

S.130

An act relating to encouraging flexible pathways to secondary school completion

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

Sec. 1. 16 V.S.A. chapter 23, subchapter 2 is added to read:

Subchapter 2. Flexible Pathways to Secondary

School Completion

§ 941. FLEXIBLE PATHWAYS INITIATIVE

(a) There is created within the Agency a Flexible Pathways Initiative:

(1) to encourage and support the creativity of school districts as they develop and expand high-quality educational experiences that are an integral part of secondary education in the evolving 21st Century classroom;

(2) to promote opportunities for Vermont students to achieve postsecondary readiness through high-quality educational experiences that acknowledge individual goals, learning styles, and abilities; and

(3) to increase the rates of secondary school completion and postsecondary continuation in Vermont.

(b) The Secretary shall develop, publish, and regularly update guidance, in the form of technical assistance, sharing of best practices and model documents, legal interpretations, and other support, designed to assist school districts:

(1) to identify and support elementary and secondary students who require additional assistance to succeed in school and to identify ways in which individual students would benefit from flexible pathways to graduation;

(2) to work with every student in kindergarten through grade 12 in an individualized planning process that:

(A) identifies the student's emerging abilities, aptitude, and disposition;

(B) includes participation by families and other engaged adults;

(C) guides decisions regarding instructional approach in the elementary grades and course offerings and other high-quality educational experiences in the secondary grades; and

(D) culminates in a personalized learning plan (PLP);

(3) to create opportunities for students to pursue flexible pathways to graduation that:

(A) increase aspiration and encourage postsecondary continuation of training and education;

(B) are an integral component of a student's personalized learning plan; and

(C) include:

(i) applied or work-based learning opportunities, including career and technical education and internships;

(ii) virtual learning and blended learning;

(iii) dual enrollment opportunities as set forth in section 944 of

this title;

(iv) early college program as set forth in subsection 4011(e) of this

title;

(v) the High School Completion Program as set forth in section

943 of this title; and

(vi) the Adult Diploma Program and General Educational

Development Program as set forth in section 946 of this title; and

(4) to provide students, beginning no later than in the seventh grade, with career development and postsecondary planning resources to ensure that they are able to take full advantage of the opportunities available within the flexible pathways to graduation and to achieve their career and postsecondary education and training goals.

(c) Nothing in this subchapter shall be construed as discouraging or limiting the authority of any school district to develop or continue to provide educational opportunities for its students that are otherwise permitted, including the provision of Advanced Placement courses.

(d) An individual entitlement or private right of action shall not arise from creation of a personalized learning plan.

§ 942. DEFINITIONS

As used in this title:

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

(2) “Approved provider” means an entity approved by the Secretary to provide educational services that may be awarded credits or used to determine proficiency necessary for a high school diploma.

(3) “Blended learning” means a formal education program in which content and instruction are delivered both in a traditional classroom setting and through virtual learning.

(4) “Career development” means the identification of student interests and aptitudes and the ability to link these to potential career paths and the training and education necessary to succeed in these paths.

(5) “Carnegie unit” means 125 hours of class or contact time with a teacher over the course of one year at the secondary level.

(6) “Contracting agency” means an entity that enters into a contract with the Agency to provide “flexible pathways to graduation” services itself or in conjunction with one or more approved providers in Vermont.

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

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

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

(8) “Early college” means full-time enrollment, pursuant to subsection 4011(e) of this title, by a 12th grade Vermont student for one academic year in a program offered by a postsecondary institution in which the credits earned apply to secondary school graduation requirements.

(9) “Flexible pathways to graduation” means any combination of high-quality academic and experiential components leading to secondary school completion and postsecondary readiness, which may include assessments that allow the student to apply his or her knowledge and skills to tasks that are of interest to that student.

(10) “Personalized learning plan” and “PLP” mean a plan developed on behalf of a student in kindergarten through grade 12 by the student, a representative of the school, and, if the student is a minor, the student’s parents or legal guardian and updated at least annually by November 30; provided, however, that a home study student and the student’s parent or guardian shall

be solely responsible for developing a PLP. The PLP shall be developmentally appropriate and shall reflect the student's emerging abilities, aptitude, and disposition. Beginning no later than in the seventh grade, the PLP shall define the scope and rigor of academic and experiential opportunities necessary for the student to successfully complete secondary school and attain postsecondary readiness.

(11) "Postsecondary planning" means the identification of education and training programs after high school that meet a student's academic, vocational, financial, and social needs and the identification of financial assistance available for those programs.

(12) "Postsecondary readiness" means the ability to enter the workforce or to pursue postsecondary education or training without the need for remediation.

(13) "Virtual learning" means learning in which the teacher and student communicate concurrently through real-time telecommunication. "Virtual learning" also means online learning in which communication between the teacher and student does not occur concurrently and the student works according to his or her own schedule.

