under this section shall be determined by a formula and standards established by rule of the ~~state board~~ State Board. The formula and those standards:

(1) shall provide different levels of support for different positions as follows:

(A) Directors and guidance coordinators' salary assistance shall be 50 percent of the ~~state~~ State average salary and benefits for each position, or 50 percent of the actual salary and benefits for each individual, whichever is less;

(B) Assistant directors, ~~except for assistant directors for adult education, if the district is eligible,~~ and co-op teachers' salary assistance shall be 35 percent of the ~~state~~ State average salary and benefits for each position, or 35 percent of the actual salary and benefits for each individual, whichever is less;

(C) Salary assistance for ~~assistant directors for adult education~~ coordinators shall be up to 50 percent of the ~~state~~ State average salary and benefits paid to full-time ~~assistant directors for adult education~~ coordinators; salary assistance shall be prorated for part-time assistant ~~directors~~ coordinators.

Salary assistance under this subdivision (1)(C) shall not be paid from the ~~education fund~~ Education Fund to the extent that the obligation is not fully funded from the ~~general fund~~ General Fund. State ~~general fund~~ General Fund assistance shall be divided so that each district employing an ~~assistant directors~~ adult education coordinators receives the same base amount of ~~state~~ State salary support. The base support shall be pro-rated for part-time ~~assistant directors~~ coordinators. Payment under this subsection does not preclude a district from using other ~~state~~ State and federal grants to supplement the actual salaries and benefits of ~~assistant directors~~ for adult education coordinators.

(2) shall require as a condition of assistance that the director:

(A) is responsible for the overall administration of all career technical programs; and

(B) reports administratively to the superintendent of schools for the supervisory union of the school district ~~which~~ that operates the center, or to a headmaster if the career technical center is not managed by a school ~~board~~ district.

Sec. 28. 16 V.S.A. § 1592 is amended to read:

§ 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

With respect to the provision of postsecondary career technical education programs, in addition to those powers and responsibilities set forth in chapter

72 of this title, the Vermont State Colleges ~~board of trustees~~ Board of Trustees shall:

(1) ~~Provide~~ provide on a statewide basis, subject to the payment of fees by enrolled students, postsecondary career technical education programs and establish policies and determine curriculum for the provision of ~~such education. the programs;~~

(2) ~~Coordinate such~~ coordinate the programs with secondary regional ~~technical education~~ CTE centers and, to the maximum extent possible, contract with ~~such the~~ centers for the use of the center's facilities;

(3) ~~Coordinate such~~ coordinate the programs with other employment and training programs such as those offered by the ~~department of employment and training, the department of labor, the department for children and families, the agency of commerce and community development~~ Agency of Commerce and Community Development, the Department of Labor, the Department for Children and Families, independent colleges, and the Vermont Student Assistance Corporation; and

(4) ~~Possess~~ possess all other necessary and implied powers to carry out ~~such these~~ responsibilities.

* * * University of Vermont;

Graduate and Distance Education Programs * * *

Sec. 29. 16 V.S.A. § 2282(b) is amended to read:

(b) Except for ~~those attending students enrolled in the college of medicine~~ College of Medicine or in any other graduate program and students enrolled in distance education courses or programs, the amount of tuition ~~for paid by an~~ eligible Vermont ~~residents~~ resident for attendance during each academic year shall be not more than 40 percent of the tuition charged to ~~nonresident~~ students. Tuition for eligible Vermont residents for shorter terms shall be no more per credit hour than that charged eligible Vermont residents during the academic year a nonresident student. As used in this subsection, “distance education” means a course or program that can be completed in whole or in part through electronic media and does not require the student to be physically present on the University’s campus at any time. Distance education does not include any course in which a full-time undergraduate student is enrolled.

* * * Tiered System of Supports * * *

Sec. 30. 16 V.S.A. § 2902 is amended to read:

§ 2902. ~~EDUCATIONAL SUPPORT SYSTEM~~ TIERED SYSTEM OF
SUPPORTS AND EDUCATIONAL SUPPORT TEAM

(a) Within each school district’s comprehensive system of educational services, each public school shall develop and maintain ~~an educational support~~

~~system for students who require additional assistance in order~~ a tiered system
of academic and behavioral supports for the purpose of providing all students
with the opportunity to succeed or to be challenged in the general education
environment. For each school it maintains, a school district board shall assign
responsibility for developing and maintaining the ~~educational support system~~
tiered system of supports either to the superintendent pursuant to a contract
entered into under section 267 of this title or to the school principal. ~~The~~
~~educational support system~~ The school shall provide all students a full and fair
opportunity to access the system of supports and achieve educational success.
The tiered system of supports shall, at a minimum, include ~~an educational~~
~~support team and a range of support and remedial services, including~~
instructional and behavioral interventions and accommodations that are
available as needed for any student who requires support beyond what can be
provided in the general education classroom, and intensive, individualized
interventions for any student requiring a higher level of support.

