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H.513

Representative Sharpe of Bristol moves that the House propose to the Senate further proposal of amendment to the Senate proposal of amendment on H.513, “an act relating to making miscellaneous changes to education law,” by striking out all after the enacting clause and inserting in lieu thereof the following:

- Sec. 1. [Deleted.]
- Sec. 2. [Deleted.]
- Sec. 3. [Deleted.]

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

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

§ 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

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

* * *

1 Sec. 5. TRANSITIONAL PROVISION

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

5 Sec. 6. [Deleted.]

6 Sec. 7. [Deleted.]

7 Sec. 8. [Deleted.]

8 * * * Renewal of Principal's Contracts * * *

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

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

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

13 * * * Postsecondary Schools * * *

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

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

17 * * *

18 (4) Postsecondary schools that are accredited. The following
19 postsecondary institutions are accredited, meet the criteria for exempt status,
20 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. 11. 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 standards 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. 12. 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 * * *

1 * * * State-placed and Homeless Students * * *

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

3 § 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND
4 PAYMENT OF EDUCATION OF STUDENT

5 * * *

6 (c) State-placed students.

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

1 about whether it is in the student’s best interest to attend the school of origin,
2 the Commissioner for Children and Families shall make the final decision. As
3 used in this section, “school of origin” means the school in which the child was
4 enrolled at the time of placement into custody of the Commissioner for
5 Children and Families, or in the case of a student already in the custody of the
6 Commissioner for Children and Families, the school the student most recently
7 attended.

8 (2) If a student is a State-placed student pursuant to subdivision
9 11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families
10 shall ~~assume responsibility~~ be responsible for the student’s transportation to
11 and from school, unless the receiving district chooses to provide transportation.

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

20 (4) A student who is in temporary legal custody pursuant to 33 V.S.A.
21 § 5308(b)(3) or (4) and is a State-placed student pursuant to subdivision

1 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal
2 custodian's discretion, in the district in which the student's parents reside, the
3 district in which either parent resides if the parents live in different districts,
4 the district in which the student's legal guardian resides, or the district in
5 which the temporary legal custodian resides. If the student enrolls in the
6 district in which the temporary legal custodian resides, the district shall
7 provide transportation in the same manner and to the same extent it is provided
8 to other students in the district. In all other cases, the temporary legal
9 custodian is responsible for the student's transportation to and from school,
10 unless the receiving district chooses to provide transportation.

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

19 * * *

20 (e) For the purposes of this title, the legal residence or residence of a child
21 of homeless parents is ~~where the child temporarily resides~~ the child's school

1 of origin, as defined in subdivision (c)(1) of this section, unless the parents
2 and another school district agree that the child’s attendance in school in that
3 school district will be in the best interests of the child ~~in that continuity of~~
4 ~~education will be provided and transportation will not be unduly burdensome~~
5 ~~to the school district.~~ A “child of homeless parents” means a child whose
6 parents:

7 * * *

8 * * * Early College * * *

9 Sec. 14. REPEAL

10 16 V.S.A § 4011(e) (early college) is repealed.

11 Sec. 15. 16 V.S.A § 946 is added to read:

12 § 946. EARLY COLLEGE

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

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

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

1 provided, however, when making a payment under this subdivision (2), the
2 Secretary shall not pay more than the tuition charged by the institution.

3 (b) The Secretary shall make the payment pursuant to subsection (a) of this
4 section directly to the postsecondary institution, which shall accept the amount
5 as full payment of the student's tuition.

6 (c) A student on whose behalf the Secretary makes a payment pursuant to
7 subsection (a) of this subsection:

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

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

13 (3) shall not be included in the average daily membership of any school
14 district for the academic year for which payment is made; provided, however,
15 that if more than five percent of the grade 12 students residing in a district
16 enroll in an early college program, then the district may include the number of
17 students in excess of five percent in its average daily membership; but further
18 provided that a student in grade 12 enrolled in a college program shall be
19 included in the percentage calculation only if, for the previous academic year,

1 the student was enrolled in a school maintained by the district or was a student
2 for whom the district paid tuition to a public or approved independent school.

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

6 Sec. 16. REPEAL

7 16 V.S.A. § 4011a (early college program; report; appropriations) is
8 repealed.

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

10 § 947. EARLY COLLEGE PROGRAM; REPORT; APPROPRIATION

11 (a) Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution
12 receiving funds pursuant to section 946 of this title shall report annually in
13 January to the Senate and House Committees on Education regarding the level
14 of participation in the institution's early college program, the success in
15 achieving the stated goals of the program to enhance secondary students'
16 educational experiences and prepare them for success in college and beyond,
17 and the specific results for participating students relating to programmatic
18 goals.

19 (b) In the budget submitted annually to the General Assembly pursuant to
20 32 V.S.A. chapter 5, the Governor shall include the recommended

1 appropriation for all early college programs to be funded pursuant to section
2 946 of this title, including the VAST program, as a distinct amount.

3 * * * Advisory Council on Special Education * * *

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

5 (c) The members of the Council who are employees of the State shall
6 receive no additional compensation for their services, but actual and necessary
7 expenses shall be allowed State employees, and shall be charged to their
8 departments or institutions. The members of the Council who are not
9 employees of the State shall receive a per diem compensation ~~of \$30.00 per~~
10 day as provided under 32 V.S.A. § 1010 for each day of official business and
11 reimbursement for actual and necessary expenses at the rate allowed State
12 employees.