#### § 943. HIGH SCHOOL COMPLETION PROGRAM

(a) There is created a High School Completion Program to be a potential component of a flexible pathway for any Vermont student who is at least

16 years old, who has not received a high school diploma, and who may or may not be enrolled in a public or approved independent school.

(b) If a person who wishes to work on a PLP leading to graduation through the High School Completion Program is not enrolled in a public or approved independent school, then the 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 nonenrolled student is assigned shall work with the contracting agency and the student to develop a PLP. The school district shall award a high school diploma upon successful completion of the plan.

(c) The Secretary shall reimburse, and net cash payments where possible, a school district that has agreed to a PLP developed under this section in an amount:

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

(2) negotiated by the 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 PLP.

§ 944. DUAL ENROLLMENT PROGRAM

(a) Program creation. There is created a statewide Dual Enrollment Program to be a potential component of a student's flexible pathway. The Program shall include college courses offered on the campus of an accredited postsecondary institution and college courses offered by an accredited postsecondary institution on the campus of a secondary school. The Program may include online college courses or components.

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) the student:

(i) is enrolled in a Vermont public school, a Vermont career technical center, a public school in another state that is designated as the public secondary school for the student's district of residence, or an approved independent school that is eligible to receive publicly funded tuition dollars;

(ii) is assigned to a public school through the High School Completion Program; or

(iii) is a home study student;



(B) dual enrollment is an element included within the student's PLP; and

(C) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

(2) An eligible student may enroll in up to two dual enrollment courses prior to completion of secondary school for which neither the student nor the student's parent or guardian shall be required to pay tuition. A student may enroll in courses offered while secondary school is in session and during the summer.

(c) Public postsecondary institutions. The Vermont State Colleges and the University of Vermont shall work together to provide dual enrollment opportunities throughout the State.

(1) When a dual enrollment course is offered on a secondary school campus, the public postsecondary institution shall:

(A) retain authority to determine course content; and

(B) work with the secondary school to select, monitor, support, and evaluate instructors.

(2) The public postsecondary institution shall maintain the postsecondary academic record of each participating student and provide transcripts on request;

(3) To the extent permitted under the Family Educational Rights and Privacy Act, the public postsecondary institution shall collect and send data related to student participation and success to the student's secondary school and the Secretary, and shall send data to the Vermont Student Assistance Corporation necessary for the Corporation's federal reporting requirements.

(4) The public postsecondary institution shall accept as full payment the tuition set forth in subsection (f) of this section.

(d) Secondary schools. Each school identified in subdivision (b)(2)(A)(i) of this section that is located in Vermont shall:

(1) provide access for eligible students to participate in any dual enrollment courses that may be offered on the campus of the secondary school;

(2) accept postsecondary credit awarded for dual enrollment courses offered by a Vermont public postsecondary institution as meeting secondary school graduation requirements;

(3) collect enrollment data as prescribed by the Secretary for longitudinal review and evaluation;

(4) identify and provide necessary support for participating students and continue to provide services for students with disabilities; and

(5) provide support for a seamless transition to postsecondary enrollment upon graduation.

(e) Program management. The Agency shall manage or may contract for the management of the Dual Enrollment Program in Vermont by:

(1) marketing the Dual Enrollment Program to Vermont students and their families;

(2) assisting secondary and postsecondary partners to develop memoranda of understanding, when requested;

(3) coordinating with secondary and postsecondary partners to understand and define student academic readiness;

(4) convening regular meetings of interested parties to explore and develop improved student support services;

(5) coordinating the use of technology to ensure access and coordination of the Program;

(6) reviewing program costs;

(7) evaluating all aspects of the Dual Enrollment Program and ensuring overall quality and accountability; and

(8) performing other necessary or related duties.

(f) Tuition and funding.

(1) Tuition shall be paid to public postsecondary institutions in Vermont as follows:

(A) For any course for which the postsecondary institution pays the instructor, the student's school district of residence shall pay tuition to the postsecondary institution in an amount equal to the tuition rate charged by the Community College of Vermont (CCV) at the time the dual enrollment course is offered; provided however, that tuition paid to CCV under this subdivision (A) shall be in an amount equal to 90 percent of the CCV rate.

(B) For any course that is taught by an instructor who is paid as part of employment by a secondary school, the student's school district of residence shall pay tuition to the postsecondary institution in an amount equal to 20 percent of the tuition rate charged by the Community College of Vermont at the time the dual enrollment course is offered.

