

Contains all Amendments Presented to / Being Considered by Senate Education

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 876
3 entitled “An act relating to making miscellaneous amendments and technical
4 corrections to education laws” respectfully reports that it has considered the
5 same and recommends that the Senate propose to the House that the bill be
6 amended as follows:

7 **First:** In Sec. 8, 16 V.S.A. § 176, in subdivision (d)(1) and in Sec. 9, 16
8 V.S.A. § 176a, in subdivision (e)(1), by striking out the word “Programs” and
9 inserting in lieu thereof the following: Nondegree-granting and non-credit
10 granting programs

11 **Second:** By striking out Sec. 10 (16 V.S.A. § 1075; residency) in its
12 entirety and inserting in lieu thereof a new section to be Sec. 10 to read:
13 Sec. 10. [Deleted.]

14 **Third:** In Sec. 19, 16 V.S.A. § 1542(a), in subdivision (5), after the word
15 “employees” by inserting the words employees and of

16 **Fourth:** In Sec. 23, in 16 V.S.A. § 1551, by striking out subsection (b) in its
17 entirety and inserting in lieu thereof the following: * * *

18 **Fifth:** By striking out Sec. 29 (16 V.S.A. § 2282(b); tuition) in its entirety
19 and inserting in lieu thereof a new section to be Sec. 29 to read:

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

2 (b) ~~Except for those attending the college of medicine, the amount of~~
3 ~~tuition for eligible Vermont residents for attendance during each academic year~~
4 ~~shall be not more than 40 percent of the tuition charged to nonresident~~
5 ~~students. Tuition for eligible Vermont residents for shorter terms shall be no~~
6 ~~more per credit hour than that charged eligible Vermont residents during the~~
7 ~~academic year~~ A Vermont resident who is enrolled in the University as a full-
8 time undergraduate student shall not pay tuition in an amount that exceeds 40
9 percent of the tuition charged to a nonresident student.

10 **Sixth:** In Sec. 30, 16 V.S.A. § 2902, subsection (a), by striking out the final
11 sentence and inserting in lieu thereof a new final sentence to read: The tiered
12 system of supports shall, at a minimum, include an educational support team,
13 instructional and behavioral interventions, and accommodations that are
14 available as needed for any student who requires support beyond what can be
15 provided in the general education classroom.

16 **Seventh:** By striking out Sec. 34 (expanded learning opportunities; study)
17 in its entirety and inserting in lieu thereof a new section to be Sec. 34 to read:

18 Sec. 34. WORKING GROUP ON EQUITY AND ACCESS IN

19 EXPANDED LEARNING TIME; REPORT

20 (a) Creation. The Prekindergarten-16 Council shall create a working group
21 from among its membership to review and evaluate issues of equity in and

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1 access to Vermont’s expanded learning programs, including afterschool and
2 summer programs. **The Working Group shall obtain testimony from**

3 **existing providers of extended learning programs, including the**

4 **Governor’s Institutes of Vermont and the Vermont Youth Conservation**

5 **Corps.** In particular, the Working Group shall identify:

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

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

10 (3) areas of the State with limited or inequitable access to expanded
11 learning programs, **models successfully serving populations in those areas,**
12 and **the** barriers to operating programs in those areas;

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

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

16 (B) contribute to more effective school-year approaches to educating
17 underserved learners in Vermont **and provide program content that**
18 **reflects Vermont’s educational and workforce development priorities;**

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

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

3 (E) identify how best to coordinate and augment existing funding
4 streams for afterschool and summer learning programs **and ensure that**
5 **programs are cost-effective, effective in reaching and producing**
6 **outcomes for targeted populations, and non-duplicative.**

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

10 **Eighth:** By striking out Sec. 36 (16 V.S.A. § 323; audits) in its entirety and
11 inserting in lieu thereof a new section to be Sec. 36 to read:

12 Sec. 36. [Deleted.]

13 **Ninth:** By inserting ■■■ new sections to be Secs. 37 through ■■■ and related
14 reader assistance headings to read:

15 * * * Dual Enrollment Program; Privately Funded Students in Approved

16 Independent Schools * * *

17 **Sec. 37.** 16 V.S.A. § 944 is amended to read:

18 § 944. DUAL ENROLLMENT PROGRAM

19 * * *

20 (b) Students.

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

3 (A) the student:

4 (i) is enrolled in:

5 (I) a Vermont public school, including a Vermont career
6 technical center;

7 (II) a public school in another state or an approved independent
8 school that is designated as the public secondary school for the student's
9 district of residence; or

10 (III) ~~an a nonsectarian or sectarian~~ approved independent
11 school in Vermont ~~to which the student's district of residence pays publicly~~
12 ~~funded tuition on behalf of the student;~~

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

15 (iii) is a home study student;

16 * * *

17 (f) Tuition and funding.

