

1 TO THE HOUSE OF REPRESENTATIVES:

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

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

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

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

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

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

18 * * *

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

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

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

1 (1) a public school;

2 (2) an approved independent school; in Vermont;

3 (3) an independent school in Vermont meeting education quality
4 standards;

5 (4) a tutorial program approved by the State Board;

6 (5) an approved education program; ~~or~~;

7 (6) an independent school in another state or country that is approved
8 under the laws of that state or country, nor shall payment, provided, however,
9 that the state is contiguous to Vermont;

10 (7) a public or independent school in the Province of Quebec approved
11 under the laws of Canada; or

12 (8) a school to which a student on an individualized education plan has
13 been referred or placed by the student's individualized education plan team or
14 local education agency.

15 (b) Payment of tuition on behalf of a person shall not be denied on account
16 of age.

17 (c) Unless otherwise provided, a person who is aggrieved by a decision of a
18 school board relating to eligibility for tuition payments, the amount of tuition
19 payable, or the school he or she may attend, may appeal to the State Board and
20 its decision shall be final.

1 Sec. 3. TRANSITION

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

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

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

10 § 944. DUAL ENROLLMENT PROGRAM

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

17 (b) Students.

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

20 (A) the student:

21 (i) is enrolled in:

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

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

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

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

11 (iii) is a home study student;

12 * * *

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

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

15 § 914. CITIZENSHIP TEST

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

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

3 * * * Elections to Unified Union School District Board and Union School
4 District Board * * *

5 Sec. 6. ELECTIONS TO UNIFIED UNION SCHOOL DISTRICT BOARD
6 AND UNION SCHOOL DISTRICT BOARD

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

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

20 (c) This section is repealed on July 1, 2019.

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

2 § 706k. ELECTION OF DISTRICT OFFICERS

3 (a) A school director representing a member district who is to serve on the
4 union school district board after the expiration of the terms provided for school
5 directors in the final report shall be elected by that member district at an annual
6 or special meeting. ~~Such~~ The election shall be by Australian ballot in those
7 member districts that so elect their town school district directors. Union
8 district officers, including the clerk, treasurer, and moderator, elected at an
9 annual meeting shall enter upon their duties on July 1 following their election
10 and shall serve a term of ~~one year~~ three years or until their successors are
11 elected and qualified, except that if the voters at an annual meeting so vote,
12 moderators elected at an annual meeting shall assume office upon election and
13 shall serve for a term of ~~one year~~ three years or until their successors are
14 elected and qualified. School directors elected at an annual meeting shall
15 assume office upon election and shall serve a term of three years or until their
16 successors are elected and qualified. The clerk of the union district shall,
17 within ten days after the election or appointment of any officer or director, give
18 notice of the results to the Secretary of State.

19 * * *

1 Sec. 8. 16 V.S.A. § 722 is amended to read:

2 § 722. UNIFIED UNION DISTRICTS

3 * * *

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

13 * * * Trauma-informed Policies in Educational Settings * * *

14 Sec. 9. 33 V.S.A. § 3402 is added to read:

15 § 3402. DEFINITIONS

16 As used in this chapter:

17 (1) “Toxic stress” means strong, frequent, or prolonged experience of
18 adversity without adequate support.

19 (2) “Trauma-informed” means a type of program, organization, or
20 system that recognizes the widespread impact of trauma and potential paths for
21 recovery; recognizes the signs and symptoms of trauma in clients, families,

1 staff, and others involved in a system; responds by fully integrating knowledge
2 about trauma into policies, procedures, and practices; and seeks actively to
3 resist retraumatization and build resilience among the population served.

4 Sec. 10. 16 V.S.A. § 136 is amended to read:

5 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
6 AND COMPREHENSIVE HEALTH

7 * * *

8 (c) The Secretary shall collaborate with other agencies and councils
9 working on childhood wellness to:

10 (1) Supervise the preparation of appropriate nutrition and fitness
11 curricula for use in the public schools, promote programs for the preparation of
12 teachers to teach these curricula, and assist in the development of wellness
13 programs.

14 (2) [Repealed.]

15 (3) Establish and maintain a website that displays data from a youth risk
16 behavior survey in a way that enables the public to aggregate and disaggregate
17 the information. The survey shall include questions pertaining to adverse
18 childhood experiences, meaning those potentially traumatic events that occur
19 during childhood and can have negative, lasting effects on an individual's
20 health and well-being.

1 (4) Research funding opportunities for schools and communities that
2 wish to build wellness programs and make the information available to the
3 public.

4 (5) Create a process for schools to share with the Department of Health
5 any data collected about the height and weight of students in kindergarten
6 through grade six. The Commissioner of Health may report any data compiled
7 under this subdivision on a countywide basis. Any reporting of data must
8 protect the privacy of individual students and the identity of participating
9 schools.

