

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.

1        (e) Meetings.

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

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

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

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

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

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

17        § 834a. NEW SCHOOL CONSTRUCTION OR EXPANSION; RADON

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

1                                   \* \* \* Technical Correction \* \* \*

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

3       § 4015. SMALL SCHOOL SUPPORT

4           (a) In this section:

5                                   \* \* \*

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

10                                  \* \* \*

11                                  \* \* \* Prekindergarten Education \* \* \*

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

13       § 829. PREKINDERGARTEN EDUCATION

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

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

17                   (A) three or four years of age or is five years of age but is not yet  
18       eligible to be enrolled in kindergarten; or

19                   (B) five years of age but is not yet enrolled in kindergarten if the  
20       child is on an individualized education program or a plan under Section 504 of  
21       the Rehabilitation Act of 1973 and the child’s individualized education



1 program team or evaluation and planning team recommends that the child  
2 receive prekindergarten education services.

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

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

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

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

15 (b) Access to publicly funded prekindergarten education.

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

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

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

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

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

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

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

20           (4) ~~If the supply of prequalified private and public providers is~~  
21 ~~insufficient to meet the demand for publicly funded prekindergarten education~~

1 ~~in any region of the State, nothing~~ Nothing in this section shall be construed to  
2 require the State or a district to begin or expand a prekindergarten education  
3 program to satisfy ~~that demand; but rather, in collaboration with the Agencies~~  
4 ~~of Education and of Human Services, the local Building Bright Futures~~  
5 ~~Council shall meet with school districts and private providers in the region to~~  
6 ~~develop a regional plan to expand capacity~~ for prekindergarten education.

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

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

20 (A) having National Association for the Education of Young  
21 Children (NAEYC) accreditation; or

1           ~~(B)~~ at least four stars in the Department for Children and Families’  
2 STARS system ~~with a plan to get to at least two points in each of the five~~  
3 ~~arenas; or and~~

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

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

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

1 tuition to provide regular, active supervision and training of the private  
2 provider's staff.

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

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

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

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

17 (d) Tuition, budgets, and average daily membership.

18 (1) On behalf of a resident prekindergarten child, a district shall pay  
19 tuition for prekindergarten education for ten hours per week for 35 weeks  
20 annually to a ~~prequalified~~ private provider or to a public ~~school outside the~~  
21 ~~district that is prequalified pursuant to subsection (c) of this section~~ provider

1 that is not the child's district of residence; provided, however, that the district  
2 shall pay tuition for weeks that are within the district's academic year. Tuition  
3 paid under this section shall be at a statewide rate, which may be adjusted  
4 regionally, that is established annually through a process ~~jointly~~ developed and  
5 implemented by the ~~Agencies~~ Agency of Education ~~and of Human Services~~. A  
6 district shall pay tuition upon:

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

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

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

20 (2) In addition to any direct costs of operating a prekindergarten  
21 education program, a district of residence shall include anticipated tuition

1 payments and any administrative, quality assurance, quality improvement,  
2 transition planning, or other prekindergarten-related costs in its annual budget  
3 presented to the voters.

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

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

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

20 (1) ~~To permit private providers that are not prequalified pursuant to~~  
21 ~~subsection (c) of this section to create new or continue existing partnerships~~

1 with school districts through which the school district provides supports that  
2 enable the provider to fulfill the requirements of subdivision (e)(2) or (3), and  
3 through which the district may or may not make in-kind payments as a  
4 component of the statewide tuition established under this section.

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

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

15 (4) To establish a process by which:

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

20 (B) a district:



1           ~~(i) pays tuition pursuant to a schedule that does not inhibit the~~  
2           ~~ability of a parent or guardian to enroll a prekindergarten child in a~~  
3           ~~prekindergarten education program or the ability of a prequalified private~~  
4           ~~provider to maintain financial stability; and~~

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

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

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

14          ~~(6) [Repealed.]~~

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

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

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

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

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

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

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

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

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

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

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

7           ~~(B) collect and report child progress data to the Secretary of~~  
8           ~~Education on an annual basis.~~

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

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

13           (3) To establish a process by which:

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

18           (B) a district:

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

1 prekindergarten education program or the ability of a private provider to  
2 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;  
5 agreements entered into on or after August 1, 2018 shall be in a form  
6 prescribed by the Secretary of Education; and

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

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

14 (5) To provide an administrative process for:

15 (A) a parent or guardian to challenge a provider's action or inaction  
16 with respect to enrollment or billing; and

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

19 (6) To establish a system by which the Secretary shall evaluate  
20 implementation of publicly funded prekindergarten education programs to  
21 promote optimal results for children that support the relevant population-level

1 outcomes set forth in 3 V.S.A. § 2311 and collect data that will inform future  
2 decisions. The Secretary shall report annually to the General Assembly in  
3 January on the prior year. At a minimum, the system shall evaluate:

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

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

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

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

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

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

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

1 and quality requirements that align with the requirements for private providers,  
2 except to the extent that the Secretary determines that there are compelling  
3 reasons that are unique to the public school environment that justify applying  
4 different requirements.

