

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 257  
3 entitled “An act relating to miscellaneous changes to education law”  
4 respectfully reports that it has considered the same and recommends that the  
5 House propose to the Senate that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Out-of-State Independent Schools \* \* \*

8 Sec. 1. 16 V.S.A. § 822 is amended to read:

9 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR  
10 PAY TUITION

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

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

18 \* \* \*

19 Sec. 2. 16 V.S.A. § 828 is amended to read:

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

21 (a) A school district shall not pay the tuition of a student except to:

- 1           (1) a public school;
- 2           (2) an approved independent school, in Vermont;
- 3           (3) an independent school in Vermont meeting education quality
- 4 standards;
- 5           (4) a tutorial program approved by the State Board;
- 6           (5) an approved education program, ~~or~~;
- 7           (6) an independent school in another state ~~or country~~ that is approved
- 8 under the laws of that state or country, nor shall payment, provided, however,
- 9 that the state is contiguous to Vermont;
- 10          (7) a public or independent school in the Province of Quebec approved
- 11 under the laws of Canada; or
- 12          (8) a school to which a student on an individualized education plan has
- 13 been referred or placed by the student's individualized education plan team or
- 14 local education agency.
- 15          (b) Payment of tuition on behalf of a person shall not be denied on account
- 16 of age.
- 17          (c) Unless otherwise provided, a person who is aggrieved by a decision of a
- 18 school board relating to eligibility for tuition payments, the amount of tuition
- 19 payable, or the school he or she may attend, may appeal to the State Board and
- 20 its decision shall be final.

1       Sec. 3. TRANSITION

2           Notwithstanding any provision to the contrary in Sec. 2 of this act, a school  
3           district may pay tuition on behalf of a student to a school located in another  
4           country or to an approved independent school that is located in a state that is  
5           not contiguous to Vermont if, during the 2017-2018 school year, the student  
6           attended that school; provided, however, that tuition shall be paid for not more  
7           than four years after enactment of this act.

8                               \* \* \* Dual Enrollment; Parochial Schools \* \* \*

9       Sec. 4. 16 V.S.A. § 944 is amended to read:

10       § 944. DUAL ENROLLMENT PROGRAM

11           (a) Program creation. There is created a the statewide Dual Enrollment  
12           Program to be a potential component of a student's flexible pathway. The  
13           Program shall include college courses offered on the campus of an accredited  
14           postsecondary institution and college courses offered by an accredited  
15           postsecondary institution on the campus of a secondary school. The Program  
16           may include online college courses or components.

17           (b) Students.

18               (1) A Vermont resident who has completed grade 10 but has not  
19           received a high school diploma is eligible to participate in the Program if:

20               (A) the student:

21                   (i) is enrolled in:

1 (I) a Vermont public school, including a Vermont career  
2 technical center;

3 (II) a public school in another state or an approved independent  
4 school that is designated as the public secondary school for the student's  
5 district of residence; or

6 (III) an approved independent school in Vermont ~~to which the~~  
7 ~~student's district of residence pays publicly funded tuition on behalf of the~~  
8 ~~student;~~

9 (ii) is assigned to a public school through the High School  
10 Completion Program; or

11 (iii) is a home study student;

12 \* \* \*

13 \* \* \* U.S. Citizenship Civics Test \* \* \*

14 Sec. 5. 16 V.S.A. § 914 is added to read:

15 § 914. CITIZENSHIP TEST

16 The U.S. citizenship civics test, produced by the U.S. Citizenship and  
17 Immigration Services, shall be **considered** as a resource for the teaching of  
18 citizenship, history, and government in Vermont and the United States as  
19 required under subsection 906(b) of this title, and may be used as a resource  
20 for the educational program on the U.S. Constitution that each educational

1 institution receiving federal funds is required to hold in September each year,  
2 under Pub. L. No. 108-447, Division J, Title I, Sec. 111(b).

3 \*\*\* Elections \*\*\*

4 Sec. 6. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

5 (a) Notwithstanding any provision of law to the contrary, the election of a  
6 director on the board of a unified union school district who is to serve on the  
7 board after expiration of the term for an initial director shall be held at the  
8 unified union school district's annual meeting unless otherwise provided in the  
9 district's articles of agreement.

10 (b) Notwithstanding any provision of law to the contrary, if a vacancy  
11 occurs on the board of a unified union school district and the vacancy is in a  
12 seat that is allocated to a specific town, the clerk of the unified union district  
13 shall immediately notify the selectboard of the town. Within 30 days after the  
14 receipt of that notice, the unified union school district board, in consultation  
15 with the selectboard, shall appoint a person who is otherwise eligible to serve  
16 as a member of the unified union school district board to fill the vacancy until  
17 an election is held at an annual or special meeting, unless otherwise provided  
18 in accordance with the unified union school district's articles of agreement.

