1	Introduced by Committee on Education
2	Date:
3	Subject: Education; miscellaneous amendments
4	Statement of purpose of bill as introduced: This bill proposes to: (1) amend
5	the education laws to reflect the requirements of the federal Every Student
6	Succeeds Act; (2) make certain clarifying and technical changes; (3) clarify the
7	division of responsibility for conducting criminal record checks on employees
8	and contractors retained by public schools, approved and recognized
9	independent schools, and providers of prekindergarten programs as among the
10	Agency of Education, superintendents, headmasters of approved or recognized
11	schools, and the Department for Children and Families; and (4) require that a
12	school principal be given notice of his or her contract renewal status earlier
13	than under current law.
14	An act relating to making miscellaneous changes to education law
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	* * * Postsecondary Schools * * *
17	Sec. 1. 16 V.S.A § 176(d) is amended to read:
18	(d) Exemptions. The following are exempt from the requirements of this

section except for the requirements of subdivision (c)(1)(C) of this section:

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(4) Postsecondary schools that are accredited. The following
postsecondary institutions are accredited, meet the criteria for exempt status,
and are authorized to operate educational programs beyond secondary
education, including programs leading to a degree or certificate: Bennington
College, Burlington College, Champlain College, College of St. Joseph,
Goddard College, Green Mountain College, Landmark College, Marlboro
College, Middlebury College, New England Culinary Institute, Norwich
University, Saint Michael's College, SIT Graduate Institute, Southern Vermont
College, Sterling College, Vermont College of Fine Arts, and Vermont Law
School. This authorization is provided solely to the extent necessary to ensure
institutional compliance with federal financial aid-related regulations, and it
does not affect, rescind, or supersede any preexisting authorizations, charters,
or other forms of recognition or authorization.
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* * * Educational Opportunities * * *

- 16 Sec. 2. 16 V.S.A § 165(b) is amended to read:
 - (b) Every two years Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress

1	in improving student performance in relation to the standards for student
2	performance set forth in subdivision 164(9) of this title, he or she shall
3	describe in writing actions that a district must take in order to meet either or
4	both sets of standard and shall provide technical assistance to the school. If the
5	school fails to meet the standards or make sufficient progress by the end of the
6	next two year period within two years of the determination, the Secretary shall
7	recommend to the State Board one or more of the following actions:
8	* * *
9	* * * Local Education Agency * * *
10	Sec. 3. 16 V.S.A. § 563 is amended to read:
11	§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE
12	The school board of a school district, in addition to other duties and
13	authority specifically assigned by law:
14	* * *
15	(26) Shall carry out the duties of a local education agency, as that term
16	is defined in 20 U.S.C. § 7801(26), for purposes of determining student
17	performance and application of consequences for failure to meet standards and
18	for provision of compensatory and remedial services pursuant to 20 U.S.C.
19	§§ 6311-6318. [Repealed.]
20	* * *

- 1 * * * State-place and Homeless Students * * *
- 2 Sec. 4. 16 V.S.A § 1075 is amended to read:
- § 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND
- 4 PAYMENT OF EDUCATION OF STUDENT

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(c) State-placed students.

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(1) A State-placed student in the legal custody of the Commissioner for Children and Families, other than one placed in a 24-hour residential facility and except as otherwise provided in this subsection, shall be educated by the school district in which the student is living the student's school of origin, unless an alternative plan or facility for the education of the student is agreed upon by Secretary the student's education team determines that it is not in the student's best interest to attend the school of origin. The student's education team shall include, as applicable, the student, the student's parents and foster parents, the student's guardian ad litem and educational surrogate parent, representatives of both the school of origin and potential new school, and a representative of the Family Services Division of the Department for Children and Families. In the case of a dispute as to where a State-placed student is living, the Secretary shall conduct a hearing to determine which school district is responsible for educating the student. The Secretary's decision shall be final about whether it is in the student's best interest to attend the school of origin,

