

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: (1) create a  
5 study committee to consider and make recommendations on the criteria to be  
6 used by the State Board of Education for the approval of an independent  
7 school; (2) provide an appropriation to the Vermont State Colleges for the  
8 purpose of evaluating or reevaluating educational and training programs for  
9 college credit at no cost or at a reduced cost to the programs being evaluated;  
10 (3) exclude prekindergarten students from the student enrollment count used  
11 for determining a school district's eligibility for a small school grant; (4)  
12 require that one member of the Vermont Standards Board for Professional  
13 Educators be a superintendent; (5) require that the Agency of Education be the  
14 sole government agency to issue any required license or endorsement to a  
15 speech-language pathologist who is employed by a supervisory union or public  
16 school district in Vermont or an independent school approved for special  
17 education purposes for the purpose of providing speech-language pathology;  
18 (6) require that a school principal be given notice of his or her contract renewal  
19 status earlier than under current law; (7) require that the selectboard of a town  
20 consult with the union school district board before filling a vacancy of a  
21 member representing the town on the union school district board; (8) amend

1 the education laws to reflect the requirements of the federal Every Student  
2 Succeeds Act; and (9) make certain clarifying and technical changes.

3 An act relating to making miscellaneous changes to education laws

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

5 \* \* \* Approved Independent Schools Study Committee \* \* \*

6 Sec. 1. APPROVED INDEPENDENT SCHOOLS STUDY COMMITTEE

7 (a) Creation. There is created an Approved Independent Schools Study  
8 Committee to consider and make recommendations on the criteria to be used  
9 by the State Board of Education for designation as an “approved” independent  
10 school.

11 (b) Membership. The Committee shall be composed of the following **ten**  
12 members:

13 (1) one current member of the House of Representatives who shall be  
14 appointed by the Speaker of the House;

15 (2) one current member of the Senate who shall be appointed by the  
16 Committee on Committees;

17 (3) the Chair of the State Board of Education or designee;

18 (4) the Secretary of Education or designee;

19 (5) the Executive Director of the Vermont Superintendent’s Association  
20 or designee;

1           (6) the Executive Director of the Vermont School Boards Association or  
2           designee;

3           (7) the Executive Director of the Vermont Independent Schools  
4           Association or designee;

5           (8) two representatives of approved independent schools, who shall be  
6           chosen by the Executive Director of the Vermont Independent Schools  
7           Association; and

8           (9) the Executive Director of the Vermont Council of Special Education  
9           Administrators or designee.

10          (c) Powers and duties. The Committee shall consider and make  
11          recommendations on the criteria to be used by the State Board of Education for  
12          designation as an “approved” independent school, including the following  
13          criteria:

14               (1) the school’s enrollment policy and any limitation on a student’s  
15               ability to enroll;

16               (2) whether the school should be required to offer special education  
17               services, and if so, which categories of these services; and

18               (3) the scope and nature of financial information that should be required  
19               to be reported by the school to the State Board or Agency of Education.

20               (d) Assistance. The Committee shall have the administrative, technical,  
21               and legal assistance of the Agency of Education.

1       (e) Report. On or before January 15, 2018, the Committee shall submit a  
2       written report to the House and Senate Committees on Education with its  
3       findings and any recommendations.

4       (f) Meetings.

5           (1) The Secretary of Education shall call the first meeting of the  
6       Committee to occur on or before May 30, 2017.

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

9           (3) A majority of the membership shall constitute a quorum.

10          (4) The Committee shall cease to exist on January 16, 2018.

11       (g) Reimbursement.

12           (1) For attendance at meetings during adjournment of the General  
13       Assembly, legislative members of the Committee shall be entitled to per diem  
14       compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for  
15       no more than seven meetings.

16           (2) Other members of the Committee who are not employees of the State  
17       of Vermont and who are not otherwise compensated or reimbursed for their  
18       attendance shall be entitled to per diem compensation and reimbursement of  
19       expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

20           \*\*\* Educational and Training Programs for College Credit \*\*\*

21       Sec. 2. APPROPRIATION TO THE VERMONT STATE COLLEGES

1 TO EXPAND EDUCATION AND TRAINING EVALUATION  
2 SERVICES PROGRAM

3 The sum of \$40,000.00 is appropriated from the Next Generation Initiative  
4 Fund created pursuant to 16 V.S.A. § 2887 to the Vermont State Colleges for  
5 the purpose of providing funding for the Colleges' Education and Training  
6 Evaluation Services Program. The Vermont State Colleges shall use the  
7 appropriation to evaluate or reevaluate educational and training programs for  
8 college credit at no cost or at a reduced cost to the programs being evaluated.  
9 The Vermont State Colleges shall identify training programs in the skilled  
10 trades, including the plumbing and electrical trades, to receive these evaluation  
11 services. The Vermont State Colleges shall, on or before January 15, 2018,  
12 issue a report to the House and Senate Committees on Education describing  
13 how the funds appropriated pursuant to this section have been spent, how any  
14 remaining funds appropriated pursuant to this section will be spent, and the  
15 number and nature of the programs evaluated or reevaluated and the results of  
16 the evaluations.

