

1 S.229

2 Senators Champion and Sears move that the report of the Committee on
3 Education be amended in Sec. 3, in 16 V.S.A. § 2973, by striking out
4 subsection (d) in its entirety and inserting in lieu thereof a new subsection (d)
5 to read:

6 (d) If an approved independent school enrolls a student under subdivision
7 (a)(1) of this section but does not have the staff or State Board certification to
8 provide special education services in the specific disability category that the
9 student requires, then:

10 (1) The LEA, in consultation with the approved independent school and
11 the Agency of Education, shall determine what special education services and
12 supports the school is able to provide to the student.

13 (2) The LEA shall, for an interim period and at its cost, provide such
14 additional staff and other resources to the approved independent school as are
15 necessary to support the student. The interim period shall end upon the
16 earlier of:

17 (A) the date upon which the approved independent school is able to
18 provide these services directly and has the appropriate State Board
19 certification; or

20 (B) the end of the academic year during which the student has been
21 enrolled for the entirety of the academic year.

1 (3) If the school does not have all the required staff and resources and
2 the appropriate State Board certification by **the end of the academic year**
3 **during which the student has been enrolled for the entirety of the academic**
4 **year** as required under subdivision (2) of this subsection, then, in the event that
5 the State Board determines that the school has failed to make good faith and
6 reasonable efforts to secure the required staff, resources, and certification, the
7 State Board may take any action that is authorized by section 166 of this title.