1	the Commissioner for Children and Families shall make the final decision. As
2	used in this section, "school of origin" means the school in which the child was
3	enrolled at the time of placement into custody of the Commissioner for
4	Children and Families, or in the case of a student already in the custody of the
5	Commissioner for Children and Families, the school the student most recently
6	attended.
7	(2) If a student is a State-placed student pursuant to subdivision
8	11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families
9	shall assume responsibility be responsible for the student's transportation to
10	and from school, unless the receiving district chooses to provide transportation.
11	(3) A State-placed student not in the legal custody of the Commissioner
12	for Children and Families, other than one placed in a 24-hour residential
13	facility and except as otherwise provided in this subsection, shall be educated
14	by the school district in which the student is living unless an alternative plan or
15	facility for the education of the student is agreed upon by the Secretary. In the
16	case of dispute as to where a State-placed student is living, the Secretary shall
17	conduct a hearing to determine which school district is responsible for
18	educating the student. The Secretary's decision shall be final.
19	(4) A student who is in temporary legal custody pursuant to 33 V.S.A.
20	§ 5308(b)(3) or (4) and is a State-placed student pursuant to subdivision
21	11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal

custodian's discretion, in the district in which the student's parents reside, the district in which either parent resides if the parents live in different districts, the district in which the student's legal guardian resides, or the district in which the temporary legal custodian resides. If the student enrolls in the district in which the temporary legal custodian resides, the district shall provide transportation in the same manner and to the same extent it is provided to other students in the district. In all other cases, the temporary legal custodian is responsible for the student's transportation to and from school, unless the receiving district chooses to provide transportation.

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

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(e) For the purposes of this title, the legal residence or residence of a child of homeless parents is where the child temporarily resides the child's school of origin, as defined in subdivision (c)(1) of this section, unless the parents

1	and another school district agree that the child's attendance in school in that
2	school district will be in the best interests of the child in that continuity of
3	education will be provided and transportation will not be unduly burdensome
4	to the school district. A "child of homeless parents" means a child whose
5	parents:
6	* * *
7	* * * Early College * * *
8	Sec. 5. REPEAL
9	16 V.S.A § 4011(e) (early college) is repealed.
10	Sec. 6. 16 V.S.A § 946 is added to read:
11	§ 946. EARLY COLLEGE
12	(a) For each grade 12 Vermont student enrolled, the Secretary shall pay an
13	amount equal to 87 percent of the base education amount to:
14	(1) the Vermont Academy of Science and Technology (VAST); and
15	(2) an early college program other than the VAST program that is
16	developed and operated or overseen by the University of Vermont, by one of
17	the Vermont State Colleges, or by an accredited private postsecondary school
18	located in Vermont and that is approved for operation by the Secretary;
19	provided, however, when making a payment under this subdivision (2), the
20	Secretary shall not pay more than the tuition charged by the institution.

1	(b) The Secretary shall make the payment pursuant to subsection (a) of this
2	section directly to the postsecondary institution, which shall accept the amount
3	as full payment of the student's tuition.
4	(c) A student on whose behalf the Secretary makes a payment pursuant to
5	subsection (a) of this subsection:
6	(1) shall be enrolled as a full-time student in the institution receiving the
7	payment for the academic year for which payment is made;
8	(2) shall not be enrolled concurrently in a secondary school operated by
9	the student's district of residence or to which the district pays tuition on the
10	student's behalf; and
11	(3) shall not be included in the average daily membership of any school
12	district for the academic year for which payment is made; provided, however,
13	that if more than five percent of the grade 12 students residing in a district
14	enroll in an early college program, then the district may include the number of
15	students in excess of five percent in its average daily membership; but further
16	provided that a student in grade 12 enrolled in a college program shall be
17	included in the percentage calculation only if, for the previous academic year,
18	the student was enrolled in a school maintained by the district or was a student
19	for whom the district paid tuition to a public or approved independent school.

1	(d) A postsecondary institution shall not accept a student into an early
2	college program unless enrollment in an early college program was an element
3	of the student's personalized learning plan.
4	Sec. 7. REPEAL
5	16 V.S.A § 4011a (early college program; report; appropriations) is
6	repealed.
7	Sec. 8. 16 V.S.A § 947 is added to read:
8	§ 947. EARLY COLLEGE PROGRAM; REPORT; APPROPRIATION
9	(a) Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution
10	receiving funds pursuant to section 946 of this title shall report annually in
11	January to the Senate and House Committees on Education regarding the level
12	of participation in the institution's early college program, the success in
13	achieving the stated goals of the program to enhance secondary students'
14	educational experiences and prepare them for success in college and beyond,
15	and the specific results for participating students relating to programmatic
16	goals.
17	(b) In the budget submitted annually to the General Assembly pursuant to
18	32 V.S.A. chapter 5, the Governor shall include the recommended
19	appropriation for all early college programs to be funded pursuant to section
20	946 of this title, including the VAST program, as a distinct amount.

