

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 166
3 entitled “An act relating to the dissolution of the State Board of Education”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Transfer of Certain Responsibilities of the State Board of Education to
8 the Secretary of Education * * *

9 Sec. 1. 16 V.S.A. § 164 is amended to read:

10 § 164. **STATE BOARD**; GENERAL POWERS AND DUTIES

11 The **State Board** shall ~~evaluate education policy proposals, including timely~~
12 ~~evaluation of policies presented by the Governor and Secretary;~~ engage local
13 school board members and the broader education community; ~~and establish~~
14 ~~and advance education policy for the State of Vermont~~ and, consistent with the
15 provisions of this title, its own rules and rules adopted by the Secretary,
16 establish and regularly update a long-term strategic vision for the delivery of
17 educational services in Vermont, advise the General Assembly, the Governor,
18 and the Secretary of Education on high priority educational policies and issues
19 as they arise, and act in accordance with Legislative mandates, including the
20 adoption of rules and executing special assignments. In addition to other
21 specified duties, the Board shall:

1 (1) Establish such advisory commissions as in the judgment of the
2 Board will be of assistance to it in carrying out its duties. Advisory
3 commission members shall serve with or without compensation at the
4 discretion of the Board but shall receive actual expenses incurred in pursuance
5 of their duties.

6 (2) Have the authority to enter into agreements with school districts,
7 municipalities, states, the United States, foundations, agencies, or individuals
8 for service, educational programs, or research projects.

9 (3) Examine and determine all appeals that by law are made to it and
10 prescribe rules of practice in respect thereto, not inconsistent with law.

11 (4) ~~Review and comment on an Agency budget prepared by the~~
12 ~~Secretary for the Governor.~~ [Repealed.]

13 (5) [Repealed.]

14 (6) ~~Make regulations governing the attendance and records of~~
15 ~~attendance of all students and the department of students attending public~~
16 ~~schools.~~ [Repealed.]

17 (7) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or
18 appropriate ~~for the execution of its powers and duties and of the powers and~~
19 ~~duties of all persons under its supervision and control~~ to carry out, and within
20 the limitations of legislative intent, the powers and duties of the Board and as
21 directed by the General Assembly, including rules concerning:

- 1 (A) the operation and administration of the State Board of
- 2 Education;
- 3 (B) educational quality standards;
- 4 (C) independent school program approval, including:
 - 5 (i) approval of distance learning schools;
 - 6 (ii) post-secondary schools; and
 - 7 (iii) private kindergarten approval;
- 8 (D) special education, including special education finance and
- 9 census-based funding;
- 10 (E) school accountability system based on student achievement;
- 11 (F) supervisory union and school district organization; and
- 12 (G) proposals for alternative structures under 2015 Acts and Resolves
- 13 No. 46.

14 (8) Review and comment on rules proposed by the Agency of Education
15 prior to prefilng the proposed rules with the Interagency Committee on
16 Administrative Rules under 3 V.S.A. § 837.

17 (9) ~~Implement~~ Promulgate and continually update standards for student
18 performance in appropriate content areas and at appropriate intervals in the
19 continuum from ~~kindergarten~~ prekindergarten to grade 12 and methods of
20 assessment to determine attainment of the standards for student performance.
21 The standards shall be rigorous, challenging, and designed to prepare students

1 to participate in and contribute to the democratic process and to compete in the
2 global marketplace. The standards shall include a standard for reading level
3 proficiency for students completing grade three.

4 (10) [Repealed.]

5 (11) ~~If deemed advisable, determine educational standards for admission~~
6 ~~to and graduation from the public schools.~~ [Repealed.]

7 (12) [Repealed.]

8 (13) ~~Be the State Board for the program of adult education and literacy~~
9 ~~and perform all the duties and powers prescribed by law pertaining to adult~~
10 ~~education and literacy and to act as the State approval agency for educational~~
11 ~~institutions conducting programs of adult education and literacy.~~ [Repealed.]

12 (14) ~~Adopt rules for approval of independent schools.~~ [Repealed.]

13 (15) ~~Establish criteria governing the establishment of a system for the~~
14 ~~receipt, deposit, accounting, and disbursement of all funds by supervisory~~
15 ~~unions and school districts.~~ [Repealed.]

