

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 * * * Elections * * *

9 Sec. 4. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

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

15 (b) Notwithstanding any provision of law to the contrary, if a vacancy
16 occurs on the board of a unified union school district and the vacancy is in a
17 seat that is allocated to a specific town, the clerk of the unified union district
18 shall immediately notify the selectboard of the town. Within 30 days after the
19 receipt of that notice, the unified union school district board, in consultation
20 with the selectboard, shall appoint a person who is otherwise eligible to serve
21 as a member of the unified union school district board to fill the vacancy until

1 an election is held at an annual or special meeting, unless otherwise provided
2 in accordance with the unified union school district's articles of agreement.

3 (c) Notwithstanding any provision of law to the contrary, the clerk,
4 treasurer, and moderator of a unified union school district elected at an annual
5 meeting shall enter upon their duties on July 1 following their election and
6 shall serve a term of up to three years or until their successors are elected and
7 qualified, except that if the voters at an annual meeting so vote, moderators
8 elected at an annual meeting shall assume office upon election and shall serve
9 for a term of up to three years or until their successors are elected and
10 qualified.

11 (d) This section is repealed on July 1, 2020.

12 Sec. 5. 16 V.S.A. § 706k is amended to read:

13 § 706k. ELECTION OF DISTRICT OFFICERS

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

1 (2) Union district officers, except the clerk, treasurer, and moderator,
2 elected at an annual meeting shall enter upon their duties on July 1 following
3 their election and shall serve a term of one year or until their successors are
4 elected and qualified. The clerk, treasurer, and moderator elected at an annual
5 meeting shall enter upon their duties on July 1 following their election and
6 shall serve a term of up to three years or until their successors are elected and
7 qualified, except that if the voters at an annual meeting so vote, moderators
8 elected at an annual meeting shall assume office upon election and shall serve
9 for a term of ~~one year~~ up to three years or until their successors are elected and
10 qualified. ~~School directors elected at an annual meeting shall assume office~~
11 ~~upon election and shall serve a term of three years or until their successors are~~
12 ~~elected and qualified.~~

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

16 * * *

17 * * * School Radon Mitigation * * *

18 Sec. 6. SCHOOL RADON MITIGATION STUDY COMMITTEE

19 (a) Creation. There is created the School Radon Mitigation Study
20 Committee to explore funding opportunities for the mitigation of elevated

1 radon concentrations in schools and contingency plans for the loss of related
2 federal funding.

3 (b) Membership. The Committee shall be composed of the following seven
4 members:

5 (1) the Secretary of Education or designee;

6 (2) the Commissioner of Health or designee;

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

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

9 (5) a member appointed by the Vermont Independent Schools

10 Association;

11 (6) a radon mitigation professional certified for testing and mitigation by
12 the National Radon Proficiency Program, appointed by the Director of the
13 Department of Labor’s Workers’ Compensation and Safety Division; and

14 (7) a member appointed by the Vermont School Board Insurance Trust.

15 (c) Assistance. The Committee shall have the administrative, technical, and
16 legal assistance of the Department of Health.

17 (d) Presentation. On or before December 15, 2018, the Committee shall
18 present to the House and Senate Committees on Education viable options for
19 funding the mitigation of elevated radon concentrations in schools.

20 (e) Meetings.

1 (1) The Commissioner of Health or designee shall call the first meeting
2 of the Committee to occur on or before October 1, 2018.

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

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

6 (f) Compensation and reimbursement. Members of the Committee who are
7 not employees of the State of Vermont and who are not otherwise compensated
8 or reimbursed for their attendance shall be entitled to per diem compensation
9 and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than
10 four meetings. These payments shall be made from monies appropriated to the
11 Department of Health.

12 (g) Appropriation. The sum of \$2,440.00 is appropriated from the General
13 Fund to the Department of Health to provide funding for the purposes set forth
14 in this section.

15 Sec. 7. 16 V.S.A. § 834a is added to read:

16 § 834a NEW SCHOOL CONSTRUCTION OR EXPANSION; RADON

17 All new school construction, including the expansion of existing schools,
18 shall endeavor to employ radon-resistant new construction. This section
19 applies to public schools and approved independent schools.

20 * * * Technical Correction * * *

21 Sec. 8. 16 V.S.A. § 4015 is amended to read:

1 § 4015. SMALL SCHOOL SUPPORT

2 (a) In this section:

3 * * *

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

8 * * *

9 * * * Prekindergarten Education * * *

10 Sec. 9. 16 V.S.A. § 829 is amended to read:

11 § 829. PREKINDERGARTEN EDUCATION

12 (a) Definitions. As used in this section:

13 (1) “Prekindergarten child” means a child who, as of the date
14 established by the district of residence for kindergarten eligibility, is:

15 (A) three or four years of age or is five years of age but is not yet

16 eligible to be enrolled in kindergarten; or

17 (B) five years of age but is not yet enrolled in kindergarten if the

18 child is on an individualized education program or a plan under Section 504 of

19 the Rehabilitation Act of 1973 and the child’s individualized education

20 program team or evaluation and planning team recommends that the child

21 receive prekindergarten education services.

1 (2) “Prekindergarten education” means services designed to provide to
2 prekindergarten children developmentally appropriate early development and
3 learning experiences based on Vermont’s early learning standards.

4 (3) “~~Prequalified private~~ Private provider” means a private provider of
5 prekindergarten education that is ~~qualified pursuant to subsection (c) of this~~
6 ~~section~~ regulated as a center-based child care program or family child care
7 home to provide child care by the Child Development Division of the
8 Department for Children and Families.

9 (4)(A) “Public provider” means a provider of prekindergarten education
10 that is a school district.

11 (B) “Public provider” does not mean a school district that contracts
12 with a private provider for the provision of prekindergarten education services.

13 (b) Access to publicly funded prekindergarten education.

