

1 S.130

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; secondary school completion; flexible pathways; dual  
5 enrollment; early college

6 Statement of purpose of bill as introduced: This bill proposes to combine and  
7 expand existing secondary school programs, including dual enrollment and  
8 early college, into a Flexible Pathways Initiative that is designed to encourage  
9 and support the creativity of school districts as they develop and expand  
10 high-quality educational experiences, promote opportunities for students to  
11 achieve postsecondary readiness, and increase secondary school completion  
12 and continuation rates.

13 An act relating to encouraging flexible pathways to secondary school  
14 completion

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

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

17 Subchapter 2. Flexible Pathways to Secondary

18 School Completion

19 § 941. FLEXIBLE PATHWAYS INITIATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11          (C) include:

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

14           (ii) virtual learning and blended learning;

15           (iii) dual enrollment opportunities as set forth in section 944 of  
16          this title;

17           (iv) early college program as set forth in subsection 4011(e) of this  
18          title;

19           (v) the High School Completion Program as set forth in section  
20          943 of this title; and

1                   (vi) the Adult Diploma Program and General Educational  
2                   Development Program as set forth in section 946 of this title; and

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

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

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

14                  § 942. DEFINITIONS

15                  As used in this title:

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

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

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

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

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

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

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

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

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

1           (8) “Early college” means full-time enrollment, pursuant to subsection  
2           4011(e) of this title, by a 12th grade Vermont student for one academic year in  
3           a program offered by a postsecondary institution in which the credits earned  
4           apply to secondary school graduation requirements.

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

10           (10) “Personalized learning plan” and “PLP” mean a plan developed on  
11           behalf of a student in kindergarten through grade 12 by the student, a  
12           representative of the school, and, if the student is a minor, the student’s parents  
13           or legal guardian and updated at least annually by November 30; provided,  
14           however, that a home study student and the student’s parent or guardian shall  
15           be solely responsible for developing a PLP. The PLP shall be developmentally  
16           appropriate and shall reflect the student’s emerging abilities, aptitude, and  
17           disposition. Beginning no later than in the seventh grade, the PLP shall define  
18           the scope and rigor of academic and experiential opportunities necessary for  
19           the student to successfully complete secondary school and attain postsecondary  
20           readiness.

1           (11) “Postsecondary planning” means the identification of education and  
2           training programs after high school that meet a student’s academic, vocational,  
3           financial, and social needs and the identification of financial assistance  
4           available for those programs.

5           (12) “Postsecondary readiness” means the ability to enter the workforce  
6           or to pursue postsecondary education or training without the need for  
7           remediation.

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

13           § 943. HIGH SCHOOL COMPLETION PROGRAM

14           (a) There is created a High School Completion Program to be a potential  
15           component of a flexible pathway for any Vermont student who is at least  
16           16 years old, who has not received a high school diploma, and who may or  
17           may not be enrolled in a public or approved independent school.

18           (b) If a person who wishes to work on a PLP leading to graduation through  
19           the High School Completion Program is not enrolled in a public or approved  
20           independent school, then the Secretary shall assign the prospective student to a  
21           high school district, which shall be the district of residence whenever possible.

1 The school district in which a student is enrolled or to which a nonenrolled  
2 student is assigned shall work with the contracting agency and the student to  
3 develop a PLP. The school district shall award a high school diploma upon  
4 successful completion of the plan.

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

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

14 (2) negotiated by the Secretary and the contracting agency, with the  
15 approved provider, for services and outcomes purchased from the approved  
16 provider on behalf of the student pursuant to the PLP.

17 § 944. DUAL ENROLLMENT PROGRAM

18 (a) Program creation. There is created a statewide Dual Enrollment  
19 Program to be a potential component of a student's flexible pathway. The  
20 Program shall include college courses offered on the campus of an accredited  
21 postsecondary institution and college courses offered by an accredited



1 postsecondary institution on the campus of a secondary school. The Program  
2 may include online college courses or components.

3 (b) Students.

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

6 (A) the student:

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

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

13 (iii) is a home study student;

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

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

20 (2) An eligible student may enroll in up to two dual enrollment courses  
21 prior to completion of secondary school for which neither the student nor the

1 student's parent or guardian shall be required to pay tuition. A student may  
2 enroll in courses offered while secondary school is in session and during the  
3 summer.

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

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

9 (A) retain authority to determine course content; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           (6) reviewing program costs;

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

8           (8) performing other necessary or related duties.

9           (f) Tuition and funding.

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

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

18           (B) For any course that is taught by an instructor who is paid as part  
19           of employment by a secondary school, the student's school district of residence  
20           shall pay tuition to the postsecondary institution in an amount equal to

1 20 percent of the tuition rate charged by the Community College of Vermont at  
2 the time the dual enrollment course is offered.