18 * * *

19 (4) Notwithstanding any other provision of this subsection (f), a district
20 of residence shall not be responsible for payments under this subsection on
21 behalf of a student enrolled in an approved independent school for whom

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1 tuition is privately paid; rather, if the approved independent school chooses to
2 participate in the Dual Enrollment Program on behalf its privately tuitioned
3 students, then the independent school shall pay the school district's portion of a
4 student's dual enrollment tuition as calculated under this subsection.

5 * * *

6 * * * Technology; Innovation in Education Task Force * * *

7 **Sec. 38.** VERMONT INNOVATION IN EDUCATION TASK FORCE;
8 REPORT

9 (a) There is created a Vermont Innovation in Education Task Force to
10 examine barriers to the effective use of technology in Vermont's schools and to
11 support access to that technology through, among other things, the
12 dissemination of best practices and the potential creation of a grant program.

13 (b) The Task Force shall be composed of the following members:

14 (1) the President Pro Tempore of the Senate or designee;

15 (2) the Speaker of the House or designee;

16 (3) the Chair of the House Committee on Education or a member of that
17 committee appointed by the Chair;

18 (4) the Chair of the Senate Committee on Education or a member of that
19 committee appointed by the Chair;

20 (5) one member appointed by the Governor;

21 (6) The Secretary of Education or designee, who shall serve as chair;

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1 ~~(7) a representative of the postsecondary education community~~
2 ~~appointed by the Governor;~~

3 ~~(8) a representative of the Vermont Superintendents Association~~
4 ~~appointed by the Association; and~~

5 ~~(9) a representative of the business and industry community appointed~~
6 ~~by the Vermont Business Roundtable.~~

7 *[Potentially replaced by:]*

8 (1) an individual employed as a teacher in a Vermont public school
9 appointed by the Vermont National Education Association;

10 (2) an individual employed as a director of technology in a Vermont
11 public school appointed by the Secretary of Education;

12 (3) an individual employed as a principal in a Vermont public school
13 appointed by the Vermont Principals Association;

14 (4) an individual employed as a superintendent in a Vermont public
15 school appointed by the Vermont Superintendents Association;

16 (5) an individual employed as a library media specialist in a Vermont
17 public school appointed by the Vermont School Librarians Association; and

18 (6) two at large members appointed by the Secretary.

19 (c) The Task Force shall:

20 (1) examine barriers to the effective use of technology in Vermont's
21 schools and solutions to overcome them, including:

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1 (A) methods to ensure that both current teachers and students
2 enrolled in teacher preparation programs are able to use technology effectively;

3 (B) strategies to create and procure engaging and cost-effective
4 digital content to inspire Vermont students;

5 (C) strategies to ensure that all students benefit from access to
6 technology, especially students who face learning challenges;

7 (D) methods to increase operating efficiencies and enhance learning
8 opportunities, especially in rural areas, through the use of technology; and

9 (E) best practices to assist districts to prepare students to enter the
10 workforce or pursue postsecondary education or training without the need for
11 remediation; and

12 (2) consider elements necessary for the creation of a grant program to
13 support the effective use of technology in Vermont's schools, including
14 identification of potential funding sources and the criteria on which awards
15 could be based.

16 (d) The Task Force shall have the administrative, technical, and legal
17 assistance of the Agency of Education. For purposes of preparing
18 recommended legislation, the Task Force shall have the assistance of the
19 Office of Legislative Council.

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1 (e) On or before October 1, 2014, the Task Force shall publish on the
2 Agency of Education’s website and submit to the Governor and the House and
3 Senate Committees on Education a written report detailing:

4 (1) the results of its examination under subdivision (c)(1) of this section;

5 (2) the results of its considerations regarding creation of a grant
6 program; and

7 (3) any recommendations for legislative action.

8 (f) The Secretary of Education shall call the first meeting of the Task Force
9 to occur on or before June 1, 2014.

10 (g) For attendance at meetings during adjournment of the General
11 Assembly, legislative members of the Task Force shall be entitled to per diem
12 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

13 (h) The Task Force shall cease to exist on July 1, 2015.

14 * * * Privatization of Public Schools **(S.91)** * * *

15 **Sec. 39.** PRIVATIZATION OF PUBLIC SCHOOLS; MORATORIUM;

16 REPEAL

17 (a) Privatization of public school. Notwithstanding the authority of a
18 school district to cease operating an elementary or secondary school and to
19 begin paying tuition on behalf of its resident students, a school district shall not
20 cease operation of a school with the intention, for the purpose, or with the

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

3 (b) State Board approval. The State Board of Education shall not approve
4 an independent school under 16 V.S.A. § 166 if, on or after the effective date
5 of this act, a school district votes to cease operating a school that at the time of
6 the vote serves essentially the same population of students as the independent
7 school proposes to serve and is located in the building or buildings in which
8 the independent school proposes to operate.

