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1 +Introduced by **[Governor’s Education Agenda at the request of the**  
2 **Senate Committee on Education]**

3 Date:

4 Subject: Education, education funding;           

5 Statement of purpose of bill as introduced: This bill proposes to           

6 An act relating to           

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

8 **\* \* \* Moratorium; Education Legislation \* \* \***

9 Sec. 1 EDUCATION MANDATES; INCREASED RESPONSIBILITIES OR  
10 COSTS; MORATORIUM

11 (a) If proposed legislation shall have the effect of adding new or expanded  
12 responsibilities to school districts or supervisory unions, or if the fiscal note  
13 prepared pursuant to subsection (b) of this section confirms that proposed  
14 legislation shall have the effect of increasing costs for school districts or  
15 supervisory unions, then the proposed legislation as then-drafted shall be  
16 withdrawn from consideration and shall not be voted upon by a committee, the  
17 House, or the Senate, as applicable.

18 (b) Notwithstanding 16 V.S.A. § 4028(d) and 2 V.S.A. § 502(b)(2), the  
19 Joint Fiscal Office (JFO) shall prepare a fiscal note for any legislation  
20 proposed during the 2015–2016 biennium that JFO believes may have the

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1 effect of increasing costs for school districts or supervisory unions. JFO shall  
2 complete the fiscal note no later than the date on which the legislation is  
3 considered for a vote of a committee, the House, or the Senate.

4 *[to be moved to EFFECTIVE DATE section]*

5 ( ) Sec. 1 (education mandates; moratorium) shall take effect on passage.

6 \* \* \* **Small School Support** \* \* \*

7 Sec. 2. 16 V.S.A. § 4015 is amended to read:

8 § 4015. SMALL SCHOOL SUPPORT

9 (a) In this section:

10 (1) “Eligible school district” means a school district that operates at least  
11 one school, has been determined by the State Board to be eligible due to  
12 geographic necessity; and

13 ~~(A) has a two year average combined enrollment of fewer than 100~~  
14 ~~students in all the schools operated by the district; or~~

15 ~~(B) has an average grade size of 20 or fewer.~~

16 \* \* \*

17 (7) “Eligible due to geographic necessity” means that the State Board  
18 has determined, on an annual basis, that the driving times, distances, and travel  
19 routes are an obstacle to transporting students, consistent with the methodology  
20 used by the Secretary in response to 2009 Acts and Resolves No. 153,

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1 Sec. 21(1). A determination by the State Board of whether a district is eligible  
2 due to geographic necessity under this section shall be final.

3 \* \* \*

4 (c) ~~Small schools financial stability grant: In addition to a small schools~~  
5 ~~support grant, an eligible school district whose two year average enrollment~~  
6 ~~decreases by more than 10 percent in any one year shall receive a small~~  
7 ~~schools financial stability grant. However, a decrease due to a reduction in the~~  
8 ~~number of grades offered in a school or to a change in policy regarding paying~~  
9 ~~tuition for students shall not be considered an enrollment decrease. The amount~~  
10 ~~of the grant shall be determined by multiplying 87 percent of the base~~  
11 ~~education amount for the current fiscal year, by the number of enrollment, to~~  
12 ~~the nearest one hundredth of a percent, necessary to make the two year~~  
13 ~~average enrollment decrease only 10 percent. [Repealed.]~~

14 (d) Funds for ~~both grants~~ the small schools support grant shall be  
15 appropriated from the Education Fund and shall be added to payments for the  
16 base education amount ~~or deducted from the amount owed to the Education~~  
17 ~~Fund in the case of those districts that must pay into the Fund under section~~  
18 ~~4027 of this title. [NOTE: § 4027(a), to which this refers, was repealed in~~  
19 ~~2004]~~

20 (e) In the event that a school or schools that have received a grant under  
21 this section merge in any year following receipt of a grant, and the

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1 consolidated school is not eligible for a grant under this section or the small  
2 school grant for the consolidated school is less than the total amount of grant  
3 aid the schools would have received if they had not combined, the consolidated  
4 school shall continue to receive a grant for three years following consolidation.