17 \* \* \* Student Enrollment; Small School Grant \* \* \*

18 Sec. 3. 16 V.S.A. § 4015 is amended to read:

19 § 4015. SMALL SCHOOL SUPPORT

20 (a) In this section:

1 (1) “Eligible school district” means a school district that operates at least  
2 one school; and

3 (A) has a two-year average combined enrollment of fewer than 100  
4 students in all the schools operated by the district; or

5 (B) has an average grade size of 20 or fewer.

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 (3) “Two-year average enrollment” means the average enrollment of the  
11 two most recently completed school years.

12 (4) “Average grade size” means two-year average enrollment divided by  
13 the number of grades taught in the district on October 1. For purposes of this  
14 calculation, kindergarten and prekindergarten programs shall be counted  
15 together as one grade.

16 \* \* \*

17 \* \* \* Vermont Standards Board for Professional Educators \* \* \*

18 Sec. 4. 16 V.S.A. § 1693 is amended to read:

19 § 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

20 (a) There is hereby established the Vermont Standards Board for  
21 Professional Educators comprising 13 members as follows: seven teachers,

1 two administrators, one of whom shall be a school superintendent, one public  
2 member, one school board member, one representative of educator preparation  
3 programs from a public institution of higher education, and one representative  
4 of educator preparation programs from a private institution of higher  
5 education.

6 \* \* \*

7 Sec. 5. TRANSITIONAL PROVISION

8 A superintendent shall be appointed to the Vermont Standards Board for  
9 Professional Educators upon the next expiration of the term of a member who  
10 is serving on the Board as an administrator.

11 \* \* \* Speech-Language Pathologists \* \* \*

12 Sec. 6. 26 V.S.A. § 4451 is amended to read:

13 § 4451. DEFINITIONS

14 As used in this chapter:

15 \* \* \*

16 (5) “Educational speech-language pathologist” means a speech-language  
17 pathologist who is employed by a supervisory union or public school district in  
18 Vermont or an independent school approved for special education purposes for  
19 the purpose of providing speech-language pathology.

20 ~~(5)~~(6) “Secretary” means the Secretary of State.

1           ~~(6)~~(7) “Speech-language pathologist” means a person licensed to  
2           practice speech-language pathology under this chapter, but shall not include an  
3           educational speech-language pathologist.

4           ~~(7)~~(8) “Speech-language pathology” means the application of principles,  
5           methods, and procedures related to the development and disorders of human  
6           communication, which include any and all conditions that impede the normal  
7           process of human communication.

8           Sec. 7. 26 V.S.A. § 4454 is amended to read:

9           § 4454. CONSTRUCTION

10          (a) This chapter shall not be construed to limit or restrict in any way the  
11          right of a practitioner of another occupation that is regulated by this State from  
12          performing services within the scope of his or her professional practice.

13          (b) This chapter shall not be construed to apply to an educational speech-  
14          language pathologist, except to the extent that an educational speech-language  
15          pathologist provides speech-language pathology services outside a school  
16          environment. An educational speech-language pathologist shall be subject to  
17          the licensing, training, and professional standards provisions of 16 V.S.A.  
18          chapter 51. To the extent that an educational speech-language pathologist  
19          provides speech-language pathology services outside a school environment, the  
20          educational speech-language pathologist shall be subject to the licensing,  
21          training, and professional standards provisions of this chapter.

1       Sec. 8. TRANSITIONAL PROVISION

2               An individual holding an educator license with an endorsement for  
3               educational speech-language pathologist from the Agency of Education shall  
4               retain that endorsement and shall renew it with the Agency as required by law,  
5               in addition to licensure with the Agency of Education.

6                               \* \* \* Renewal of Principal's Contracts \* \* \*

7       Sec. 9. 16 V.S.A. § 243(c) is amended to read:

8               (c) Renewal and nonrenewal. A principal who has been continuously  
9       employed for more than two years in the same position has the right either to  
10       have his or her contract renewed, or to receive written notice of nonrenewal ~~at~~  
11       ~~least 90 days before~~ on or before February 1 of the year in which the existing  
12       contract expires. Nonrenewal may be based upon elimination of the position,  
13       performance deficiencies, or other reasons. The written notice shall recite the  
14       grounds for nonrenewal. If nonrenewal is based on performance deficiencies,  
15       the written notice shall be accompanied by an evaluation performed by the  
16       superintendent. At its discretion, the school board may allow a period of  
17       remediation of performance deficiencies prior to issuance of the written notice.  
18       After receiving such a notice, the principal may request in writing, and shall be  
19       granted, a meeting with the school board. Such request shall be delivered  
20       within 15 days of delivery of notice of nonrenewal, and the meeting shall be  
21       held within 15 days of delivery of the request for a meeting. At the meeting,

1 the school board shall explain its position, and the principal shall be allowed to  
2 respond. The principal and any member of the board may present written  
3 information or oral information through statements of others, and the principal  
4 and the board may be represented by counsel. The meeting shall be in  
5 executive session unless both parties agree in writing that it be open to the  
6 public. After the meeting, the school board shall decide whether or not to offer  
7 the principal an opportunity to renew his or her contract. The school board  
8 shall issue its decision in writing within five days. The decision of the school  
9 board shall be final.

