

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 91
3 entitled “An act relating to public funding of some approved independent
4 schools” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. PRIVATIZATION OF PUBLIC SCHOOLS; MORATORIUM;
8 REPEAL

9 (a) Privatization of public school. Notwithstanding the authority of a
10 school district to cease operating an elementary or secondary school and to
11 begin paying tuition on behalf of its resident students, a school district shall not
12 cease operation of a school with the intention, for the purpose, or with the
13 result of having the school building or buildings reopen as an approved
14 independent school serving essentially the same population of students.

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

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

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 This section is repealed on July 1, 2016.

8 Sec. 2. SECRETARY OF EDUCATION; PRIVATIZATION STUDY;
9 REPORT

10 (a) The Secretary of Education shall explore the constitutional and other
11 legal consequences of a school district's decision to cease operating a school
12 with the intention, for the purpose, or with the result of having the school
13 building or buildings reopen as an approved independent school serving
14 essentially the same population of students. Among other issues, the Secretary
15 shall examine federal civil rights law and the Vermont Supreme Court's
16 decision in *Brigham v. State* and shall consider issues of delegation of
17 authority, proper use of State funds, and the ceding of local and democratic
18 control over a constitutionally mandated public function.

19 (b) On or before January 15, 2015, the Secretary shall report the results of
20 the research required by this section to the Senate and House Committees on
21 Education, together with any recommendations for legislative amendments.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.

3

4 and that after passage the title of the bill be amended to read: "An act relating
5 to privatization of public schools"

6

7 (Committee vote: _____)

8

9

Senator _____

10

FOR THE COMMITTEE