

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 16 : Education

Chapter 001 : Administration Generally

Subchapter 001 : General Provisions

§ 11. Classifications and definitions

(a) As used in this title, unless the context otherwise clearly requires:

- (1) "Secretary" means the Secretary of Education.
- (2) "Electorate" means the qualified voters in a school district voting at a properly warned school district meeting.
- (3) "Elementary education" means a program of public school education adapted to the needs of students in kindergarten and the first six grades.
- (4) "Grades" means the division of the educational work of the public schools into 13 school year units beginning with kindergarten and thereafter numbered from one to 12 beginning with the lowest. The first six grades and kindergarten are the elementary grades. The last six grades are the high school grades. This classification is not a limitation of the character of work, the organization of school facilities, or the studies that may be carried on in either the elementary or the high schools.
- (5) "Secondary education or high school education" means a program of public school education of six years adapted to the needs of students who have completed their elementary education.
- (6) "Kindergarten" means an educational program for children of one year adapted to the needs of students who will attend first grade the following year.
- (7) "Public school" means an elementary school or secondary school operated by a school district. A public school may maintain evening or summer schools for its students and it shall be considered a public school.
- (8) "Independent school" means a school other than a public school, which provides a program of elementary or secondary education, or both. An "independent school meeting school quality standards" means an independent school in Vermont that undergoes the school quality standards process and meets the requirements of subsection 165(b) of this title.
- (9) "School board" means the board of school directors elected to manage the schools of a school district, the prudential committee of an incorporated school district, the supervisory union board of directors, and the supervisors of unorganized towns and gores.
- (10) "School district" means town school districts, union school districts, interstate school districts, city school districts, unified union districts, and incorporated school districts, each of which is governed by a publicly elected board.
- (11) "School district meeting" means a duly warned meeting of a school district at which questions are presented to the electorate.
- (12) "School year" means the year beginning July 1 and ending the next June 30.

(13) "Superintendent" means the chief executive officer of a supervisory union and each school board within it.

(14) "Agency of Education" means the Secretary and staff necessary to carry out the functions of the Agency.

(15) "State Board" means the State Board of Education established by chapter 3 of this title.

(16) Repealed.]

(17) "Adult education and literacy" means a program of public education adapted to the needs of persons who are beyond compulsory school age, and who have not completed high school education.

(18) Repealed.]

(19) "Recognized independent school" for any school year means an independent school that meets the requirements for recognized independent schools in section 166 of this title and that is not a home study program.

(20) "Approved independent school" means an independent school that is approved under section 166 of this title.

(21) "Home study program" means an educational program offered through home study that provides a minimum course of study and that is offered to not more than:

(A) children residing in that home; and

(B) children not residing in that home who either are two or fewer in number or who are from one family.

(22) Repealed.]

(23) "Supervisory union" means an administrative, planning, and educational service unit created by the State Board under section 261 of this title, that consists of two or more school districts; if the context clearly allows, the term also means a supervisory district.

(24) "Supervisory district" means a supervisory union that consists of only one school district, which may be a unified union district.

(25) "Remedial" and "compensatory" services mean educational services, not including special education services, for children who require additional assistance in order to benefit from general classroom instruction and include education services for children at risk of school failure.

(26)(A) "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(B) "Harassment" includes conduct that violates subdivision (A) of this subdivision (26) and constitutes one or more of the following:

(i) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(I) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.

(II) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

(ii) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(iii) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, gender identity, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

(27) "Tutorial program" means education provided to a student who is placed in a short-term program for evaluation and treatment purposes.

(28) "State-placed student" means:

(A) a Vermont student who has been placed in a school district other than the district of residence of the student's parent, parents, or guardian or in an approved residential facility by a Vermont State agency, a Vermont licensed child placement agency, a designated community mental health agency, any other agency as defined by the Secretary, or by a court of competent jurisdiction in another state, territory, or country; or

(B) a Vermont student who:

(i) is 18 years of age or older;

(ii) is living in a community residence as a result of placement by a Vermont State agency, a Vermont licensed child placement agency, a designated community mental health agency, or by a court of competent jurisdiction in another state, territory, or country, and whose residential costs are paid for in whole or in part by one of these agencies; and

(iii) resides in a school district other than the district of the student's parent or parents; or

(C) Repealed.]

