

(updated 01/21/15; DRS)

A Broad Overview of School Operation & Tuition Payment – *draft*

ELEMENTARY SCHOOLS

OPERATE or PAY TUITION (16 V.S.A. § 821)

Each district organized for grades K–6 shall provide for the education of its resident students:

- #1 By operating one or more schools *OR*
- #2 By paying tuition, *if* specifically authorized by the electorate, to one or more *public* elementary schools in a different district(s)
- Exceptions:
 - A school district that operates a public school MAY pay tuition to another public school that is closer to the resident student upon parental request
 - School district is not required to do so; it can say “no”
 - The electorate does not need to give prior authorization to board to do so
 - A district that does not operate. (and pays tuition to one or more *public* elementary schools for all students), SHALL pay tuition to an independent school for a student upon parental request
 - School district is required to do so; it cannot say “no”
 - Only if the electorate gave prior general authorization to board to do so

AMOUNT of TUITION (16 V.S.A. § 823 and § 836)

A school district pays the following amount of tuition:

- If tuition is paid to a public elementary school
 - The district pays the full tuition charged
 - If tuition paid is 3% more or less than calculated net cost per pupil in year of attendance, then sending district (very generally):
 - Is refunded amount of overcharge
 - Must pay amount of undercharge
 - Exception: districts may enter into alternative tuition agreements, but receiving district must offer identical terms to all sending districts
- If tuition is paid to an approved independent school OR an independent school meeting school quality standards
 - The district pays the least of the following three options:
 - Statewide average announced tuition of union elementary schools
 - Tuition charged by the independent school that enrolls the student
 - The average per-pupil tuition the district pays for its other students
 - Exception: The electorate can authorize tuition be paid in a higher amount
 - The parent / guardian pays the difference, if any
- A district cannot pay tuition to:
 - An approved independent school if it is sectarian
 - A recognized independent school

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SECONDARY SCHOOLS**OPERATE or PAY TUITION (16 V.S.A. § 822)**

Each district organized for grades 7–12 shall provide for the education of its resident students:

- #1 By operating one or more schools *OR*
- #2 By paying tuition, *if* the electorate instructs it to close the school(s) and pay tuition to a school of the student's / parent's / guardian's choice:
 - Public school
 - Approved independent school (nonsectarian)
 - Independent school meeting school quality standards
 - In Vermont *OR* outside the State or Country
- Exceptions: A school district that operates a public secondary school **MAY ALSO**:
 - Pay tuition to another public school
 - Board uses its judgment to determine if it is in the best interests of students to operate a school and pay tuition to another public school
 - School district is not required to do so
 - The electorate does not need to give prior authorization to board to do so
 - Pay tuition to an approved independent school or an independent school meeting school quality standards
 - Board uses its judgment to determine that a student has unique educational needs that cannot be served by the district's public school or at a nearby public school
 - School district is not required to do so
 - The electorate does not need to give prior authorization to board to do so

STATEWIDE PUBLIC HIGH SCHOOL CHOICE (16 V.S.A. § 822a)

- All public schools offering grades 9–12 are required to allow students to enroll in a different Vermont public high school
- A sending district is permitted to limit the number of students who transfer, but:
 - It cannot limit transfers to a number smaller than the lesser of
 - 5% of the grade 9–12 students actually enrolled in the sending school
 - 10 students
 - The total number of students transferring out (both new and those returning to a school to which they transferred in a prior year) cannot exceed the smaller of:
 - 10% of all resident students (so include enrolled and transferring)
 - 40 students
- Each public school is required to determine and announce its capacity to receive students in the next year
- There must be nondiscriminatory ways to determine who is enrolled if limit is exceeded
- An enrolled nonresident student is entitled to re-enroll the next year
- No tuition is paid by the sending school, unless the two schools agree otherwise
- CTE: paid by sending school
- Special Ed: paid by sending school
- School district includes all resident students in ADM; receiving district does not

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DESIGNATION of PUBLIC or INDEPENDENT HIGH SCHOOL (16 V.S.A. § 827)

