

H. 876
Miscellaneous Ed Bill – As Passed by the House
(March 26, 2014)

Secs. 1-7. Technical Amendments Relating to Education Quality Standards.

16 V.S.A. § 165 requires the State Board of Education to adopt rules relating to the State’s “School Quality Standards.” The State Board recently adopted updated rules. Among other more substantive changes, the State Board replaced the term “*School Quality Standards*” with the term “*Education Quality Standards*..” It also replaced the term “*Comprehensive Action Plan*,” which every school must complete, with the term “*Continuous Improvement Plan*.”

Section 1 makes corresponding changes to those terms as they appear in 16 V.S.A. § 165.

In addition, there is a type of independent school known as an “Independent School Meeting *School Quality Standards*.” Now that the term “*School Quality Standards* has been changed to “*Education Quality Standards*” the description of the independent school needs to change as well.

Sections 1 through 6 amend six statutory sections to update the name to “Independent School Meeting *Education Quality Standards*.”

Section 7 directs Legislative Council to update that phrase if it appears elsewhere in statute.

Secs. 8-9. Online Postsecondary Degree Programs

16 V.S.A. § 176 & § 176a are existing statutes that govern State approval of postsecondary schools and programs that are chartered in Vermont and that are not chartered in Vermont.

Sections 8 and 9 amend these sections as they relate to online programs. The Agency testified that some states currently require out-of-state postsecondary institutions to go through a costly and time-consuming approval process. Participation in an interstate agreement would permit Vermont programs to obtain permission to offer online programs in another state more easily and at a lower cost.

Section 8 addresses online programs offered by Vermont postsecondary institutions. It adds a new subsection (m) that authorizes the State to enter into an interstate reciprocity agreement for these programs. It also states that Vermont would be responsible for investigating complaints against the Vermont programs.

Section 9 addresses online programs offered in Vermont by postsecondary institutions not chartered by the State. It adds a new subdivision (e)(6) that acknowledges online programs offered solely by the internet or electronic media if the postsecondary institution's home state has entered into an interstate reciprocity agreement with Vermont and the institution is in good standing in its home state.

Secs. 10-11. Residency; Child Awaiting Adoption

When an out-of-state entity places a child in Vermont in anticipation of adoption, current Vermont laws do not recognize the child as a resident of the school district in which the child is living and so the student is not included within the district's ADM. In addition, school districts cannot consider the students "state-placed" students under current law. School districts must bill other states to try to recover the costs of services provided to these students, who are often high-needs students. As a result of these laws, Vermont is not considered "adoption friendly."

Section 10 amends 16 V.S.A. § 1075(a)(1)(B) so that if a minor is in the custody of a pre-adoptive family as appointed by a Vermont or out-of-state court, then the minor is considered a resident of the school district in which the pre-adoptive family resides.

Section 11 amends 16 V.S.A. § 11(28) so that the definition of "state-placed student" includes a student placed with a Vermont family by an out-of-state court.

Secs. 12-28. Career Technical Education Centers; Technical Corrections

The Agency of Education asked for a number of small amendments to 17 sections within Title 16, chapter 37 – which governs career technical education. Most of the changes are to clarify or update language used in the statutes. The amendments include the following:

Section 12 amends 16 V.S.A. § 1521(a) in two ways. It clarifies that it is the policy of the state is for all Vermonters to have "access" to career technical education, rather than to "receive" this education. Second, it updates the language used to describe the *purpose* of career technical education.

Section 13 adds a definition of "Program of Study" which is a clarifying term used in many of the amendments to Sections 13 through 28.

Several of the sections clarify that career technical education should be "fully integrated with rigorous academics" rather than "coordinated with academic instruction."

Similarly, the term “competencies” is updated to the term “technical proficiencies” in several sections.

Section 23 adds two new subsections (d) and (e) to 16 V.S.A. § 1551 – but this language is simply being moved from § 1551a, which is repealed in Section 35 of the act.

Sec. 29. UVM Tuition; Full Tuition for Graduate/Distance Programs

16 V.S.A. § 2282 requires that a Vermont student enrolled at UVM pays no more than 40% of the out-of-state tuition. As currently enacted, graduate students enrolled in the College of Medicine do not receive this tuition discount. At the time § 2282 was enacted, the only graduate degrees offered by UVM were at the College of Medicine. Because only the College of Medicine is exempted, the University is required to provide a tuition discount to Vermont students enrolled in all of its other graduate and distance programs. The University testified that because the discounted rates are set at *a specific percentage of out-of-state tuition*, it cannot keep its out-of-state tuition competitive for its graduate and distance programs and it has not been cost effective to begin some programs it would otherwise have begun.