(D) a Vermont student who:

(i) is in either:

(I) the legal custody of the Commissioner for Children and Families; or

(II) the temporary legal custody of an individual pursuant to 33 V.S.A. § 5308(b)(3) or (4), until a disposition order has been entered pursuant to section 5318 of that title; and

(ii) is determined by the Secretary of Education to be in particular need of educational continuity by attending a school in a district other than the student's current district of residence;

(E) but does not mean a student placed within a correctional facility or in the Woodside Juvenile Rehabilitation Center.

(29) Repealed.]

(30)(A) "Hazing" means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization that is affiliated with an educational institution; and that is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating, or demeaning the student or endangering the mental or physical health of a student. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing may occur on or off the campus of an educational institution. Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:

(i) the goals are approved by the educational institution; and

(ii) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

(B) The definitions of "educational institution," "organization," "pledging," and "student" shall be the same as those in section 140a of this title.

(31) "Early childhood education," "early education," or "prekindergarten education" means services designed to provide developmentally appropriate early development and learning experiences based on Vermont's early learning standards to children who are three to four years of age and to five-year-old children who are not eligible for or enrolled in kindergarten.

(32) "Bullying" means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and that:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C)(i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

(33)(A) "Pregnant or parenting pupil" means a legal pupil of any age who is not a high school graduate and who:

(i) is pregnant; or

(ii) has given birth, has placed a child for adoption, or has experienced a miscarriage, if any of these has occurred within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance; or

(iii) is the parent of a child.

(B) "Pregnant or parenting pupil" does not include a person whose parental rights have been terminated, except if the person has placed the child for adoption or has voluntarily relinquished parental rights, within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance.

(34) "Approved education program" means a program that is evaluated and approved by the State Board pursuant to written standards, that is neither an approved independent school nor a public school, and that provides educational services to one or more students in collaboration with the student's or students' school district of residence. An "approved education program" includes an "approved teen parent education program."

(35) "Teen parent education program" means a program designed to provide educational and other services to pregnant pupils or parenting pupils, or both.

(b) Each school district shall be known by the name of the municipality in which it lies or in the case of union, incorporated, and interstate school districts, by a number and by a name given the district by its school board and approved by the Secretary. (Added 1969, No. 298 (Adj. Sess.), § 10; amended 1975, No. 48, § 1, eff. April 15, 1975; 1975, No. 147 (Adj. Sess.), § 2; 1981, No. 151 (Adj. Sess.), § 1; 1981, No. 170 (Adj. Sess.), § 10a, eff. April 19, 1982; 1983, No. 248 (Adj. Sess.), § 1; 1985, No. 71, § 2; 1987, No. 68, § 2; 1987, No. 97, § 1, eff. June 23, 1987; 1987, No. 228 (Adj. Sess.), §§ 1, 2; 1989, No. 44, § 2, eff. June 1, 1990; 1989, No. 230 (Adj. Sess.), § 5; 1991, No. 24, § 1; 1993, No. 162 (Adj. Sess.), § 2; 1995, No. 157 (Adj. Sess.), § 1; 1997, No. 71 (Adj. Sess.), § 107, eff. March 11, 1998; 1999, No. 120 (Adj. Sess.), § 2; 2001, No. 8, § 1; 2003, No. 66, § 188a; 2003, No. 68, § 25, eff. June 18, 2003; 2003, No. 91 (Adj. Sess.), § 2; 2003, No. 117 (Adj. Sess.), § 1; 2007, No. 41, § 17; 2007, No. 62, § 2; 2007, No. 66, § 1; 2009, No. 44, §§ 1, 14, 29, 32, 33, eff. May 21, 2009; 2011, No. 58, §§ 35, 36, eff. May 31, 2011; 2011, No. 129 (Adj. Sess.), § 32; 2013, No. 92 (Adj. Sess.), § 1, eff. Feb. 14, 2014; 2013, No. 179 (Adj. Sess.), § E.500.6.)