(2) Notwithstanding subdivision (1) of this subsection requiring the district of residence to pay tuition, the State shall pay 50 percent of the tuition owed to public postsecondary institutions under subdivision (1)(A) of this subsection from the Next Generation Initiative Fund created in section 2887 of this title; provided, however, that the total amount paid by the State in any fiscal year shall not exceed the total amount of General Fund dollars the General Assembly appropriated from the Fund in that year for dual enrollment purposes plus any balance carried forward from the previous fiscal year.

(3) If it agrees to the terms of subsection (c) of this section, an accredited private postsecondary institution in Vermont approved pursuant to

section 176 of this title shall receive tuition pursuant to subdivisions (1) and (2) of this subsection (f) for each eligible student it enrolls in a college-level course under this section.

(g) Private and out-of-state postsecondary institutions. Nothing in this section shall be construed to limit a school district's authority to enter into a contract for dual enrollment courses with an accredited private or public postsecondary institution not identified in subsection (c) of this section located in or outside Vermont. The school district may negotiate terms different from those set forth in this section, including the amount of tuition to be paid. The school district may determine whether enrollment by an eligible student in a course offered under this subsection shall constitute one of the two courses authorized by subdivision (b)(2) of this section.

(h) Number of courses. Nothing in this section shall be construed to limit a school district's authority to pay for more than the two courses per eligible student authorized by subdivision (b)(2) of this section; provided, however, that payment under subdivision (f)(2) of this section shall not be made for more than two courses per eligible student.

(i) Other postsecondary courses. Nothing in this section shall be construed to limit a school district's authority to award credit toward graduation requirements to a student who receives prior approval from the school and successfully completes a course offered by an accredited postsecondary

institution that was not paid for by the district pursuant to this section. The school district shall determine the number and nature of credits it will award to the student for successful completion of the course, including whether the course will satisfy one or more graduation requirements, and shall inform the student prior to enrollment. Credits awarded shall be based on performance and not solely on Carnegie units; provided, however, that unless the school district determines otherwise, a three-credit postsecondary course shall be presumed to equal one-half of a Carnegie unit. A school district shall not withhold approval or credit without reasonable justification. A student may request that the superintendent review the district's determination regarding course approval or credits. The superintendent's decision shall be final.

(j) Reports. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report to the House and Senate Committees on Education annually in January regarding the Dual Enrollment Program, including data relating to student demographics, levels of participation, and program success.

§ 945. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL  
DEVELOPMENT PROGRAM

(a) The Secretary shall maintain an adult diploma program ("ADP"), which shall be an assessment process administered by the Agency through which an individual who is at least 20 years old can receive a local high school diploma granted by one of the program's participating high schools.

(b) The Secretary shall maintain a general educational development (“GED”) program, which it shall administer jointly with the GED testing service and approved local testing centers and through which an individual who is at least 16 years old and who is not enrolled in secondary school can receive a secondary school equivalency certificate based on successful completion of the GED tests.

(c) The Secretary may provide additional programs designed to address the individual needs and circumstances of adult students, particularly students with the lowest levels of literacy skills.

Sec. 2. 16 V.S.A. § 4011(e) is amended to read:

(e) Early college.

(1) The ~~commissioner~~ Secretary shall pay an amount equal to 87 percent of the base education amount to the Vermont Academy of Science and Technology (VAST) for each Vermont resident, 12th grade Vermont student enrolled; and

(2) For each 12th grade Vermont student enrolled in an early college program that is developed by one of the Vermont State Colleges, by the University of Vermont, or by an accredited private postsecondary school located in Vermont, the Secretary shall pay tuition from the Education Fund in an amount equal to the lesser of 87 percent of the base education amount or the tuition charged by the institution. The Secretary shall make the payment

directly to the postsecondary institution, which shall accept the amount as full payment of the student's tuition.

(3) A student on whose behalf the Secretary makes a payment pursuant to subdivision (1) or (2) of this subsection:

(A) shall be enrolled as a full-time student in the institution receiving the payment for the academic year for which payment is made;

(B) shall not be enrolled concurrently in a secondary school operated by the student's district of residence or to which the district pays tuition on the student's behalf; and

(C) shall not be included in the average daily membership of any school district for the academic year for which payment is made; provided, however, that if more than five percent of the 12th grade students residing in a district enroll in an early college program, then the district may include the number of students in excess of five percent in its average daily membership; but further provided that a 12th grade student enrolled in a college program shall be included in the percentage calculation only if, for the previous academic year, the student was enrolled in a school maintained by the district or was a student for whom the district paid tuition to a public or approved independent school.



(4) A postsecondary institution shall not accept a student into an early college program unless enrollment in the college was an element of the student's personalized learning plan.