10 \* \* \* Vacancies in District Offices \* \* \*

11 Sec. 10. 16 V.S.A. § 706l is amended to read:

12 § 706l. VACANCIES IN DISTRICT OFFICES

13 (a) A vacancy occurring in any district office other than on the board of  
14 directors shall be temporarily filled by the board of school directors of the  
15 union school district as soon as practicable after the vacancy occurs and the  
16 temporary appointee shall serve until the district, at its next meeting, fills the  
17 vacancy for the remainder of the unexpired term.

18 (b) When a vacancy occurs on the board of directors:

19 (1) If the member represented a member school district, the clerk shall  
20 immediately notify the school board of the member district. Within 30 days of  
21 the receipt of that notice, the school board shall appoint a person who is

1 otherwise eligible to serve as a director from that district to fill the vacancy  
2 until an election at a special or annual district meeting is held.

3 (2) If the member represented a town that does not have a school board,  
4 the clerk shall immediately notify the selectboard of the town. Within 30 days  
5 of the receipt of that notice, the selectboard, after consultation with the union  
6 school district board, shall appoint a person who is otherwise eligible to serve  
7 as a director from that district to fill the vacancy until an election at a special or  
8 annual district meeting is held.

9 \* \* \*

10 \* \* \* Postsecondary Schools \* \* \*

11 Sec. 11. 16 V.S.A § 176(d) is amended to read:

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

14 \* \* \*

15 (4) Postsecondary schools that are accredited. The following  
16 postsecondary institutions are accredited, meet the criteria for exempt status,  
17 and are authorized to operate educational programs beyond secondary  
18 education, including programs leading to a degree or certificate: Bennington  
19 College, ~~Burlington College~~, Champlain College, College of St. Joseph,  
20 Goddard College, Green Mountain College, Landmark College, Marlboro  
21 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. 12. 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. 13. 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.]~~

\* \* \*

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

Sec. 14. 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, as applicable, the student, the student's parents and foster  
7 parents, the student's guardian ad litem and educational surrogate parent,  
8 representatives of both the school of origin and potential new school, and a  
9 representative of the Family Services Division of the Department for Children  
10 and Families. In the case of a dispute ~~as to where a State-placed student is~~  
11 ~~living, the Secretary shall conduct a hearing to determine which school district~~  
12 ~~is responsible for educating the student. The Secretary's decision shall be final~~  
13 ~~about whether it is in the student's best interest to attend the school of origin,~~  
14 ~~the Commissioner for Children and Families shall make the final decision. As~~  
15 ~~used in this section, "school of origin" means the school in which the child was~~  
16 ~~enrolled at the time of placement into custody of the Commissioner for~~  
17 ~~Children and Families, or in the case of a student already in the custody of the~~  
18 ~~Commissioner for Children and Families, the school the student most recently~~  
19 ~~attended.~~

20 (2) If a student is a State-placed student pursuant to subdivision  
21 11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families

1 shall ~~assume responsibility~~ be responsible for the student's transportation to  
2 and from school, unless the receiving district chooses to provide transportation.

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

11 ~~(3)~~(4) A student who is in temporary legal custody pursuant to  
12 33 V.S.A. § 5308(b)(3) or (4) and is a State-placed student pursuant to  
13 subdivision 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary  
14 legal custodian's discretion, in the district in which the student's parents reside,  
15 the district in which either parent resides if the parents live in different  
16 districts, the district in which the student's legal guardian resides, or the district  
17 in which the temporary legal custodian resides. If the student enrolls in the  
18 district in which the temporary legal custodian resides, the district shall  
19 provide transportation in the same manner and to the same extent it is provided  
20 to other students in the district. In all other cases, the temporary legal





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. 17. REPEAL

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

1 Sec. 18. 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. 19. 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. 20. 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. 21. EFFECTIVE DATES

14 (a) This section, Secs. 1–5, Secs. 9–13, and Secs. 15-20 shall take effect on  
15 passage.

16 (b) Secs. 6-8 (speech-language pathologists) shall take effect on January 1,  
17 2018.

18 (c) Sec. 14 (State-placed students) shall take effect beginning with the  
19 2017–2018 school year.