1	* * * Advisory Council on Special Education * * *
2	Sec. 9. 16 V.S.A § 2945(c) is amended to read:
3	(c) The members of the Council who are employees of the State shall
4	receive no additional compensation for their services, but actual and necessary
5	expenses shall be allowed State employees, and shall be charged to their
6	departments or institutions. The members of the Council who are not
7	employees of the State shall receive a per diem compensation of \$30.00 per
8	day as provided under 32 V.S.A. § 1010 for each day of official business and
9	reimbursement for actual and necessary expenses at the rate allowed State
10	employees.
11	* * * Dual Enrollment * * *
12	Sec. 10. 16 V.S.A § 944(b)(2) is amended to read:
13	(2) An eligible student may enroll in up to two dual enrollment courses
14	prior to completion of secondary school for which neither the student nor
15	parent shall be required to pay tuition, laboratory fees, or other costs and fees
16	directly related to participating in the course, other than travel costs. A student
17	may enroll in courses offered while secondary school is in session and during
18	the summer.

1	* * * Criminal Record Checks * * *
2	Sec. 11. 16 V.S.A § 255(k) is added to read:
3	(k) The requirements of this section shall not apply to persons operating or
4	employed by a child care facility that is prequalified to provide prekindergarte
5	education pursuant to section 829 of this title and that is required to be licensed
6	by the Department for Children and Families pursuant to 33 V.S.A § 3502.
7	Sec. 12. 33 V.S.A § 3511 is amended to read:
8	§ 3511. DEFINITIONS
9	As used in this chapter:
10	* * *
11	(2) "Child care facility" means any place or program operated as a
12	business or service on a regular or continuous basis, whether for compensation
13	or not, whose primary function is protection, care, and supervision of children
14	under 16 years of age outside their homes for periods of fewer than 24 hours a
15	day by a person other than a child's own parent, guardian, or relative, as
16	defined by rules adopted by the Department for Children and Families, but not
17	including a kindergarten approved by the State Board of Education or a
18	prequalified prekindergarten program operated by a school.
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- 1 *** Renewal of Principal's contracts ***
- 2 Sec.13. 16 V.S.A. § 243(c) is amended to read:
 - (c) Renewal and nonrenewal. A principal who has been continuously employed for more than two years in the same position has the right either to have his or her contract renewed, or to receive written notice of nonrenewal at least 90 days before on or before February 1 of the year in which the existing contract expires. Nonrenewal may be based upon elimination of the position, performance deficiencies, or other reasons. The written notice shall recite the grounds for nonrenewal. If nonrenewal is based on performance deficiencies, the written notice shall be accompanied by an evaluation performed by the superintendent. At its discretion, the school board may allow a period of remediation of performance deficiencies prior to issuance of the written notice. After receiving such a notice, the principal may request in writing, and shall be granted, a meeting with the school board. Such request shall be delivered within 15 days of delivery of notice of nonrenewal, and the meeting shall be held within 15 days of delivery of the request for a meeting. At the meeting, the school board shall explain its position, and the principal shall be allowed to respond. The principal and any member of the board may present written information or oral information through statements of others, and the principal and the board may be represented by counsel. The meeting shall be in executive session unless both parties agree in writing that it be open to the

1	public. After the meeting, the school board shall decide whether or not to offer
2	the principal an opportunity to renew his or her contract. The school board
3	shall issue its decision in writing within five days. The decision of the school
4	board shall be final.
5	* * * Effective Dates * * *
6	Sec. 14. EFFECTIVE DATES
7	(a) This section, Secs. 1–3, 5–10, and 13 shall take effect on passage.
8	(b) Sec. 4 (State-placed students) shall take effect beginning with the
9	2017–2018 school year.
10	(c) Secs. 11–12 (criminal background checks) shall apply to persons hired
11	or contracted with after June 30, 2017 and to persons who apply for or renew a
12	teaching or child care provider license after June 30, 2017.