13 * * *

14 * * * Criminal Record Checks * * *

15 Sec. 19. 16 V.S.A. § 255(k) is added to read:

16 (k) The requirements of this section shall not apply to superintendents and
17 headmasters with respect to persons operating or employed by a child care
18 facility, as defined under 33 V.S.A. § 3511, that provides prekindergarten
19 education pursuant to section 829 of this title and that is required to be licensed
20 by the Department for Children and Families pursuant to 33 V.S.A. § 3502.

1 Superintendents and headmasters are not prohibited from conducting a
2 criminal record check as a condition of hiring an employee to work in a child
3 care facility that provides prekindergarten education operated by the school.

4 * * * Agency Of Education Report; English Language Learners * * *

5 Sec. 20. AGENCY OF EDUCATION REPORT; ENGLISH LANGUAGE
6 LEARNERS

7 As part of the management of federal funds for students for whom English
8 is not the primary language, the Agency of Education shall convene at least
9 one meeting of representatives from the supervisory unions and supervisory
10 districts that receive these funds, including those responsible for the
11 administration of these funds, which shall take place prior to the creation of
12 budgets for the next school year. The meeting participants shall explore ways
13 to reduce barriers to the use of funds available under the federal Elementary
14 and Secondary Education Act and help the supervisory unions and supervisory
15 districts develop strategies for best meeting the needs of students for whom
16 English is not the primary language as permitted under federal and State law.
17 In addition, the meeting participants shall discuss the weighting formulas for
18 students from economically deprived backgrounds and students for whom
19 English is not the primary language, and whether these formulas should be
20 revised. The Agency of Education shall report the results of these discussions

1 to the Senate and House Committees on Education on or before January 15,
2 2018.

3 * * * Prekindergarten Programs; STARS ratings * * *

4 Sec. 21. 16 V.S.A. § 829(c) is amended to read:

5 (c) Prequalification. Pursuant to rules jointly developed and overseen by
6 the Secretaries of Education and of Human Services and adopted by the State
7 Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine
8 that a private or public provider of prekindergarten education is qualified for
9 purposes of this section and include the provider in a publicly accessible
10 database of prequalified providers. At a minimum, the rules shall define the
11 process by which a provider applies for and maintains prequalification status,
12 shall identify the minimum quality standards for prequalification, and shall
13 include the following requirements:

14 (1) A program of prekindergarten education, whether provided by a
15 school district or a private provider, shall have received:

16 (A) National Association for the Education of Young Children
17 (NAEYC) accreditation; or

18 (B) at least four stars in the Department for Children and Families'
19 STARS system ~~with at least two points in each of the five areas;~~ or

1 (C) three stars in the STARS system if the provider has developed a
2 plan, approved by the Commissioner for Children and Families and the
3 Secretary of Education, to achieve four or more stars in no more than two years
4 ~~with at least two points in each of the five arenas~~, and the provider has met
5 intermediate milestones.

6 * * *

7 * * * Act 46 Findings and Purpose * * *

8 Sec. 22. FINDINGS AND PURPOSE

9 (a) 2015 Acts and Resolves No. 46 established a multi-year, phased process
10 that provides multiple opportunities for school districts to unify existing
11 governance units into more “sustainable governance structures” designed to
12 meet the General Assembly’s identified educational and fiscal goals while
13 recognizing and reflecting local priorities. It has been the General Assembly’s
14 intent to revitalize Vermont’s small schools – to promote equity in their
15 offerings and stability in their finances – through these changes in governance.

16 (b) While Vermont generally does an excellent job educating our children,
17 we fall short in two critical areas. First, we are not as successful as we need to
18 be in educating children from families with low income, and second, while we
19 have a very high graduation rate from our high schools, not enough of our
20 graduates continue their education. Fulfilling the goals of Act 46 is a critical
21 step in addressing these shortcomings.

1 (c) As of Town Meeting Day 2017, voters in 96 Vermont towns have voted
2 to merge 104 school districts into these slightly larger, more sustainable
3 governance structures, resulting in the creation of 20 new unified union
4 districts (serving prekindergarten–grade 12 students). As a result,
5 approximately 60 percent of Vermont’s school-age children live or will soon
6 live in districts that satisfy the goals of Act 46.

7 (d) These slightly larger, more flexible unified union districts have begun
8 to realize distinct benefits, including the ability to offer kindergarten–grade 8
9 choice among elementary schools within the new district boundaries; greater
10 flexibility in sharing students, staff, and resources among individual schools;
11 the elimination of bureaucratic redundancies; and the flexibility to create
12 magnet academies, focusing on a particular area of specialization by school.

13 (e) Significant areas of the State, however, have experienced difficulty
14 satisfying the goals of Act 46. The range of complications is varied, including
15 operating or tuitioning models that differ among adjoining districts, geographic
16 isolation due to lengthy driving times or inhospitable travel routes between
17 proposed merger partners, and greatly differing levels of debt per equalized
18 pupil between districts involved in merger study committees.

19 (f) This act is designed to make useful changes to the merger time lines and
20 allowable governance structures under Act 46 without weakening or
21 eliminating the Act’s fundamental phased merger and incentive structures and

1 requirements. Nothing in this act should suggest that it is acceptable for a
2 school district to fail to take reasonable and robust action to seek to meet the
3 goals of Act 46.