5 The amount of the annual grant shall be:

6 (1) in the first year following consolidation, an amount equal to the  
7 amount received by the school or schools in the last year of eligibility;

8 (2) in the second year following consolidation, an amount equal to two-  
9 thirds of the amount received in the previous year; and

10 (3) in the third year following consolidation, an amount equal to one-  
11 third of the amount received in the first year following consolidation.

12 Sec. 3. SMALL SCHOOL SUPPORT; TRANSITION; REGIONAL  
13 EDUCATION DISTRICT MERGER SUPPORT GRANT

14 (a) In fiscal year 2017, any district that was eligible for small school  
15 support pursuant to 16 V.S.A. § 4015 in fiscal year 2016 but is not “eligible  
16 due to geographic necessity” for small school support in fiscal year 2017 shall,  
17 upon application, receive small school support that is two-thirds of the amount  
18 it received in fiscal year 2016.

19 (b) In fiscal year 2018, any district that was eligible for small school  
20 support pursuant to 16 V.S.A. § 4015 in fiscal year 2016 but is not “eligible  
21 due to geographic necessity” for small school support in fiscal year 2018 shall,

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1 upon application, receive small school support that is one-third of the amount it  
2 received in fiscal year 2016.

3 (c) **[REDS]** Nothing in this act shall be construed to repeal or limit the  
4 Merger Support Grant available to districts forming a regional education  
5 district (RED) pursuant to 2010 Acts and Resolves No. 153, Sec. 4, as  
6 amended by 2012 Acts and Resolves No. 156, Sec. 13.

7 *[to be moved to EFFECTIVE DATE section]*

8 ( ) Secs. 2 and 3 (small school support) shall take effect on July 1, 2016,  
9 and shall apply to grants made in fiscal year 2017 and after.

10 **\*\*\* Declining Enrollment; Equalized Pupils;**

11 **3.5 Percent Hold-Harmless \*\*\***

12 Sec. 4. 16 V.S.A. § 4010(f) is amended to read:

13 (f) For purposes of the calculation under this section, a district's equalized  
14 pupils shall in no case be less than ~~96 and one-half~~ 90 percent of the district's  
15 equalized pupils in the previous year.

16 Sec. 5. 16 V.S.A. § 4010(f) is amended to read:

17 (f) For purposes of the calculation under this section, a district's equalized  
18 pupils shall in no case be less than ~~90~~ 80 percent of the district's equalized  
19 pupils in the previous year.

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1 Sec. 6. REPEAL

2 16 V.S.A. § 4010(f) (declining enrollment; equalized pupils; hold-harmless)  
3 is repealed.

4 *[to be moved to EFFECTIVE DATE section]*

5 ( ) Sec. 4 (declining enrollment; 10 % hold-harmless) shall take effect on  
6 July 1, 2016.

7 ( ) Sec. 5 (declining enrollment; 20 % hold-harmless) shall take effect on  
8 July 1, 2017.

9 ( ) Sec. 6 (declining enrollment; repeal) shall take effect on July 1, 2018.

10 **\*\*\* Capital Construction for “Right Sizing” \*\*\***

11 **[NOTE:** *\$ 3 Million in construction aid was included in the Governor’s*  
12 *proposed Capital Budget]*

13 **\*\*\* State Board of Education; Redistricting \*\*\***

14 Sec. 7. SCHOOL DISTRICTS; REQUESTS FOR REDISTRICTING; STATE  
15 BOARD OF EDUCATION; SUNSET

16 (a) As used in this section, “Union School District” means any district  
17 formed under 16 V.S.A. chapter 11, including a regional education district  
18 (RED) or any other district eligible to receive RED incentives pursuant to 2010  
19 Acts and Resolves No. 153, as amended by 2012 Acts and Resolves No. 156  
20 and 2013 Acts and Resolves No. 56.