Section 29 amends § 2282 so that Vermont students enrolled in any graduate program or distance program would not receive the specific tuition discount. This change would not affect undergraduate students enrolled at the University.

Sec. 30. Educational Support Teams

16 V.S.A. § 2902 currently requires all public schools to “develop and maintain an educational support system for students who require additional assistance in order to succeed or be challenged in the general education environment.” At the time the law was originally enacted, the statute referenced aspects of what would be included in an educational support system because those aspects were not addressed anywhere else. Since that time, the State Board of Ed and the Agency have adopted detailed rules and policies that reflect best-practices.

Section 30 of the bill makes numerous amendments to § 2902 to update the *language* and the *required actions* to reflect current best-practice and the newly adopted rules for Education Quality Standards. For example, instead of an “educational support system for students who require additional assistance,” the bill would require “a tiered system of academic and behavioral supports” to the students.” Section 30 also substitutes the term “multi-tiered system of support” for “educational support system,” which aligns with the language in the recently adopted Education Quality Standards

and reflects current understanding of support systems. In addition, this section removes many of the references to what should be included in a support system because the details are now provided in detail in other places. The requirement that every school have an educational support team remains intact.

Sec. 31. Divided Vote

Section 31 amends 16 V.S.A. § 563, which sets forth the powers of school boards. Act 82 of 2007 amended § 563 to include the requirement that school budgets proceed by means of a divided question in certain circumstances. By the terms of Act 82, those amendments applied to budgets for fiscal year 2010 through fiscal year 2014. BUT Act 82 did not include any mechanism to delete the language from the statutes. Section 31 of this bill would delete the divided vote language from subdivision (11)(B) of § 563.

This identical amendment (to delete language regarding a divided vote) was included in H.524, last year's very large technical corrections bill. On the basis of a floor amendment, the Senate voted on the last day of the Session to retain this language in statute – even though it was no longer in effect.

Sec. 32. Designation of a Public School

The substance of Section 32 was also in H.524 – in Sec. 69, the very same section that amended the divided vote language. When the Senate removed Section 69 from H.524 so that the divided vote language would remain in the printed version of the statutes, this amendment relating to the designation of a public schools was also deleted from the bill.

Section 32 of H.876 deletes the second sentence of subdivision (31) of 16 V.S.A. § 563. Act 44 of 2009 amended 16 V.S.A. § 827 to permit non-operating school districts to designate a *public* school as the school for their resident students. Prior to that time only independent schools could be designated. The second sentence of § 563(31) should also have been repealed when § 827 was amended in 2009. Section 32 of this bill corrects that oversight.

Sec. 33. District Spending Adjustment

32 V.S.A. § 5401(13) defines the “District Spending Adjustment” used in calculating a school district’s tax rate. Act 143 of 2012 provided an alternative method of calculating this amount to address an issue confronting one school district. Neither that district nor any other has taken advantage of the alternative method of calculation. Section 33 removes it from the statute at the request of the Agency of Education.

Sec. 34. Expanded Learning Opportunities

Section 34 requires the Prekindergarten–16 Council created in statute to create a working group from among its membership to review and evaluate equity in and access to Vermont’s expanded learning programs, including afterschool and summer programs. The working group would report to the House and Senate Education Committees on or before December 31.

Sec. 35. Repeal

Section 35 repeals three statutes:

Subdivision (1) repeals 16 V.S.A. § 1421, which is outdated legislation regarding the provision of sight and hearing testing equipment. Both the Department of Health and the Agency of Education requested that it be removed as it is covered by other law.

Subdivision (2) repeals 16 V.S.A. § 1551a, which, as mentioned before when discussing the career technical education amendments, was moved to become two new subsections in § 1551.

Subdivision (3) repeals 16 V.S.A. § 4001(6)(A), which refers to exceptions to the calculation for a divided vote. The Senate removed this amendment from H.524 when it removed the divided vote section from that bill.

Sec. 36. Audits

The 2010 General Assembly required each SU to perform certain duties on behalf of its member districts, including the provision of financial and student data management services. This requirement was effective July 1, 2013. In connection with this requirement, the 2012 General Assembly moved the existing auditing requirement as it related to school districts to the section of law that requires SUs to have an annual audit (16 V.S.A. § 323). As a result, the audits of both SUs and school districts are required to occur on an annual basis – effective July 1, 2013. Prior to 2013, audits of school district financial statements were required once in every three years. Sec. 36 amends § 323 so that audits of school districts are again required to occur one in every three years.

Sec. 37. Effective Dates

Section 26 provides that this act shall take effect on passage EXCEPT that any student already enrolled in a graduate or distance learning program at a reduced tuition rate at UVM would not be required to begin pay at a higher tuition rate.