19 (c) Notwithstanding any provision of law to the contrary, the clerk,  
20 treasurer, and moderator of a unified union school district elected at an annual  
21 meeting shall enter upon their duties on July 1 following their election and

1 shall serve a term of up to three years or until their successors are elected and  
2 qualified, except that if the voters at an annual meeting so vote, moderators  
3 elected at an annual meeting shall assume office upon election and shall serve  
4 for a term of up to three years or until their successors are elected and  
5 qualified.

6 (d) This section is repealed on July 1, 2020.

7 Sec. 7. 16 V.S.A. § 706k is amended to read:

8 § 706k. ELECTION OF DISTRICT OFFICERS

9 (a)(1) A school director representing a member district who is to serve on  
10 the union school district board after the expiration of the terms provided for  
11 school directors in the final report shall be elected by that member district at an  
12 annual or special meeting. Such The election shall be by Australian ballot in  
13 those member districts that so elect their town school district directors. School  
14 directors elected at an annual meeting shall assume office upon election and  
15 shall serve a term of three years or until their successors are elected and  
16 qualified.

17 (2) Union district officers, except the clerk, treasurer, and moderator,  
18 elected at an annual meeting shall enter upon their duties on July 1 following  
19 their election and shall serve a term of one year or until their successors are  
20 elected and qualified. The clerk, treasurer, and moderator elected at an annual  
21 meeting shall enter upon their duties on July 1 following their election and

1 shall serve a term of up to three years or until their successors are elected and  
2 qualified, except that if the voters at an annual meeting so vote, moderators  
3 elected at an annual meeting shall assume office upon election and shall serve  
4 for a term of ~~one year~~ up to three years or until their successors are elected and  
5 qualified. School directors elected at an annual meeting shall assume office  
6 upon election and shall serve a term of three years or until their successors are  
7 elected and qualified.

8 (3) The clerk of the union district shall, within ten days after the election  
9 or appointment of any officer or director, give notice of the results to the  
10 Secretary of State.

11 \* \* \*

12 \* \* \* School Radon Mitigation Study Committee \* \* \*

13 Sec. 8. SCHOOL RADON MITIGATION STUDY COMMITTEE

14 (a) Creation. There is created the School Radon Mitigation Study  
15 Committee to explore funding opportunities for the mitigation of elevated  
16 radon concentrations in schools and contingency plans for the loss of related  
17 federal funding.

18 (b) Membership. The Committee shall be composed of the following six  
19 members:

20 (1) the Secretary of Education or designee;

21 (2) the Commissioner of Health or designee;

1           (3) a member appointed by the State School Boards Association;

2           (4) a member appointed by the Vermont Superintendents Association;

3           (5) a member appointed by the Vermont Independent Schools  
4           Association; and

5           (6) a radon mitigation professional certified for testing and mitigation by  
6           the National Radon Proficiency Program, appointed by the Director of the  
7           Department of Labor's Workers' Compensation and Safety Division.

8           (c) Assistance. The Committee shall have the administrative, technical, and  
9           legal assistance of the Agency of Education.

10          (d) Report. On or before December 15, 2018, the Committee shall submit a  
11          written report to the House and Senate Committees on Education containing  
12          viable options for funding the mitigation of elevated radon concentrations in  
13          schools.

14          (e) Meetings.

15               (1) The Secretary of Education or designee shall call the first meeting of  
16               the Committee to occur on or before October 1, 2018.

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

19               (3) The Committee shall cease to exist on December 31, 2018.

20           (f) Compensation and reimbursement. Members of the Committee who are  
21           not employees of the State of Vermont and who are not otherwise compensated



1 or reimbursed for their attendance shall be entitled to per diem compensation  
2 and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than  
3 four meetings. These payments shall be made from monies appropriated to the  
4 Agency of Education.

5 (g) Appropriation. The sum of \$800.00 is appropriated from the General  
6 Fund to the Agency of Education to provide funding for the purposes set forth  
7 in this section.

8 \* \* \* Technical Correction \* \* \*

9 Sec. 9. 16 V.S.A. § 4015 is amended to read:

10 § 4015. SMALL SCHOOL SUPPORT

11 (a) In this section:

12 \* \* \*

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

17 \* \* \*

18 \* \* \* Prekindergarten Education \* \* \*

19 Sec. 10. AGENCY OF EDUCATION REPORT; PREKINDERGARTEN

20 EDUCATION

1        On or before December 1, 2018, the Agency of Education and the Agency  
2        of Human Services shall provide a report to the General Assembly on the  
3        costs, benefits, and feasibility of replacing prekindergarten education with a  
4        system that provides kindergarten education for children who are four or five  
5        years of age, and child care services for children who are age zero through age  
6        three.