4 * * * Side-by-Side Structures * * *

5 Sec. 23. 2012 Acts and Resolves No. 156, Sec. 15 is amended to read:

6 Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION
7 DISTRICT INCENTIVES

8 (a) Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) ~~of No.~~
9 ~~153 of the Acts of the 2009 Adj. Sess. (2010)~~ that requires a single regional
10 education district (“RED”) to have an average daily membership of at least
11 1,250 or result from the merger of at least four districts, or both, two or more
12 new districts shall be eligible jointly for the incentives provided in ~~Sec. 4 of~~
13 No. 153, Sec. 4 if:

14 * * *

15 (3) ~~one of the new districts provides education in all elementary and~~
16 ~~secondary grades by operating one or more schools and the other new district~~
17 ~~or districts pay tuition for students in one or more grades; each new district has~~
18 a model of operating schools or paying tuition that is different from the model
19 of the other, which may include:

20 (A) operating a school or schools for all resident students in
21 prekindergarten through grade 12;

1 (2) As of March 7, 2017, town meeting day, each Existing District is
2 either:

3 (A) geographically isolated, due to lengthy driving times or
4 inhospitable travel routes between the Existing District's school or schools and
5 the nearest school in which there is excess capacity as determined by the State
6 Board of Education; or

7 (B) structurally isolated, because all adjoining school districts have
8 operating or tuitioning models that differ from the Existing District.

9 (3) The Merged District and each Existing District have, following the
10 receipt of all approvals required under this section, a model of operating
11 schools or paying tuition that is different from the model of each other;
12 provided, however, that if two Existing Districts are members of the Three-by-
13 One Side-by-Side Structure, the Existing Districts may have the same model of
14 operating schools or paying tuition if they are geographically isolated from
15 each other, within the meaning of subdivision (2)(A) of this subsection. These
16 models are:

17 (A) operating a school or schools for all resident students in
18 prekindergarten through grade 12;

19 (B) operating a school or schools for all resident students in some
20 grades and paying tuition for resident students in the other grades; or

1 (C) operating no schools and paying tuition for all resident students
2 in prekindergarten through grade 12.

3 (4) Each Existing District and the districts proposing to merge into the
4 Merged District jointly submit a proposal to the State Board after the effective
5 date of this section and demonstrate in their proposal that:

6 (A) the Three-by-One Side-by-Side Structure is better suited to them
7 than a governance structure described in 2015 Acts and Resolves No. 46,
8 Sec. 6 and will meet the goals set forth in Sec. 2 of that act;

9 (B) each Existing District meets one or more of the criteria set forth
10 in subdivision (2) of this subsection (a);

11 (C) each Existing District has a detailed action plan it proposes to
12 take to continue to improve its performance in connection with each of the
13 goals set forth in 2015 Acts and Resolves No. 46, Sec. 2.

14 (5) Each Existing District and the districts proposing to merge into the
15 Merged District obtain State Board approval of their proposal to form the
16 proposed Three-by-One Side-by-Side Structure.

17 (6) Each Existing District obtains the approval of its electorate to be an
18 Existing District in the proposed Three-by-One Side-by-Side Structure on or
19 before November 30, 2017.

20 (7) The districts proposing to merge into the Merged District receive
21 final approval from their electorate for the merger proposal on or before

1 November 30, 2017, and the Merged District becomes fully operational on or
2 before July 1, 2019.

3 (8) The Three-by-One Side-by-Side Structure is formed on or before
4 November 30, 2019 in the manner approved by the State Board.

5 (b) The districts that are proposing to merge into the Merged District may
6 include:

7 (1) districts that have not received, as of the effective date of this
8 section, approval from their electorate to merge, regardless of whether the
9 Merged District will be eligible to receive incentives under 2010 Acts and
10 Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and
11 Resolves No. 46, each as amended; and

12 (2) districts that received, on or after July 1, 2010 but prior to the
13 effective date of this section, approval from their electorate to merge but are
14 not operational as a Merged District as of the effective date of this section,
15 regardless of whether the Merged District is eligible to receive incentives
16 under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or
17 2015 Acts and Resolves No. 46, each as amended.

18 (c) The formation of a Three-by-One Side-by-Side Structure shall not
19 entitle the Merged District or an Existing District to qualify for the incentives
20 provided in 2010 Acts and Resolves No. 153, Sec. 4. However, a Merged
21 District that is otherwise entitled to incentives under 2010 Acts and Resolves

1 No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46,
2 each as amended, shall not lose these incentives due to its participation as a
3 member of a Three-by-One Side-by-Side Structure.

4 Sec. 25. TWO-BY-TWO-BY-ONE SIDE-BY-SIDE STRUCTURE;

5 REGIONAL EDUCATION DISTRICT INCENTIVES

6 (a) Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) that
7 requires a single regional education district (RED) to have an average daily
8 membership of at least 1,250 or result from the merger of at least four districts,
9 or both, two or more new districts shall be eligible for the incentives provided
10 in No. 153, Sec. 4 as amended by 2012 Acts and Resolves No. 156 and 2015
11 Acts and Resolves No. 46 if:

12 (1) Each new district is formed by the merger of at least two existing
13 districts (each a Merged District) and, together with an Existing District, are,
14 following the receipt of all approvals required under this section, members of
15 the same supervisory union (Two-by-Two-by-One Side-by-Side Structure).

16 (2) As of March 7, 2017, town meeting day, the Existing District is
17 either:

18 (A) geographically isolated, due to lengthy driving times or
19 inhospitable travel routes between the Existing District's school or schools and
20 the nearest school in which there is excess capacity as determined by the State
21 Board of Education; or

1 (B) structurally isolated, because all adjoining school districts have
2 operating or tuitioning models that differ from the Existing District.

