

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred House Bill No. 897  
3 entitled “An act relating to enhancing the effectiveness, availability, and equity  
4 of services provided to students who require additional support” respectfully  
5 reports that it has considered the same and recommends that the House concur  
6 in the Senate proposal of amendment with further amendment thereto as  
7 follows:

8 First: In Sec. 9, Census-based Funding Advisory Group, by striking out  
9 subsection (b) in its entirety and inserting in lieu thereof the following:

10 (b) Membership. The Advisory Group shall be composed of the following  
11 13 members:

12 (1) the Executive Director of the Vermont Superintendents Association  
13 or designee;

14 (2) the Executive Director of the Vermont School Boards Association or  
15 designee;

16 (3) the Executive Director of the Vermont Council of Special Education  
17 Administrators or designee;

18 (4) the Executive Director of the Vermont Principals’ Association or  
19 designee;

20 (5) the Executive Director of the Vermont Independent Schools  
21 Association or designee;

1           (6) the Executive Director of the Vermont-National Education

2           Association or designee;

3           (7) the Secretary of Education or designee;

4           (8) one member selected by the Vermont-National Education

5           Association who is a special education teacher;

6           (9) one member selected by the Vermont Association of School

7           Business Officials;

8           (10) one member selected by the Vermont Legal Aid Disability Law

9           Project;

10           (11) one member who is either a family member, guardian, or education  
11           surrogate of a student requiring special education services or a person who has  
12           received special education services directly, selected by the Vermont Coalition  
13           for Disability Rights;

14           (12) the Commissioner of the Vermont Department of Mental Health or  
15           designee; and

16           (13) one member who represents an approved independent school  
17           selected by the Council of Independent Schools.

18           Second: In Sec. 9, Census-based Funding Advisory Group, by striking out  
19           subsection (h) in its entirety and inserting in lieu thereof the following:

20           (h) Appropriation. The sum of \$4,880.00 is appropriated for fiscal year

21           2018 from the General Fund to the Agency of Education to provide funding for

1 per diem compensation and reimbursement under subsection (g) of this section.

2 The Agency shall include in its budget request to the General Assembly for  
3 each of fiscal years 2020, 2021, and 2022 the amount of \$4,880.00 to provide  
4 funding for per diem compensation and reimbursement under subsection (g) of  
5 this section.

6 Third: In Sec. 21, amending 16 V.S.A. § 2973, in subdivision (c)(1), by  
7 striking out subdivision (C) in its entirety and inserting in lieu thereof the  
8 following:

9 (C) employing or contracting with staff who have the required  
10 licensure to provide special education services:

11 Fourth: In Sec. 21, amending 16 V.S.A. § 2973, in subsection (c), by  
12 striking out subdivision (2) in its entirety and inserting in lieu thereof the  
13 following:

14 (2) An approved independent school that enrolls a student requiring  
15 special education services who is placed with the school under subdivision  
16 (a)(1) of this section:

17 (A) shall enter into a written agreement with the LEA committing to  
18 the requirements under subdivision (1) of this subsection (c); and

19 (B) shall ensure that qualified school personnel attend evaluation and  
20 planning meetings and IEP meetings for the student.

1        Fifth: In Sec. 21, amending 16 V.S.A. § 2973, by striking out subsection  
2 (d) in its entirety and inserting in lieu thereof the following:

3        (d)(1) If a student is placed with an approved independent school under  
4 subsection (a) of this section and the LEA and the school each certifies to the  
5 Secretary of Education that the school is unable to provide required IEP  
6 services due to its inability to retain qualified staff, then the LEA shall make  
7 another placement that satisfies the federal requirements to provide the student  
8 with a free and appropriate public education in the least restrictive  
9 environment.

10        (2) If the conditions in subdivision (1) of this subsection are satisfied:

11            (A) the approved independent school shall not be subject to any  
12 disciplinary action or the revocation of its approved status by the State Board  
13 of Education due to its failure to enroll the student; and

14            (B) no private right of action shall be created on the part of the  
15 student or his or her family members, or any other private party, to:

16                    (i) require the LEA to place the student with the approved  
17 independent school or the school to enroll the student; or

18                    (ii) hold the LEA or the approved independent school responsible  
19 for monetary damages due to the failure of the school to enroll the student or  
20 the necessity for the LEA to make an alternative placement.



1           (1) Sec. 14 (extraordinary services reimbursement);

2           (2) Sec. 15 (16 V.S.A. § 4001); and

3           (3) Sec. 17 (transition).

4           (b) Sec. 5 (16 V.S.A. chapter 101) shall take effect on July 1, 2020.

5           (c) Secs. 19–21 (approved independent schools) shall take effect on July 1,  
6           2024.

7           (d) This section and the remaining sections shall take effect on passage.

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

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE