

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; residency; career technical education; postsecondary
4 tuition

5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous amendments and technical corrections to education law,
7 including to statutes relating to education quality standards; the residency of a
8 child awaiting adoption in Vermont; career technical education; tuition paid by
9 students in graduate and online programs; educational support teams; and the
10 privatization of public schools. It also repeals legislation that is no longer in
11 effect or is addressed in other sections.

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

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

15 * * * Education Quality Standards * * *

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

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

18 EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL

19 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING QUALITY

20 STANDARDS

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

5 (1) The school ~~shall~~, through a process including parents, teachers,
6 students and community members, ~~develop, implement, and annually update a~~
7 ~~comprehensive action~~ develops, implements, and annually updates a
8 continuous improvement plan to improve student performance within the
9 school. The plan shall include goals and objectives for improved student
10 learning and educational strategies and activities to achieve their goals. The
11 plan shall also address the effectiveness of efforts made since the previous
12 ~~action~~ continuous improvement plan to ensure the school maintains a safe,
13 orderly, civil, and positive learning environment ~~which~~ that is free from
14 harassment, hazing, and bullying. The school shall assess student performance
15 under the plan using a method or methods of assessment developed under
16 subdivision 164(9) of this title.

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

21 * * *

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

3 * * *

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

16 * * *

17 (e) If the Secretary determines at any time that the failure of a school to
18 meet the ~~school~~ education quality standards listed in subsection (a) of this
19 section is severe or pervasive, potentially results in physical or emotional harm
20 to students or significant deprivation of equal education opportunities, and the
21 school has either unreasonably refused to remedy the problem or its efforts

1 have proved ineffective, he or she may recommend to the State Board one or
2 more of the actions listed in subsection (b) of this section. The State Board
3 shall then follow the procedure of subsection (c) of this section.

4 (f) In order to be designated an independent school meeting ~~school~~
5 education quality standards, an independent school shall participate in the
6 ~~school~~ education quality standards process of subsection (b) of this section.

7 An independent school shall receive technical assistance in accordance with
8 the provisions of subsection (b), but shall not be subject to subdivisions (b)(2)-
9 (4) of this section. The school shall be an independent school meeting ~~school~~
10 education quality standards unless the State Board, after opportunity for
11 hearing, finds that:

12 (1) the school has discontinued its participation in the ~~school~~ education
13 quality standards process; or

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

18 Sec. 2. 16 V.S.A. § 11(a)(8) is amended to read:

19 (8) “Independent school” means a school other than a public school,
20 which provides a program of elementary or secondary education, or both. An
21 “independent school meeting ~~school~~ education quality standards” means an

1 independent school in Vermont ~~which~~ that undergoes the ~~school~~ education
2 quality standards process and meets the requirements of subsection 165(b) of
3 this title.

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

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

7 (a) Each school district shall and maintain one or more approved high
8 schools in which high school education is provided for its resident students
9 unless:

10 (1) the electorate authorizes the school board to close an existing high
11 school and to provide for the high school education of its students by paying
12 tuition to a public high school, an approved independent high school, or an
13 independent school meeting ~~school~~ education quality standards, to be selected
14 by the parents or guardians of the student, within or outside the State; or

15 * * *

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

18 * * *

19 (B) to an approved independent school or an independent school
20 meeting ~~school~~ education quality standards if the school board judges that a

1 student has unique educational needs that cannot be served within the district
2 or at a nearby public school.

3 * * *

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

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

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

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

1 that the statutory provisions apply to any sending district that declines the
2 offered terms.

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

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

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

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

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

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

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

13 Sec. 7. STATUTORY REVISION

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

18 * * * Online Postsecondary Degree Programs * * *

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

20 § 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

21 * * *

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

3 (1) ~~Programs~~ Nondegree-granting and noncredit-granting programs of
4 education sponsored by a trade, labor, business, or professional organization
5 that are conducted solely for that organization’s membership or for members of
6 the particular industries or professions served by that organization.

7 * * *

8 (m) Nothing in this chapter shall prohibit the State from participating in
9 any interstate reciprocity agreement for the purpose of authorizing online
10 postsecondary programs. For purposes of reciprocity between states for
11 institutional authorization, the Secretary shall investigate any complaints
12 related to Vermont institutions participating in a recognized interstate
13 reciprocity agreement.