3 (3) Each Merged District and the Existing District, following the receipt
4 of all approvals required under this section, have a model of operating schools
5 or paying tuition that is different from the model of each other. These
6 models are:

7 (A) operating a school or schools for all resident students in
8 prekindergarten through grade 12;

9 (B) operating a school or schools for all resident students in some
10 grades and paying tuition for resident students in the other grades; or

11 (C) operating no schools and paying tuition for all resident students
12 in prekindergarten through grade 12.

13 (4) The Two-by-Two-by-One Side-by-Side Structure meets all criteria
14 for RED formation other than the size criterion of 2010 Acts and Resolves
15 No. 153, Sec. 3(a)(1) (average daily membership of at least 1,250) and
16 otherwise as provided in this section.

17 (5) The Existing District and the districts proposing to merge into the
18 Merged Districts jointly submit a proposal to the State Board after the effective
19 date of this section and demonstrate in their proposal that:

1 (A) the Two-by-Two-by-One Side-by-Side Structure is better suited
2 to them than a governance structure described in 2015 Acts and Resolves
3 No. 46, Sec. 6 and will meet the goals set forth in Sec. 2 of that act;

4 (B) the Existing District meets one or more of the criteria set forth in
5 subdivision (2) of this subsection (a); and

6 (C) the Existing District has a detailed action plan it proposes to take
7 to continue to improve its performance in connection with each of the goals set
8 forth in 2015 Acts and Resolves No. 46, Sec. 2.

9 (6) The Existing District and the districts proposing to merge into the
10 Merged Districts obtain State Board approval of their proposal to form the
11 proposed Two-by-Two-by-One Side-by-Side Structure.

12 (7) The Existing District obtains the approval of its electorate to be an
13 Existing District in the proposed Two-by-Two-by-One Side-by-Side Structure
14 on or before November 30, 2017.

15 (8) The districts proposing to merge into each Merged District receive
16 final approval from their electorate for the merger proposal on or before
17 November 30, 2017, and each Merged District becomes fully operational on or
18 before July 1, 2019.

19 (9) Each Merged District has the same effective date of merger.

20 (10) The Two-by-Two-by-One Side-by-Side Structure is formed on or
21 before November 30, 2019 in the manner approved by the State Board.

1 (b) The districts that are proposing to merge into the Merged Districts may
2 include:

3 (1) districts that have not received, as of the effective date of this
4 section, approval from their electorate to merge, regardless of whether the
5 Merged District will be eligible to receive incentives under 2010 Acts and
6 Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and
7 Resolves No. 46, each as amended; and

8 (2) districts that received, on or after July 1, 2010 but prior to the
9 effective date of this section, approval from their electorate to merge but are
10 not operational as a Merged District as of the effective date of this section,
11 regardless of whether the Merged District is eligible to receive incentives
12 under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or
13 2015 Acts and Resolves No. 46, each as amended.

14 (c) If the conditions of this section are met, the incentives provided in 2010
15 Acts and Resolves No. 153, Sec. 4 shall be available to each Merged District,
16 unless the Merged District has already received incentives under 2010 Acts
17 and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and
18 Resolves No. 46, each as amended. These incentives shall not be available to
19 the Existing District.

20 (d) If the conditions of this section are met, the Existing District shall be
21 exempt from the requirement under 2015 Acts and Resolves No. 46, Secs. 9

1 and 10, to self-evaluate and make a proposal to the Secretary of Education and
2 State Board of Education and exempt from the State Board's statewide plan.

3 * * * Withdrawal from Union School District * * *

4 Sec. 26. TEMPORARY AUTHORITY TO WITHDRAW FROM UNION
5 SCHOOL DISTRICT

6 (a) Notwithstanding any provision of 16 V.S.A. § 721a to the contrary, a
7 school district may withdraw from a union high school district without
8 approval by the remaining members of the union high school district upon the
9 following conditions:

10 (1) The school district proposing to withdraw from the union high
11 school district operates a school or schools for all resident students in
12 prekindergarten through grade 6 and pays tuition for resident students in grade
13 7 through grade 12.

14 (2) At least one year has elapsed since the union high school district
15 became a body politic and corporate as provided in 16 V.S.A. § 706g.

16 (3) A majority of the voters of the school district proposing to withdraw
17 from the union high school district present and voting at a school district
18 meeting duly warned for that purpose votes to withdraw from the union high
19 school district. The clerk of the school district shall certify the vote to the
20 Secretary of State, who shall record the certificate in his or her office and shall

1 give notice of the vote to the Secretary of Education and to the other members
2 of the union high school district.

3 (4) The State Board approves the withdrawal based on a
4 recommendation from the Secretary of Education.

5 (5) The withdrawal process is completed on or before July 1, 2019.

6 (b) In making his or her recommendation, the Secretary of Education shall
7 assess whether:

8 (1) students in the withdrawing school district would attend a school that
9 complies with the rules adopted by the State Board pertaining to educational
10 programs; and

11 (2) it is in the best interests of the State, the students, and the districts
12 remaining in the union high school district for the union to continue to exist.