14 (1) ~~No~~ Not fewer than ten hours per week of publicly funded
15 prekindergarten education shall be available for 35 weeks annually to each
16 prekindergarten child whom a parent or guardian wishes to enroll in an
17 available, ~~prequalified~~ prekindergarten education program ~~operated by a public~~
18 ~~school or a private provider.~~

19 (2) If a parent or guardian chooses to enroll a prekindergarten child in an
20 available, ~~prequalified~~ prekindergarten education program, then, pursuant to
21 the parent or guardian’s choice, **the school district of residence shall:**

1 (A) if the child will be enrolled in a prekindergarten education
2 program operated by a private provider located in Vermont or a Vermont
3 public school located outside the district in which the child resides, pay tuition
4 pursuant to ~~subsections (d) and (h)~~ subsection (d) of this section upon the
5 request of the parent or guardian to:

6 (i) ~~a prequalified private provider; or~~

7 (ii) ~~a public school located outside the district that operates a~~
8 ~~prekindergarten program that has been prequalified pursuant to subsection (e)~~
9 ~~of this section~~ the provider; or

10 (B) ~~enroll~~ if the child will be enrolled in the prekindergarten
11 education program ~~that it operates~~ operated by the public school district of
12 residence, enroll the child in its program.

13 (3) If requested by the parent or guardian of a prekindergarten child, the
14 school district of residence shall pay tuition to a prequalified program operated
15 by a private provider or a public school in another district even if the district of
16 residence operates a prekindergarten education program.

17 (4) ~~If the supply of prequalified private and public providers is~~
18 ~~insufficient to meet the demand for publicly funded prekindergarten education~~
19 ~~in any region of the State, nothing~~ Nothing in this section shall be construed to
20 require the State or a district to begin or expand a prekindergarten education
21 program to satisfy that demand; but rather, in collaboration with the Agencies

1 ~~of Education and of Human Services, the local Building Bright Futures~~
2 ~~Council shall meet with school districts and private providers in the region to~~
3 ~~develop a regional plan to expand capacity for prekindergarten education.~~

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

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

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

19 (B) ~~at least four stars in the Department for Children and Families'~~
20 ~~STARS system with a plan to get to at least two points in each of the five~~
21 ~~arenas; or and~~

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 with at least two points in~~
4 ~~each of the five arenas in no more than three years, and the provider has met~~
5 ~~intermediate milestones.~~

6 (B)(i) for a private provider that is regulated as a center-based child
7 care program, employing or contracting for the services of at least one licensed
8 professional educator with an endorsement in early childhood education or in
9 early childhood special education under chapter 51 of this title who is present
10 at the private provider’s program site during the hours that are publicly
11 funded; or

12 (ii) for a private provider that is regulated as a family child care
13 home that is not licensed and endorsed in early childhood education or early
14 childhood special education, employing or contracting for the services of at
15 least one licensed professional educator with an endorsement in early
16 childhood education or in early childhood special education under chapter 51
17 of this title for at least three hours per week during each of the 35 weeks per
18 year in which prekindergarten education is paid for with publicly funded
19 tuition to provide regular, active supervision and training of the private
20 provider’s staff.

1 (2) A ~~licensed public provider shall employ or contract~~ meet minimum
2 program quality by:

3 (A) employing or contracting for the services of at least one teacher
4 ~~who is licensed and endorsed~~ licensed professional educator with an
5 endorsement in early childhood education or in early childhood special
6 education under chapter 51 of this title to provide direct instruction during the
7 hours that are publicly funded; and

8 (B) meeting safety and quality rules adopted by the State Board of
9 Education.

10 ~~(3) A registered home provider that is not licensed and endorsed in early~~
11 ~~childhood education or early childhood special education shall receive regular,~~
12 ~~active supervision and training from a teacher who is licensed and endorsed in~~
13 ~~early childhood education or in early childhood special education under~~
14 ~~chapter 51 of this title.~~

15 (d) Tuition, ~~budgets~~ payments, and average daily membership.

16 (1) On behalf of a resident prekindergarten child, a district shall pay
17 tuition for prekindergarten education for ten hours per week for 35 weeks
18 annually to a prequalified private provider or to a public school outside the
19 district that is prequalified pursuant to subsection (e) of this section provider
20 that is not the child's district of residence; provided, however, that the district
21 shall pay tuition for weeks that are within the district's academic year. Tuition

1 paid under this section shall be at a statewide rate, which may be adjusted
2 regionally, that is established annually through a process jointly developed and
3 implemented by the ~~Agencies~~ Agency of Education and of Human Services. A
4 district shall pay tuition upon:

5 (A) receiving annual notice from the child's parent or guardian that
6 the child is ~~or will be admitted to the~~ chooses to participate in a publicly
7 funded prekindergarten education program operated by the ~~prequalified~~ public
8 provider that is not the child's district of residence or private provider or the
9 ~~other district; and~~

10 (B) concurrent enrollment of the prekindergarten child in the district
11 of residence for purposes of budgeting and determining average daily
12 membership; and

13 (C) concurrent notice from the public provider that is not the child's
14 district of residence or private provider that the child is enrolled in its program
15 and a request for reimbursement that reports enrollment for the period covered
16 by the request and certifies that the provider is eligible for public funding
17 under subsection (c) of this section for the period covered by the request.

18 (2) In addition to any direct costs of operating a prekindergarten
19 education program, a district of residence shall include anticipated tuition
20 payments and any administrative, quality assurance, quality improvement,

1 transition planning, or other prekindergarten-related costs in its annual budget
2 presented to the voters.

3 (3) Pursuant to subdivision 4001(1)(C) of this title, the district of
4 residence may include within its average daily membership any
5 prekindergarten child for whom it has provided prekindergarten education or
6 on whose behalf it has paid tuition pursuant to this section.