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

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

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

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

18 (h) Geographic limitations.

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

1 paying tuition solely to those ~~prequalified~~ providers in which parents and  
2 guardians choose to enroll resident prekindergarten children that are located  
3 within the district's "prekindergarten region" as determined in subdivision (2)  
4 of this subsection.

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

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

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

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

19 (3) If a school board chooses to pay tuition to providers solely within its  
20 prekindergarten region, and if a resident prekindergarten child is unable to  
21 access publicly funded prekindergarten education within that region, then the

1 child's parent or guardian may request and in its discretion the district may pay  
2 tuition at the statewide rate for a prekindergarten education program operated  
3 by a ~~prequalified~~ provider located outside the prekindergarten region.

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

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

8 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

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

12 (1) resident prekindergarten children;

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

15 (3) resident students being provided secondary education.

16 \* \* \*

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

20 (1) ~~Prekindergarten~~ except as otherwise provided in this subsection,  
21 prekindergarten -- 0.46;







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;

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; and

16           (7) whether prekindergarten regions established under 16 V.S.A. § 829  
17           serve the purpose for which they were designed and allow reasonable and  
18           equitable access to prekindergarten education, and whether the authority to  
19           create prekindergarten regions should continue.

1        (d) Assistance. The Committee shall have the administrative, technical,  
2        and legal assistance of the Office of Legislative Council and the Joint Fiscal  
3        Office.

4        (e) Report. On or before December 15, 2018, the Committee shall submit a  
5        written report to the House and Senate Committees on Education, the House  
6        Committee on Human Services, and the Senate Committee on Health and  
7        Welfare with its findings and any recommendations for legislative action.

8        (f) Meetings.

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

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

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

13        (g) Compensation, reimbursement, and appropriations.

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

1           (2) If the other member of the Committee is not an employee of the  
2           State of Vermont and is not otherwise compensated or reimbursed for his or  
3           her attendance, he or she shall be entitled to per diem compensation and  
4           reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six  
5           meetings. The sum of \$732.00 is appropriated to the Governor’s office from  
6           the General Fund in fiscal year 2019 for per diem compensation and  
7           reimbursement of expenses for the member of the Committee appointed by the  
8           Governor.

9                           \* \* \* Educator Licensing Requirements \* \* \*

10           Sec. 14. EDUCATOR LICENSING REQUIREMENTS

11           The Vermont Standards Board for Professional Educators shall consider  
12           whether the educator licensing requirements are appropriate or should be  
13           updated. The Board shall consider whether educator licensing should be  
14           required for schools that have adopted a school-based teacher quality and  
15           performance measurement program approved by the New England Association  
16           of Schools and Colleges and whether other examination options, other than the  
17           Praxis examination, should be available for educator licensure, such as  
18           examinations offered by the Smarter Balanced Assessment Consortium. On or  
19           before December 1, 2018, the Board shall report its findings and  
20           recommendations to the House and Senate Committees on Education.



1 each school, school district, and supervisory union to determine its strengths  
2 and weaknesses. To the extent consistent with State and federal privacy laws  
3 and regulations, data on student performance and hazing, harassment, or  
4 bullying incidents shall be disaggregated by student groups, including ethnic  
5 and racial groups, poverty status, disability status, English language learner  
6 status, and gender. The Secretary shall use the information in the report to  
7 determine whether students in each school, school district, and supervisory  
8 union are provided educational opportunities substantially equal to those  
9 provided in other schools, school districts, and supervisory unions pursuant to  
10 subsection 165(b) of this title.

11 \* \* \*

12 \* \* \* Expanded Learning Opportunities \* \* \*

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

14 CHAPTER 100. EXPANDED LEARNING OPPORTUNITIES

15 § 2911. DEFINITIONS

16 As used in this title:

17 (1) “Expanded Learning Opportunity (ELO)” means a structured  
18 program designed to serve prekindergarten through secondary school-aged  
19 children and youths outside the school day and year on a regular basis,  
20 including before and after school and during the summer, by providing



1 opportunities for personal, emotional, and academic growth for children and  
2 youths.

