

1 H.513

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; miscellaneous amendments

5 Statement of purpose of bill as introduced: This bill proposes to: (1) amend
6 the education laws to reflect the requirements of the federal Every Student
7 Succeeds Act; (2) make certain clarifying and technical changes; and (3)
8 require that a school principal be given notice of his or her contract renewal
9 status earlier than under current law.

10 An act relating to making miscellaneous changes to education law

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

12 * * * Postsecondary Schools * * *

13 Sec. 1. 16 V.S.A § 176(d) is amended to read:

14 (d) Exemptions. The following are exempt from the requirements of this
15 section except for the requirements of subdivision (c)(1)(C) of this section:

16 * * *

17 (4) Postsecondary schools that are accredited. The following
18 postsecondary institutions are accredited, meet the criteria for exempt status,
19 and are authorized to operate educational programs beyond secondary

1 education, including programs leading to a degree or certificate: Bennington
2 College, ~~Burlington College~~, Champlain College, College of St. Joseph,
3 Goddard College, Green Mountain College, Landmark College, Marlboro
4 College, Middlebury College, New England Culinary Institute, Norwich
5 University, Saint Michael's College, SIT Graduate Institute, Southern Vermont
6 College, Sterling College, Vermont College of Fine Arts, and Vermont Law
7 School. This authorization is provided solely to the extent necessary to ensure
8 institutional compliance with federal financial aid-related regulations, and it
9 does not affect, rescind, or supersede any preexisting authorizations, charters,
10 or other forms of recognition or authorization.

11 * * *

12 * * * Educational Opportunities * * *

13 Sec. 2. 16 V.S.A § 165(b) is amended to read:

14 (b) ~~Every two years~~ Annually, the Secretary shall determine whether
15 students in each Vermont public school are provided educational opportunities
16 substantially equal to those provided in other public schools. If the Secretary
17 determines that a school is not meeting the education quality standards listed in
18 subsection (a) of this section or that the school is making insufficient progress
19 in improving student performance in relation to the standards for student
20 performance set forth in subdivision 164(9) of this title, he or she shall
21 describe in writing actions that a district must take in order to meet either or

1 both sets of standard and shall provide technical assistance to the school. If
2 the school fails to meet the standards or make sufficient progress ~~by the end of~~
3 ~~the next two year period~~ within two years of the determination, the Secretary
4 shall recommend to the State Board one or more of the following actions:

5 * * *

6 * * * Local Education Agency * * *

7 Sec. 3. 16 V.S.A. § 563 is amended to read:

8 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

9 The school board of a school district, in addition to other duties and
10 authority specifically assigned by law:

11 * * *

12 (26) ~~Shall carry out the duties of a local education agency, as that term~~
13 ~~is defined in 20 U.S.C. § 7801(26), for purposes of determining student~~
14 ~~performance and application of consequences for failure to meet standards and~~
15 ~~for provision of compensatory and remedial services pursuant to 20 U.S.C.~~
16 ~~§§ 6311-6318. [Repealed.]~~

17 * * *

18 * * * State-placed and Homeless Students * * *

19 Sec. 4. 16 V.S.A § 1075 is amended to read:

20 § 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND

21 PAYMENT OF EDUCATION OF STUDENT

1 * * *

2 (c) State-placed students.

3 (1) A State-placed student in the legal custody of the Commissioner for
4 Children and Families, other than one placed in a 24-hour residential facility
5 and except as otherwise provided in this subsection, shall be educated by ~~the~~
6 ~~school district in which the student is living~~ the student's school of origin,
7 ~~unless an alternative plan or facility for the education of the student is agreed~~
8 ~~upon by Secretary~~ the student's education team determines that it is not in the
9 student's best interest to attend the school of origin. The student's education
10 team shall include, as applicable, the student, the student's parents and foster
11 parents, the student's guardian ad litem and educational surrogate parent,
12 representatives of both the school of origin and potential new school, and a
13 representative of the Family Services Division of the Department for Children
14 and Families. ~~In the case of a dispute as to where a State-placed student is~~
15 ~~living, the Secretary shall conduct a hearing to determine which school district~~
16 ~~is responsible for educating the student.~~ ~~The Secretary's decision shall be final~~
17 ~~about whether it is in the student's best interest to attend the school of origin,~~
18 the Commissioner for Children and Families shall make the final decision. As
19 used in this section, "school of origin" means the school in which the child
20 was enrolled at the time of placement into custody of the Commissioner for
21 Children and Families, or in the case of a student already in the custody of the

1 Commissioner for Children and Families, the school the student most recently
2 attended.

3 (2) If a student is a State-placed student pursuant to subdivision
4 11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families
5 shall ~~assume responsibility~~ be responsible for the student's transportation to
6 and from school, unless the receiving district chooses to provide
7 transportation.

