

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; miscellaneous amendments

4 Statement of purpose of bill as introduced: This bill proposes to amend the
5 education laws to reflect the requirements of the federal Every Student
6 Succeeds Act and (2) make certain clarifying and technical changes.

7 An act relating to making miscellaneous changes to education laws

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 * * * Postsecondary Schools * * *

10 Sec. 1. 16 V.S.A § 176(d) is amended to read:

11 (d) Exemptions. The following are exempt from the requirements of this
12 section except for the requirements of subdivision (c)(1)(C) of this section:

13 * * *

14 (4) Postsecondary schools that are accredited. The following
15 postsecondary institutions are accredited, meet the criteria for exempt status,
16 and are authorized to operate educational programs beyond secondary
17 education, including programs leading to a degree or certificate: Bennington
18 College, ~~Burlington College~~, Champlain College, College of St. Joseph,
19 Goddard College, Green Mountain College, Landmark College, Marlboro
20 College, Middlebury College, New England Culinary Institute, Norwich

1 University, Saint Michael’s College, SIT Graduate Institute, Southern Vermont
2 College, Sterling College, Vermont College of Fine Arts, and Vermont Law
3 School. This authorization is provided solely to the extent necessary to ensure
4 institutional compliance with federal financial aid-related regulations, and it
5 does not affect, rescind, or supersede any preexisting authorizations, charters,
6 or other forms of recognition or authorization.

7 * * *

8 * * * Educational Opportunities * * *

9 Sec. 2. 16 V.S.A § 165(b) is amended to read:

10 (b) ~~Every two years~~ Annually, the Secretary shall determine whether
11 students in each Vermont public school are provided educational opportunities
12 substantially equal to those provided in other public schools. If the Secretary
13 determines that a school is not meeting the education quality standards listed in
14 subsection (a) of this section or that the school is making insufficient progress
15 in improving student performance in relation to the standards for student
16 performance set forth in subdivision 164(9) of this title, he or she shall
17 describe in writing actions that a district must take in order to meet either or
18 both sets of standard and shall provide technical assistance to the school. If the
19 school fails to meet the standards or make sufficient progress ~~by the end of the~~
20 ~~next two year period~~ within two years of the determination, the Secretary shall
21 recommend to the State Board one or more of the following actions:

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* * * Local Education Agency * * *

Sec. 3. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

The school board of a school district, in addition to other duties and authority specifically assigned by law:

* * *

~~(26) Shall carry out the duties of a local education agency, as that term is defined in 20 U.S.C. § 7801(26), for purposes of determining student performance and application of consequences for failure to meet standards and for provision of compensatory and remedial services pursuant to 20 U.S.C. §§ 6311-6318. [Repealed.]~~

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* * * State-placed and Homeless Students * * *

Sec. 4. 16 V.S.A § 1075 is amended to read:

§ 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND PAYMENT OF EDUCATION OF STUDENT

* * *

(c) State-placed students.

(1) A State-placed student in the legal custody of the Commissioner for Children and Families, other than one placed in a 24-hour residential facility

1 and except as otherwise provided in this subsection, shall be educated by ~~the~~
2 ~~school district in which the student is living~~ the student’s school of origin,
3 unless ~~an alternative plan or facility for the education of the student is agreed~~
4 ~~upon by Secretary~~ the student’s education team determines that it is not in the
5 student’s best interest to attend the school of origin. The student’s education
6 team shall include, at a minimum [consider changing to “as applicable”], the
7 student, the student’s parents and foster parents, the student’s guardian ad litem
8 and educational surrogate parent [need definition], representatives of both the
9 school of origin and potential new school, and a representative of the Family
10 Services Division of the Department for Children and Families. In the case of
11 a dispute as to where a State placed student is living, the Secretary shall
12 conduct a hearing to determine which school district is responsible for
13 educating the student. The Secretary’s decision shall be final about whether it
14 is in the student’s best interest to attend the school of origin, the Commissioner
15 for Children and Families shall make the final decision. As used in this
16 section, “school of origin” means the school in which the child was enrolled at
17 the time of placement into custody of the Commissioner for Children and
18 Families, or in the case of a student already in the custody of the
19 Commissioner for Children and Families, the school the student most recently
20 attended.

1 (2) If a student is a State-placed student pursuant to subdivision
2 11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families
3 shall ~~assume responsibility~~ be responsible for the student’s transportation to
4 and from school, unless the receiving district chooses to provide transportation.

5 (3) A State-placed student not in the legal custody of the Commissioner
6 for Children and Families, other than one placed in a 24-hour residential
7 facility and except as otherwise provided in this subsection, shall be educated
8 by the school district in which the student is living unless an alternative plan or
9 facility for the education of the student is agreed upon by the Secretary. In the
10 case of dispute as to where a State-placed student is living, the Secretary shall
11 conduct a hearing to determine which school district is responsible for
12 educating the student. The Secretary’s decision shall be final.

13 ~~(3)~~(4) A student who is in temporary legal custody pursuant to
14 33 V.S.A. § 5308(b)(3) or (4) and is a State-placed student pursuant to
15 subdivision 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary
16 legal custodian’s discretion, in the district in which the student’s parents reside,
17 the district in which either parent resides if the parents live in different
18 districts, the district in which the student’s legal guardian resides, or the district
19 in which the temporary legal custodian resides. If the student enrolls in the
20 district in which the temporary legal custodian resides, the district shall
21 provide transportation in the same manner and to the same extent it is provided

1 to other students in the district. In all other cases, the temporary legal
2 custodian is responsible for the student’s transportation to and from school,
3 unless the receiving district chooses to provide transportation.