7 (4) A ~~prequalified~~ private provider, or a public provider that is not the
8 child's district of residence, may receive additional payment directly from the
9 parent or guardian only for prekindergarten education in excess of the publicly
10 funded hours paid for ~~by the district~~ pursuant to this section subsection or for
11 child care services, or both. The provider is not bound by the statewide rate
12 established in this subsection when determining the rates it will charge the
13 parent or guardian for these excess hours. A provider shall not impose
14 additional fees for the publicly funded hours.

15 (e) Rules. The Secretary of Education ~~and the Commissioner for Children~~
16 ~~and Families shall jointly develop and agree to rules and present them~~ shall
17 propose rules to the State Board for adoption under 3 V.S.A. chapter 25 as
18 follows:

19 (1) ~~To permit private providers that are not prequalified pursuant to~~
20 ~~subsection (e) of this section to create new or continue existing partnerships~~
21 ~~with school districts through which the school district provides supports that~~

1 ~~enable the provider to fulfill the requirements of subdivision (c)(2) or (3), and~~
2 ~~through which the district may or may not make in-kind payments as a~~
3 ~~component of the statewide tuition established under this section.~~

4 ~~(2) To authorize a district to begin or expand a school-based~~
5 ~~prekindergarten education program only upon prior approval obtained through~~
6 ~~a process jointly overseen by the Secretaries of Education and of Human~~
7 ~~Services, which shall be based upon analysis of the number of prekindergarten~~
8 ~~children residing in the district and the availability of enrollment opportunities~~
9 ~~with prequalified private providers in the region. Where the data are not clear~~
10 ~~or there are other complex considerations, the Secretaries may choose to~~
11 ~~conduct a community needs assessment.~~

12 ~~(3) To require that the school district provides opportunities for effective~~
13 ~~parental participation in the prekindergarten education program.~~

14 ~~(4) To establish a process by which:~~

15 ~~(A) a parent or guardian notifies the district that the prekindergarten~~
16 ~~child is or will be admitted to a prekindergarten education program not~~
17 ~~operated by the district and concurrently enrolls the child in the district~~
18 ~~pursuant to subdivision (d)(1) of this section;~~

19 ~~(B) a district:~~

20 ~~(i) pays tuition pursuant to a schedule that does not inhibit the~~
21 ~~ability of a parent or guardian to enroll a prekindergarten child in a~~

1 ~~prekindergarten education program or the ability of a prequalified private~~
2 ~~provider to maintain financial stability; and~~

3 ~~(ii) enters into an agreement with any provider to which it will pay~~
4 ~~tuition regarding quality assurance, transition, and any other matters; and~~

5 ~~(C) a provider that has received tuition payments under this section~~
6 ~~on behalf of a prekindergarten child notifies a district that the child is no longer~~
7 ~~enrolled.~~

8 ~~(5) To establish a process to calculate an annual statewide tuition rate~~
9 ~~that is based upon the actual cost of delivering ten hours per week of~~
10 ~~prekindergarten education that meets all established quality standards and to~~
11 ~~allow for regional adjustments to the rate.~~

12 ~~(6) [Repealed.]~~

13 ~~(7) To require a district to include identifiable costs for prekindergarten~~
14 ~~programs and essential early education services in its annual budgets and~~
15 ~~reports to the community.~~

16 ~~(8) To require a district to report to the Agency of Education annual~~
17 ~~expenditures made in support of prekindergarten education, with distinct~~
18 ~~figures provided for expenditures made from the General Fund, from the~~
19 ~~Education Fund, and from all other sources, which shall be specified.~~

20 ~~(9) To provide an administrative process for:~~

1 ~~(A) a parent, guardian, or provider to challenge an action of a school~~
2 ~~district or the State when the complainant believes that the district or State is in~~
3 ~~violation of State statute or rules regarding prekindergarten education; and~~

4 ~~(B) a school district to challenge an action of a provider or the State~~
5 ~~when the district believes that the provider or the State is in violation of State~~
6 ~~statute or rules regarding prekindergarten education.~~

7 ~~(10) To establish a system by which the Agency of Education and~~
8 ~~Department for Children and Families shall jointly monitor and evaluate~~
9 ~~prekindergarten education programs to promote optimal results for children~~
10 ~~that support the relevant population-level outcomes set forth in 3 V.S.A.~~
11 ~~§ 2311 and to collect data that will inform future decisions. The Agency and~~
12 ~~Department shall be required to report annually to the General Assembly in~~
13 ~~January. At a minimum, the system shall monitor and evaluate:~~

14 ~~(A) programmatic details, including the number of children served,~~
15 ~~the number of private and public programs operated, and the public financial~~
16 ~~investment made to ensure access to quality prekindergarten education;~~

17 ~~(B) the quality of public and private prekindergarten education~~
18 ~~programs and efforts to ensure continuous quality improvements through~~
19 ~~mentoring, training, technical assistance, and otherwise; and~~

20 ~~(C) the results for children, including school readiness and~~
21 ~~proficiency in numeracy and literacy.~~

1 ~~(11) To establish a process for documenting the progress of children~~
2 ~~enrolled in prekindergarten education programs and to require public and~~
3 ~~private providers to use the process to:~~

4 ~~(A) help individualize instruction and improve program practice; and~~

5 ~~(B) collect and report child progress data to the Secretary of~~

6 ~~Education on an annual basis.~~

7 (1) To require that the Secretary provide opportunities for effective
8 parental participation in the prekindergarten education program.

9 (2) To establish a process by which tuition payments are requested and
10 made that includes the conditions in subdivisions (d)(1)(A)–(C) of this section.