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

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

7 § 2912. EXPANDED LEARNING OPPORTUNITIES

8 COMMITTEE; REPORT

9 (a) Creation; membership. There is created the Expanded Learning  
10 Opportunities Committee, to be composed of the following 12 members:

11 (1) the Secretary of Education or designee;

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

13 (3) the Commissioner of Labor or designee;

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

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

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

19 (7) one member representing private foundations or Vermont’s  
20 philanthropic community, one member representing the business community,

1 and one member representing the education community, appointed by the  
2 Prekindergarten-16 Council; and

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

6 (b) Duties. The Committee shall:

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

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

12 (c) Terms. ELO Committee members shall serve, commencing on  
13 January 1, three-year terms or until the member's earlier resignation or  
14 removal, except for legislative members, who shall be appointed to two-year  
15 terms that mirror their legislative terms. A nonlegislative ELO Committee  
16 member may be appointed prior to January 1, 2019, in which case the initial  
17 term of that member shall extend to January 1, 2022. A legislative ELO  
18 Committee member may be appointed after the beginning of the legislator's  
19 legislative term and prior to January 1, 2019, in which case the initial term of  
20 that member shall extend to the end of the legislator's next two-year legislative  
21 term. The respective appointing authority shall fill a vacancy for the remainder

1 of any unexpired term. An appointed member shall not serve more than three  
2 full consecutive terms. A legislator's service on the ELO Committee shall  
3 terminate on the date that the legislator no longer serves as a member of the  
4 General Assembly.

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

9 (e) Quorum; voting; meetings.

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

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

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

20 (4) On or before September 1, 2018, two legislative members shall  
21 convene the first meeting of the ELO Committee.

1 (f) Administrative support. The Office of Legislative Council shall provide  
2 administrative support to 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 improve access to  
5        expanded learning opportunities for children and youths from families with  
6        low income where expanded learning opportunities are not readily available  
7        and its recommendations to build workforce readiness skills in the fields of  
8        science, technology, engineering, and mathematics.

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

10        § 2913 VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
11        FUND

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

1           (b) The Agency of Education shall report annually in its budget presentation  
2           to the House and Senate Committees on Education and on Appropriations on  
3           the number and amount of ELO grants disbursed and the geographic locations  
4           of the recipients.

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

6           § 2906. VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
7           FUND ESTABLISHED

8           ~~(a) As used in this section, "Expanded Learning Opportunity" means a~~  
9           ~~structured program designed to serve prekindergarten through secondary~~  
10           ~~school-age children and youth outside the school day and year on a regular~~  
11           ~~basis, including before and after school and during the summer, by providing~~  
12           ~~opportunities for personal, emotional, and academic growth for children and~~  
13           ~~youth.~~

14           ~~(b) There is established a Vermont Expanded Learning Opportunities~~  
15           ~~Special Fund comprising grants, donations, and contributions from any private~~  
16           ~~or public source. Monies in the Fund shall be available to the Agency for the~~  
17           ~~purpose of increasing access to expanded learning opportunities throughout~~  
18           ~~Vermont. The Commissioner of Finance and Management may draw warrants~~  
19           ~~for disbursements from this Fund in anticipation of receipts. The Fund shall be~~  
20           ~~administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest~~

1 ~~earned and any remaining balance at the end of the fiscal year shall be retained~~  
2 ~~and carried forward in the Fund. [Repealed.]~~

3 \* \* \* Effective Dates \* \* \*

4 Sec. 19. EFFECTIVE DATES

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

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

9  
10  
11 (Committee vote: \_\_\_\_\_)

12 \_\_\_\_\_

13 Representative \_\_\_\_\_

14 FOR THE COMMITTEE

15  
16  
17 PRELIMINARY COMMITTEE DISCUSSION TO DELETE THESE

18 SECTIONS:

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

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

21 § 914. CHILD ABUSE AND NEGLECT HOTLINE

1        Each public school and each independent school shall post, in a place  
2        clearly visible to students and on its website, the toll-free telephone number  
3        operated by the Department for Children and Families to receive reports of  
4        child abuse and neglect and directions for accessing the office of the  
5        Department for Children and Families. The postings shall be in English,  
6        Spanish, and French.

7                    \* \* \* Postsecondary Educational Institutions; Closing \* \* \*

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

9        § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

14                (1) promptly inform the State Board;

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

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

21                    \* \* \*



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

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

16 \* \* \*

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

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

4           ~~(2) contribute on an equitable basis and in a manner determined in the~~  
5           ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~  
6           ~~selected by AVIC maintaining the records of a member college that fails to~~  
7           ~~comply with the requirements of subsection (a) of this section. If an institution~~  
8           ~~of higher education is placed on probation for financial reasons by its~~  
9           ~~accrediting agency, the institution shall, not later than two days after learning~~  
10           ~~that it has been placed on probation, inform the State Board of Education of its~~  
11           ~~status, and not later than 90 days after being place on probation, shall submit a~~  
12           ~~student record plan to the State Board for approval.~~

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

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