7                                \* \* \* Teacher Licensing; Regional CTE Centers \* \* \*

8        Sec. 11. 16 V.S.A. § 1696 is amended to read:

9        § 1696. LICENSING

10                                \* \* \*

11        (g) Notwithstanding any provision of law to the contrary, teachers  
12        employed by a regional CTE center, as defined under section 1522 of this title,  
13        shall not be required to obtain a license to provide instruction in that regional  
14        CTE center if the regional CTE center has adopted a school-based teacher  
15        quality and performance measurement program approved by the New England  
16        Association of Schools and Colleges.

17                                \* \* \* Effective Dates \* \* \*

18        Sec. 12. EFFECTIVE DATES

19        (a) Sec. 9 shall take effect July 1, 2019.

(b) This section and the remaining sections shall take effect on passage, and Sec. 6(c) and Sec. 7 shall apply to the subsequent election of district officers of a unified union school district or a union school district.

(Committee vote: \_\_\_\_\_)

Representative \_\_\_\_\_

FOR THE COMMITTEE

PRELIMINARY COMMITTEE DISCUSSION TO DELETE THESE  
SECTIONS:

\* \* \* Child Abuse and Neglect Hotline \* \* \*

Sec. 5. 16 V.S.A. § 914 is added to read:

## § 914. CHILD ABUSE AND NEGLECT HOTLINE

Each public school and each independent school shall post, in a place clearly visible to students and on its website, the toll-free telephone number operated by the Department for Children and Families to receive reports of child abuse and neglect and directions for accessing the office of the

1 Department for Children and Families. The postings shall be in English,  
2 Spanish, and French.

3 \* \* \* Postsecondary Educational Institutions; Closing \* \* \*

4 Sec. 6. 16 V.S.A. § 175 is amended to read:

5 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

6 (a) When an institution of higher education, whether or not chartered in this  
7 State, proposes to discontinue the regular course of instruction, either  
8 permanently or for a temporary period other than a customary vacation period,  
9 the institution shall:

10 (1) promptly inform the State Board;

11 (2) prepare the academic record of each current and former student in a  
12 form satisfactory to the State Board and including interpretive information  
13 required by the Board; and

14 (3) deliver the records to a person designated by the State Board to act  
15 as permanent repository for the institution's records, together with the  
16 reasonable cost of entering and maintaining the records.

17 \* \* \*

18 (d) When an institution of higher education is unable or unwilling to  
19 comply substantially with the record preparation and delivery requirements of  
20 subsection (a) of this section, the State Board shall bring an action in Superior

1 Court to compel compliance with this section, and may in a proper case obtain  
2 temporary custody of the records.

3 (e) When an institution of higher education is unable or unwilling to  
4 comply with the requirements of subsection (a) of this section, the State Board  
5 may expend State funds necessary to ensure the proper storage and availability  
6 of the institution's records. The Attorney General shall then seek recovery  
7 under this subsection, in the name of the State, of all of the State's incurred  
8 costs and expenses, including attorney's fees, arising from the failure to  
9 comply. Claims under this subsection shall be a lien on all the property of a  
10 defaulting institution, until all claims under this subsection are satisfied. The  
11 lien shall take effect from the date of filing notice thereof in the records of the  
12 town or towns where property of the defaulting institution is located.

13 \* \* \*

14 ~~(g)(1) The Association of Vermont Independent Colleges (AVIC) shall~~  
15 ~~maintain a memorandum of understanding with each of its member colleges~~  
16 ~~under which each member college agrees to:~~

17 ~~(1) upon the request of AVIC, properly administer the student records of~~  
18 ~~a member college that fails to comply with the requirements of subsection (a)~~  
19 ~~of this section; and~~

20 ~~(2) contribute on an equitable basis and in a manner determined in the~~  
21 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~

1 ~~selected by AVIC maintaining the records of a member college that fails to~~  
2 ~~comply with the requirements of subsection (a) of this section.~~ If an institution  
3 of higher education is placed on probation for financial reasons by its  
4 accrediting agency, the institution shall, not later than two days after learning  
5 that it has been placed on probation, inform the State Board of Education of its  
6 status, and not later than 90 days after being place on probation, shall submit a  
7 student record plan to the State Board for approval.

8 (2) The student record plan shall include an agreement with an  
9 institution of higher education or other entity to act as a repository for the  
10 institution's records with funds set aside, if necessary, for the permanent  
11 maintenance of the student records.

12 (3) If the State Board does not approve the plan, the State may take  
13 action under subsections (d) and (e) of this section.