9 (c) Publicly funded tuition. An approved independent school shall not be
10 eligible to receive publicly funded tuition dollars if, on or after the effective
11 date of this act, a school district votes to cease operating a school that at the
12 time of the vote serves essentially the same population of students as the
13 independent school proposes to serve and is located in the building or
14 buildings in which the independent school proposes to operate.

15 (d) Repeal. This section is repealed on July 1, 2016.

16 **Sec. 40.** SECRETARY OF EDUCATION; PRIVATIZATION STUDY;
17 REPORT

18 (a) The Secretary of Education shall research:

19 (1) the constitutional and other legal consequences of a school district's
20 decision to cease operating a school with the intention, for the purpose, or with
21 the result of having the school building or buildings reopen as an approved

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1 independent school serving essentially the same population of students
2 (privatization); and

3 (2) the constitutional and other legal consequences if the General
4 Assembly chose to prohibit privatization of public schools.

5 (b) Among other issues, the Secretary shall examine the Vermont and
6 U.S. Constitutions, federal civil rights law, and the Vermont Supreme Court's
7 decision in Brigham v. State and shall consider issues of delegation of
8 authority and the proper use of State funds.

9 (c) On or before January 15, 2015, the Secretary shall report the results of
10 the research required by this section to the Senate and House Committees on
11 Education and on Judiciary, together with any recommendations for legislative
12 amendments.

13 * * * Student Enrollment in School of Former Residency (S.175) * * *

14 **Sec. 41.** 16 V.S.A. § 1093 is amended to read:

15 § 1093. NONRESIDENT STUDENTS

16 (a) A school board may receive into the schools under its charge
17 nonresident students under such terms and restrictions as it deems best and
18 money received for the instruction of the students shall be paid into the school
19 fund of the district.

20 (b) Notwithstanding subsection (a) of this section, if a student has legal
21 residence in a Vermont school district and is enrolled in and attending a school

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1 maintained and operated by that district, and if at any time after completion of
2 the annual census period defined in subdivision 4001(1)(A) of this title the
3 student moves to a different Vermont school district with the intention of
4 remaining there indefinitely as contemplated in subsection 1075(a) of this title,
5 then, after a meeting at which the student, the student's parent or legal
6 guardian if the student is a minor, and representatives of both school districts
7 discuss the educational advantages and disadvantages of the student remaining
8 in the original district, the student or the student's parent or guardian may
9 choose to remain enrolled in the school maintained by the original district for
10 the remainder of the school year by notifying both school districts of the
11 decision to do so.

12 (c) Nothing in this section shall be construed to eliminate State or federal
13 requirements for a district to enroll eligible students residing outside the
14 district under the McKinney–Vento Homeless Assistance Act, 42 U.S.C.
15 § 11301 et seq., as may be amended.

16 * * * Principals; Nonrenewal of Contracts * * *

17 **Sec. 42.** 16 V.S.A. § 243 is amended to read:

18 § 243. APPOINTMENT; SUPERVISION; RENEWAL; DISMISSAL

19 (a) Appointment; supervision.

20 (1) The school board of each school district operating a school, after
21 recommendation by the superintendent, may designate a person as principal for

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1 each public school within the district, except that a principal may be selected to
2 serve more than one school. In the case of a career technical education center,
3 only the school board ~~which~~ that operates the center may designate a person as
4 director. ~~For purposes of~~ As used in this section, the word “principal” shall
5 include a principal and the director of career technical education, and the term
6 “public school” shall include a career technical education center.

7 (2) The superintendent shall supervise each principal within the
8 supervisory union in the performance of duties and the implementation of
9 school-based initiatives. The superintendent shall evaluate a principal during
10 the year in which the principal’s contract shall expire and may evaluate the
11 principal at other times during the contract term. Together with the evaluation
12 provided to the principal in the year in which the contract shall expire, the
13 superintendent shall indicate in writing whether he or she intends to
14 recommend to the school board that the contract be renewed or not renewed. If
15 the superintendent intends to recommend nonrenewal, then the written
16 notification shall also indicate on which of the three categories set forth in
17 subdivision (c)(2) of this section the recommendation is based.

18 (b) Length of contract. ~~The~~ A principal shall be employed by written
19 contract for a term of not less than one year nor more than three years. Based
20 upon the superintendent’s most recent written evaluation of the principal, a

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1 superintendent shall recommend to the school board whether or not to renew
2 the initial and any subsequent contract with a principal.

3 (c) Renewal and nonrenewal.

4 (1) A principal who has been continuously employed for more than two
5 years in the same position has the right either to have his or her contract
6 renewed, or to receive written notice of nonrenewal at least 90 days before the
7 existing contract expires;

8 (A) on or before February 1, if the principal has been continuously
9 employed for more than two years in the same position; and

10 (B) on or before April 1, if the principal has been continuously
11 employed for two years or less in the same position.

12 (C) at least 30 days before the existing contract expires, if the final
13 day of the existing contract is other than June 30.