11 (3) To establish a process by which:

12 (A) a parent or guardian notifies the district that the prekindergarten
13 child is or will be admitted to a prekindergarten education program not
14 operated by the district and concurrently enrolls the child in the district
15 pursuant to subdivision (d)(1) of this section;

16 (B) a district:

17 (i) pays tuition pursuant to a schedule that does not inhibit the
18 ability of a parent or guardian to enroll a prekindergarten child in a
19 prekindergarten education program or the ability of a private provider to
20 maintain financial stability; and

1 (ii) enters into an agreement with any provider to which it will pay
2 tuition regarding quality assurance, transition, and any other matters;
3 agreements entered into on or after August 1, 2018 shall be in a form
4 prescribed by the Secretary of Education; and

5 (C) a provider that has received tuition payments under this section
6 on behalf of a prekindergarten child notifies a district that the child is no longer
7 enrolled.

8 (4) To establish a process to calculate an annual statewide tuition rate
9 that is based upon the actual cost of delivering ten hours per week of
10 prekindergarten education meeting all established quality standards and to
11 allow for regional adjustments to the rate.

12 (5) To provide an administrative process for:

13 (A) a parent or guardian to challenge a provider’s action or inaction
14 with respect to enrollment or billing; and

15 (B) a provider to appeal a decision of the Secretary not to pay a
16 request for reimbursement.

17 (6) To establish a system by which the Secretary shall evaluate
18 implementation of publicly funded prekindergarten education programs to
19 promote optimal results for children that support the relevant population-level
20 outcomes set forth in 3 V.S.A. § 2311 and collect data that will inform future

1 decisions. The Secretary shall report annually to the General Assembly in
2 January on the prior year. At a minimum, the system shall evaluate:

3 (A) programmatic details, including the total number of children
4 enrolled and the number of children enrolled in private programs and in public
5 programs, the number of private and public programs operated, and the public
6 financial investment made to ensure access to quality prekindergarten
7 education;

8 (B) the quality criteria of public and private kindergarten education
9 programs, training, and technical assistance; and

10 (C) the results for children, including school readiness, proficiency in
11 numeracy and literacy, and social and emotional development.

12 (7) To establish a process for documenting the progress of children
13 enrolled in publicly funded prekindergarten education programs and to require
14 public and private providers to use the process to:

15 (A) help individualize instruction and improve program practice; and

16 (B) collect and report child progress data as required by the Secretary
17 on an annual basis.

18 (8) To establish safety and quality requirements for public providers. In
19 establishing these safety and quality requirements, the Secretary shall consult
20 with the Agency of Human Services and recommend to the State Board safety
21 and quality requirements that align with the requirements for private providers,

1 except to the extent that the Secretary determines that there are compelling
2 reasons that are unique to the public school environment that justify applying
3 different requirements.

4 (9) To require a district to include identifiable costs for prekindergarten
5 programs and essential early education services in its annual budgets and
6 reports to the community.

7 (10) To require a district to report to the Agency of Education annual
8 expenditures made in support of prekindergarten education, with distinct
9 figures provided for expenditures made from the General Fund, from the
10 Education Fund, and from all other sources, which shall be specified.

11 (f) Other provisions of law. Section 836 of this title shall not apply to this
12 section.

13 (g) Limitations. Nothing in this section shall be construed to permit or
14 require payment of public funds to a private provider of prekindergarten
15 education in violation of Chapter I, Article 3 of the Vermont Constitution or in
16 violation of the Establishment Clause of the U.S. Constitution.

17 ~~(h) Geographic limitations.~~

18 ~~(1) Notwithstanding the requirement that a district pay tuition to any~~
19 ~~prequalified public or private provider in the State, a school board may choose~~
20 ~~to limit the geographic boundaries within which the district shall pay tuition by~~
21 ~~paying tuition solely to those prequalified providers in which parents and~~

1 ~~guardians choose to enroll resident prekindergarten children that are located~~
2 ~~within the district's "prekindergarten region" as determined in subdivision (2)~~
3 ~~of this subsection.~~

4 ~~(2) For purposes of this subsection, upon application from the school~~
5 ~~board, a district's prekindergarten region shall be determined jointly by the~~
6 ~~Agencies of Education and of Human Services in consultation with the school~~
7 ~~board, private providers of prekindergarten education, parents and guardians of~~
8 ~~prekindergarten children, and other interested parties pursuant to a process~~
9 ~~adopted by rule under subsection (e) of this section. A prekindergarten region:~~

10 ~~(A) shall not be smaller than the geographic boundaries of the school~~
11 ~~district;~~

12 ~~(B) shall be based in part upon the estimated number of~~
13 ~~prekindergarten children residing in the district and in surrounding districts, the~~
14 ~~availability of prequalified private and public providers of prekindergarten~~
15 ~~education, commuting patterns, and other region-specific criteria; and~~

16 ~~(C) shall be designed to support existing partnerships between the~~
17 ~~school district and private providers of prekindergarten education.~~

18 ~~(3) If a school board chooses to pay tuition to providers solely within its~~
19 ~~prekindergarten region, and if a resident prekindergarten child is unable to~~
20 ~~access publicly funded prekindergarten education within that region, then the~~
21 ~~child's parent or guardian may request and in its discretion the district may pay~~

1 tuition at the statewide rate for a prekindergarten education program operated
2 by a prequalified provider located outside the prekindergarten region.

3 ~~(4) Except for the narrow exception permitting a school board to limit~~
4 ~~geographic boundaries under subdivision (1) of this subsection, all other~~
5 ~~provisions of this section and related rules shall continue to apply.~~

6 Sec. 10. 16 V.S.A. § 4010 is amended to read:

7 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

8 (a) On or before the first day of December during each school year, the
9 Secretary shall determine the average daily membership of each school district
10 for the current school year. The determination shall list separately:

11 (1) resident prekindergarten children;

12 (2) resident students being provided elementary ~~or kindergarten~~
13 ~~education, excluding prekindergarten children~~; and

14 (3) resident students being provided secondary education.

15 * * *

16 (c) The Secretary shall determine the weighted long-term membership for
17 each school district using the long-term membership from subsection (b) of
18 this section and the following weights for each class:

19 (1) Prekindergarten except as otherwise provided in this subsection.