13 (c) The State Board shall:

14 (1) consider the recommendation of the Secretary and any other
15 information it deems appropriate;

16 (2) hold a public meeting within 60 days of receiving the
17 recommendation of the Secretary, and provide due notice of this meeting to the
18 Secretary and all members of the union high school district;

19 (3) within 10 days of the meeting, notify the Secretary and all members
20 of the union high school district of its decision;

1 member districts, each with its separate school board, ~~can~~ may meet the State's
2 goals, particularly if:

3 (1) the member districts consider themselves to be collectively
4 responsible for the education of all prekindergarten through grade 12 students
5 residing in the supervisory union;

6 (2) the supervisory union operates in a manner that complies with its
7 obligations under 16 V.S.A. § 261a and that maximizes efficiencies through
8 economies of scale and the flexible management, transfer, and sharing of
9 nonfinancial resources among the member districts, which may include a
10 common personnel system, with the goal of increasing the ratio of students to
11 full-time equivalent staff;

12 (3) the supervisory union has the smallest number of member school
13 districts practicable, achieved wherever possible by the merger of districts with
14 similar operating and tuitioning patterns; ~~and~~

15 (4) the supervisory union has the smallest number of member school
16 districts practicable after consideration of greatly differing levels of
17 indebtedness among the member districts; and

18 ~~(4)(5)~~ the combined average daily membership of all member districts is
19 not less than ~~1,100~~ 900.

1 form a study committee under 16 V.S.A. § 706b and to draft Articles of
2 Agreement for the new district. During this period, the study committee shall
3 hold at least one public hearing to consider and take comments on the draft
4 Articles of Agreement.

5 (f) If the study committee formed under subsection (e) of this section does
6 not approve Articles of Agreement within the 90-day period provided in that
7 subsection, the provisions in the default Articles of Agreement included in the
8 statewide plan shall apply to the new district.

9 ~~(e)~~(g) Applicability. This section shall not apply to:

10 (1) an interstate school district;

11 (2) a regional career technical center school district formed under
12 16 V.S.A. chapter 37, subchapter 5A; or

13 (3) a district that, between June 30, 2013 and July 2, 2019, began to
14 operate as a unified union school district and:

15 (A) voluntarily merged into the preferred education governance
16 structure, an Education District, as set forth Sec. 5(b) of this act; or

17 (B) is a regional education district or any other district eligible to
18 receive incentives pursuant to 2010 Acts and Resolves No. 153, as amended by
19 2012 Acts and Resolves No. 156.

1 * * * Deadline for Small School Support Metrics * * *

2 Sec. 30. 2015 Acts and Resolves No. 46, Sec. 21 is amended to read:

3 Sec. 21. SMALL SCHOOL SUPPORT; METRICS

4 On or before July 1, 2018, the State Board of Education shall adopt and
5 publish metrics by which it will make determinations whether to award small
6 school support grants pursuant to 16 V.S.A. § 4015 on and after July 1, 2019,
7 as amended by Sec. 20 of this act; provided, however, that on or before
8 September 30, 2017, the State Board shall publish a list of districts that it
9 determines to be geographically isolated pursuant to that section as amended
10 by Sec. 20 of this act.

11 * * * Time Extension for Qualifying Districts * * *

12 Sec. 31. 2015 Acts and Resolves No. 46, Sec. 9 is amended to read:

13 Sec. 9. SELF-EVALUATION, MEETINGS, AND PROPOSAL

14 (a) On or before ~~November 30, 2017~~ the date that is the earlier of six
15 months after the date the State Board's rules on the process for submitting
16 alternative governance proposals take effect or January 31, 2018, the board of
17 each school district in the State that has a governance structure different from
18 the preferred structure identified in Sec. 5(b) of this act (Education District), or
19 that does not expect to become or will not become an Education District on or
20 before July 1, 2019, shall perform each of the following actions, unless the
21 district qualifies for an exemption under Sec. 10(g) of this act.

1 Sec. 32. TIME EXTENSION FOR VOTE OF ELECTORATE

2 Notwithstanding any provision of law to the contrary, the date by which a
3 qualifying district must receive final approval from the electorate for its merger
4 proposal is extended from July 1, 2017 to November 30, 2017. A qualifying
5 district is a district that:

6 (1) proposed a school district consolidation plan under 2010 Acts and
7 Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as
8 amended, which was rejected by voters;

9 (2) is a member of a study committee formed under 16 V.S.A. § 706 that
10 provides to the Secretary a declaration that another school district wants to join
11 the district's study committee, signed by each member of the study committee
12 and the district that proposes to join the study committee; or

13 (3) is a member of a supervisory union that, on or after July 1, 2010,
14 combined with another supervisory union.

15 * * * Grants and Fee Reimbursement * * *

16 Sec. 33. 2015 Acts and Resolves No. 46, Sec. 7 is amended to read:

17 Sec. 7. SCHOOL DISTRICTS CREATED AFTER DEADLINE FOR
18 ACCELERATED ACTIVITY; TAX INCENTIVES; SMALL
19 SCHOOL SUPPORT; JOINT CONTRACT SCHOOLS

20 * * *

1 (b) A newly formed school district that meets the criteria set forth in
2 subsection (a) of this section shall receive the following:

3 * * *

4 (3) Transition Facilitation Grant.

5 (A) After voter approval of the plan of merger, notwithstanding any
6 provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall
7 pay the transitional board of the new district a Transition Facilitation Grant
8 from the Education Fund equal to the lesser of:

9 (i) five percent of the base education amount established in
10 16 V.S.A. § 4001(13) multiplied by the greater of either the combined
11 enrollment or the average daily membership of the merging districts on
12 October 1 of the year in which the successful vote is taken; or

13 (ii) \$150,000.00.