14 (2) Nonrenewal may be based upon elimination of the position,
15 unresolved performance deficiencies, or other reasons affecting the educational
16 mission of the district. The written notice shall recite the grounds for
17 nonrenewal. If nonrenewal is based on performance deficiencies, the written
18 notice shall be accompanied by an evaluation performed by the superintendent.
19 At its discretion, any reason other than the elimination of the position then, at
20 its discretion, the school board may allow a period of remediation of

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1 ~~performance deficiencies~~ prior to issuance of the ~~written notice~~ its final
2 decision on nonrenewal.

3 (3) After receiving ~~such~~ a notice of nonrenewal, the principal may
4 request in writing, and shall be granted, a meeting with the school board. Such
5 request shall be delivered within ~~15~~ 10 calendar days of delivery of notice of
6 nonrenewal, and the meeting shall be held within 15 calendar days of delivery
7 of the request for a meeting. At the meeting, the school board shall explain its
8 position, and the principal shall be allowed to respond. The principal and any
9 member of the board may present written information or oral information
10 through statements of others, and the principal and the board may be
11 represented by counsel. The meeting shall be in executive session unless both
12 parties agree in writing that it be open to the public. After the meeting, the
13 school board shall decide whether or not to offer the principal an opportunity
14 to renew his or her contract. The school board shall issue its decision in
15 writing within five days. The decision of the school board shall be final.

16 * * *

17 (e) Inclusion in contract. Every principal's contract shall be deemed to
18 contain the provisions of this section. Any contract provision to the contrary is
19 without effect. Each written contract shall include a reference to chapter 5,
20 subchapter 3 of this title; provided, however, that failure to do so shall not give
21 rise to a private right of action.

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1 (f) Notification by principal. On or before May 1 of the year in which a
2 principal's contract expires, the principal shall notify the school board in
3 writing if he or she intends not to enter into a new contract with the district.

4 * * * Student Privacy * * *

5 **Sec. 43.** STUDENT PRIVACY

6 *[this is drafted from 4/22/14 AOE memo and – as I wasn't present for the*
7 *testimony – I am unclear about what some of it means]*

8 The Secretary of Education shall adopt policies, and the State Board of Ed
9 may adopt rules pursuant to 3 V.S.A. chapter 25, regarding student privacy that
10 are aligned with State policy goals and federal law and that delineate legitimate
11 educational purposes to use student data, including uses connected to:
12 assessment; interoperability [????]; transfer of data for educational purposes or
13 education or fiscal administration; reporting of [assessment?] results;
14 innovative learning; general purpose software as a service used for student or
15 educator work; and performance of functions by the Agency or for its use.

16 * * * School Meals; Policies * * *

17 **Sec. 44.** 16 V.S.A. § 1263 is added to read:

18 § 1263. MEALS; SCHOOL POLICY

19 Each school district offering meals pursuant to the provisions of this chapter
20 shall adopt a written policy to address the failure of a parent or guardian to pay
21 for meals in a manner that does not deny meals to [or otherwise stigmatize?]

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1 the student. At a minimum, the policy shall require the school to notify the
2 parent or guardian in writing that payment is owed on behalf of the student, to
3 inform the parent or guardian of the availability of federal and state financial
4 assistance for school meals, and to offer to arrange a repayment and payment
5 plan. In addition, the policy shall require the school to provide prior
6 notification to a parent if food will no longer be provided to the student and
7 indicate the specific date on which that will occur. *[Isn't this final sentence a*
8 *contradiction of the first? How would you like to reconcile the two*
9 *concepts?]*

10 Sec. 45. IMPLEMENTATION

11 School districts shall develop and implement policies pursuant to Sec. 44 of
12 this act on or before the first day of student attendance in the 2014–2015
13 academic year.

14

15

16 ***[more on next page]***

17

18

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1 *[originally presented to the Senate Committee on Finance in connection*
2 *with H.889; Sec. numbers below are as in draft 3.1 of that document]*

3 * * * Responsibilities of Supervisory Union Boards, Superintendents,
4 and School Districts * * *

5 **Sec. 1.** 16 V.S.A. § 268 is added to read:

6 § 268. DUTIES OF A SUPERVISORY UNION BOARD

7 A supervisory union board shall:

8 (1) adopt supervisory union policies, including truancy policies that are
9 consistent with model protocols developed by the Secretary;

10 (2) adopt a supervisory union-wide curriculum that meets the
11 requirements adopted by the State Board under subdivision 165(a)(3)(B) of
12 this title, by either developing the curriculum or directing the superintendent to
13 assist the member districts to develop it jointly;

14 (3) on or before June 30 of each year, adopt a supervisory union budget
15 for the ensuing school year;

16 (4) employ a superintendent pursuant to the provisions of section **270**
17 [current § 241]of this title and evaluate and oversee the performance of the
18 superintendent;