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1        (b) Notwithstanding any provision of law to the contrary, if the majority of  
2        the members of a school board determine that it is desirable for the district (the  
3        District) to merge with a Union School District or with a prekindergarten–  
4        grade 12 district that has at least twice as many resident students as the  
5        District, then, after an annual or special meeting duly warned for the purpose at  
6        which the District’s electorate vote in favor of merger, the District may file a  
7        petition with the Secretary of Education to require merger of the District with  
8        the Union School District or the prekindergarten–grade 12 district. The  
9        Secretary shall transmit the petition with his or her recommendations to the  
10       State Board of Education.,

11       (c) The State Board shall review the District’s petition and provide an  
12       opportunity for testimony and further investigation in a manner comparable to  
13       the process in 16 V.S.A. § 706c(b). The State Board shall order merger of the  
14       District with the Union School District or the prekindergarten–grade 12 district  
15       if it determines that the merger will be in the best interest of the State, the  
16       students, and all affected districts and shall transmit the order to the Secretary  
17       of Education.

18       (d) Upon receiving the order from the State Board, the Secretary shall  
19       designate the districts named in it as a union school district. The Secretary  
20       shall certify the designation to the Secretary of State, who shall record the  
21       certification. Upon this record, the new union school district shall become a

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1 body politic and corporate with the powers incident to a municipal corporation,  
2 shall be known by the name or number given in the certificate, by that name or  
3 number may sue and be sued, and may hold and convey real and personal  
4 estate for the use of the new district. The record shall be notice to all parties of  
5 the establishment of the new union school district with all the powers incident  
6 to such a district as provided in Title 16. A certified copy of the record in the  
7 Office of the Secretary of State shall be filed by him or her in the office of the  
8 clerk of each school district to be included within the new union school district  
9 within 15 days from the date the Secretary of Education certified the existence  
10 of the union district to him or her. This filing shall be prima facie evidence of  
11 full compliance with the requirements for the creation of a union school district  
12 as set forth in 16 V.S.A. chapter 11.

13 (e) This section is repealed on July 1, 2010.

14 *[to be moved to EFFECTIVE DATE section]*

15 ( ) Sec. 7 (authority of State Board of Education to redistrict) shall take  
16 effect on passage.

17 \* \* \* **Superintendents; Principals; Clarified Roles; Hiring and Firing;**

18 **Health Insurance \* \* \***

19 Sec. 8. 16 V.S.A. § 242 is amended to read:

20 § 242. DUTIES OF SUPERINTENDENTS



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1       The superintendent shall be the chief executive officer and leader of  
2       systems improvement for the supervisory union board and for each school  
3       board within the supervisory union, and shall:

4                               \* \* \*

5               (3)(A) ~~Nominate~~ nominate a candidate for employment by the ~~school~~  
6       ~~district or~~ supervisory union if the vacant position requires a licensed  
7       employee; provided, if the ~~appropriate~~ supervisory union board declines to hire  
8       a candidate, then the superintendent shall nominate a new candidate;

9               (B) ~~Select~~ nominate a candidate for employment by the school  
10       district as a principal in a school operated by the district; provided, if the  
11       school board declines to hire a candidate, then the superintendent shall  
12       nominate a new candidate;

13              (C) select nonlicensed employees to be employed by ~~the district or~~  
14       supervisory union; and

15              ~~(C) Dismiss~~ (D) dismiss licensed and nonlicensed employees of a  
16       ~~school district or~~ the supervisory union and any principal employed by a  
17       school district as necessary, subject to all procedural and other protections  
18       provided by contract, collective bargaining agreement, or provision of State  
19       and federal law.

20                               \* \* \*

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1           (8) Negotiate and enter into contracts for health insurance for all  
2           employees of the supervisory union and its member districts. [**NOTE:** *To be*  
3           *an effective action, there may need to be changes to collective bargaining as*  
4           *well]*

5           Sec. 9. 16 V.S.A. § 244 is amended to read:

6           § 244. DUTIES OF PRINCIPALS

7           (a) The principal shall perform all duties specifically assigned by law or by  
8           the superintendent of the supervisory union of which the school district is a  
9           member, including the administration of policies adopted by the school board  
10           of the district or supervisory union. The principal shall be answerable to the  
11           superintendent in the performance of his or her duties. In addition, a principal  
12           shall:

13           (1) with the advice and consent of the superintendent, nominate a  
14           candidate for employment by the school district-at the school in which the  
15           principal is employed if the vacant position requires a licensed employee;  
16           provided, if the school district board declines to hire a candidate, then the  
17           principal shall nominate a new candidate;

18           (2) select nonlicensed employees to be employed by the school district  
19           at the school in which the principal is employed; and

20           (3) dismiss licensed and nonlicensed employees of the school district  
21           employed at the school in which the principal is employed as necessary,

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1 subject to all procedural and other protections provided by contract, collective  
2 bargaining agreement, or provision of State and federal law.