20 prekindergarten -- 0.46;

1 (2) prekindergarten program offered by the district of residence for
2 seven or more hours per school day up to 10 hours per school day -- 1.0;

3 (3) prekindergarten program offered by the district of residence for 10 or
4 more hours per school day -- 1.3;

5 (4) ~~Elementary or elementary, excluding prekindergarten -- 1.0;~~ and

6 (5) ~~Secondary secondary -- 1.13~~

7 * * *

8 Sec. 11. 33 V.S.A. § 3502 is amended to read:

9 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC
10 SCHOOLS; 21ST CENTURY FUND

11 (a) Unless exempted under subsection (b) of this section, a person shall not
12 operate a child care facility without a license, or operate a family child care
13 home without registration from the Department.

14 (b) The following persons are exempted from the provisions of
15 subsection (a) of this section:

16 * * *

17 (5) an after-school program that serves students in one or more grades
18 from kindergarten through secondary school, that receives funding through the
19 21st Century Community Learning Centers program, and that is overseen by
20 the Agency of Education, unless the after-school program asks to participate in
21 the child care subsidy program; and

1 * * *

2 Sec. 13. PREKINDERGARTEN ADVISORY COMMITTEE; REPORT

3 (a) Creation. There is created the Prekindergarten Advisory Committee to
4 make recommendations on how to improve the funding and delivery models
5 for prekindergarten education in Vermont.

6 (b) Membership. The Committee shall be composed of the following five
7 members:

8 (1) two current members of the House of Representatives, not from the
9 same political party, who shall be appointed by the Speaker of the House;

10 (2) two current members of the Senate, not from the same political
11 party, who shall be appointed by the Committee on Committees; and

12 (3) one member appointed by the Governor, which member shall serve
13 as the Committee's Chair.

14 (c) Powers and duties. The Committee shall study the funding and delivery
15 of prekindergarten education in Vermont, including the following issues:

16 (1) whether the current delivery and funding models are working
17 effectively to provide prekindergarten educational services, and if not, the
18 issues with the current models and proposals to enhance the quality and
19 effectiveness of these models;

1 (2) whether the statutory changes in Secs. 9-12 of this act adequately
2 address concerns with the current delivery and funding models for
3 prekindergarten educational services;

4 (3) whether to extend the publicly funded entitlement to prekindergarten
5 education beyond the 10 hours per week for 35 weeks a year that is currently
6 required by requiring public elementary schools to offer prekindergarten
7 education either directly or by contract;

8 (4) whether to extend kindergarten education to include children who
9 are four years of age;

10 (5) how to simplify regulatory oversight and administration of
11 prekindergarten education; and

12 (6) how to ensure that funding for prekindergarten education is equitable
13 and does not create undesirable outcomes for prekindergarten students, their
14 parents or guardians, or providers of prekindergarten educational services or
15 child care services.

16 (d) Assistance. The Committee shall have the administrative, technical,
17 and legal assistance of the Office of Legislative Council and the Joint Fiscal
18 Office.

19 (e) Report. On or before December 15, 2018, the Committee shall submit a
20 written report to the House and Senate Committees on Education, the House

1 Committee on Human Services, and the Senate Committee on Health and
2 Welfare with its findings and any recommendations for legislative action.

3 (f) Meetings.

4 (1) The Chair shall call the first meeting of the Committee to occur on or
5 before July 15, 2018.

6 (2) A majority of the membership shall constitute a quorum.

7 (3) The Committee shall cease to exist on December 16, 2018.

8 (g) Compensation, reimbursement, and appropriations.

9 (1) For attendance at meetings during adjournment of the General
10 Assembly, a legislative member of the Committee shall be entitled to per diem
11 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
12 not more than six meetings. The sum of \$5,256.00 is appropriated to the
13 General Assembly for fiscal year 2019 for the per diem compensation and
14 expense reimbursements authorized by this section to be paid to the members
15 of the Committee who are members of the General Assembly.

16 (2) If the other member of the Committee is not an employee of the
17 State of Vermont and is not otherwise compensated or reimbursed for his or
18 her attendance, he or she shall be entitled to per diem compensation and
19 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six
20 meetings. The sum of \$732.00 is appropriated to the Governor's office from
21 the General Fund in fiscal year 2019 for per diem compensation and

1 reimbursement of expenses for the member of the Committee appointed by the
2 Governor.

3 * * * Teacher Licensing; Regional CTE Centers * * *

4 Sec. 14. 16 V.S.A. § 1696 is amended to read:

5 § 1696. LICENSING

6 * * *

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

13 * * * Ethnic and Social Equity Standards Advisory

14 Working Group * * *

15 Sec. 15. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY

16 WORKING GROUP

17 (a) Definitions. As used in this section:

18 (1) “Bias” refers to actions, beliefs, or attitudes that discriminate against
19 any individual or group of people on the basis of their membership or
20 perceived membership in an ethnic group or social group.

1 (2) “Ethnic group” refers to a group composed of individuals who self-
2 identify with racial, ethnic, or identity-based groups in the United States,
3 including people who identify as native or indigenous, people of African,
4 Asian, Pacific Island, Latin American, Middle Eastern, or European descent,
5 and people who are members of any religious group that has, since the year
6 1900, suffered systematic persecution due to their religious beliefs.

7 (3) “Ethnic studies” means the instruction of students in prekindergarten
8 through grade 12 in the historical contributions and perspectives of ethnic
9 groups and social groups.

10 (4) “Social group” refers to a group composed of individuals who:

11 (A) self-identify with a specific sex: male, female, or nonbinary;

12 (B) have a disability;

13 (C) are immigrants, refugees, or seeking asylum;

14 (D) are living in poverty; or

15 (E) are lesbian, gay, bisexual, transgender, queer, questioning,

16 intersex, or asexual.