10 * * *

11 Sec. 11. 16 V.S.A. § 137 is added to read:

12 § 137. MODEL PLAN; TRAUMA-INFORMED SCHOOL

13 (a) On or before September 1, 2018, the Agency of Education shall adopt
14 and publish on its website a model plan for implementing trauma-informed
15 programming and policies within Vermont schools. The model plan shall
16 describe best practices for supervisory unions and approved independent
17 schools with regard to implementing programs and policies that prevent and
18 mitigate childhood trauma and toxic stress in school.

19 (b) On or before September 1, 2020, each supervisory union and approved
20 independent school shall adopt and post electronically a plan for implementing
21 trauma-informed programming and policies at schools under its jurisdiction.

1 Each supervisory union and approved independent school shall develop its
2 own plan using the Agency’s model plan as guidance or adopt the Agency’s
3 model plan. A supervisory union or approved independent school developing
4 its own plan may adopt a plan more rigorous than the Agency’s model plan,
5 but shall not adopt a less rigorous plan.

6 (c) As used in this section, “trauma-informed” shall have the same meaning
7 as in 33 V.S.A. § 3402.

8 Sec. 12. 16 V.S.A. § 906 is amended to read:

9 § 906. COURSE OF STUDY

10 (a) In public schools, approved and recognized independent schools, and in
11 home in-home study programs, learning experiences shall be provided for
12 students in the minimum course of study.

13 (b) For purposes of As used in this title, the “minimum course of study”
14 means learning experiences adapted to a student’s age and ability in the
15 fields of:

16 (1) basic communication skills, including reading, writing, and the use
17 of numbers;

18 (2) citizenship, history, and government in Vermont and the United
19 States;

1 (3) physical education and comprehensive health education, including
2 the effects of tobacco, alcoholic drinks, and drugs on the human system and on
3 society;

4 (4) English, American, and other literature;

5 (5) the natural sciences; and

6 (6) the fine arts; and

7 (7) the relationship between children's brain development and early
8 learning.

9 Sec. 13. REPORT; ALIGNMENT OF DESIGNATED AND SPECIALIZED

10 SERVICE AGENCIES WITH SUPERVISORY UNIONS

11 On or before November 1, 2018, the Agencies of Education and of Human
12 Services shall jointly submit a report containing recommendations to correct
13 the misalignment between designated and specialized service agencies and
14 supervisory unions in a manner that reduces the duplication and complexity of
15 services provided in accordance with 1988 Acts and Resolves No. 264. The
16 report shall be submitted to the House Committees on Education and on
17 Human Services and to the Senate Committees on Education and on Health
18 and Welfare.

1 **Sec. 14. RULEMAKING; TRAUMA-INFORMED TRAINING FOR**
2 **EDUCATORS**

3 The Standards Board for Professional Educators shall amend its licensure
4 rules pursuant to 3 V.S.A. chapter 25 to require that teachers and
5 administrators receive training on the use of trauma-informed practices that
6 build resilience in students. The Standards Board shall specify criteria and the
7 number of training hours necessary to meet the requirements of this rule.
8 Teachers and administrators shall have until January 1, 2020 to come into
9 compliance with this rule. The Standards Board may grant variances to
10 individual teachers and administrators for exceptional circumstances.
11 “Trauma-informed” shall have the same meaning as in 33 V.S.A. § 3402.

12 **Sec. 15. RULEMAKING; TRAUMA-INFORMED TRAINING FOR CHILD**
13 **CARE PROVIDERS**

14 The Commissioner for Children and Families shall amend the Department’s
15 rules pursuant to 3 V.S.A. chapter 25 to require the following employees of
16 registered and licensed family child care homes and center-based child care
17 and preschool programs to receive training on the use of trauma-informed
18 practices that build resilience in enrolled children and students: family child
19 care providers, family child care assistants, administrators, teachers, teacher
20 associates, teacher assistants, and classroom aides. “Trauma-informed” shall
21 have the same meaning as in 33 V.S.A. § 3402.

1 * * * Technical Correction * * *

2 Sec. 16. 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. 17. 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 (e) 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) the child shall 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 and the
7 Secretary shall pay tuition pursuant to subsections (d) and (h) subsection (d) of
8 this section upon the 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~~ the child shall be enrolled in the prekindergarten education
14 program ~~that it operates~~ operated by the public school district of residence, if
15 such a program is offered, and the school district shall be eligible to count that
16 child in its average daily membership pursuant to subsection (d) of this section.