8 (3) A State-placed student not in the legal custody of the Commissioner
9 for Children and Families, other than one placed in a 24-hour residential
10 facility and except as otherwise provided in this subsection, shall be educated
11 by the school district in which the student is living unless an alternative plan or
12 facility for the education of the student is agreed upon by the Secretary. In the
13 case of dispute as to where a State-placed student is living, the Secretary shall
14 conduct a hearing to determine which school district is responsible for
15 educating the student. The Secretary's decision shall be final.

16 (4) A student who is in temporary legal custody pursuant to 33 V.S.A.
17 § 5308(b)(3) or (4) and is a State-placed student pursuant to subdivision
18 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal
19 custodian's discretion, in the district in which the student's parents reside, the
20 district in which either parent resides if the parents live in different districts,
21 the district in which the student's legal guardian resides, or the district in

1 which the temporary legal custodian resides. If the student enrolls in the
2 district in which the temporary legal custodian resides, the district shall
3 provide transportation in the same manner and to the same extent it is provided
4 to other students in the district. In all other cases, the temporary legal
5 custodian is responsible for the student's transportation to and from school,
6 unless the receiving district chooses to provide transportation.

7 (4)(5) If a student who had been a State-placed student pursuant to
8 subdivision 11(a)(28) of this title is returned to live in the district in which one
9 or more of the student's parents or legal guardians reside, then, at the request
10 of the student's parent or legal guardian, the Secretary may order the student to
11 continue his or her enrollment for the remainder of the academic year in the
12 district in which the student resided prior to returning to the parent's or
13 guardian's district and the student will continue to be funded as a State-placed
14 student. Unless the receiving district chooses to provide transportation:

15 * * *

16 (e) For the purposes of this title, the legal residence or residence of a child
17 of homeless parents is ~~where the child temporarily resides~~ the child's school
18 of origin, as defined in subdivision (c)(1) of this section, unless the parents
19 and another school district agree that the child's attendance in school in that
20 school district will be in the best interests of the child ~~in that continuity of~~
21 ~~education will be provided and transportation will not be unduly burdensome~~

1 ~~to the school district.~~ A “child of homeless parents” means a child whose
2 parents:

3 * * *

4 * * * Early College * * *

5 Sec. 5. REPEAL

6 16 V.S.A § 4011(e) (early college) is repealed.

7 Sec. 6. 16 V.S.A § 946 is added to read:

8 § 946. EARLY COLLEGE

9 (a) For each grade 12 Vermont student enrolled, the Secretary shall pay an
10 amount equal to 87 percent of the base education amount to:

11 (1) the Vermont Academy of Science and Technology (VAST); and

12 (2) an early college program other than the VAST program that is
13 developed and operated or overseen by the University of Vermont, by one of
14 the Vermont State Colleges, or by an accredited private postsecondary school
15 located in Vermont and that is approved for operation by the Secretary;

16 provided, however, when making a payment under this subdivision (2), the

17 Secretary shall not pay more than the tuition charged by the institution.

18 (b) The Secretary shall make the payment pursuant to subsection (a) of this
19 section directly to the postsecondary institution, which shall accept the amount
20 as full payment of the student’s tuition.

21 (c) A student on whose behalf the Secretary makes a payment pursuant to

1 subsection (a) of this subsection:

2 (1) shall be enrolled as a full-time student in the institution receiving the
3 payment for the academic year for which payment is made;

4 (2) shall not be enrolled concurrently in a secondary school operated by
5 the student's district of residence or to which the district pays tuition on the
6 student's behalf; and

7 (3) shall not be included in the average daily membership of any school
8 district for the academic year for which payment is made; provided, however,
9 that if more than five percent of the grade 12 students residing in a district
10 enroll in an early college program, then the district may include the number of
11 students in excess of five percent in its average daily membership; but further
12 provided that a student in grade 12 enrolled in a college program shall be
13 included in the percentage calculation only if, for the previous academic year,
14 the student was enrolled in a school maintained by the district or was a student
15 for whom the district paid tuition to a public or approved independent school.