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

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

17 (1) ~~Programs~~ Nondegree-granting and noncredit-granting programs of
18 education sponsored by a trade, labor, business, or professional organization
19 that are conducted solely for that organization’s membership or for members of
20 the particular industries or professions served by that organization.

21 * * *

1 advancement in the workplace provide them with career and technical
2 knowledge, skills, and work habits that prepare them for further education and
3 enhance their employment options.

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

5 § 1522. DEFINITIONS

6 As used in this chapter:

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

10 * * *

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

17 * * *

18 (15) “Program of study” means the comprehensive delivery of academic
19 and career technical education that prepares students for postsecondary
20 education or training and career success. At a minimum, a program of study:
21 incorporates and aligns secondary and postsecondary education; includes

1 academic and CTE content in a coordinated, non-duplicative progression of
2 courses; offers the opportunity, when appropriate, for secondary students to
3 earn postsecondary credit; and leads to an industry-recognized credential or
4 certificate at the postsecondary level or to an associate or baccalaureate degree.

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

6 § 1531. RESPONSIBILITY OF STATE BOARD

7 (a) The State Board has overall responsibility for the effectiveness of career
8 technical education. This requires the ~~board~~ Board to collect suitable
9 information and to take appropriate steps within its legal, financial, and
10 personnel resources to ensure that:

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

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

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

1 the ~~state board~~ State Board under subdivision 164(9) and section 165 of this
2 title;

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

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

8 (4) the minimum number of hours of instruction for each ~~course~~
9 program of study within career technical education;

10 (5) the availability of remedial programs offered to ~~technical~~ CTE
11 students by ~~technical~~ CTE centers or by another school, agency, or program;

12 (6) accounting procedures and standards, including methods for
13 calculating tuition for career technical education;

14 (7) a system of equipment inventory, amortization and maintenance; and

15 (8) procedures and requirements for measurement of student knowledge
16 and skill upon entry into and exit from the ~~technical~~ CTE program. The
17 purpose of the measurement shall be to determine student achievement in
18 relation to the standards for academic and technical ~~competence~~ proficiency as
19 adopted under subdivision (2) of this subsection. Aggregate results shall be
20 reported to the communities in the service region along with other items
21 reported pursuant to subdivision 165(a)(2) of this title.

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

2 (1) ~~competencies~~ technical proficiencies that graduates of each kind of
3 technical program should be able to demonstrate, including technical
4 ~~competencies~~ proficiencies necessary for the student's intended employment;

5 (2) minimum admissions ~~competencies~~ requirements for entrance into
6 each career technical course program of study;

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

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

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

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

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

2 § 1533. CAREER TECHNICAL CENTER EVALUATION

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

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

9 (1) compliance with this chapter and the rules of the ~~state board~~ State
10 Board;

11 (2) the condition and suitability of the facility and its equipment;

12 (3) the size, scope, and quality of ~~the course~~ each program of study,
13 ~~including faculty development policies and instruction~~;

14 (4) the overall success of the center at ~~combining~~ integrating academic
15 ~~education~~ instruction, skill training, and employability trait development into
16 its ~~program~~ programs;

17 (5) the overall success of the center in providing regionwide services
18 and a flexible response to student needs, integrating its ~~courses~~ programs of
19 study into a coherent program, and coordinating its ~~program~~ programs with
20 postsecondary career technical education services;

1 (6) the satisfaction of the center’s customer groups, including graduates,
2 sending schools, and local industry;

3 (7) the adequacy and effectiveness of the center in meeting the
4 educational and employment needs of all its eligible students, including its
5 success in taking steps to encourage each student to consider enrolling in
6 courses not traditional for that student’s ~~sex~~ gender; and

7 (8) faculty development policies and instruction.

8 (c) [Repealed.]

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

10 § 1534. ~~COURSE OF STUDY~~ PROGRAM EVALUATION

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

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

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

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

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

3 (4) the appropriateness of the program and its content in light of later
4 career and ~~higher~~ postsecondary education choices made by recent graduates;

5 (5) the usefulness of the program to recent graduates;

6 (6) coordination with other ~~state~~ State programs, especially licensing,
7 job training, and apprenticeship programs;

8 (7) possibilities for decentralization of the program;

9 (8) participation and completion rates in the program; and

10 (9) compliance with State Board rules.

11 (c) [Repealed.]

