

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

20 * * *

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 [Repealed.]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 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

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 * * * Renewal of Principal’s contracts * * *

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

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

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

15 * * * Effective Dates * * *

16 Sec. 11. EFFECTIVE DATES

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

18 (b) Sec. 4 (State-placed students) shall take effect beginning with the
19 2017–2018 school year.