17 (b) Creation and composition. The Ethnic and Social Equity Standards
18 Advisory Working Group is established. The Working Group shall comprise
19 the following 16 members:

20 (1) eight members who are members of, and represent the interests of,
21 ethnic groups and social groups, appointed by the Agency of Education;

1 (2) a Vermont-based, college-level faculty expert in ethnic studies;

2 (3) the Secretary of Education or designee;

3 (4) the Executive Director of the Vermont-National Education
4 Association or designee;

5 (5) an Assistant Attorney General in the Office of the Vermont Attorney
6 General with experience working with the Agency of Education on racial and
7 social justice issues in schools;

8 (6) the Executive Director of the Vermont School Boards Association or
9 designee;

10 (7) a representative for the Vermont Principals' Association with
11 expertise in the development of school curriculum;

12 (8) a representative for the Vermont Curriculum Leaders
13 Association; and

14 (9) the Executive Director of the Vermont Superintendents' Association
15 or designee.

16 (c) Appointment and operation.

17 (1) The Agency of Education shall appoint the eight members who
18 represent ethnic groups and social groups and the member identified under
19 subdivision (b)(2) of this section after consulting with the Vermont Coalition
20 for Ethnic and Social Equity in Schools (Coalition). Appointments of

1 members to fill vacancies to these positions shall be made by the Agency of
2 Education after consulting with the Coalition.

3 (2) As a group, the Working Group shall represent the breadth of
4 geographic areas within the State and shall have experience in the areas of
5 ethnic standards or studies, social justice, and inclusivity.

6 (3)(A) The Secretary of Education or designee shall call the first
7 meeting of the Working Group to occur on or before October 1, 2018.

8 (B) The Working Group shall select a chair from among its members
9 at the first meeting.

10 (C) A majority of the membership shall constitute a quorum.

11 (D) The Working Group shall cease to exist on July 1, 2021.

12 (d) Compensation and reimbursement. Members of the Committee who are
13 not employees of the State of Vermont and who are not otherwise compensated
14 or reimbursed for their attendance shall be entitled to per diem compensation
15 and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than
16 ten meetings per year. These payments shall be made from monies
17 appropriated to the Agency of Education.

18 (e) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of
19 Education from the General Fund for fiscal year 2019 for the per diem
20 compensation and expense reimbursements authorized by this section to be
21 paid to the members of the Ethnic and Social Equity Standards Advisory

1 Working Group. The Agency shall include in its budget request to the General
2 Assembly for fiscal years 2020 and 2021 the amount of \$13,420.00 for the per
3 diem compensation and expense reimbursements authorized by this section to
4 be paid to members of the Working Group.

5 (f) Duties of the Working Group.

6 (1) The Working Group shall review statewide curriculum standards
7 adopted by the State Board of Education and, on or before June 30, 2020,
8 recommend to the State Board additional standards to recognize fully the
9 history, contribution, and perspectives of ethnic groups and social groups.

10 These recommended additional standards shall be designed to increase:

11 (A) cultural competency of students in prekindergarten through
12 grade 12; and

13 (B) attention to the history, contribution, and perspectives of ethnic
14 groups and social groups.

15 (2) The Working Group shall review all existing State statutes regarding
16 school policies and recommend to the General Assembly proposed statutory
17 changes with the following goals:

18 (A) Ensuring that the school curriculum:

19 (i) promotes critical thinking regarding the history, contribution,
20 and perspectives of ethnic groups and social groups;

1 (ii) includes content and related instructional materials and
2 methods that enable students to explore safely questions of identity and
3 membership in ethnic groups and social groups, race equality, and racism; and

4 (iii) facilitates a welcoming environment for all students while
5 taking into account parental concerns about bias or exclusion of ethnic groups
6 or social groups.

7 (B) Ensuring engagement opportunities that provide families a
8 welcoming means of raising any concern about their child’s experience as it
9 bears on race or ethnic or social group identity at school.

10 (3) The Working Group may include in its report to the General
11 Assembly under subdivision (f)(3) of this section any statute, State Board rule,
12 or school district policy that it has identified as needing review or amendment
13 in order to:

14 (A) promote an overarching focus on preparing all students to
15 participate effectively in an increasingly racially, culturally, and socially
16 diverse Vermont and in global communities;

17 (B) ensure every student is in a safe, secure, and welcoming learning
18 and social environment in which bias, whether implicit or explicit, toward
19 others based on their membership in ethnic or social groups is acknowledged
20 and addressed appropriately;

1 (C) challenge racist, sexist, gender, or ability-based bias or bias based
2 on socioeconomic status when it occurs, using principles aligned with
3 restorative practice;

4 (D) specify prohibited conduct as it relates to racism, sexism,
5 ableism, and other social biases and refers to the process through which alleged
6 misconduct will be addressed, including disciplinary action as appropriate;

7 (E) establish disciplinary responses to racial or ethnic and social
8 group incidents that include the utilization of restorative practices where
9 appropriate; and

10 (F) ensure that the school provides all its personnel training in how
11 best to address bias incidents.

12 (g) Reports.

13 (1) The Working Group shall, on or before March 1, 2019, submit a
14 report to the General Assembly that includes:

15 (A) the membership of the Working Group and its meeting schedule;

16 (B) its plan to accomplish the work described in subdivision (f)(1) of
17 this section, including the timeline for reviewing all statewide curriculum
18 standards and for its recommendation to the State Board of additional
19 standards to recognize fully the history, contribution, and perspectives of
20 ethnic groups and social groups; and

1 (C) its plan to accomplish the work described in subdivision (f)(2) of
2 this section, including the timeline for reviewing all existing State statutes
3 regarding school policies and drafting proposed legislation.

4 (2) The Working Group shall, on or before December 15, 2019, submit a
5 report to the General Assembly including:

6 (A) the membership of the Working Group and its meeting schedule;

7 (B) recommended statutory changes under subdivision (f)(2) of this
8 section; and

9 (C) recommendations for training and appropriations to support
10 implementation of the recommended statutory changes.

