

1 S.130

2 Introduced by Committee on Education

3 Date: March 17, 2017

4 Subject: Education; miscellaneous amendments

5 Statement of purpose of bill as introduced: This bill proposes to: (1) create a
6 study committee to consider and make recommendations on the criteria to be
7 used by the State Board of Education for the approval of an independent
8 school; (2) provide an appropriation to the Vermont State Colleges for the
9 purpose of evaluating or reevaluating educational and training programs for
10 college credit at no cost or at a reduced cost to the programs being evaluated;
11 (3) exclude prekindergarten students from the student enrollment count used
12 for determining a school district's eligibility for a small school grant;
13 (4) require that one member of the Vermont Standards Board for Professional
14 Educators be a superintendent; (5) require that the Agency of Education be the
15 sole government agency to issue any required license or endorsement to a
16 speech-language pathologist who is employed by a supervisory union or public
17 school district in Vermont or an independent school approved for special
18 education purposes for the purpose of providing speech-language pathology;
19 (6) require that a school principal be given notice of his or her contract
20 renewal status earlier than under current law; (7) amend the education laws to
21 reflect the requirements of the federal Every Student Succeeds Act; and (8)

1 make certain clarifying and technical changes.

2 An act relating to making miscellaneous changes to education laws

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

4 * * * Approved Independent Schools Study Committee * * *

5 Sec. 1. APPROVED INDEPENDENT SCHOOLS STUDY COMMITTEE

6 (a) Creation. There is created an Approved Independent Schools Study
7 Committee to consider and make recommendations on the criteria to be used
8 by the State Board of Education for designation as an “approved” independent
9 school.

10 (b) Membership. The Committee shall be composed of the following ten
11 members:

12 (1) one current member of the House of Representatives who shall be
13 appointed by the Speaker of the House;

14 (2) one current member of the Senate who shall be appointed by the
15 Committee on Committees;

16 (3) the Chair of the State Board of Education or designee;

17 (4) the Secretary of Education or designee;

18 (5) the Executive Director of the Vermont Superintendent’s Association
19 or designee;

1 (6) the Executive Director of the Vermont School Boards Association or
2 designee;

3 (7) the Executive Director of the Vermont Independent Schools
4 Association or designee;

5 (8) two representatives of approved independent schools, who shall be
6 chosen by the Executive Director of the Vermont Independent Schools
7 Association; and

8 (9) the Executive Director of the Vermont Council of Special Education
9 Administrators or designee.

10 (c) Powers and duties. The Committee shall consider and make
11 recommendations on the criteria to be used by the State Board of Education for
12 designation as an “approved” independent school, including the following
13 criteria:

14 (1) the school’s enrollment policy and any limitation on a student’s
15 ability to enroll;

16 (2) how the school should be required to deliver special education
17 services and which categories of these services; and

18 (3) the scope and nature of financial information and special education
19 information that should be required to be reported by the school to the State
20 Board or Agency of Education.

21 (d) Assistance. The Committee shall have the administrative, technical,

1 and legal assistance of the Agency of Education.

2 ~~(e) Report. On or before January 15, 2018, the Committee shall submit a~~
3 ~~written report to the House and Senate Committees on Education with its~~
4 ~~findings and any recommendations.~~

*(e) Report. On or before January 15, 2018, the Committee shall submit a
written report to the House and Senate Committees on Education with its
findings and any recommendations, including recommendations for any
amendments to legislation.*

5 (f) Meetings.

6 (1) The Secretary of Education shall call the first meeting of the
7 Committee to occur on or before May 30, 2017.

8 (2) The Committee shall select a chair from among its members at the
9 first meeting.

10 (3) A majority of the membership shall constitute a quorum.

11 (4) The Committee shall cease to exist on January 16, 2018.

12 (g) Reimbursement.

13 (1) For attendance at meetings during adjournment of the General
14 Assembly, legislative members of the Committee shall be entitled to per diem
15 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
16 no more than seven meetings.

17 (2) Other members of the Committee who are not employees of the
18 State of Vermont and who are not otherwise compensated or reimbursed for
19 their attendance shall be entitled to per diem compensation and reimbursement

1 of expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

2 * * * Educational and Training Programs for College Credit * * *

3 Sec. 2. APPROPRIATION TO THE VERMONT STATE COLLEGES
4 TO EXPAND EDUCATION AND TRAINING EVALUATION
5 SERVICES PROGRAM

6 The sum of ~~\$40,000.00~~ \$20,000.00 is appropriated from the Next
7 Generation Initiative Fund created pursuant to 16 V.S.A. § 2887 to the
8 Vermont State Colleges for the purpose of providing funding for the Colleges'
9 Education and Training Evaluation Services Program. The Vermont State
10 Colleges shall use the appropriation to evaluate or reevaluate educational and
11 training programs for college credit at no cost or at a reduced cost to the
12 programs being evaluated. The Vermont State Colleges shall identify training
13 programs in the skilled trades, including the plumbing and electrical trades, to
14 receive these evaluation services. The Vermont State Colleges shall, on or
15 before January 15, 2018, issue a report to the House and Senate Committees
16 on Education describing how the funds appropriated pursuant to this section
17 have been spent, how any remaining funds appropriated pursuant to this
18 section will be spent, and the number and nature of the programs evaluated or
19 reevaluated and the results of the evaluations.

