

**No. 48. An act relating to making miscellaneous technical and other amendments to education laws.**

(H.480)

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

\* \* \* Elementary Education; Prekindergarten \* \* \*

Sec. 1. 16 V.S.A. § 11(a)(3) is amended to read:

(3) “Elementary education” means a program of public school education adapted to the needs of students in prekindergarten, kindergarten, and the first six grades.

\* \* \* School Boards; Designation; Technical Correction \* \* \*

Sec. 2. 16 V.S.A. § 563(31) is amended to read:

(31) Subject to the requirements of section 571 of this title, may enter into contracts with other school boards to provide joint programs, services, facilities, and professional or other staff. ~~Nothing herein shall be construed to permit the designation by a school district that does not maintain a secondary school of another school district’s secondary school as the secondary school of the district.~~

\* \* \* Sight and Hearing Testing; Equipment \* \* \*

Sec. 3. REPEAL

16 V.S.A. § 1421 (sight and hearing testing equipment) is repealed.

\* \* \* Vermont State Colleges; Technical Correction \* \* \*

Sec. 4. 16 V.S.A. § 2179 is amended to read:

§ 2179. NONAPPLICABILITY OF CERTAIN STATUTES

Except as expressly provided in this chapter, the Corporation, its officers and employees shall not be governed by:

\* \* \*

(9) 21 V.S.A. § 342~~(d)~~(c), dealing with required written employee authorization before an employer may pay wages through electronic funds transfer or other direct deposit systems to a checking, savings, or other deposit account maintained by the employee within or outside the State.

\* \* \* University of Vermont and State Agricultural College \* \* \*

Sec. 4a. 16 V.S.A. § 2285 is added to read:

§ 2285. NONAPPLICABILITY OF CERTAIN REQUIREMENTS FOR  
PAYMENT OF WAGES

Except as expressly provided in this chapter, the University of Vermont and State Agricultural College and its Board of Trustees, officers, and employees shall not be subject to the provisions of 21 V.S.A. § 342(c) that require written employee authorization before an employer may pay wages through electronic funds transfer or other direct deposit systems to a checking, savings, or other deposit account maintained by the employee within or outside the State.

\* \* \* Tiered System of Supports \* \* \*

Sec. 5. 16 V.S.A. § 2902 is amended to read:

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

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain ~~an educational support system for students who require additional assistance in order~~ a tiered system of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the ~~educational support system~~ tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. The ~~educational support system~~ school shall provide all students a full and fair opportunity to access the system of supports and achieve educational success. The tiered system of supports shall, at a minimum, include an educational support team ~~and a range of support and remedial services, including,~~ instructional and behavioral interventions, and accommodations that are available as needed for any student who requires support beyond what can be provided in the general education classroom, and may include intensive, individualized interventions for any student requiring a higher level of support.

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

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

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

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

(4) ~~Provide clear procedures and methods for addressing student behavior that is disruptive to the learning environment and include educational options, support services, and consultation or training for staff where appropriate. Procedures may include removal of a student from the classroom or the school building for as long as appropriate, consistent with state and federal law and the school's policy on student discipline, after reasonable effort has been made to support the student in the regular classroom environment~~ Seek to identify and respond to students in need of support for at-risk behaviors and to students in need of specialized, individualized behavior supports.

(5) ~~Ensure~~ Provide all students with a continuum of evidence-based and research-based behavior practices that teach and encourage prosocial skills and behaviors schoolwide.

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

\* \* \*

\* \* \* Small School Support; Outdated References \* \* \*

Sec. 6. REPEAL

16 V.S.A. § 4015(d) (small school support; references to two repealed provisions) is repealed.

\* \* \* Education Fund; Technical Correction \* \* \*

Sec. 7. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) An Education Fund is established to comprise the following:

\* \* \*

(4) ~~Revenue from the electric generating plant education property tax under 32 V.S.A. § 5402a.~~ [Repealed.]