- A school district that does not operate a secondary school may designate an approved independent school OR a public school as the “public school” of the district
- The designated school is considered a public school for tuition purposes under § 824(b) (meaning the district pays the full tuition charged)
- A school board MAY pay tuition to a public school or an approved independent school
 - Upon request of parent / guardian
 - Board uses its judgment to determine if it will best serve the student’s interests
 - School board is not required to agree to parental request
 - If school board agrees to parental request:
 - District pays tuition in an amount not exceeding lesser of:
 - Statewide average announced tuition of union high schools
 - The per-pupil tuition the district pays to the designated school
 - Tuition charged by the nondesignated school enrolling the student
 - The parent / guardian pays the difference, if any
 - the electorate does not need to give prior authorization to board to grant request
- Exceptions:
 - Pawlet, Rupert, and Wells may designate public high school in NY
 - When Wells grants a parental request to pay a nondesignated school, the school district pays an amount not exceeding base education amount for the year
 - Unless the electorate decides otherwise, when Strafford grants a parental request to pay a nondesignated school, the school district pays pursuant to § 824, except it cannot exceed the per-pupil amount paid to the designated school

AMOUNT of TUITION (16 V.S.A. § 824 and § 836)

A school district pays the following amount of tuition:

- If tuition is paid to a public school OR an approved independent school serving as the area CTE center OR an independent school meeting school quality standards
 - The district pays the full tuition charged
 - If tuition paid to the public school OR the independent school meeting school quality standards is 3% more or less than calculated net cost per pupil in year of attendance, then the sending district (very generally):
 - Is refunded the amount of the overcharge
 - Must pay the amount of the undercharge
 - Exception: A district may enter into alternative tuition agreements with a receiving school; receiving school must offer identical terms to all sending districts
- If tuition is paid to an approved independent school (that is not one of two types above)
 - The district pays an amount not exceeding the statewide average announced tuition of union high schools
 - Exception: The electorate can authorize tuition be paid in a higher amount
 - The parent / guardian pays the difference, if any
- A district cannot pay tuition to:
 - An approved independent school if it is sectarian
 - A recognized independent school

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INDEPENDENT SCHOOLS

- **Approved Independent School**
 - Overview of approval process and criteria are in 16 V.S.A. §§ 166(b), (e) – (g)
 - Provides minimum course of study required of public schools per § 906
 - Substantially complies with State Board of Ed Rules for approval (Rules 2220–2228.9) — including:
 - Instructors must have a minimum of a bachelor’s degree in their field of instruction or “substantially equivalent time and training and experience in their field of instruction”
 - Not required to provide special education — but if it is, then the school must obtain approval for each category provided
 - For students whose tuition is publicly funded, school uses assessment(s) required by the State Board for public schools under 16 V.S.A. § 164(9)
 - Adopts hazing, harassment, and bullying prevention policies; is subject to provisions of 16 V.S.A. chapter 9, subchapter 5 that apply to public schools
 - Eligible to receive publicly funded tuition dollars *if non-sectarian*
 - In general (see two bolded subcategories below for exceptions)
 - Elementary schools:
 - The district pays the amount charged
 - If the electorate also authorizes payment to an independent school, the district pays the least of the following options:
 - Statewide average announced tuition of union elementary schools
 - Tuition charged by the enrolling independent school that enrolls the student
 - The average per-pupil tuition the district pays for its other students
 - Exception: Electorate can authorize higher payment
 - Secondary schools:
 - The district pays an amount not exceeding the statewide average announced tuition of union high schools
 - Exception: Electorate can authorize higher payment
 - The parent / guardian pays the difference, if any
 - **Approved Independent School Serving as the Area Career Technical Center**
 - The district pays the amount charged
 - No “bill-backs”
 - (St Johnsbury Academy and Lyndon Institute)
 - **Independent School Meeting [Education] Quality Standards (Secondary)**
 - The district pays the amount charged
 - (Thetford Academy)
- **Recognized Independent School**
 - School files an enrollment notice with Secretary containing information and assurances per 16 V.S.A. § 166(c)
 - Not eligible to receive publicly funded tuition dollars