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

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

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

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

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

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

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

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

17 (ii) for a private provider that is regulated as a family child care
18 home that is not licensed and endorsed in early childhood education or early
19 childhood special education, employing or contracting for the services of at
20 least one **licensed professional educator with an endorsement** in early
21 childhood education or in early childhood special education under chapter 51

1 of this title for at least three hours per week during each of the 35 weeks per
2 year in which prekindergarten education is paid for with publicly funded
3 tuition to provide regular, active supervision and training of the private
4 provider's staff.

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

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

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

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

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

20 (1) On behalf of a resident prekindergarten child, ~~a district~~ the Secretary
21 shall pay tuition for prekindergarten education for ten hours per week for

1 35 weeks annually to a ~~prequalified~~ private provider or to a public school
2 ~~outside the district that is prequalified pursuant to subsection (c) of this~~
3 ~~section; provided, however, that the district shall pay tuition for weeks that are~~
4 ~~within the district's academic year~~ provider that is not the child's district of
5 residence. ~~Tuition~~ Notwithstanding subsection 4025(d) of this title, tuition
6 paid under this section shall be paid from the Education Fund at a statewide
7 rate, which may be adjusted regionally, that is established annually through a
8 process jointly developed and implemented by the Agencies Agency of
9 Education and of Human Services. ~~A district shall pay tuition upon~~ The
10 Secretary shall establish procedures for payment of tuition to a public provider
11 that is not the child's district of residence and a private provider that require, at
12 a minimum, receiving:

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

18 (B) concurrent ~~enrollment of the prekindergarten child in the district~~
19 ~~of residence for purposes of budgeting and determining average daily~~
20 membership notice from the public provider that is not the child's district of
21 residence or private provider that the child is enrolled in its program; and

1 (C) a request for reimbursement from the public provider that is not
2 the child’s district of residence or the private provider that reports enrollment
3 for the period covered by the request and certifies that the provider is eligible
4 for public funding under subsection (c) of this section for the period covered
5 by the request.

6 (2) In addition to any direct costs of operating a prekindergarten
7 education program, a district of residence shall include ~~anticipated tuition~~
8 ~~payments and~~ any administrative, quality assurance, quality improvement,
9 transition planning, or other prekindergarten-related costs in its annual budget
10 presented to the voters.

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

15 (4) A ~~prequalified~~ private provider, or a public provider that is not the
16 child’s district of residence, may receive additional payment directly from the
17 parent or guardian only for prekindergarten education in excess of the publicly
18 funded hours paid for ~~by the district pursuant to this section~~ subsection or for
19 child care services, or both. The provider is not bound by the statewide rate
20 established in this subsection when determining the rates it will charge the

1 parent or guardian for these excess hours. A provider shall not impose
2 additional fees for the publicly funded hours.

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

7 ~~(1) To permit private providers that are not prequalified pursuant to~~
8 ~~subsection (c) of this section to create new or continue existing partnerships~~
9 ~~with school districts through which the school district provides supports that~~
10 ~~enable the provider to fulfill the requirements of subdivision (c)(2) or (3), and~~
11 ~~through which the district may or may not make in-kind payments as a~~
12 ~~component of the statewide tuition established under this section.~~

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

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

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

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

8 ~~(B) a district:~~

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

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

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

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

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

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

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

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

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

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

16 ~~(10) To establish a system by which the Agency of Education and~~
17 ~~Department for Children and Families shall jointly monitor and evaluate~~
18 ~~prekindergarten education programs to promote optimal results for children~~
19 ~~that support the relevant population level outcomes set forth in 3 V.S.A.~~
20 ~~§ 2311 and to collect data that will inform future decisions. The Agency and~~

1 Department shall be required to report annually to the General Assembly in
2 January. At a minimum, the system shall monitor and evaluate:

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

6 (B) the quality of public and private prekindergarten education
7 programs and efforts to ensure continuous quality improvements through
8 mentoring, training, technical assistance, and otherwise; and

9 (C) the results for children, including school readiness and
10 proficiency in numeracy and literacy.

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

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

15 (B) collect and report child progress data to the Secretary of
16 Education on an annual basis.

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

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

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

5 (4) To provide an administrative process for:

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

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

10 (5) To establish a system by which the Secretary shall evaluate
11 implementation of publicly funded prekindergarten education programs to
12 promote optimal results for children that support the relevant population-level
13 outcomes set forth in 3 V.S.A. § 2311 and collect data that will inform future
14 decisions. The Secretary shall report annually to the General Assembly in
15 January on the prior year. At a minimum, the system shall evaluate:

16 (A) programmatic details, including the total number of children
17 enrolled and the number of children enrolled in private programs and in public
18 programs, the number of private and public programs operated, and the public
19 financial investment made to ensure access to quality prekindergarten
20 education;

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

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

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

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

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

11 (7) To establish safety and quality requirements for public providers. In
12 establishing these safety and quality requirements, the Secretary shall consult
13 with the Agency of Human Services and recommend to the State Board safety
14 and quality requirements that align with the requirements for private providers,
15 except to the extent that the Secretary determines that there are compelling
16 reasons that are unique to the public school environment that justify applying
17 different requirements.