\* \* \*

\* \* \* Governance of the Vermont State Colleges; Technical Correction \* \* \*

Sec. 8. 16 V.S.A. § 2172(d) is amended to read:

(d) ~~The Governor, in the case of gubernatorial appointed trustees, or the Board of Trustees, in the case of Board elected trustees:~~

(1) The Board of Trustees, after notice and a hearing, may remove a trustee for incompetency, failure to discharge duties, malfeasance, illegal acts, or other cases inimical to the welfare of the Corporation; ~~and~~.

(2) Gubernatorial-appointed trustees shall serve at the pleasure of the Governor pursuant to 3 V.S.A. § 2004.

(3) ~~in~~ In the event of a vacancy occurring under this subsection, the Governor or the Board, as applicable, shall fill the vacancy pursuant to subsection (a) of this section.

\* \* \* Expanded Learning Opportunities \* \* \*

Sec. 9. 16 V.S.A. § 2906 is added to read:

§ 2906. VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
FUND ESTABLISHED

(a) As used in this section, “Expanded Learning Opportunity” means a structured program designed to serve prekindergarten through secondary school-age children and youth outside the school day and year on a regular basis, including before and after school and during the summer, by providing opportunities for personal, emotional, and academic growth for children and youth.

(b) There is established a Vermont Expanded Learning Opportunities Special Fund comprising grants, donations, and contributions from any private or public source. Monies in the Fund shall be available to the Agency of Education for the purpose of increasing access to expanded learning opportunities throughout Vermont. The Commissioner of Finance and Management may draw warrants for disbursements from this Fund in anticipation of receipts. The Fund shall be administered pursuant to

32 V.S.A. chapter 7, subchapter 5, except that interest earned and any remaining balance at the end of the fiscal year shall be retained and carried forward in the Fund.

Sec. 10. PREKINDERGARTEN–16 COUNCIL; EXPANDED LEARNING

OPPORTUNITIES WORKING GROUP; GRANT PROGRAM

(a) The Expanded Learning Opportunities (ELO) Working Group of the Prekindergarten–16 Council, established in 16 V.S.A. § 2905, shall develop recommendations for the Secretary of Education relating to the design and implementation of an Expanded Learning Opportunities Grant Program that would award grants for the purpose of increasing access to expanded learning opportunities throughout Vermont.

(b) The ELO Working Group, in collaboration with the Secretary of Education, shall identify and solicit grants, donations, and contributions from any private or public source for the purposes of funding an Expanded Learning Opportunities Grant Program (Program) or otherwise increasing access to expanded learning opportunities throughout Vermont. Any funds accepted under this subsection shall be deposited in the Vermont Expanded Learning Opportunities Fund established in 16 V.S.A. § 2906.

(c) On or before November 15, 2015, the Secretary of Education, in consultation with the ELO Working Group, shall report to the House and Senate Committees on Education and on Appropriations on the recommendations for creating the Grant Program described in subsection (a) of

this section and on any funding secured for the Vermont Expanded Learning Opportunities Special Fund.

Sec. 11. VERMONT EXPANDED LEARNING OPPORTUNITIES  
SPECIAL FUND; DISBURSEMENTS

No funds shall be disbursed from the Vermont Expanded Learning Opportunities Special Fund, established in 16 V.S.A. § 2906, until the General Assembly enacts legislation establishing a framework for awarding grants under the Expanded Learning Opportunities Grant Program, pursuant to the recommendations of the Secretary of Education and the ELO Working Group as described in Sec. 10 of this act.

\* \* \* Effective Dates \* \* \*

Sec. 12. EFFECTIVE DATES

- (a) Secs. 1–7 shall take effect on July 1, 2015.
- (b) Sec. 8 (16 V.S.A. § 2172(d)) shall take effect on July 16, 2015.
- (c) This section and Secs. 9–11 shall take effect on passage.

Date Governor signed bill: June 3, 2015