14 (B) A Transition Facilitation Grant awarded under this subdivision
15 (3) shall be reduced by the total amount of reimbursement paid for consulting
16 services, analysis, and transition costs pursuant to 2012 Acts and Resolves
17 No. 156, Secs. 2, 4, and 9.

18 * * *

19 Sec. 34. 2012 Acts and Resolves No. 156, Sec. 9 is amended to read:

20 Sec. 9. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
21 MERGER; SCHOOL DISTRICTS; SUNSET

1 (a) From the ~~education fund~~ Education Fund, the ~~commissioner of~~
2 ~~education~~ Secretary of Education shall reimburse up to \$20,000.00 of fees paid
3 by a study committee established under 16 V.S.A. § 706 for legal and other
4 consulting services necessary to analyze the advisability of creating a union
5 school district or a unified union school district ~~and~~, to prepare the report
6 required by 16 V.S.A. § 706b, and to conduct community outreach, including
7 communications with voters. Community outreach materials shall be limited
8 to those that are reasonably designed to inform and educate. Not more than 30
9 percent of the reimbursement amount provided by the Secretary under this
10 section shall be used for the purpose of community outreach.

11 * * *

12 Sec. 35. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

13 Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE

14 STRUCTURES; PROPOSAL; FINAL PLAN

15 * * *

16 (d)(1) The Secretary of Education shall make a supplemental Transitional
17 Facilitation Grant of \$10,000.00 to a school district that:

18 (A) has received or is eligible to receive tax incentives under 2010
19 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts
20 and Resolves No. 46, each as amended (a qualifying school district); and

1 (B) either on its own initiative or at the request of the State Board,
2 agrees by vote of its electorate to merge with another school district (a
3 qualifying merger).

4 (2) A qualifying school district shall use the grant funding to defray the
5 cost of integration. The Secretary shall pay the grant amount to a qualifying
6 school district for each qualifying merger with a school district even if multiple
7 qualifying mergers are effective on the same date. The Secretary shall pay the
8 grant amount not later than 30 days after all required approvals are obtained.

9 (3) Notwithstanding any provision to the contrary in 16 V.S.A. § 4025,
10 the Secretary of Education shall pay the supplemental Transition Facilitation
11 Grant from the Education Fund.

12 (4) The supplemental Transition Facilitation Grant shall be available for a
13 qualifying merger initiated by a qualifying school district only if the merger is
14 scheduled to take effect on or before November 30, 2018.

15 * * * Applications for Adjustments to Supervisory Union Boundaries * * *

16 Sec. 36. 16 V.S.A. § 261 is amended to read:

17 § 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY

18 UNIONS

19 (a) The State Board shall review on its own initiative or when requested as
20 per subsection (b) of this section and may regroup the supervisory unions of
21 the State or create new supervisory unions in such manner as to afford

1 increased efficiency or greater convenience and economy and to facilitate
2 prekindergarten through grade 12 curriculum planning and coordination as
3 changed conditions may seem to require.

4 (b)(1) Any school district that has so voted at its annual school district
5 meeting, if said meeting has been properly warned regarding such a vote, may
6 request that the State Board adjust the existing boundaries of the supervisory
7 union of which it is a member district.

8 (2) Any group of school districts that have so voted at their respective
9 annual school district meeting, regardless of whether the districts are members
10 of the same supervisory union, may request that the State Board adjust existing
11 supervisory union boundaries and move one or more nonrequesting districts to
12 a different supervisory union if such adjustment would assist the requesting
13 districts to realign their governance structures into a unified union school
14 district pursuant to chapter 11 of this title.

15 (3) The State Board shall ~~give timely consideration to requests~~ act on a
16 request made pursuant to this subsection within 75 days of receipt of the
17 request and may regroup the school districts of the area so as to ensure
18 reasonable supervision of all public schools therein.

19 * * *

1 * * * Technical Corrections; Clarifications * * *

2 Sec. 37. 2012 Acts and Resolves No. 156, Sec. 16 is amended to read:

3 Sec. 16. UNION ELEMENTARY SCHOOL DISTRICTS; REGIONAL
4 EDUCATION DISTRICT INCENTIVES

5 * * *

6 (b) This section is repealed on July 1, ~~2017~~ 2019.

7 Sec. 38. 2012 Acts and Resolves No. 156, Sec. 17 is amended to read:

8 Sec. 17. MODIFIED UNIFIED UNION SCHOOL DISTRICT

9 * * *

10 (d) This section is repealed on July 1, ~~2017~~ 2019.

11 Sec. 39. AVAILABILITY OF TAX AND OTHER INCENTIVES

12 The tax and other incentives under 2010 Acts and Resolves No. 153, as
13 amended, and 2012 Acts and Resolves No. 156, as amended, shall be available
14 only if the new governance structure formed under those acts becomes fully
15 operational on or before July 1, 2019.

16 Sec. 40. 2015 Acts and Resolves No. 46, Sec. 23 is amended to read:

17 Sec. 23. DECLINING ENROLLMENT; TRANSITION

18 (a) If a district's equalized pupils in fiscal year 2016 do not reflect any
19 adjustment pursuant to 16 V.S.A. § 4010(f), then Sec. 22 of this act shall apply
20 to the district in fiscal year 2017 and after.

1 (b) If a district’s equalized pupils in fiscal year 2016 reflect adjustment
2 pursuant to 16 V.S.A. § 4010(f), then, notwithstanding the provisions of
3 § 4010(f) as amended by this act:

4 (1) in fiscal year 2017, the district’s equalized pupils shall in no case be
5 less than 90 percent of the district’s equalized pupils in the previous year; and

6 (2) in fiscal year 2018, the district’s equalized pupils shall in no case be
7 less than 80 percent of the district’s equalized pupils in the previous year.

8 (c) Notwithstanding the provisions of subsections (a) and (b) of this
9 section, if a district is actively engaged in merger discussions with one or more
10 other districts regarding the formation of a regional education district (RED) or
11 other form of unified union school district pursuant to 16 V.S.A. chapter 11,
12 then Sec. 22 of this act shall apply to the district in fiscal year 2018 and after,
13 and each of the dates in subsection (b) of this section shall be adjusted
14 accordingly. A district shall be “actively engaged in merger discussions”
15 pursuant to this subsection (c) if on or before July 1, 2016, it has formed a
16 study committee pursuant to 16 V.S.A. chapter 11. Until such time as Sec. 22
17 of this act shall apply to the district, the district’s equalized pupil count shall be
18 calculated under 16 V.S.A. § 4010(f), as in effect on June 30, 2016.

19 Sec. 41. QUALIFICATION FOR INCENTIVES; ASSIGNMENT TO A

20 SUPERVISORY UNION BY THE STATE BOARD

1 Notwithstanding any requirement under 2015 Acts and Resolves No. 46,
2 Secs. 6 and 7 that the newly formed school district be its own supervisory
3 district, the newly formed school district shall qualify for the incentives under
4 this section even if it is assigned to a supervisory union by the State Board of
5 Education and that assignment by the State Board is not made at the request of
6 the school district.

7 * * * State Board Rulemaking Authority * * *

8 Sec. 42. 2015 Acts and Resolves No. 46, Sec. 8 is amended to read:

9 Sec. 8. EVALUATION BY THE STATE BOARD OF EDUCATION

10 * * *

11 (c) The State Board may adopt rules designed to assist districts in
12 submitting alternative structure proposals, but shall not by rule or otherwise
13 impose more stringent requirements than those in this act.

14 * * * Tax Provisions * * *

15 Sec. 43. CALCULATION OF EDUCATION PROPERTY TAX SPENDING

16 ADJUSTMENT AND EDUCATION INCOME TAX SPENDING

17 ADJUSTMENT FOR CERTAIN SCHOOL DISTRICTS

18 (a) Under this section, a qualifying school district is a school district:

19 (1) that operates no schools and pays tuition for all resident students in
20 prekindergarten through grade 12;

1 (2) that, on or before November 15, 2017, obtains final approval from its
2 electorate to consolidate with an existing unified union school district that is
3 eligible to receive incentives under 2010 Acts and Resolves No. 153
4 (consolidated district), as amended; and

5 (3) for which either:

6 (A) the education property tax spending adjustment under 32 V.S.A.
7 § 5401(13)(A) for the district's fiscal year 2017 exceeded the district's
8 education property tax spending adjustment for the district's 2015 fiscal year
9 by more than 100 percent; or

10 (B) the education income tax spending adjustment under 32 V.S.A.
11 § 5401(13)(B) for the district's fiscal year 2017 exceeded the district's
12 education income tax spending adjustment for the district's 2015 fiscal year by
13 more than 100 percent.

14 (b) Notwithstanding any provision of law to the contrary:

15 (1) for the first year in which the consolidated district's equalized
16 homestead tax rate or household income percentage is reduced under 2010
17 Acts and Resolves No. 153, as amended, the equalized homestead tax rate and
18 household income percentage for the town associated with the qualifying
19 district shall be set at the average equalized homestead tax rate and household
20 income percentage of the towns associated with the other districts that merge
21 into the consolidated district; and

1 (2) These freedoms provide all citizens, including students, with the
2 right to engage in robust and uninhibited discussion of issues.

3 (3) The General Assembly intends to ensure free speech and free press
4 protections for both public school students and students at public institutions of
5 higher education in this State in order to encourage students to become
6 educated, informed, and responsible members of society.

7 (b) Definitions. As used in this chapter:

8 (1) “Media adviser” means an individual employed, appointed, or
9 designated by a school or its governing body to supervise or provide
10 instruction relating to school-sponsored media.

11 (2) “School” means a public school operating in the State.

12 (3) “School-sponsored media” means any material that is prepared,
13 written, published, or broadcast as part of a school-supported program or
14 activity by a student journalist and is distributed or generally made available as
15 part of a school-supported program or activity to an audience beyond the
16 classroom in which the material is produced.

17 (4) “Student journalist” means a student enrolled at a school who
18 gathers, compiles, writes, edits, photographs, records, or prepares information
19 for dissemination in school-sponsored media.

1 (5) “Student supervisor” is a student who is responsible for editing
2 school-sponsored media.

3 (c)(1) Subject to subsection (e) of this section, a student journalist may
4 exercise freedom of speech and freedom of the press in school-sponsored
5 media.

6 (2) Subdivision (1) of this subsection shall not be construed to be
7 limited by the fact that the school-sponsored media are:

8 (A) supported financially by a school or its governing body, or by use
9 of facilities owned by the school; or

10 (B) produced in conjunction with a class in which the student
11 journalist is enrolled.