(b) ~~The educational support system~~ tiered system of supports shall:

- (1) ~~Be integrated to the extent~~ aligned as appropriate with the general
education curriculum.
- (2) Be designed to ~~increase~~ enhance the ability of the general education
system to meet the needs of all students.

(3) Be designed to provide ~~students the support needed~~ necessary supports promptly, regardless of an individual student's eligibility for categorical programs.

(4) ~~Provide clear procedures and methods for addressing student behavior that is disruptive to the learning environment and include educational options, support services, and consultation or training for staff where appropriate. Procedures may include removal of a student from the classroom or the school building for as long as appropriate, consistent with state and federal law and the school's policy on student discipline, after reasonable effort has been made to support the student in the regular classroom environment~~ Seek to identify and respond to students in need of support for at-risk behaviors and to students in need of specialized, individualized behavior supports.

(5) ~~Ensure~~ Provide all students with a continuum of evidence-based and research-based behavior practices that teach and encourage prosocial skills and behaviors schoolwide.

(6) Promote collaboration with families, community supports, and the system of health and human services.

* * *

* * * Divided Vote; Repeal of Language No Longer in Effect * * *

Sec. 31. 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:

* * *

(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:~~

~~(I) 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:

* * *

* * * School Boards; Designation; Technical Correction * * *

Sec. 32. 16 V.S.A. § 563(31) is amended to read:

(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.~~

* * * District Spending Adjustment; Repeal of Exception * * *

Sec. 33. 32 V.S.A. § 5401(13) is amended to read:

(13) "District spending adjustment" means the greater of: one or a fraction in which the numerator is the district's education spending plus excess spending, per equalized pupil, for the school year; and the denominator is the base education amount for the school year, as defined in 16 V.S.A. § 4001. ~~For a district that pays tuition to a public school or an approved independent school, or both, for all of its resident students in any year and which has decided by a majority vote of its school board to opt into this provision, the district spending adjustment shall be the average of the district spending adjustment calculated under this subdivision for the previous year and for the current year. Any district opting for a two year average under this subdivision~~

~~may not opt out of such treatment, and the averaging shall continue until the district no longer qualifies for such treatment.~~

* * * Expanded Learning Opportunities * * *

Sec. 34. WORKING GROUP ON EQUITY AND ACCESS IN

EXPANDED LEARNING TIME; REPORT

(a) Creation. The Prekindergarten-16 Council shall create a working group from among its membership to review and evaluate issues of equity in and access to Vermont's expanded learning programs, including afterschool and summer programs. In particular, the Working Group shall identify:

(1) ways to increase connections between schools and afterschool and summer learning programs;

(2) ways to coordinate school-run programs and programs sponsored by community-based organizations;

(3) areas of the State with limited or inequitable access to expanded learning programs and the barriers to operating programs in those areas;

(4) the key elements of afterschool and summer learning programs that should be encouraged by State policy decisions in order to:

(A) ensure that programs are of the highest quality;

(B) contribute to more effective school-year approaches to educating underserved learners in Vermont;

(C) determine how a more comprehensive statewide strategy to promote high-quality afterschool and summer learning programs could be implemented over time;

(D) consider how changes to the school calendar may affect time available for learning; and

(E) identify how best to coordinate and augment existing funding streams for afterschool and summer learning programs.

(b) Report. On or before December 31, 2014, the Working Group shall report to the House and Senate Committees on Education with its findings and any recommendations for legislative action.

* * * Repeals * * *

Sec. 35. REPEALS

The following are repealed:

(1) 16 V.S.A. § 1421 (sight and hearing testing equipment).

(2) 16 V.S.A. § 1551a (career technical education; students not enrolled).

(3) 16 V.S.A. § 4001(6)(A) (divided vote; exceptions to education spending).

* * * Audits * * *

Sec. 36. 16 V.S.A. § 323 is amended to read:

§ 323. AUDIT BY PUBLIC ACCOUNTANT

~~Annually, the~~ The supervisory union board shall employ one or more public accountants to audit the financial statements of the supervisory union ~~and its member districts~~ on an annual basis and of its member districts once in every three years. The audits shall be conducted in accordance with generally accepted government auditing standards, including the issuance of a report of internal controls over financial reporting to be provided to recipients of the financial statements. Any annual report of the supervisory union to member districts shall include notice that the audits have been performed and the time and place where the full report of the public accountant will be available for inspection and for copying at cost.

* * * Effective Date * * *

Sec. 37. EFFECTIVE DATE

This act shall take effect on passage; provided, however, that Sec. 29 (tuition for graduate and distance education programs) shall not apply to students who are enrolled as of that date in the University of Vermont in:

(1) a distance education course or program; or

(2) a graduate program other than in the College of Medicine.