19 (5) employ all licensed and nonlicensed employees of the supervisory
20 union pursuant to the provisions of section **271 [current § 242]of this title,**

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1 including a person or persons qualified to provide financial and student data
2 management services for the supervisory union and the member districts;

3 (6) negotiate with the licensed employees of the supervisory union and
4 school districts, pursuant to chapter 57 of this title, and with other school
5 personnel, pursuant to 21 V.S.A. chapter 22, at the supervisory union level;
6 provided that

7 (i) contract terms may vary by district; and

8 (ii) contracts may include terms facilitating arrangements between
9 or among districts to share the services of teachers, administrators, and other
10 school personnel;

11 (7) pursuant to criteria established by the State Board, establish and
12 direct the superintendent to implement a plan for receiving and disbursing
13 federal and State funds distributed by the Agency, including funds awarded
14 under P.L. 89-10, the Elementary and Secondary Education Act of 1965, as
15 amended.

16 **Sec. 2.** 16 V.S.A. § 269 is added to read:

17 § 269. DUTIES OF A SUPERVISORY UNION

18 (a) A supervisory union shall have sole responsibility to:

19 (1) provide professional development programs or arrange for the
20 provision of them, or both, for teachers, administrators, and staff within the
21 supervisory union, which may include programs offered solely to one school or

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1 other component of the entire supervisory union to meet the specific needs or
2 interests of that component; a supervisory union has the discretion to provide
3 financial assistance outside the negotiated agreements for teachers'
4 professional development activities;

5 (2) provide special education services on behalf of the member districts
6 and, except as provided in section 144b of this title, compensatory and
7 remedial services, and provide or coordinate the provision of other educational
8 services as directed by the State Board or local boards;

9 (3) provide all financial and student data management services on behalf
10 of the member districts and serve as the districts' business office and human
11 resources office;

12 (4) provide transportation or contract for the provision of transportation,
13 or both in any districts in which it is offered within the supervisory union;

14 (5) procure and distribute all goods and operational services used by the
15 member districts, including office and classroom supplies and equipment,
16 textbooks, and cleaning materials and services;

17 (6) manage all real property owned or leased by the member school
18 districts and keep the buildings and grounds in good repair, suitably equipped,
19 and in a sanitary condition; and

20 (7) manage all construction projects within the supervisory union.

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1 (b) A supervisory union shall submit to the board of each member school
2 district, on or before January 15 of each year, a summary report of financial
3 operations of the supervisory union for the preceding school year, an estimate
4 of its financial operations for the current school year, and a preliminary budget
5 for the supervisory union for the ensuing school year. This requirement shall
6 not apply to a supervisory district. For each school year, the report shall show
7 the actual or estimated amount expended by the supervisory union for special
8 education services, including:

9 (A) a breakdown of that figure showing the amount paid by each
10 school district within the supervisory union; and

11 (B) a summary of the services provided by the supervisory union's
12 use of the expended funds;

13 (c) A supervisory union may provide other appropriate services if requested
14 by a member district, including grant writing and fundraising.

15 Sec. 3. 16 V.S.A. § 241 is redesignated and amended to read:

16 § ~~241~~ 270. APPOINTMENT OF SUPERINTENDENT

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

19 * * *

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1 **Sec. 4.** 16 V.S.A. § 242 is redesignated and amended to read:

2 § ~~242~~ 271. DUTIES OF SUPERINTENDENTS

3 The superintendent shall be the chief executive officer for the supervisory
4 union board and for each school board within the supervisory union, and shall:

5 * * *

6 (6) arrange for the provision of the professional training required in
7 subsection 561(b) of this title; ~~and~~

8 (7)(A) ensure implementation of the supervisory union-wide curriculum
9 adopted by the supervisory union board;

10 (B) assist each school in the supervisory union to follow the
11 curriculum; and

12 (C) if students residing in the supervisory union receive their
13 education outside the supervisory union, periodically review the compatibility
14 of the supervisory union's curriculum with those other schools;

15 (8) perform all the duties required of a supervisory union in section 269
16 of this title or oversee the performance of those duties by employees of the
17 supervisory union; and

18 (9) provide for the general supervision of the public schools in the
19 supervisory union ~~or district~~.

20 **Sec. 5.** 16 V.S.A. § 242a is redesignated to read:

21 § ~~242a~~ 272. Internal Financial Controls

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1 **Sec. 6.** 16 V.S.A. § 563 is amended to read:

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

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

7 * * *

8 (2) May take any action, except actions explicitly reserved to the
9 supervisory union pursuant to chapter 7 of this title, which is required for the
10 sound administration of the school district. The Secretary, with the advice of
11 the Attorney General, upon application of a school board, shall decide whether
12 any action contemplated or taken by a school board under this subdivision is
13 required for the sound administration of the district and is proper under this
14 subdivision. The Secretary's decision shall be final.