20 * * * Student Enrollment; Small School Grant * * *

21 Sec. 3. 16 V.S.A. § 4015 is amended to read:

1 § 4015. SMALL SCHOOL SUPPORT

2 (a) In this section:

3 (1) “Eligible school district” means a school district that operates at
4 least one school; and

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

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

8 (2) “Enrollment” means the number of students who are enrolled in a
9 school operated by the district on October 1. A student shall be counted as one
10 whether the student is enrolled as a full-time or part-time student. Students
11 enrolled in prekindergarten programs shall not be counted.

12 (3) “Two-year average enrollment” means the average enrollment of the
13 two most recently completed school years.

14 (4) “Average grade size” means two-year average enrollment divided by
15 the number of grades taught in the district on October 1. For purposes of this
16 calculation, kindergarten and prekindergarten programs shall be counted
17 together as one grade.

18 * * *

19 * * * Vermont Standards Board for Professional Educators * * *

20 Sec. 4. 16 V.S.A. § 1693 is amended to read:

21 § 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

1 (a) There is hereby established the Vermont Standards Board for
2 Professional Educators comprising 13 members as follows: seven teachers,
3 two administrators, one of whom shall be a school superintendent, one public
4 member, one school board member, one representative of educator preparation
5 programs from a public institution of higher education, and one representative
6 of educator preparation programs from a private institution of higher
7 education.

8 * * *

9 Sec. 5. TRANSITIONAL PROVISION

10 A superintendent shall be appointed to the Vermont Standards Board for
11 Professional Educators upon the next expiration of the term of a member who
12 is serving on the Board as an administrator.

13 * * * Speech-Language Pathologists * * *

14 Sec. 6. 26 V.S.A. § 4451 is amended to read:

15 § 4451. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (5) “Educational speech-language pathologist” means a speech-language
19 pathologist who is employed by a supervisory union or public school district in
20 Vermont or an independent school approved for special education purposes for
21 the purpose of providing speech-language pathology.

1 (6) “Secretary” means the Secretary of State.

2 ~~(6)~~(7) “Speech-language pathologist” means a person licensed to
3 practice speech-language pathology under this chapter, but shall not include an
4 educational speech-language pathologist.

5 ~~(7)~~(8) “Speech-language pathology” means the application of principles,
6 methods, and procedures related to the development and disorders of human
7 communication, which include any and all conditions that impede the normal
8 process of human communication.

9 Sec. 7. 26 V.S.A. § 4454 is amended to read:

10 § 4454. CONSTRUCTION

11 (a) This chapter shall not be construed to limit or restrict in any way the
12 right of a practitioner of another occupation that is regulated by this State from
13 performing services within the scope of his or her professional practice.

14 (b) This chapter shall not be construed to apply to an educational speech-
15 language pathologist, except to the extent that an educational speech-language
16 pathologist provides speech-language pathology services outside a school
17 environment. An educational speech-language pathologist shall be subject to
18 the licensing, training, and professional standards provisions of 16 V.S.A.
19 chapter 51. To the extent that an educational speech-language pathologist
20 provides speech-language pathology services outside a school environment, the
21 educational speech-language pathologist shall be subject to the licensing,

1 training, and professional standards provisions of this chapter.

2 Sec. 8. TRANSITIONAL PROVISION

3 An individual holding an educator license with an endorsement for
4 educational speech-language pathologist from the Agency of Education shall
5 retain that endorsement and shall renew it with the Agency as required by law,
6 in addition to licensure with the Agency of Education.

7 * * * Renewal of Principal's Contracts * * *

8 Sec. 9. 16 V.S.A. § 243(c) is amended to read:

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

1 held within 15 days of delivery of the request for a meeting. At the meeting,
2 the school board shall explain its position, and the principal shall be allowed to
3 respond. The principal and any member of the board may present written
4 information or oral information through statements of others, and the principal
5 and the board may be represented by counsel. The meeting shall be in
6 executive session unless both parties agree in writing that it be open to the
7 public. After the meeting, the school board shall decide whether or not to
8 offer the principal an opportunity to renew his or her contract. The school
9 board shall issue its decision in writing within five days. The decision of the
10 school board shall be final.

11 * * * Postsecondary Schools * * *

12 Sec. 10. 16 V.S.A § 176(d) is amended to read:

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

15 * * *

16 (4) Postsecondary schools that are accredited. The following
17 postsecondary institutions are accredited, meet the criteria for exempt status,
18 and are authorized to operate educational programs beyond secondary
19 education, including programs leading to a degree or certificate: Bennington
20 College, ~~Burlington College~~, Champlain College, College of St. Joseph,
21 Goddard College, Green Mountain College, Landmark College, Marlboro

1 College, Middlebury College, New England Culinary Institute, Norwich
2 University, Saint Michael's College, SIT Graduate Institute, Southern Vermont
3 College, Sterling College, Vermont College of Fine Arts, and Vermont Law
4 School. This authorization is provided solely to the extent necessary to ensure
5 institutional compliance with federal financial aid-related regulations, and it
6 does not affect, rescind, or supersede any preexisting authorizations, charters,
7 or other forms of recognition or authorization.

8 * * *

9 * * * Educational Opportunities * * *

10 Sec. 11. 16 V.S.A § 165(b) is amended to read:

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

1 shall recommend to the State Board one or more of the following actions:

2 * * *

3 * * * Local Education Agency * * *

4 Sec. 12. 16 V.S.A. § 563 is amended to read:

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

6 The school board of a school district, in addition to other duties and

7 authority specifically assigned by law:

8 * * *

9 (26) ~~Shall carry out the duties of a local education agency, as that term~~
10 ~~is defined in 20 U.S.C. § 7801(26), for purposes of determining student~~
11 ~~performance and application of consequences for failure to meet standards and~~
12 ~~for provision of compensatory and remedial services pursuant to 20 U.S.C.~~

13 ~~§§ 6311-6318. [Repealed.]~~

14 * * *

15 * * * State-placed and Homeless Students * * *

16 Sec. 13. 16 V.S.A § 1075 is amended to read:

17 § 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND

18 PAYMENT OF EDUCATION OF STUDENT

19 * * *

20 (c) State-placed students.

21 (1) A State-placed student in the legal custody of the Commissioner for

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

21 (2) If a student is a State-placed student pursuant to subdivision

1 11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families
2 shall ~~assume responsibility~~ be responsible for the student's transportation to
3 and from school, unless the receiving district chooses to provide
4 transportation.

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

13 (4) A student who is in temporary legal custody pursuant to 33 V.S.A.
14 § 5308(b)(3) or (4) and is a State-placed student pursuant to subdivision
15 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal
16 custodian's discretion, in the district in which the student's parents reside, the
17 district in which either parent resides if the parents live in different districts,
18 the district in which the student's legal guardian resides, or the district in
19 which the temporary legal custodian resides. If the student enrolls in the
20 district in which the temporary legal custodian resides, the district shall
21 provide transportation in the same manner and to the same extent it is provided

1 to other students in the district. In all other cases, the temporary legal
2 custodian is responsible for the student's transportation to and from school,
3 unless the receiving district chooses to provide transportation.

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

12 * * *

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

21 * * *

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

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

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

16 Sec. 16. REPEAL

17 16 V.S.A § 4011a (early college program; report; appropriations) is
18 repealed.

19 Sec. 17. 16 V.S.A § 947 is added to read:

20 § 947. EARLY COLLEGE PROGRAM; REPORT; APPROPRIATION

21 (a) Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution
22 receiving funds pursuant to section 946 of this title shall report annually in

1 January to the Senate and House Committees on Education regarding the level
2 of participation in the institution's early college program, the success in
3 achieving the stated goals of the program to enhance secondary students'
4 educational experiences and prepare them for success in college and beyond,
5 and the specific results for participating students relating to programmatic
6 goals.

7 (b) In the budget submitted annually to the General Assembly pursuant to
8 32 V.S.A. chapter 5, the Governor shall include the recommended
9 appropriation for all early college programs to be funded pursuant to section
10 946 of this title, including the VAST program, as a distinct amount.

11 * * * Advisory Council on Special Education * * *

12 Sec. 18. 16 V.S.A § 2945(c) is amended to read:

13 (c) The members of the Council who are employees of the State shall
14 receive no additional compensation for their services, but actual and necessary
15 expenses shall be allowed State employees, and shall be charged to their
16 departments or institutions. The members of the Council who are not
17 employees of the State shall receive a per diem compensation of \$30.00 per
18 day as provided under 32 V.S.A. § 1010 for each day of official business and
19 reimbursement for actual and necessary expenses at the rate allowed State
20 employees.

21 ~~* * * Dual Enrollment * * *~~

1 ~~Sec. 19. 16 V.S.A. § 944(b)(2) is amended to read:~~

2 (2) ~~An eligible student may enroll in up to two dual enrollment courses~~
3 ~~prior to completion of secondary school for which neither the student nor~~
4 ~~parent shall be required to pay tuition. The student or parent may only be~~
5 ~~charged fees for materials directly related to the course. A student may enroll~~
6 ~~in courses offered while secondary school is in session and during the summer.~~

7 * * * Effective Dates * * *

8 ~~Sec. 20. EFFECTIVE DATES~~

9 ~~(a) This section, Secs. 1–5, 9–12, and 14–19 shall take effect on passage.~~

10 ~~(b) Secs. 6–8 (speech-language pathologists) shall take effect on January 1,~~
11 ~~2018.~~

12 ~~(c) Sec. 13 (State-placed students) shall take effect beginning with the~~
13 ~~2017–2018 school year.~~

Sec. 19. EFFECTIVE DATES

(a) This section, Secs. 1–5, 9–12, and 14–18 shall take effect on passage.

(b) Secs. 6–8 (speech-language pathologists) shall take effect on
January 1, 2018.

(c) Sec. 13 (State-placed students) shall take effect beginning with the
2017–2018 school year.