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H.38

Introduced by Representatives Clarkson of Woodstock and Condon of
Colchester

Referred to Committee on

Date:

Subject: Education; tuition; public schools; independent schools

Statement of purpose of bill as introduced: This bill proposes to prohibit a school district from paying tuition for a resident student to attend an out-of-state public or independent school. The prohibition would not apply to a district that pays tuition to a school located in another state or country for all students in one or more grades, for its career technical education students, or for a residential placement pursuant to a student's individualized education program.

An act relating to tuition payments to out-of-state schools

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

Sec. 1. 16 V.S.A. § 822(a) is amended to read:

(a) Each school district shall maintain one or more approved high schools in which high school education is provided for its resident students unless:

(1) the electorate authorizes the school board to close an existing high school and to provide for the high school education of its students by paying

1 tuition to a public high school, an approved independent high school, or an
2 independent school meeting school quality standards, to be selected by the
3 parents or guardians of the student, within ~~or outside~~ the State; or

4 (2) the school district is organized to provide only elementary education
5 for its students.

6 Sec. 2. 16 V.S.A. § 828 is amended to read:

7 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

8 (a) A school district shall not pay the tuition of a student except to a public
9 school, an approved independent school, an independent school meeting school
10 quality standards, a tutorial program approved by the State Board, or an
11 approved education program, ~~or an independent school in another state or~~
12 ~~country approved under the laws of that state or country, nor shall~~ located in
13 Vermont. The payment of tuition on behalf of a person shall not be denied on
14 account of age. Unless otherwise provided, a person who is aggrieved by a
15 decision of a school board relating to eligibility for tuition payments, the
16 amount of tuition payable, or the school he or she may attend, may appeal to
17 the State Board and its decision shall be final.

18 (b) Notwithstanding subsection (a) of this section, a school district may pay
19 tuition to a public or independent school in another state or country approved
20 under the laws of that state or country if by doing so the district is providing
21 for the education of:

1 (1) all resident students in one or more grades pursuant to subsection
2 827(e) or section 835 of this title;

3 (2) some or all of its career technical education students pursuant to
4 subsection 1531(c) of this title; or

5 (3) a student eligible for special education whose individualized
6 education program requires an out-of-state residential placement pursuant to
7 chapter 101 of this title.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2015, and shall apply to tuition paid by
10 school districts for the 2016–2017 academic year and after.