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

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

15 * * *

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

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

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

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

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

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

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

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

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

6 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

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

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

13 (a) Grades earned ~~in a course offered within~~ as part of a CTE program
14 approved by the State Board shall not be altered by any public school or
15 approved or recognized independent school in Vermont and shall be applied by
16 the school toward any ~~state~~ State graduation requirements in accordance with
17 rules adopted by the State Board. Any State Board rules regarding earning of
18 credits shall ~~allow flexibility with respect to~~ require the integration of CTE
19 ~~education and other academic courses~~ instruction.

1 Sec. 22. 16 V.S.A. § 1546 is amended to read:

2 § 1546. COMPREHENSIVE HIGH SCHOOLS

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

6 (b) A comprehensive high school shall charge and receive tuition pursuant
7 to section 824 of this title. A comprehensive high school shall be a career
8 technical center for the purposes of receiving funding for grants per full-time
9 equivalent student under section 1561 of this title, for ~~tryout~~ pretechnical
10 classes under section 1562 of this title, for ~~equipment replacement under~~
11 ~~section 1564 of this title~~, for incentive grants under section 1566 of this title,
12 and for reporting requirements under section 1568 of this title. Funds received
13 under this section shall be used for support of approved career technical
14 education programs within the comprehensive high school.

15 (c) Two or more comprehensive high schools ~~for which~~ designated by the
16 State Board ~~has designated a service region shall be a~~ to provide career
17 technical education in a region of the State jointly shall operate a career
18 technical center for the purposes of accountability to the State Board under
19 subchapter 2 of this chapter, responsibilities of the career technical center
20 under subchapter 3 of this chapter, and receiving ~~state~~ State financial
21 assistance under subchapter 5 of this chapter, excluding the per equalized pupil

1 general ~~state~~ State support grant under subsection 1561(b). The regional
2 advisory board shall determine how funds received under subchapter 5 shall be
3 distributed. A comprehensive high school aggrieved by a decision of the
4 regional advisory board may appeal to the Secretary who, after opportunity for
5 hearing, may affirm or modify the decision.

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

7 § 1551. SECONDARY STUDENT ELIGIBILITY

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

10 (1) applies for the program; and

11 (2) is accepted into the program by the career technical center.

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

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

18 ~~(2) the sending school district does not operate a high school.~~

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

1 (d) Enrollment in a high school shall not be a precondition for enrollment
2 in a CTE center for a student of any age without a diploma. For the purposes
3 of this section, a general education development credential shall not be
4 considered a high school diploma. [moved from § 1551a; repealed in Sec. ___]

5 (e) A school district may establish reasonable procedures to require its
6 resident students to discuss educational opportunities within CTE centers or
7 the high school. Procedures shall not interfere with enrollment in a CTE
8 center. If a student without a diploma who is not enrolled in a high school
9 enrolls in a CTE center, within 10 days of enrollment, the CTE center shall
10 notify the school district of residence of the enrollment. [from § 1551a]

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

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

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

18 § 1562. ~~TRYOUT CLASSES~~ PRETECHNICAL COURSES

19 From the monies annually available for use in career technical education,
20 the ~~state board~~ State Board may reimburse part of the ~~program~~ cost attributable
21 to ~~programs~~ courses designed to assist students ~~in deciding~~ to decide whether

1 to enroll in career technical courses programs. As a condition of such
2 assistance, the ~~program~~ course shall demonstrate that it has taken steps to
3 encourage each student to consider enrolling in courses programs leading to
4 occupations that are not traditional for that student's ~~sex~~ gender.

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

6 § 1563. TRANSPORTATION ASSISTANCE

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

12 (b) Transportation assistance shall be paid from the ~~education fund~~
13 Education Fund to school districts ~~which~~ that provide transportation to and
14 from approved career technical education programs, regardless of whether the
15 program is offered in a ~~technical~~ CTE center in the district's designated service
16 region or regions or is offered within ~~the~~ a career technical center region at a
17 location other than at a ~~technical~~ CTE center. Assistance shall be \$1.50 per
18 mile for actual number of miles traveled, in 1998 dollars adjusted annually by
19 the annual price index for state and local government purchases of goods and
20 services. Payments shall be made on or before December 10 and June 10.