15 (3) Shall own and have the possession, ~~care, control and management~~ of
16 the property of the school district, subject to the authority vested in the
17 electorate or any school district official.

18 (4) ~~[Repealed.]~~

19 (5) Shall keep the school buildings and grounds ~~in good repair, suitably~~
20 ~~equipped, insured and in safe and sanitary condition~~ at all times.

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1 (5) ~~The school board shall~~ Shall regulate or prohibit firearms or other
2 dangerous or deadly weapons on school premises. At a minimum, a school
3 board shall adopt and implement a policy at least consistent with section 1166
4 of this title and 13 V.S.A. § 4004, relating to a student who brings a firearm to
5 or possesses a firearm at school.

6 (6) Shall have discretion to furnish instruction to pupils who have
7 completed a secondary education and to administer early educational
8 programs.

9 (7) May relocate or discontinue use of a schoolhouse or facility, subject
10 to the provisions of sections 821 and 822 of this title.

11 (8) ~~Shall~~ Subject to the duties and authority of the supervisory union
12 pursuant to subdivision 263(a)(3), shall establish and maintain a system for
13 receipt, deposit, disbursement, accounting, control, and reporting procedures
14 that meets the criteria established by the State Board pursuant to subdivision
15 164(15) of this title and that ensures that all payments are lawful and in
16 accordance with a budget adopted or amended by the school board. ~~The~~
17 ~~school board may authorize a subcommittee, the superintendent of schools, or~~
18 ~~a designated employee of the school board to~~ The superintendent shall examine
19 claims against the district for school expenses and draw orders for such as shall
20 be allowed by it payable to the party entitled thereto. Such orders shall state
21 definitely the purpose for which they are drawn and shall serve as full authority

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1 to the treasurer to make such payments. ~~It shall be lawful for a school board to~~
2 ~~submit to its treasurer a certified copy of those portions of the board minutes,~~
3 ~~properly signed by the clerk and chair, or a majority of the board, showing to~~
4 ~~whom, and for what purpose each payment is to be made by the treasurer, and~~
5 ~~such certified copy shall serve as full authority to the treasurer to make the~~
6 ~~payments as thus approved.~~

7 * * *

8 (14) ~~Shall provide, at the expense of the district, subject to the approval~~
9 ~~of the superintendent, all text books, learning materials, equipment and~~
10 ~~supplies. [Repealed.]~~

11 * * *

12 **Sec. 7.** 16 V.S.A. § 426(c) is amended to read:

13 (c) The treasurer shall pay out of such money, orders drawn by or upon the
14 authority of the ~~board of school directors~~ superintendent. ~~If he or she the~~
15 treasurer does not pay any such order on demand the holder thereof may
16 recover the amount from the town school district with interest from the time of
17 such demand. Moneys so received by the town school district may be invested
18 and reinvested by the treasurer, with the approval of the board of school
19 directors.

20 ***NOTE:*** *There may be other sections that need to be amended to clarify SU's*
21 *role as business office and treasurer's more limited role.*

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1 **Sec. 8.** REPEAL *[to be filled in once all decisions are made about which*
2 *sections to include]*

3
4 *[add to EFFECTIVE DATE Section]* Secs. _____ shall apply to academic
5 years 2015–2016 and after.

6

7 * * * Collaboration by Supervisory Unions * * *

8 **Option #1:**

9 **Sec. 9.** 16 V.S.A. § 261a(b) is amended to read: *[amend if include Secs 1-7]*

10 (b) Virtual merger. In order to promote the efficient use of financial and
11 human resources, ~~and whenever legally permissible, supervisory unions are~~
12 ~~encouraged to reach agreements with other supervisory unions jointly to~~
13 ~~provide any service or perform any duty under this section pursuant to section~~
14 ~~267 of this title. Agreements between supervisory unions are not subject to the~~
15 ~~waiver requirement of subdivision (a)(8) of this section. Agreements shall~~
16 ~~include a cost benefit analysis outlining the projected financial savings or~~
17 ~~enhanced outcomes, or both, that the parties expect to realize through shared~~
18 ~~services or programs~~ and pursuant to subsection 267 of this title, each
19 supervisory union shall enter into an agreement with at least one other
20 supervisory union jointly to provide the services required under the following
21 subdivisions of subsection (a) of this section:

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- 1 (1) subdivision (a)(5) (professional development);
- 2 (2) subdivision (a)(8)(A) (goods and operational services);
- 3 (3) subdivision (a)(8)(E) (transportation); and
- 4 (4) subdivision (a)(8)(G) (other appropriate services).

5 **Sec. 10.** 16 V.S.A. § 267(a) is amended to read:

6 (a) ~~Supervisory~~ In addition to the joint agreements required in subsection
7 261a(b) of this title, supervisory unions, or administrative units not within a
8 supervisory union, in order to provide services cooperatively, may at any
9 annual or special meeting of the supervisory unions, by a majority vote of the
10 directors present and eligible to vote, enter into a joint agreement to provide
11 joint programs, services, facilities, and professional and other staff that are
12 necessary to carry out the desired programs and services.