18 (8) To require a district to include identifiable costs for prekindergarten
19 programs and essential early education services in its annual budgets and
20 reports to the community.

1 (f) ~~Other provisions of law. Section 836 of this title shall not apply to this~~
2 ~~section.~~

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

7 (h) ~~Geographic limitations.~~

8 (1) ~~Notwithstanding the requirement that a district pay tuition to any~~
9 ~~prequalified public or private provider in the State, a school board may choose~~
10 ~~to limit the geographic boundaries within which the district shall pay tuition by~~
11 ~~paying tuition solely to those prequalified providers in which parents and~~
12 ~~guardians choose to enroll resident prekindergarten children that are located~~
13 ~~within the district's "prekindergarten region" as determined in subdivision (2)~~
14 ~~of this subsection.~~

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

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

3 ~~(B) shall be based in part upon the estimated number of~~
4 ~~prekindergarten children residing in the district and in surrounding districts, the~~
5 ~~availability of prequalified private and public providers of prekindergarten~~
6 ~~education, commuting patterns, and other region specific criteria; and~~

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

9 ~~(3) If a school board chooses to pay tuition to providers solely within its~~
10 ~~prekindergarten region, and if a resident prekindergarten child is unable to~~
11 ~~access publicly funded prekindergarten education within that region, then the~~
12 ~~child's parent or guardian may request and in its discretion the district may pay~~
13 ~~tuition at the statewide rate for a prekindergarten education program operated~~
14 ~~by a prequalified provider located outside the prekindergarten region.~~

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

1 Sec. 18. 33 V.S.A. § 3502 is amended to read:

2 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC
3 SCHOOLS; 21ST CENTURY FUND

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

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

9 * * *

10 (5) an after-school program that serves students in one or more grades
11 from kindergarten through secondary school, that receives funding through the
12 21st Century Community Learning Centers program, and that is overseen by
13 the Agency of Education, unless the after-school program asks to participate in
14 the child care subsidy program; and

15 (6) a public provider of prekindergarten education, as defined under
16 16 V.S.A. § 829(a)(4), unless the public provider participates in the child care
17 subsidy program.

18 * * *

19 Sec. 19. 16 V.S.A. § 11 is amended to read:

20 § 11. CLASSIFICATIONS AND DEFINITIONS

21 (a) As used in this title, unless the context otherwise clearly requires:

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(31) “Early childhood education,” “early education,” or “prekindergarten education” means services designed to provide developmentally appropriate early development and learning experiences based on Vermont’s early learning standards to ~~children~~ a child who ~~are three to four years of age and to five year old children who are not eligible for or enrolled in kindergarten~~ is:

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

(B) five years of age but is not yet enrolled in kindergarten if the child is on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973 and the child’s individualized education program team or evaluation and planning team recommends that the child receive prekindergarten education services.

* * *

* * * School Radon Mitigation Study Committee * * *

Sec. 20. SCHOOL RADON MITIGATION STUDY COMMITTEE

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

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

3 (1) the Secretary of Education or designee;

4 (2) the Commissioner of Health or designee;

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

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

7 (5) a member appointed by the Vermont Independent Schools
8 Association; and

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

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

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

18 (e) Meetings.

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

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

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

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

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

13 * * * Effective Dates * * *

14 Sec. 21. EFFECTIVE DATES

15 (a) Secs. 17–19 (prekindergarten education) shall take effect on July 1,
16 2019.

17 (b) This section and the remaining sections shall take effect on July 1,
18 2018, and Secs. 7 and 8 shall apply to the subsequent election of district
19 officers of a union school district or unified union 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 * * *

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

2 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

7 (1) promptly inform the State Board;

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

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

14 * * *

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

20 (e) When an institution of higher education is unable or unwilling to
21 comply with the requirements of subsection (a) of this section, the State Board

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

9 * * *

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

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

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

1 that it has been placed on probation, inform the State Board of Education of its
2 status, and not later than 90 days after being place on probation, shall submit a
3 student record plan to the State Board for approval.

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

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

10 * * * Interstate School District * * *

11 Sec. 7. INTERSTATE SCHOOL DISTRICT

12 In order to increase educational opportunities for students in the Stamford
13 school district, and given the geographic and other challenges involved in
14 merging the Stamford school district with another Vermont school district, the
15 General Assembly supports the creation of an interstate school district that
16 would combine the Stamford school district with the Clarksburg,
17 Massachusetts, school district.