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H.267

Introduced by Representatives Head of South Burlington, Dunn of Essex,
Kitzmiller of Montpelier, LaLonde of South Burlington, Lucke
of Hartford, Pugh of South Burlington, Sullivan of Burlington,
Townsend of South Burlington, and Walz of Barre City

Referred to Committee on

Date:

Subject: Education; independent schools; public funding

Statement of purpose of bill as introduced: This bill proposes to prohibit
public funding of independent schools.

An act relating to prohibiting public funding of independent schools

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

Sec. 1. 16 V.S.A. § 821 is amended to read:

§ 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY
SCHOOLS OR PAY TUITION

* * *

~~(d) Notwithstanding subdivision (a)(1) of this section, the electorate of a
school district that does not maintain an elementary school may grant general
authority to the school board to pay tuition for an elementary student at an
approved independent elementary school or an independent school meeting~~

1 ~~school quality standards pursuant to sections 823 and 828 of this chapter upon~~
2 ~~notice given by the student's parent or legal guardian before April 15 for the~~
3 ~~next academic year. [Repealed.]~~

4 Sec. 2. 16 V.S.A. § 822 is amended to read:

5 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
6 PAY TUITION

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

9 (1) the electorate authorizes the school board to close an existing high
10 school and to provide for the high school education of its students by paying
11 tuition to a public high school, ~~an approved independent high school, or an~~
12 ~~independent school meeting school quality standards~~, to be selected by the
13 parents or guardians of the student, within or outside the State; or

14 * * *

15 (c)(1) A school district may both maintain a high school and furnish high
16 school education by paying tuition:

17 (A) to a public school as in the judgment of the school board may
18 best serve the interests of the students; ~~or~~

19 (B) ~~to an approved independent school or an independent school~~
20 ~~meeting school quality standards if the school board judges that a student has~~

1 ~~unique educational needs that cannot be served within the district or at a~~
2 ~~nearby public school.~~

3 ~~(2) The judgment of the board shall be final in regard to the institution~~
4 ~~the students may attend at public cost.~~

5 Sec. 3. 16 V.S.A. § 823 is amended to read:

6 § 823. ELEMENTARY TUITION

7 ~~(a)~~ Tuition for elementary students shall be paid by the district in which the
8 student is a resident. The district shall pay the full tuition charged its students
9 attending a public elementary school. If a payment made to a public
10 elementary school is three percent more or less than the calculated net cost per
11 elementary pupil in the receiving school district for the year of attendance, the
12 district shall be reimbursed, credited, or refunded pursuant to section 836 of
13 this title. Notwithstanding the provisions of this subsection or of subsection
14 825(b) of this title, the boards of both the receiving and sending districts may
15 enter into tuition agreements with terms differing from the provisions of those
16 subsections, provided that the receiving district must offer identical terms to all
17 sending districts, and further provided that the statutory provisions apply to
18 any sending district that declines the offered terms.

19 ~~(b) Unless the electorate of a school district authorizes payment of a higher~~
20 ~~amount at an annual or special meeting warned for the purpose, the tuition paid~~

1 ~~to an approved independent elementary school or an independent school~~
2 ~~meeting school quality standards shall not exceed the least of:~~

3 ~~(1) the average announced tuition of Vermont union elementary schools~~
4 ~~for the year of attendance;~~

5 ~~(2) the tuition charged by the approved independent school for the year~~
6 ~~of attendance; or~~

7 ~~(3) the average per pupil tuition the district pays for its other resident~~
8 ~~elementary students in the year in which the student is enrolled in the approved~~
9 ~~independent school.~~

10 Sec. 4. 16 V.S.A. § 824 is amended to read:

11 § 824. HIGH SCHOOL TUITION

12 (a) Tuition for high school students shall be paid by the school district in
13 which the student is a resident.

14 (b) Except as otherwise provided for technical students, the district shall
15 pay the full tuition charged its students attending a public high school in
16 Vermont or an adjoining state ~~or a public or approved independent school in~~
17 ~~Vermont functioning as an approved area career technical center, or an~~
18 ~~independent school meeting school quality standards;~~ provided:

19 (1) If a payment made to a public high school ~~or an independent school~~
20 ~~meeting school quality standards~~ is three percent more or less than the
21 calculated net cost per secondary pupil in the receiving school district ~~or~~

1 ~~independent school~~ for the year of attendance, then the district ~~or school~~ shall
2 be reimbursed, credited, or refunded pursuant to section 836 of this title.

3 (2) Notwithstanding the provisions of this subsection or of subsection
4 825(b) of this title, the board of the receiving public school district, ~~public or~~
5 ~~approved independent school functioning as an area career technical center, or~~
6 ~~independent school meeting school quality standards~~ may enter into tuition
7 agreements with the boards of sending districts that have terms differing from
8 the provisions of those subsections, provided that the receiving district ~~or~~
9 ~~school~~ must offer identical terms to all sending districts, and further provided
10 that the statutory provisions apply to any sending district that declines the
11 offered terms.