13 **Option #2:**

14 **Sec. 9.** SUPERVISORY UNION SERVICE REGIONS

15 On or before January 1, 2015, the Secretary of Education shall establish
16 supervisory union service regions, each of which shall be a group of
17 supervisory unions that jointly provide the services required by 16 V.S.A.
18 § 261a(b).

19 **Sec. 10.** 16 V.S.A. § 261a(b) is amended to read: *[amend if include Secs 1-7]*

20 (b) ~~Virtual merger. In order to promote the efficient use of financial and~~
21 ~~human resources, and whenever legally permissible, supervisory unions are~~

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1 ~~encouraged to reach agreements with other supervisory unions jointly to~~
2 ~~provide any service or perform any duty under this section pursuant to section~~
3 ~~267 of this title. Agreements between supervisory unions are not subject to the~~
4 ~~waiver requirement of subdivision (a)(8) of this section. Agreements shall~~
5 ~~include a cost benefit analysis outlining the projected financial savings or~~
6 ~~enhanced outcomes, or both, that the parties expect to realize through shared~~
7 ~~services or programs. The supervisory unions in each supervisory union~~
8 ~~service region, as established by the Secretary, shall jointly provide the~~
9 ~~services required under the following subdivisions of subsection (a) of this~~
10 ~~section:~~

11 (1) subdivision (a)(5) (professional development);

12 (2) subdivision (a)(8)(A) (goods and operational services);

13 (3) subdivision (a)(8)(E) (transportation); and

14 (4) subdivision (a)(8)(G) (other appropriate services).

15

16 *[add to EFFECTIVE DATE Section]* Secs. ____ shall take effect on July 1,
17 2014 and shall apply to academic years 2015–2016 and after.

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* * * Financial Penalties; Failure to Comply with Law * * *

Sec. 11. 32 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

As used in this chapter:

* * *

(13) "District spending adjustment" means the greater of: one or a fraction in which the numerator is the district's education spending plus excess spending plus any noncompliance penalty, per equalized pupil, for the school year; and the denominator is the base education amount for the school year, as defined in 16 V.S.A. § 4001. For a district that pays tuition to a public school or an approved independent school, or both, for all of its resident students in any year and which has decided by a majority vote of its school board to opt into this provision, the district spending adjustment shall be the average of the district spending adjustment calculated under this subdivision for the previous year and for the current year. Any district opting for a two-year average under this subdivision may not opt out of such treatment, and the averaging shall continue until the district no longer qualifies for such treatment.

* * *

(15) "Noncompliance penalty" means an amount equal to one percent of a district's total education spending, as defined in 16 V.S.A. § 4001(6) included in the calculation of a district's district spending adjustment if the

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1 Secretary of Education, pursuant to criteria established by the State Board of
2 Education, determines that the district failed to comply with *[what?? e.g.:*

- 3 • *statutory requirements relating to the proper roles and*
- 4 *responsibilities of supervisory unions and school districts*
- 5 • *any provision of state or federal law*
- 6 • *etc.]*

7

8 *[effective date – applies beginning in what fiscal year?]*

9

10

11 * * * Supervisory Union Consolidation * * *

12 **Sec. 12.** SUPERVISORY UNION; ADJUSTMENT OF BOUNDARIES

13 Pursuant to the authority granted it in 16 V.S.A. § 261, the State Board shall
14 regroup the supervisory unions of the state to create no more than a total of 20
15 supervisory unions statewide. The existing supervisory unions shall be
16 dissolved and all new supervisory unions shall be fully operational no later
17 than July 1, 2019.

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1 * * * Paraprofessionals * * *

2 **Sec. 13.** 16 V.S.A. § 4025(b) is amended to read:

3 (b) Moneys in the education fund shall be used for the following:

4 (1) To make payments to school districts and supervisory unions for the
5 support of education in accordance with the provisions of section 4028 of this
6 title, other provisions of this chapter, and the provisions of 32 V.S.A. chapter
7 135, to make payments to carry out programs of adult education in accordance
8 with subsection 1049(a) of this title, and to provide funding for the community
9 high school of Vermont; provided, however, that moneys in the education
10 funds shall not be used for the purpose of employing an individual to provide
11 assistance in the classroom, other than an individual employed as a licensed
12 teacher or an individual employed to provide assistance in the delivery of
13 special education services.

14 * * *

15 **Sec. 14.** 16 V.S.A. § 4029(a) is amended to read:

16 (a)(1) Funds received by a school district may be used only for legitimate
17 items of current education expense and shall not be used for municipal
18 services.