Sec. 3. 16 V.S.A. § 1545(c) is amended to read:

(c) For any resident 12th grade student attending the ~~Vermont academy for science and technology~~ Vermont Academy of Science and Technology pursuant to subsection 4011(e) of this title or enrolled in an early college program at one of the Vermont State Colleges, the University of Vermont, or an accredited private postsecondary institution located in Vermont, 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~~ secondary school that the student attended prior to enrolling in the ~~academy~~ Academy or early college program.

Sec. 4. 16 V.S.A. § 4011a is added to read:

§ 4011a. EARLY COLLEGE PROGRAM; REPORT

Notwithstanding 2 V.S.A. § 20(d), the Vermont State Colleges, the University of Vermont, and any private postsecondary institution receiving funds pursuant to subsection 4011(e) of this title shall report annually in January to the Senate and House Committees on Education regarding the level of participation in the early college program, the success in achieving the stated goals of the program to enhance secondary students' educational

experiences and prepare them for success in college and beyond, and the specific outcomes for participating students relating to programmatic goals.

Sec. 5. REPEAL

The following are repealed:

(1) 16 V.S.A. § 913 (secondary credit; postsecondary course).

(2) 16 V.S.A. chapter 23, subchapter 6 (adult education and literacy; high school completion program).

Sec. 6. FLEXIBLE PATHWAYS IMPLEMENTATION PROJECT ON  
POSTSECONDARY PLANNING

To assist implementation of the flexible pathways initiative established in Sec. 1 of this act, the Secretary of Education is authorized to enter into an agreement with the Vermont Student Assistance Corporation and one or more elementary or secondary schools to design and implement demonstration projects related to career planning and planning for postsecondary education and training.

Sec. 7. PERSONALIZED LEARNING PLAN; PROCESS;  
IMPLEMENTATION

(a) The process of developing a personalized learning plan reflects the discussions and collaboration of the student and involved adults. When students engage in the personalized learning plan process, they assume an active role in the planning, assessment, and reflection required to identify

developmentally appropriate goals. A student's plan should include academic, career, social, transitional, and family engagement elements, all of which are critical to the student's evolving personalized learning plan.

(b) On or before July 15, 2013, the Secretary of Education shall convene a working group to consist of teachers and principals of elementary and secondary schools and other interested parties to develop and support implementation of the personalized learning plan process in those schools that do not already have a process in place. By November 1, 2013, the Secretary shall publish on the Agency website tools for developing personalized learning plans and provide clarity regarding the differences in form, purpose, and function of personalized learning plans, Act 230 plans, 504 plans, and individualized education programs (IEPs). The Agency shall provide guidance and support to schools as requested.

#### Sec. 8. EARLY COLLEGE; ENROLLMENT; REPORTS

Annually in January of 2014 through 2017, the Vermont State Colleges and the University of Vermont shall report to the House and Senate Committees on Education regarding the expansion of the early college program in public and private postsecondary institutions as provided in Sec. 2 of this act, including data regarding actual enrollment, expected enrollment, and unmet demand, if any, for the purpose of considering whether it would be advisable to consider

legislation imposing a maximum limit on the total number of students who may enroll statewide.

Sec. 9. DUAL ENROLLMENT; TRANSITION; FUNDING

Notwithstanding the 50 percent limitation imposed by Sec. 1, 16 V.S.A. § 944(f)(2), of this act, the State shall pay 100 percent of the tuition for courses offered in fiscal years 2014 and 2015 under subdivision (f)(1)(A) pursuant to all other terms of that subsection (f). Any balance carried forward from either fiscal year shall be used to satisfy the financial obligations of school districts under that subsection (f) in fiscal year 2016.

Sec. 10. EFFECTIVE DATE AND IMPLEMENTATION

(a) This act shall take effect on July 1, 2013.

(b)(1) A personalized learning plan, as required by Sec. 1, 16 V.S.A. § 941(b)(2), of this act shall be developed:

(A) for each student in grade 7 through 12 on or before the student's regularly scheduled parent-teacher conference in Fall 2014, but in no event later than November 30, 2014; and

(B) for each student in kindergarten through grade 6 on or before the student's regularly scheduled parent-teacher conference in Fall 2015, but in no event later than November 30, 2015.

(2) Notwithstanding subdivision (1) of this subsection, in calendar year 2013 or 2014, a student who has not developed a PLP may enroll in a dual

enrollment course pursuant to Sec. 1 of this act or in the Vermont Academy of Science and Technology early college program pursuant to Sec. 2 upon receiving prior approval of participation from the postsecondary institution and the principal or headmaster of the secondary school in which the student is enrolled. The principal or headmaster shall not withhold approval without reasonable justification. A student may request that the superintendent review a decision of the principal or headmaster to withhold approval. The superintendent's decision shall be final.

(c) Funds for early college pursuant to Sec. 2, 16 V.S.A. § 4011(e)(2), of this act shall be available to students beginning in the 2014–2015 academic year.