12 (c) ~~The district shall pay an amount not to exceed the average announced~~
13 ~~tuition of Vermont union high schools for the year of attendance for its~~
14 ~~students enrolled in an approved independent school not functioning as a~~
15 ~~Vermont area career technical center, or any higher amount approved by the~~
16 ~~electorate at an annual or special meeting warned for that purpose. [Repealed.]~~

17 Sec. 5. 16 V.S.A. § 826 is amended to read:

18 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

19 (a) A school board, ~~or the board of trustees of an independent school~~
20 ~~meeting school quality standards~~, that proposes to increase tuition charges shall
21 notify the school board of the school district from which its nonresident

1 students come, and the Secretary, of the proposed increase on or before
2 January 15 in any year; such increases shall not become effective without the
3 notice and not until the following school year.

4 (b) A school board ~~or the board of trustees of an independent school~~
5 ~~meeting school quality standards~~ may establish a separate tuition for one or
6 more special education programs. No such tuition shall be established unless
7 the State Board has by rule defined the program as of a type that may be
8 funded by a separate tuition. Any such tuition shall be announced in
9 accordance with the provisions of subsection (a) of this section. The amount
10 of tuition shall reflect the net cost per pupil in the program. The announcement
11 of tuition shall describe the special education services included or excluded
12 from coverage. Tuition for part-time students shall be reduced proportionally.

13 * * *

14 Sec. 6. 16 V.S.A. § 827 is amended to read:

15 § 827. DESIGNATION OF A PUBLIC HIGH SCHOOL ~~OR AN~~

16 ~~APPROVED INDEPENDENT HIGH SCHOOL~~ AS THE SOLE

17 PUBLIC HIGH SCHOOL OF A SCHOOL DISTRICT

18 (a) A school district not maintaining an approved public high school may
19 vote on such terms or conditions as it deems appropriate, to designate ~~an~~
20 ~~approved independent school~~ or a public school operated by another district as
21 the public high school of the district.

1 (b) Except as otherwise provided in this section, if the ~~board of trustees or~~
2 ~~the~~ school board of the designated school votes to accept this designation, the
3 ~~school shall be regarded as a public school for tuition purposes under~~
4 ~~subsection 824(b) of this title and the~~ sending school district shall pay tuition
5 to that school only, until such time as the sending school district or the
6 designated school votes to rescind the designation.

7 (c) A parent or legal guardian who is dissatisfied with the instruction
8 provided at the designated school or who cannot obtain for his or her child the
9 kind of course or instruction desired there, or whose child can be better
10 accommodated in an ~~approved independent or a~~ public high school nearer his
11 or her home during the next academic year, may request on or before April 15
12 that the school board pay tuition to another ~~approved independent or~~ public
13 high school selected by the parent or guardian.

14 (d) The school board may pay tuition to another ~~approved~~ high school as
15 requested by the parent or legal guardian in subsection (c) of this section if in
16 its judgment that will best serve the interests of the student. Its decision shall
17 be final in regard to the institution the student may attend. If the board
18 approves the parent's request, the board shall pay tuition for the student in an
19 amount not to exceed the least of:

20 (1) ~~The~~ the statewide average announced tuition of Vermont union high
21 schools;

1 (2) ~~The~~ the per-pupil tuition the district pays to the designated school in
2 the year in which the student is enrolled in the nondesignated school; and

3 (3) ~~The~~ the tuition charged by the approved nondesignated school in the
4 year in which the student is enrolled.

5 (e) Notwithstanding any other provision of law to the contrary:

6 (1) ~~the~~ The school districts of Pawlet, Rupert, and Wells may designate
7 a public high school located in New York as the public high school of the
8 district pursuant to the provisions of this section; and

9 (2) ~~unless~~ Unless otherwise directed by an affirmative vote of the school
10 district, when the Wells Board approves parental requests to pay tuition to a
11 nondesignated ~~approved independent or~~ public school, the Board shall pay
12 tuition in an amount not to exceed the base education amount as determined
13 under section 4011 of this title for the fiscal year in which tuition is being
14 paid; and

15 (3) ~~unless~~ Unless otherwise directed by an affirmative vote of the school
16 district, when the Strafford Board approves a parental request to pay tuition to
17 a nondesignated ~~approved independent or~~ public school, the Board shall pay
18 tuition to the nondesignated school pursuant to section 824 of this title for the
19 year in which the student is enrolled; provided, however, that it shall not pay
20 tuition in an amount that exceeds the tuition paid to the designated school for
21 the same academic year.

1 Sec. 7. 16 V.S.A. § 828 is amended to read:

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

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

13 Sec. 8. STATUTORY REVISION

14 On or before December 15, 2017, the Office of Legislative Council shall
15 prepare a draft bill that identifies all statutory references to an independent
16 school that receives public funds and shall recommend such amendments as
17 may be necessary to reflect the intent of this act.

18 Sec. 9. EFFECTIVE DATE

19 This act shall take effect on July 1, 2017, and shall apply to the 2018–2019
20 academic year and after.