19 (2) Except as provided in subdivision 4025(b)(1) of this title or as
20 otherwise prohibited by State or federal law, funds received by a school district
21 may be used for the expense of an individual who is employed by the district

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1 or supervisory union to provide assistance in the classroom and who is not
2 employed as a licensed teacher or to provide assistance in the delivery of
3 special education services.

4 * * *

5 **Sec. 15.** 16 V.S.A. § 4001(6) is amended to read:

6 (6) "Education spending" means the amount of the school district budget, any
7 assessment for a joint contract school, technical center payments made on
8 behalf of the district under subsection 1561(b) of this title, and any amount
9 added to pay a deficit pursuant to 24 V.S.A. § 1523(b) which is paid for by the
10 school district, but excluding any portion of the school budget paid for from
11 any other sources such as endowments, parental fund raising, federal funds,
12 nongovernmental grants, or other state funds such as special education funds
13 paid under chapter 101 of this title, or any funds used to employ a person to
14 provide assistance in the classroom and who is not employed as a licensed
15 teacher or to provide assistance in the delivery of special education services
16 pursuant to subdivision 4029(a)(2) of this title.

17 * * *

18
19 ***[add to EFFECTIVE DATE Section]*** Secs. ___ – ___ shall take effect on July 1,
20 2014 and shall apply to budgets for the 2015–2016 academic year and after.

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* * * Special Education Funding; Pilot * * *

Sec. 16. SPECIAL EDUCATION FUNDING; ENHANCED MAINSTREAM
BLOCK GRANTS; PILOT

(a) There is created a pilot program designed to encourage reduced special education expenditures through the use of best practices to provide special education services in the general classroom setting. Pursuant to a process and criteria to be developed by the Secretary of Education, and notwithstanding the provisions of 16 V.S.A. § 2961, the Secretary may designate the districts within up to four supervisory unions to be eligible to receive an enhanced mainstream block grant (Enhanced Grant) that is up to 50 percent greater than the amount calculated pursuant to that section in fiscal [year(s)]

(b) To be eligible for the Enhanced Grant, all districts within a supervisory union shall submit a joint application providing information prescribed by the Secretary on or before [date]. The joint application shall

(1) describe how the districts will serve students on individual education programs in a general classroom setting using evidence based practices;

(2) describe the manner in which the districts shall measure [student?] performance; and

(3) demonstrate how the use of best practices shall result in reduced expenditures.

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1 (c) Receipt of an Enhanced Grant under this section shall not preclude a
2 district from receiving extraordinary services reimbursement or special
3 education expenditures reimbursement under 16 V.S.A. §§ 2962–2963.

4 (d) On or before January 15, 2015 [and later date?], the Secretary shall
5 submit a report to the House and Senate Committees on Education, the House
6 Committee on Ways and Means, and the Senate Committee on Finance
7 regarding the results of the pilot project and any recommendations for
8 legislative action.

9 (e) This section is repealed on [date].

- 10 • *Should something be added about how groups of districts will be*
11 *selected? (e.g., based on estimated savings? based on who is*
12 *currently the highest spending and so would be best served by*
13 *reducing costs? based on who is not using best practices already?)*
- 14 • *The AOE draft uses the words “up to 50%” – will the percentage*
15 *be based upon the amount of savings?*
- 16 • *Will the payment be made based on what they project they will*
17 *save? or after the fact based on how much they actually do save*
18 *(up to 50%)?*
- 19 • *Is this available for multiple years? Or just one year? If multiple,*
20 *then is it available to the same groups of districts or different*
21 *districts each year?*

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1 • *Does there need to be an appropriation to cover this? If this is*
2 *going to be paid from ed property taxes raised statewide, then do*
3 *you need to think about the timing so that tax rates are set so that*
4 *they accommodate the additional cost? or can that detail be*
5 *addressed by the process and procedures and schedule the*
6 *Secretary sets up to run this?*

7 • *[add to effective date section = passage]*

8 * * * Agency of Education; Education Fund * * *

9 Sec. 17. AGENCY OF EDUCATION; EDUCATION FUND

10 (a) The Agency of Education shall identify \$1,000,000.00 in planned
11 expenditures from the Education Fund that is improperly identified as
12 education spending and the Education Fund shall reflect that reduction in fiscal
13 year 2015. The Secretary shall reduce education spending, as defined 16
14 V.S.A. § 4001, for purposes of calculating the tax rate of, and the
15 corresponding payment from the Education Fund to, each district identified as
16 improperly including non-education spending within its education budget in
17 fiscal year 2015.

18 (b) On or before January 15, 2015, the Secretary shall present the results of
19 the work required by this section to the General Assembly, together with any
20 recommendations for legislative action.

21 *[add to effective date section = passage]*

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Change Effective Date???

* * * Effective Date * * *

Sec. 37. EFFECTIVE DATE

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

- (1) a distance education course or program; or
- (2) a graduate program other than in the College of Medicine.

(Committee vote: _____)

Senator _____
FOR THE COMMITTEE