11 (3) The Working Group shall, on or before July 1, 2021, submit a report
12 to the General Assembly including:

13 (A) any further recommended statutory changes under subdivision
14 (f)(2) of this section; and

15 (B) recommendations for training and appropriations to support
16 implementation of the recommended changes.

17 (h) Duties of the State Board of Education. The Board of Education shall,
18 on or before June 30, 2021, consider adopting ethnic and social equity studies
19 standards into existing statewide curriculum standards for public school
20 students and approved independent school students in prekindergarten through
21 grade 12. The State Board shall consider the report submitted by the Working

1 Group under subdivision (f)(1) of this section when determining the standards
2 to adopt.

3 Sec. 16. 16 V.S.A. § 164 is amended to read:

4 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

5 The State Board shall evaluate education policy proposals, including timely
6 evaluation of policies presented by the Governor and Secretary; engage local
7 school board members and the broader education community; and establish
8 and advance education policy for the State of Vermont. In addition to other
9 specified duties, the Board shall:

10 * * *

11 (17) Report annually on the condition of education statewide and on a
12 ~~school-by-school~~ supervisory union and school district basis. The report shall
13 include information on attainment of standards for student performance
14 adopted under subdivision (9) of this section, number and types of complaints
15 of harassment, hazing, or bullying made pursuant to chapter 9, subchapter 5 of
16 this title and responses to the complaints, financial resources and expenditures,
17 and community social indicators. The report shall be organized and presented
18 in a way that is easily understandable by the general public and that enables
19 each school, school district, and supervisory union to determine its strengths
20 and weaknesses. To the extent consistent with State and federal privacy laws
21 and regulations, data on student performance and hazing, harassment, or

1 bullying incidents shall be disaggregated by student groups, including ethnic
2 and racial groups, poverty status, disability status, English language learner
3 status, and gender. The Secretary shall use the information in the report to
4 determine whether students in each school, school district, and supervisory
5 union are provided educational opportunities substantially equal to those
6 provided in other schools, school districts, and supervisory unions pursuant to
7 subsection 165(b) of this title.

8 * * *

9 * * * Expanded Learning Opportunities * * *

10 Sec. 17. 16 V.S.A. chapter 100 is added to read:

11 CHAPTER 100. EXPANDED LEARNING OPPORTUNITIES

12 § 2911. DEFINITIONS

13 As used in this title:

14 (1) “Expanded Learning Opportunity (ELO)” means a structured
15 program designed to serve prekindergarten through secondary school-aged
16 children and youths outside the school day and year on a regular basis,
17 including before and after school and during the summer, by providing
18 opportunities for personal, emotional, and academic growth for children and
19 youths.

20 (2) “ELO Committee” means the Expanded Learning Opportunities
21 Review Committee created by section 2912 of this chapter.

1 (3) “ELO Special Fund” means the Vermont Expanded Learning
2 Opportunities Special Fund, under section 2913 of this chapter.

3 § 2912. EXPANDED LEARNING OPPORTUNITIES REVIEW

4 COMMITTEE; REPORT

5 (a) Creation; membership. There is created an Expanded Learning
6 Opportunities Review Committee, to be composed of the following 12
7 members:

8 (1) the Secretary of Education or designee;

9 (2) the Commissioner for Children and Families or designee;

10 (3) the Commissioner of Labor or designee;

11 (4) the Director of Vermont Afterschool, Inc. or designee;

12 (5) one current member of the House of Representatives, who shall be
13 appointed by the Speaker of the House;

14 (6) one current member of the Senate, who shall be appointed by the
15 Committee on Committees;

16 (7) one member representing private foundations or Vermont’s
17 philanthropic community, one member representing the business community,
18 and one member representing the education community, appointed by the
19 Prekindergarten-16 Council; and

1 (8) three members representing ELO programs that have been in
2 operation since at least July 1, 2017, with one member to be appointed each by
3 the Governor, the Speaker of the House, and the Committee on Committees.

4 (b) Duties. The Committee shall:

5 (1) recommend to the Agency of Education grants to be awarded from
6 the ELO Special Fund; and

7 (2) work with the philanthropic and business communities in Vermont
8 to pursue and accept grants or other funding from any public or private source
9 for the ELO Special Fund.

10 (c) Terms. ELO Committee members shall serve, commencing on
11 January 1, three-year terms or until the member's earlier resignation or
12 removal, except for legislative members, who shall be appointed to two-year
13 terms that mirror their legislative terms. A nonlegislative ELO Committee
14 member may be appointed prior to January 1, 2019, in which case the initial
15 term of that member shall extend to January 1, 2022. A legislative ELO
16 Committee member may be appointed after the beginning of the legislator's
17 legislative term and prior to January 1, 2019, in which case the initial term of
18 that member shall extend to the end of the legislator's next two-year legislative
19 term. The respective appointing authority shall fill a vacancy for the remainder
20 of any unexpired term. An appointed member shall not serve more than three
21 full consecutive terms. A legislator's service on the ELO Committee shall

1 terminate on the date that the legislator no longer serves as a member of the
2 General Assembly.

3 (d) Officers; subcommittees; rules. The ELO Committee shall elect a chair
4 from among its members. It may elect other officers, establish subcommittees,
5 and adopt procedural rules as it determines necessary and appropriate to
6 perform its work.

7 (e) Quorum; voting; meetings.

8 (1) A majority of all members shall constitute a quorum.

9 (2) Action is taken by the ELO Committee if authorized by a majority of
10 the members present and voting at any regular or special meeting at which a
11 quorum is present.

12 (3) The ELO Committee may permit any or all members to participate
13 in a regular or special meeting by, or conduct the meeting through the use of,
14 any means of electronic communication by which all members participating
15 may simultaneously or sequentially communicate with each other during the
16 meeting. A member participating in a meeting by this means is deemed to be
17 present in person at the meeting.