1 Requests submitted on or following May 15 shall be reimbursed in the next
2 payment.

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

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

6 § 1565. SALARY ASSISTANCE

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

10 (1) the director of career technical education;

11 (2) a person whose principal duty is to provide guidance services for
12 career technical students;

13 (3) a person whose principal duty is to find ~~job training~~ work-based
14 learning opportunities for students during the time they are enrolled at the
15 ~~technical~~ CTE center;

16 (4) ~~an assistant director~~ a person whose principal duty is to coordinate
17 programming for adult education;

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

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

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

6 (A) Directors and guidance coordinators' salary assistance shall be
7 50 percent of the ~~state~~ State average salary and benefits for each position, or 50
8 percent of the actual salary and benefits for each individual, whichever is less;

9 (B) Assistant directors, ~~except for assistant directors for adult~~
10 ~~education, if the district is eligible,~~ and co-op teachers' salary assistance shall
11 be 35 percent of the ~~state~~ State average salary and benefits for each position, or
12 35 percent of the actual salary and benefits for each individual, whichever is
13 less;

14 (C) Salary assistance for ~~assistant directors for adult education~~
15 coordinators shall be up to 50 percent of the ~~state~~ State average salary and
16 benefits paid to full-time ~~assistant directors for adult education~~ coordinators;
17 salary assistance shall be prorated for part-time assistant ~~directors~~ coordinators.
18 Salary assistance under this subdivision (1)(C) shall not be paid from the
19 ~~education fund~~ Education Fund to the extent that the obligation is not fully
20 funded from the ~~general fund~~ General Fund. State ~~general fund~~ General Fund
21 assistance shall be divided so that each district employing an ~~assistant directors~~

1 adult education coordinators receives the same base amount of ~~state~~ State
2 salary support. The base support shall be pro-rated for part-time ~~assistant~~
3 ~~directors~~ coordinators. Payment under this subsection does not preclude a
4 district from using other ~~state~~ State and federal grants to supplement the actual
5 salaries and benefits of ~~assistant directors~~ for adult education coordinators.

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

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

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

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

14 § 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

15 With respect to the provision of postsecondary career technical education
16 programs, in addition to those powers and responsibilities set forth in chapter
17 72 of this title, the Vermont State Colleges ~~board of trustees~~ Board of Trustees
18 shall:

19 (1) ~~Provide~~ provide on a statewide basis, subject to the payment of fees
20 by enrolled students, postsecondary career technical education programs and

1 establish policies and determine curriculum for the provision of ~~such~~
2 ~~education. the programs;~~

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

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

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

15 * * * University of Vermont;

16 Graduate and Distance Education Programs * * *

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

18 (b) Except for ~~those attending~~ students enrolled in the ~~college of medicine~~
19 College of Medicine or in any other graduate program and students enrolled in
20 distance education courses or programs, the amount of tuition ~~for~~ paid by an
21 eligible Vermont ~~residents~~ resident for attendance during each academic year

1 shall be not more than 40 percent of the tuition charged to ~~nonresident~~
2 ~~students. Tuition for eligible Vermont residents for shorter terms shall be no~~
3 ~~more per credit hour than that charged eligible Vermont residents during the~~
4 ~~academic year~~ a nonresident student. As used in this subsection, “distance
5 education” means a course or program that can be completed in whole or in
6 part through electronic media and does not require the student to be physically
7 present on the University’s campus at any time. Distance education does not
8 include any course in which a full-time undergraduate student is enrolled.

9 * * * Educational Support Systems * * *

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

11 § 2902. ~~EDUCATIONAL SUPPORT SYSTEM~~ TIERED SYSTEM OF
12 SUPPORTS AND EDUCATIONAL SUPPORT TEAM

13 (a) Within each school district’s comprehensive system of educational
14 services, each public school shall develop and maintain ~~an educational support~~
15 ~~system for students who require additional assistance in order~~ a tiered system
16 of academic and behavioral supports for the purpose of providing all students
17 with a full and fair opportunity to succeed or to be challenged in the general
18 education environment. For each school it maintains, a school district board
19 shall assign responsibility for developing and maintaining the ~~educational~~
20 ~~support system~~ tiered system of supports either to the superintendent pursuant
21 to a contract entered into under section 267 of this title or to the school

1 principal. ~~The educational support system~~ The school shall provide all
2 students a full and fair opportunity to access the system of supports and
3 achieve educational success. ~~The~~ tiered system of supports shall, at a
4 minimum, include ~~an educational support team and a range of support and~~
5 ~~remedial services, including~~ instructional and behavioral interventions and
6 accommodations that are available as needed for any student who requires
7 support beyond what can be provided in the general education classroom, and
8 intensive, individualized interventions for any student requiring a higher level
9 of support.

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

11 (1) Be ~~integrated to the extent~~ aligned as appropriate with the general
12 education curriculum.

13 (2) Be designed to ~~increase~~ enhance the ability of the general education
14 system to meet the needs of all students.

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

18 (4) ~~Provide clear procedures and methods for addressing student~~
19 ~~behavior that is disruptive to the learning environment and include educational~~
20 ~~options, support services, and consultation or training for staff where~~
21 ~~appropriate. Procedures may include removal of a student from the classroom~~

1 ~~or the school building for as long as appropriate, consistent with state and~~
2 ~~federal law and the school's policy on student discipline, after reasonable~~
3 ~~effort has been made to support the student in the regular classroom~~
4 ~~environment~~ Seek to identify and respond to students in need of support for
5 at-risk behaviors and to students in need of specialized, individualized
6 behavior supports.

7 (5) Ensure Provide all students with a continuum of evidence-based and
8 research-based behavior practices that teach and encourage prosocial skills and
9 behaviors school-wide.

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

12 * * *

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

14 Sec. 31. 16 V.S.A. § 563 is amended to read:

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

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

20 * * *

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

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

13 (i) ~~“Maximum Inflation Amount” in this section means:~~

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

1 in the fiscal year preceding the year for which the budget is proposed, as
2 determined by the commissioner of education;

3 (II) ~~multiplied by the higher of the following amounts as~~
4 ~~determined by the commissioner of education: (aa) the district's equalized~~
5 ~~pupil count in the fiscal year preceding the year for which the budget is~~
6 ~~proposed; or (bb) the district's equalized pupil count in the fiscal year for~~
7 ~~which the budget is proposed.~~

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

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

15 ~~“Article #1 (School Budget):~~

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

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

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

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

3 (13) “District spending adjustment” means the greater of: one or a
4 fraction in which the numerator is the district’s education spending plus excess
5 spending, per equalized pupil, for the school year; and the denominator is the
6 base education amount for the school year, as defined in 16 V.S.A. § 4001.

7 ~~For a district that pays tuition to a public school or an approved independent~~
8 ~~school, or both, for all of its resident students in any year and which has~~
9 ~~decided by a majority vote of its school board to opt into this provision, the~~
10 ~~district spending adjustment shall be the average of the district spending~~
11 ~~adjustment calculated under this subdivision for the previous year and for the~~
12 ~~current year. Any district opting for a two-year average under this subdivision~~
13 ~~may not opt out of such treatment, and the averaging shall continue until the~~
14 ~~district no longer qualifies for such treatment.~~

15 * * * Public Schools; Privatization * * * **[process/criteria Sec. found at 2/14]**

16 Sec. **34**. 16 V.S.A. § 821(e) is added to read:

17 (e) Notwithstanding the authority of a school district to cease operation of
18 an elementary school and to begin paying tuition on behalf of its resident
19 elementary students pursuant to subdivision (a)(1) or subsection (d) of this
20 section, a school district shall not cease operation of an elementary school with
21 the intention, for the purpose, or with the result of having the school building

1 or buildings reopen as an independent school serving essentially the same
2 population of students.

3 Sec. 35. 16 V.S.A. § 822(d) is added to read:

4 (d) Notwithstanding the authority of a school district to cease operation of a
5 secondary school and to begin paying tuition on behalf of its resident
6 secondary students pursuant to subdivision (a)(1) of this section, a school
7 district shall not cease operation of a secondary school with the intention, for
8 the purpose, or with the result of having the school building or buildings
9 reopen as an independent school serving essentially the same population of
10 students.

11 Sec. 36. 16 V.S.A. § 166(b)(8) is added to read:

12 (8) Notwithstanding any other provision of law, approval under this
13 subsection of a new or existing independent school that proposes to operate in
14 a building in which a school district operated a school is subject to either
15 subsection 821(e) or 822(d) of this title, as appropriate for the grades operated.

16 * * * Repeals * * *

17 Sec. 37. REPEALS

18 The following are repealed:

19 (1) 16 V.S.A. § 1421 (sight and hearing testing equipment).

20 (2) 16 V.S.A. § 1551a (career technical education; students not
21 enrolled).

