

Sec. 3. 16 V.S.A. § 2973 is amended to read:

§ 2973. INDEPENDENT SCHOOL TUITION RATES SCHOOLS

(a) Notwithstanding any provision of law to the contrary, an approved independent school shall enroll any student with an individualized education plan requiring special education services who is placed in the approved independent school as an appropriate placement and least restrictive environment for the student by the local education agency (LEA). The terms “special education services,” “LEA,” and “individualized education plan” or “IEP” as used in this section shall have the same meanings as defined by State Board rules.

(b)(1) The Secretary of Education shall establish minimum standards of services for students receiving special education services in independent schools in Vermont; ~~shall set, after consultation with independent schools in Vermont, the maximum rates to be paid by the Agency and school districts for tuition, room, and board based on the level of services; and may advise independent schools as to the need for certain special education services in Vermont.~~ An independent school is not required to demonstrate that it has the resources to serve every disability category in order to be approved or retain its approval to receive tuition. [note: this language is just moved from (c)]

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(C) ~~In establishing the~~ The tuition rates and cost rates for reimbursement established by the Secretary under this subsection, ~~the Secretary shall apply the principle of treating an approved independent school and a~~ be similar to costs incurred by public schools with parity in terms of the amount of State and local contribution to cover the costs of providing special education services.

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(C) subject to subsection (d) of this section, ~~employing or managing~~ **contracting with staff with the required licensure to provide special education services;**

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(C) ~~is not required to~~ **shall** demonstrate that it has the resources to ~~serve every category of special education in order to be approved or retain its approval to receive tuition under subsection (b) of this section~~ **meet the needs of the enrolled student.**

(d) If an approved independent school enrolls a student under subsection (a) of this section but does not have the staff or State Board approval to provide special education services in the specific disability category required by the student, then:

(1) the LEA, in consultation with the approved independent school and the Agency of Education, shall determine what special education services and supports the school is able to provide to the student **and whether the approved independent school is making all reasonable efforts to employ or contract with staff to meet the needs of the student and to obtain State Board approval;** and