18 (4) On or before September 1, 2018, the Secretary of Education shall
19 convene the first meeting of the ELO Committee.

20 (f) Administrative support. The Agency of Education shall provide
21 administrative support to the ELO Committee, pending available capacity.

1 The Agency may approve administrative support services to be provided at no
2 cost by one or more of the members of the ELO Committee.

3 (g) Compensation, reimbursement, and appropriations.

4 (1) For attendance at meetings during adjournment of the General
5 Assembly, legislative members of the ELO Committee shall be entitled to
6 compensation and reimbursement for expenses pursuant to 2 V.S.A. § 406 for
7 not more than 12 meetings per year. The sum of \$2,628.00 is appropriated to
8 the General Assembly for fiscal year 2019 for the per diem compensation and
9 expense reimbursements authorized by this section to be paid to the members
10 of the Committee who are members of the General Assembly.

11 (2) Other members of the Committee who are not employees of the
12 State of Vermont and who are not otherwise compensated or reimbursed for
13 their attendance shall be entitled to per diem compensation and reimbursement
14 of expenses pursuant to 32 V.S.A. § 1010 for not more than 12 meetings per
15 year. The sum of \$8,784.00 is appropriated to the Agency of Education from
16 the General Fund for fiscal year 2019 for the per diem compensation and
17 expense reimbursements authorized by this section to be paid to these members
18 of the Committee. The Agency shall include in its budget request to the
19 General Assembly for each subsequent fiscal year the amount of \$8,784.00 for
20 the per diem compensation and expense reimbursements authorized by this
21 section to be paid to these members of the Committee.

1 (h) Report. Notwithstanding 2 V.S.A. § 20(d), the ELO Committee shall
2 report to the House and Senate Committees on Education and on
3 Appropriations on or before January 15 annually regarding the ELO
4 Committee’s activities, including its recommendations to the Agency of
5 Education regarding the awarding of grants from the ELO Special Fund.

6 (i) Sunset. This section is repealed on July 1, 2023.

7 § 2913 VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL
8 FUND

9 There is established the Vermont Expanded Learning Opportunities Special
10 Fund comprising grants, donations, and contributions from any private or
11 public source. Monies in the ELO Special Fund shall be available to the
12 Agency of Education for the purpose of increasing access to ELOs throughout
13 Vermont. The Commissioner of Finance and Management may draw warrants
14 for disbursements from the Fund in anticipation of receipts. The Fund shall be
15 administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest
16 earned and any remaining balance at the end of the fiscal year shall be retained
17 and carried forward in the Fund.

18 Sec. 18. 16 V.S.A. § 2906 is amended to read:

19 § 2906. ~~VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL~~
20 ~~FUND ESTABLISHED~~

1 ~~(a) As used in this section, “Expanded Learning Opportunity” means a~~
2 ~~structured program designed to serve prekindergarten through secondary~~
3 ~~school age children and youth outside the school day and year on a regular~~
4 ~~basis, including before and after school and during the summer, by providing~~
5 ~~opportunities for personal, emotional, and academic growth for children and~~
6 ~~youth.~~

7 ~~(b) There is established a Vermont Expanded Learning Opportunities~~
8 ~~Special Fund comprising grants, donations, and contributions from any private~~
9 ~~or public source. Monies in the Fund shall be available to the Agency for the~~
10 ~~purpose of increasing access to expanded learning opportunities throughout~~
11 ~~Vermont. The Commissioner of Finance and Management may draw warrants~~
12 ~~for disbursements from this Fund in anticipation of receipts. The Fund shall be~~
13 ~~administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest~~
14 ~~earned and any remaining balance at the end of the fiscal year shall be retained~~
15 ~~and carried forward in the Fund. [Repealed.]~~

16 * * * Effective Dates * * *

17 Sec. 19. EFFECTIVE DATES

18 (a) Sec. 8 shall take effect July 1, 2019.

19 **(b) This section and the remaining sections shall take effect on passage,**
20 **and Secs. 4(c) and 5 shall apply to the subsequent election of district officers of**
21 **a unified union school district or a union school district.**

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

* * * Postsecondary Educational Institutions; Closing * * *

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

1 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

6 (1) promptly inform the State Board;

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

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

13 * * *

14 (d) When an institution of higher education is unable or unwilling to
15 comply substantially with the record preparation and delivery requirements of
16 subsection (a) of this section, the State Board shall bring an action in Superior
17 Court to compel compliance with this section, and may in a proper case obtain
18 temporary custody of the records.

19 (e) When an institution of higher education is unable or unwilling to
20 comply with the requirements of subsection (a) of this section, the State Board
21 may expend State funds necessary to ensure the proper storage and availability

1 of the institution's records. The Attorney General shall then seek recovery
2 under this subsection, in the name of the State, of all of the State's incurred
3 costs and expenses, including attorney's fees, arising from the failure to
4 comply. Claims under this subsection shall be a lien on all the property of a
5 defaulting institution, until all claims under this subsection are satisfied. The
6 lien shall take effect from the date of filing notice thereof in the records of the
7 town or towns where property of the defaulting institution is located.

8 * * *

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

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

15 ~~(2) contribute on an equitable basis and in a manner determined in the~~
16 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~
17 ~~selected by AVIC maintaining the records of a member college that fails to~~
18 ~~comply with the requirements of subsection (a) of this section. If an institution~~
19 ~~of higher education is placed on probation for financial reasons by its~~
20 ~~accrediting agency, the institution shall, not later than two days after learning~~
21 ~~that it has been placed on probation, inform the State Board of Education of its~~

1 status, and not later than 90 days after being place on probation, shall submit a
2 student record plan to the State Board for approval.

3 (2) The student record plan shall include an agreement with an
4 institution of higher education or other entity to act as a repository for the
5 institution’s records with funds set aside, if necessary, for the permanent
6 maintenance of the student records.

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