16 (d) A postsecondary institution shall not accept a student into an early
17 college program unless enrollment in an early college program was an element
18 of the student's personalized learning plan.

19 Sec. 7. REPEAL

20 16 V.S.A § 4011a (early college program; report; appropriations) is
21 repealed.

1 Sec. 8. 16 V.S.A § 947 is added to read:

2 § 947. EARLY COLLEGE PROGRAM; REPORT; APPROPRIATION

3 (a) Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution
4 receiving funds pursuant to section 946 of this title shall report annually in
5 January to the Senate and House Committees on Education regarding the level
6 of participation in the institution's early college program, the success in
7 achieving the stated goals of the program to enhance secondary students'
8 educational experiences and prepare them for success in college and beyond,
9 and the specific results for participating students relating to programmatic
10 goals.

11 (b) In the budget submitted annually to the General Assembly pursuant to
12 32 V.S.A. chapter 5, the Governor shall include the recommended
13 appropriation for all early college programs to be funded pursuant to section
14 946 of this title, including the VAST program, as a distinct amount.

15 * * * Advisory Council on Special Education * * *

16 Sec. 9. 16 V.S.A § 2945(c) is amended to read:

17 (c) The members of the Council who are employees of the State shall
18 receive no additional compensation for their services, but actual and necessary
19 expenses shall be allowed State employees, and shall be charged to their
20 departments or institutions. The members of the Council who are not
21 employees of the State shall receive a per diem compensation of ~~\$30.00~~ per

1 ~~day as provided under 32 V.S.A. § 1010~~ for each day of official business and
2 reimbursement for actual and necessary expenses at the rate allowed State
3 employees.

4 * * * Renewal of Principal's Contracts * * *

5 Sec. 10. 16 V.S.A. § 243(c) is amended to read:

6 (c) Renewal and nonrenewal. A principal who has been continuously
7 employed for more than two years in the same position has the right either to
8 have his or her contract renewed, or to receive written notice of nonrenewal at
9 ~~least 90 days before~~ on or before February 1 of the year in which the existing
10 contract expires. Nonrenewal may be based upon elimination of the position,
11 performance deficiencies, or other reasons. The written notice shall recite the
12 grounds for nonrenewal. If nonrenewal is based on performance deficiencies,
13 the written notice shall be accompanied by an evaluation performed by the
14 superintendent. At its discretion, the school board may allow a period of
15 remediation of performance deficiencies prior to issuance of the written notice.
16 After receiving such a notice, the principal may request in writing, and shall be
17 granted, a meeting with the school board. Such request shall be delivered
18 within 15 days of delivery of notice of nonrenewal, and the meeting shall be
19 held within 15 days of delivery of the request for a meeting. At the meeting,
20 the school board shall explain its position, and the principal shall be allowed to
21 respond. The principal and any member of the board may present written

1 information or oral information through statements of others, and the principal
2 and the board may be represented by counsel. The meeting shall be in
3 executive session unless both parties agree in writing that it be open to the
4 public. After the meeting, the school board shall decide whether or not to
5 offer the principal an opportunity to renew his or her contract. The school
6 board shall issue its decision in writing within five days. The decision of the
7 school board shall be final.

** * * Criminal Record Checks * * **

Sec. 11. 16 V.S.A § 255(k) is added to read:

(k) The requirements of this section shall not apply to persons operating or employed by a child care facility that is prequalified to provide prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A § 3502.

Sec. 12. 33 V.S.A § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

** * **

(2) “Child care facility” means any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children

under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child's own parent, guardian, or relative, as defined by rules adopted by the Department for Children and Families, but not including a kindergarten approved by the State Board of Education or a prequalified prekindergarten program operated by a school.

* * *

* * * Effective Dates * * *

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~~Sec. 11. EFFECTIVE DATES~~

~~(a) This section and Secs. 1–3 and 5–10 shall take effect on passage.~~

~~(b) Sec. 4 (State-placed students) shall take effect beginning with the 2017–2018 school year.~~

Sec. 13. EFFECTIVE DATES

(a) This section and Secs. 1–3 and 5–10 shall take effect on passage.

(b) Sec. 4 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(c) Secs. 11–12 (criminal record checks) shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew a teaching or child care provider license after June 30, 2017.