3 (2) Notwithstanding subdivision (1) of this subsection requiring the  
4 district of residence to pay tuition, the State shall pay 50 percent of the tuition  
5 owed to public postsecondary institutions under *subdivision (1)(A)* of this  
6 subsection from the Next Generation Initiative Fund created in section 2887 of  
7 this title; provided, however, that the total amount paid by the State in any  
8 fiscal year shall not exceed the total amount of General Fund dollars the  
9 General Assembly appropriated from the Fund in that year for dual enrollment  
10 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.*

11 (g) Private and out-of-state postsecondary institutions. Nothing in this  
12 section shall be construed to limit a school district's authority to enter into a  
13 contract for dual enrollment courses with an accredited private or public  
14 postsecondary institution not identified in subsection (c) of this section located  
15 in or outside Vermont. The school district may negotiate terms different from  
16 those set forth in this section, including the amount of tuition to be paid. The

1 school district may determine whether enrollment by an eligible student in a  
2 course offered under this subsection shall constitute one of the two courses  
3 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.*

4 (i) Other postsecondary courses. Nothing in this section shall be construed  
5 to limit a school district's authority to award credit toward graduation  
6 requirements to a student who receives prior approval from the school and  
7 successfully completes a course offered by an accredited postsecondary  
8 institution that was not paid for by the district pursuant to this section. The  
9 school district shall determine the number and nature of credits it will award to  
10 the student for successful completion of the course, including whether the  
11 course will satisfy one or more graduation requirements, and shall inform the  
12 student prior to enrollment. Credits awarded shall be based on performance  
13 and not solely on Carnegie units; provided, however, that unless the school  
14 district determines otherwise, a three-credit postsecondary course shall be  
15 presumed to equal one-half of a Carnegie unit. A school district shall not  
16 withhold approval or credit without reasonable justification. A student may

1 request that the superintendent review the district's determination regarding  
2 course approval or credits. The superintendent's decision shall be final.

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

7 § 945. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL  
8 DEVELOPMENT PROGRAM

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

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

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

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

2 (e) Early college.

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

7 (2) For each 12th grade Vermont student enrolled in an early college  
8 program that is developed by one of the Vermont State Colleges, by the  
9 University of Vermont, or by an accredited private postsecondary school  
10 located in Vermont, the Secretary shall pay tuition from the Education Fund in  
11 an amount equal to the lesser of 87 percent of the base education amount or the  
12 tuition charged by the institution. The Secretary shall make the payment  
13 directly to the postsecondary institution, which shall accept the amount as full  
14 payment of the student's tuition.

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

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

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



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

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

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

15           (c) For any resident 12th grade student attending the ~~Vermont academy for~~  
16 ~~science and technology~~ Vermont Academy of Science and Technology  
17 pursuant to subsection 4011(e) of this title or enrolled in an early college  
18 program at one of the Vermont State Colleges, the University of Vermont, or  
19 an accredited private postsecondary institution located in Vermont, the credits  
20 and grades earned shall, upon request of the student or the student's parent or  
21 guardian, be applied toward graduation requirements at the Vermont high

1 ~~school which~~ secondary school that the student attended prior to enrolling in  
2 the ~~academy~~ Academy or early college program.

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

4 § 4011a. EARLY COLLEGE PROGRAM; REPORT

5 Notwithstanding 2 V.S.A. § 20(d), the Vermont State Colleges, the  
6 University of Vermont, and any private postsecondary institution receiving  
7 funds pursuant to subsection 4011(e) of this title shall report annually in  
8 January to the Senate and House Committees on Education regarding the level  
9 of participation in the early college program, the success in achieving the  
10 stated goals of the program to enhance secondary students' educational  
11 experiences and prepare them for success in college and beyond, and the  
12 specific outcomes for participating students relating to programmatic goals.

13 Sec. 5. REPEAL

14 The following are repealed:

15 (1) 16 V.S.A. § 913 (secondary credit; postsecondary course).

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

18 Sec. 6. FLEXIBLE PATHWAYS IMPLEMENTATION PROJECT ON  
19 POSTSECONDARY PLANNING

20 To assist implementation of the flexible pathways initiative established in  
21 Sec. 1 of this act, the Secretary of Education is authorized to enter into an

1 agreement with the Vermont Student Assistance Corporation and one or more  
2 elementary or secondary schools to design and implement demonstration  
3 projects related to career planning and planning for postsecondary education  
4 and training.

5 Sec. 7. PERSONALIZED LEARNING PLAN; PROCESS;

6 IMPLEMENTATION

7 (a) The process of developing a personalized learning plan reflects the  
8 discussions and collaboration of the student and involved adults. When  
9 students engage in the personalized learning plan process, they assume an  
10 active role in the planning, assessment, and reflection required to identify  
11 developmentally appropriate goals. A student's plan should include academic,  
12 career, social, transitional, and family engagement elements, all of which are  
13 critical to the student's evolving personalized learning plan.

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

1 individualized education programs (IEPs). The Agency shall provide guidance  
2 and support to schools as requested.

3 Sec. 8. EARLY COLLEGE; ENROLLMENT; REPORTS

4 Annually in January of 2014 through 2017, the Vermont State Colleges and  
5 the University of Vermont shall report to the House and Senate Committees on  
6 Education regarding the expansion of the early college program in public and  
7 private postsecondary institutions as provided in Sec. 2 of this act, including  
8 data regarding actual enrollment, expected enrollment, and unmet demand, if  
9 any, for the purpose of considering whether it would be advisable to consider  
10 legislation imposing a maximum limit on the total number of students who  
11 may enroll statewide.

12 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.

13 Sec. 10. EFFECTIVE DATE AND IMPLEMENTATION

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

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

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

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

9               (2) Notwithstanding subdivision (1) of this subsection, in calendar year  
10       2013 or 2014, a student who has not developed a PLP may enroll in a dual  
11       enrollment course pursuant to Sec. 1 of this act or in the Vermont Academy of  
12       Science and Technology early college program pursuant to Sec. 2 upon  
13       receiving prior approval of participation from the postsecondary institution and  
14       the principal or headmaster of the secondary school in which the student is  
15       enrolled. The principal or headmaster shall not withhold approval without  
16       reasonable justification. A student may request that the superintendent review  
17       a decision of the principal or headmaster to withhold approval. The  
18       superintendent's decision shall be final.

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