3 (b) Without the approval of the State Board, secondary school principals  
4 shall not be charged with supervisory responsibility outside the secondary  
5 school.

6 *[to be moved to EFFECTIVE DATE section]*

7 ( ) Secs. 8–9 (superintendents; principals; responsibilities; health  
8 insurance) shall take effect on July 1, 2015; provided, however, that subject to  
9 the provisions of existing contracts, Sec. 8, 16 V.S.A. § 242(8), shall apply to  
10 negotiations for health insurance contracts beginning on or after that date for  
11 fiscal year 2017 and after.

12 \* \* \* **Data-Driven Partnerships; Quality Assurance Tools** \* \* \*

13 **[NOTE:** *This Sec. 10 also includes the technical changes that are included in*  
14 *the comprehensive technical corrections bill of all VSA titles that the House*  
15 *and Senate Committees on Government Operations may consider.]*

16 Sec. 10. 16 V.S.A. § 165 is amended to read:

17 § 165. ~~STANDARDS OF QUALITY FOR PUBLIC SCHOOLS~~

18 EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL

19 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING SCHOOL

20 QUALITY STANDARDS

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1 (a) In order to carry out Vermont’s policy that all Vermont children will be  
2 afforded educational opportunities that are substantially equal in quality, each  
3 Vermont public school, including each career technical center, shall meet the  
4 following ~~school~~ education quality standards:

5 (1) The school ~~shall~~, through a process including parents, teachers,  
6 students, and community members, ~~develop, implement, and annually update a~~  
7 ~~comprehensive action~~ develops, implements, and annually updates a  
8 continuous improvement plan to improve student performance within the  
9 school. The plan shall include goals and objectives for improved student  
10 learning and educational strategies and activities to achieve ~~their~~ its goals. The  
11 plan shall also address the effectiveness of efforts made since the previous  
12 ~~action~~ continuous improvement plan to ensure the school maintains a safe,  
13 orderly, civil, and positive learning environment that is free from harassment,  
14 hazing, and bullying. The school shall assess student performance under the  
15 plan using a method or methods of assessment developed under subdivision  
16 164(9) of this title.

17 (2) The school, at least annually, reports student performance results to  
18 community members in a format selected by the school board. In the case of a  
19 regional career technical center, the community means the school districts in  
20 the service region. The provisions of 2 V.S.A. § 20(d) (expiration of required

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1 reports) shall not apply to the report to be made under this subdivision. The  
2 school report shall include:

3 \* \* \*

4 (C) Information indicating progress toward meeting the goals of an  
5 annual ~~action~~ continuous improvement plan.

6 \* \* \*

7 (b)(1) ~~Every two years, the Secretary shall determine whether students in~~  
8 ~~each Vermont public school are provided educational opportunities~~  
9 ~~substantially equal to those provided in other public schools. If Annually, the~~  
10 Secretary shall review and gather data related to academic achievement,  
11 staffing, opportunities to learn, school climate, and finances. The Secretary  
12 shall publish this data for every supervisory district and supervisory union and,  
13 in a manner that is consistent with standards for reliability of data and student  
14 confidentiality, at the school district and school levels as well. In addition,  
15 Education Quality Review Teams, sponsored by the Agency, shall conduct on-  
16 site reviews of each supervisory district and supervisory union once in every  
17 three years, as Agency capacity allows, to examine dimensions of school  
18 performance related to academic outcomes, staffing, school climate,  
19 opportunities to learn, and finances. These reviews shall include site visits to  
20 selected schools.

