

1 Sec. 1. PRIVATIZATION OF PUBLIC SCHOOLS; MORATORIUM;

2 REPEAL

3 (a) **Privatization of public school.** Notwithstanding the authority of a
4 school district to cease operating an elementary or secondary school and to
5 begin paying tuition on behalf of its resident students, a school district shall not
6 cease operation of a school with the intention, for the purpose, or with the
7 result of having the school building or buildings reopen as an approved
8 independent school serving essentially the same population of students.

9 (b) **State Board approval.** The State Board of Education shall not
10 approve an independent school under 16 V.S.A. § 166 if, on or after the
11 effective date of this act, a school district votes to cease operating a school that
12 at the 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 (c) **Publicly funded tuition.** An approved independent school shall not be
16 eligible to receive publicly funded tuition dollars if, on or after the effective
17 date of this act, a school district votes to cease operating a school that at the
18 time of the vote serves essentially the same population of students as the
19 independent school proposes to serve and is located in the building or
20 buildings in which the independent school proposes to operate.

21 (d) **Repeal.** This section is repealed on July 1, 2016.

1 Sec. 2. SECRETARY OF EDUCATION; PRIVATIZATION STUDY;

2 REPORT

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

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

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on passage.