4 ~~(4)~~(5) If a student who had been a State-placed student pursuant to
5 subdivision 11(a)(28) of this title is returned to live in the district in which one
6 or more of the student’s parents or legal guardians reside, then, at the request
7 of the student’s parent or legal guardian, the Secretary may order the student to
8 continue his or her enrollment for the remainder of the academic year in the
9 district in which the student resided prior to returning to the parent’s or
10 guardian’s district and the student will continue to be funded as a State-placed
11 student. Unless the receiving district chooses to provide transportation:

12 * * *

13 (e) For the purposes of this title, the legal residence or residence of a child
14 of homeless parents is ~~where the child temporarily resides~~ the child’s school
15 of origin, as defined in subdivision (c)(1) of this section, unless the parents
16 and another school district agree that the child’s attendance in school in that
17 school district will be in the best interests of the child ~~in that continuity of~~
18 ~~education will be provided and transportation will not be unduly burdensome~~
19 ~~to the school district~~. A “child of homeless parents” means a child whose
20 parents:

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* * * Early College * * *

Sec. 5. REPEAL

16 V.S.A § 4011(e) (early college) is repealed.

Sec. 6. 16 V.S.A § 946 is added to read:

§ 946. EARLY COLLEGE

(a) For each grade 12 Vermont student enrolled, the Secretary shall pay an amount equal to 87 percent of the base education amount to:

(1) the Vermont Academy of Science and Technology (VAST); and

(2) an early college program other than the VAST program that is developed and operated or overseen by the University of Vermont, by one of the Vermont State Colleges, or by an accredited private postsecondary school located in Vermont and that is approved for operation by the Secretary; provided, however, when making a payment under this subdivision (2), the Secretary shall not pay more than the tuition charged by the institution.

(b) The Secretary shall make the payment pursuant to subsection (a) of this section directly to the postsecondary institution, which shall accept the amount as full payment of the student's tuition.

(c) A student on whose behalf the Secretary makes a payment pursuant to subsection (a) of this subsection:

(1) shall be enrolled as a full-time student in the institution receiving the payment for the academic year for which payment is made;

1 (2) shall not be enrolled concurrently in a secondary school operated by
2 the student’s district of residence or to which the district pays tuition on the
3 student’s behalf; and

4 (3) shall not be included in the average daily membership of any school
5 district for the academic year for which payment is made; provided, however,
6 that if more than five percent of the grade 12 students residing in a district
7 enroll in an early college program, then the district may include the number of
8 students in excess of five percent in its average daily membership; but further
9 provided that a student in grade 12 enrolled in a college program shall be
10 included in the percentage calculation only if, for the previous academic year,
11 the student was enrolled in a school maintained by the district or was a student
12 for whom the district paid tuition to a public or approved independent school.

13 (d) A postsecondary institution shall not accept a student into an early
14 college program unless enrollment in an early college program was an element
15 of the student’s personalized learning plan.

16 Sec. 7. REPEAL

17 16 V.S.A § 4011a (early college program; report; appropriations) is
18 repealed.

1 Sec. 8. 16 V.S.A § 947 is added to read:

2 § 947. EARLY COLLEGE PROGRAM; REPORT; APPROPRIATION

3 (a) Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution
4 receiving funds pursuant to section 946 of this title shall report annually in
5 January to the Senate and House Committees on Education regarding the level
6 of participation in the institution’s early college program, the success in
7 achieving the stated goals of the program to enhance secondary students’
8 educational experiences and prepare them for success in college and beyond,
9 and the specific results for participating students relating to programmatic
10 goals.

11 (b) In the budget submitted annually to the General Assembly pursuant to
12 32 V.S.A. chapter 5, the Governor shall include the recommended
13 appropriation for all early college programs to be funded pursuant to section
14 946 of this title, including the VAST program, as a distinct amount.

15 * * * Advisory Council on Special Education * * *

16 Sec. 9. 16 V.S.A § 2945(c) is amended to read:

17 (c) The members of the Council who are employees of the State shall
18 receive no additional compensation for their services, but actual and necessary
19 expenses shall be allowed State employees, and shall be charged to their
20 departments or institutions. The members of the Council who are not
21 employees of the State shall receive a per diem compensation of ~~\$30.00~~ per

1 ~~day~~ as provided under 32 V.S.A. § 1010 for each day of official business and
2 reimbursement for actual and necessary expenses at the rate allowed State
3 employees.

4 * * * Dual Enrollment * * *

5 Sec. 10. 16 V.S.A § 944(b)(2) is amended to read:

6 (2) An eligible student may enroll in up to two dual enrollment courses
7 prior to completion of secondary school for which neither the student nor
8 parent shall be required to pay tuition, laboratory fees, or other costs and fees
9 directly related to participating in the course, other than travel costs. A student
10 may enroll in courses offered while secondary school is in session and during
11 the summer.

12 * * * Effective Dates * * *

13 Sec. 11. EFFECTIVE DATES

14 (a) This section, Secs. 1–3, 5–10 shall take effect on passage.

15 (b) Sec. 4 (State-placed students) shall take effect beginning with the

16 2017–2018 school year.