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1           (2) Based upon the evidence presented and evaluations required in  
2           subdivision (1) of this subsection, if the Secretary determines that a school is  
3           not meeting the education quality standards listed in subsection (a) of this  
4           section, including failure to meet or make sufficient progress toward meeting  
5           the goals the school established in its continuous improvement plan developed  
6           pursuant to subdivision (a)(1), or that the school is making insufficient  
7           progress in improving student performance in relation to the standards for  
8           student performance set forth in subdivision 164(9) of this title, ~~he or she shall~~  
9           ~~describe in writing actions that a district must take in order to meet either or~~  
10           ~~both sets of standards and shall provide technical assistance to the school~~ then  
11           the Secretary shall describe in writing performance goals or benchmarks that  
12           the district, or the supervisory union in which the district is located, must meet  
13           with respect to the standards.

14           (3) If the school fails to meet the standards or make sufficient progress  
15           by the end of the next two-year period, the Secretary shall recommend to the  
16           State Board one or more of the following actions:

17                   ~~(1)~~(A) continue technical assistance;

18                   ~~(2)~~(B) adjust supervisory union boundaries or responsibilities of the  
19           superintendency;

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1           ~~(3)~~(C) notwithstanding the local board, assume administrative  
2 control, including budgetary control to ensure sound financial practices, only  
3 to the extent necessary to correct deficiencies; or

4           ~~(4)~~(D) close the school and require that the school district pay tuition  
5 to another public school or an approved independent school pursuant to chapter  
6 21 of this title.

7           (c) The State Board, after offering the school board an opportunity for a  
8 hearing, shall either dismiss the Secretary's recommendation or order that one  
9 or more of the actions listed in ~~subsection (b)~~ subdivision (b)(3) of this section  
10 be taken. The action ordered by the State Board shall be the least intrusive  
11 consistent with the need to provide students attending the school substantially  
12 equal educational opportunities. A school board aggrieved by an order of the  
13 State Board may appeal the order in accordance with the Rules of Civil  
14 Procedure.

15           (d) Nothing in this section shall be construed to entitle any student to  
16 educational programs or services identical to those received by students in the  
17 same or any other school district. Further, nothing in this section shall create a  
18 private right of action.

19           (e) If the Secretary determines at any time that the failure of a school to  
20 meet the ~~school~~ education quality standards listed in subsection (a) of this  
21 section is severe or pervasive, potentially results in physical or emotional harm

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1 to students, or significant deprivation of equal education opportunities, and the  
2 school has either unreasonably refused to remedy the problem or its efforts  
3 have proved ineffective, he or she may recommend to the State Board one or  
4 more of the actions listed in ~~subsection (b)~~ subdivision (b)(3) of this section.

5 The State Board shall then follow the procedure of subsection (c) of this  
6 section.

7 (f) ~~In order to be designated an independent school meeting school quality~~  
8 ~~standards, an independent school shall participate in the school quality~~  
9 ~~standards process of subsection (b) of this section. An independent school~~  
10 ~~shall receive technical assistance in accordance with the provisions of~~  
11 ~~subsection (b), but shall not be subject to subdivisions (b)(2) (4) of this~~  
12 ~~section. The school shall be an independent school meeting school quality~~  
13 ~~standards unless the State Board, after opportunity for hearing, finds that:~~

14 (1) ~~the school has discontinued its participation in the school quality~~  
15 ~~standards process; or~~

16 (2) ~~two or more years following a determination that the school is not~~  
17 ~~meeting the quality standards or that the school is making insufficient progress~~  
18 ~~in improving student performance, the school fails to meet the standards or~~  
19 ~~make sufficient progress toward meeting the standards. [Repealed.]~~



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1 *[to be moved to EFFECTIVE DATE section]*

2 ( ) Sec. 10 (data-driven partnerships; quality assurance tools) shall take  
3 effect on July 1, 2015; provided, however, that the repeal of 16 V.S.A. § 165(f)  
4 shall apply retroactively beginning on April 5, 2014.

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

6 Sec. 11. EFFECTIVE DATES

7 *[insert each subsection from throughout the bill when that concept is finalized]*

8 ( ) This section (effective dates) shall take effect on passage.