12 (d)(1) Subject to subsection (e) of this section, the student supervisors of
13 school-sponsored media are responsible for determining the content of their
14 respective media.

15 (2) Subject to subdivision (1) of this subsection, a media adviser may
16 teach professional standards of English and journalism to student journalists.

17 (e) This section shall not be construed to authorize or protect content of
18 school-sponsored media that:

19 (1) is libelous or slanderous;

20 (2) constitutes an unwarranted invasion of privacy;

1 (3) may be defined as obscene, gratuitously profane, threatening, or
2 intimidating;

3 (4) may be defined as harassment, hazing, or bullying under section 11
4 of this title;

5 (5) violates federal or State law; or

6 (6) creates the imminent danger of materially or substantially disrupting
7 the ability of the school to perform its educational mission.

8 (f) A school is prohibited from subjecting school-sponsored media, other
9 than that listed in subsection (e) of this section, to prior restraint. A school
10 may restrain the distribution of content in student media described in
11 subsection (e), provided that the school’s administration shall have the burden
12 of providing lawful justification without undue delay. Content shall not be
13 suppressed solely because it involves political or controversial subject matter,
14 or is critical of the school or its administration.

15 (g) A student journalist may not be disciplined for acting in accordance
16 with this section.

17 (h) A media adviser may not be dismissed, suspended, disciplined,
18 reassigned, or transferred for:

19 (1) taking reasonable and appropriate action to protect a student
20 journalist for engaging in conduct protected by this section; or

1 (2) refusing to infringe on conduct that is protected by this section, by
2 the first amendment to the U.S. Constitution, or by the Vermont Constitution.

3 (i) Each school or its governing body shall adopt a written policy consistent
4 with the provisions of this section.

5 (j) No expression made by students in school-sponsored media shall be
6 deemed to be an expression of school policy.

7 Sec. 47. 16 V.S.A. § 180 is added to read:

8 § 180. STUDENT RIGHTS—FREEDOM OF EXPRESSION

9 (a) Findings.

10 (1) The General Assembly finds that freedom of expression and
11 freedom of the press are fundamental principles in our democratic society
12 granted to every citizen of the nation by the First Amendment to the
13 U.S. Constitution and to every resident of this State by Vt. Const. Ch. I,
14 Art. 13.

15 (2) These freedoms provide all citizens, including students, with the
16 right to engage in robust and uninhibited discussion of issues.

17 (3) The General Assembly intends to ensure free speech and free press
18 protections for both public school students and students at public institutions of
19 higher education in this State in order to encourage students to become
20 educated, informed, and responsible members of society.

1 (b) Definitions. As used in this chapter:

2 (1) “Media adviser” means an individual employed, appointed, or
3 designated by a school or its governing body to supervise or provide
4 instruction relating to school-sponsored media.

5 (2) “School” means a public postsecondary school operating in the
6 State.

7 (3) “School-sponsored media” means any material that is prepared,
8 written, published, or broadcast as part of a school-supported program or
9 activity by a student journalist and is distributed or generally made available as
10 part of a school-supported program or activity to an audience beyond the
11 classroom in which the material is produced.

12 (4) “Student journalist” means a student enrolled at a school who
13 gathers, compiles, writes, edits, photographs, records, or prepares information
14 for dissemination in school-sponsored media.

15 (5) “Student supervisor” is a student who is responsible for editing
16 school-sponsored media.

17 (c)(1) Subject to subsection (e) of this section, a student journalist may
18 exercise freedom of speech and freedom of the press in school-sponsored
19 media.

1 (2) Subdivision (1) of this subsection shall not be construed to be
2 limited by the fact that the school-sponsored media are:

3 (A) supported financially by a school or its governing body, or by use
4 of facilities owned by the school; or

5 (B) produced in conjunction with a class in which the student
6 journalist is enrolled.

7 (d)(1) Subject to subsection (e) of this section, the student supervisors of
8 school-sponsored media are responsible for determining the content of their
9 respective media.

10 (2) Subject to subdivision (1) of this subsection, a media adviser may
11 teach professional standards of English and journalism to student journalists.

12 (e) This section shall not be construed to authorize or protect content of
13 school-sponsored media that:

14 (1) is libelous or slanderous;

15 (2) constitutes an unwarranted invasion of privacy;

16 (3) may be defined as obscene, gratuitously profane, threatening, or
17 intimidating;

18 (4) may be defined as harassment, hazing, or bullying under section 11
19 of this title;

1 (5) violates federal or State law; or

2 (6) creates the imminent danger of materially or substantially disrupting
3 the ability of the school to perform its educational mission.

4 (f) Absent a showing that a particular publication will cause direct,
5 immediate, and irreparable harm that would warrant the issuance of a prior
6 restraint order against the private media, school officials are not authorized to
7 cancel or subject to prior restraint the content of school-sponsored media.
8 Content shall not be suppressed solely because it involves political or
9 controversial subject matter, or is critical of the school or its administration.

10 (g) A student journalist may not be disciplined for acting in accordance
11 with this section.

12 (h) A media adviser may not be dismissed, suspended, disciplined,
13 reassigned, or transferred for:

14 (1) taking reasonable and appropriate action to protect a student
15 journalist for engaging in conduct protected by this section; or

16 (2) refusing to infringe on conduct that is protected by this section, by
17 the first amendment to the U.S. Constitution, or by the Vermont Constitution.

18 (i) Each school or its governing body shall adopt a written policy consistent
19 with the provisions of this section.