16 (16) ~~In cooperation with the Secretary, ensure that the Agency develops~~
17 ~~information, plans, and assistance to aid in making technology and~~
18 ~~telecommunications available and coordinated in all school districts. The State~~
19 ~~Board shall develop guidelines for distribution of federal, State, or private~~
20 ~~funds designated for the development or expansion of distance learning~~
21 ~~technologies. The guidelines shall encourage, consistent with any terms or~~

1 ~~conditions established by the funding source, collaboration between schools~~
2 ~~and school districts to realize economic and educational efficiencies.~~

3 [Repealed.]

4 (17) ~~Report annually on the condition of education statewide and on a~~
5 ~~supervisory union and school district basis. The report shall include~~
6 ~~information on attainment of standards for student performance adopted under~~
7 ~~subdivision (9) of this section, number and types of complaints of hazing,~~
8 ~~harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title~~
9 ~~and responses to the complaints, financial resources and expenditures, and~~
10 ~~community social indicators. The report shall be organized and presented in a~~
11 ~~way that is easily understandable by the general public and that enables each~~
12 ~~school, school district, and supervisory union to determine its strengths and~~
13 ~~weaknesses. To the extent consistent with State and federal privacy laws and~~
14 ~~regulations, data on hazing, harassment, or bullying incidents shall be~~
15 ~~disaggregated by incident type, including disaggregation by ethnic groups,~~
16 ~~racial groups, religious groups, gender, sexual orientation, gender identity,~~
17 ~~disability status, and English language learner status. The Secretary shall use~~
18 ~~the information in the report to determine whether students in each school,~~
19 ~~school district, and supervisory union are provided educational opportunities~~
20 ~~substantially equal to those provided in other schools, school districts, and~~
21 ~~supervisory unions pursuant to subsection 165(b) of this title. [Repealed.]~~

1 (18) ~~Ensure that Vermont's students, including students enrolled in~~
2 ~~secondary career technical education, have access to a substantially equal~~
3 ~~educational opportunity by developing a system to evaluate the equalizing~~
4 ~~effects of Vermont's education finance system and education quality standards~~
5 ~~under section 165 of this title. [Repealed.]~~

6 (19) [Repealed.]

7 (20) ~~Pursuant to section 806g of this title, constitute the State Council~~
8 ~~for the Interstate Compact on Educational Opportunity for Military Children~~
9 ~~and appoint to the Council a Compact Commissioner and Military Family~~
10 ~~Education Liaison, who may be the same person. The Board may appoint~~
11 ~~additional members. [Repealed.]~~

12 (21) Report annually to the Governor and the General Assembly on the
13 ~~progress the Board has made on the development of education policy for the~~
14 State current condition and future prospects of education in Vermont.

15 Sec. 2. 16 V.S.A. § 212 is amended to read:

16 § 212. SECRETARY'S DUTIES GENERALLY

17 The Secretary shall ~~execute those policies~~ adopt rules pursuant to
18 3 V.S.A. chapter 25 as necessary or appropriate for the execution of the
19 Secretary's powers and duties and of the powers and duties of all persons
20 under the Secretary's supervision and control, except that the Secretary shall
21 not adopt rules in areas reserved to the State Board of Education under section

1 164 of this title and as directed by the General Assembly, submit rules
2 proposed by the Secretary to the State Board of Education for review and
3 comment prior to prefiling the proposed rules with the Interagency Committee
4 on Administrative Rules under 3 V.S.A. § 837 within a time frame that
5 accommodates the State Board’s review of the proposed rules and the
6 Secretary’s ability to respond to State Board comments, implement rules
7 adopted by the Secretary and the State Board in the legal exercise of ~~its~~ their
8 powers, and shall:

9 * * *

10 (23) Make rules governing the attendance and records of attendance of
11 all students and the department of students attending public schools.

12 (24) Establish criteria governing the establishment of a system for the
13 receipt, deposit, accounting, and disbursement of all funds by supervisory
14 unions and school districts.

15 (25) Ensure that the Agency develops information, plans, and assistance
16 to aid in making technology and telecommunications available and coordinated
17 in all school districts. The Secretary shall develop guidelines for distribution
18 of federal, State, or private funds designated for the development or expansion
19 of distance learning technologies. The guidelines shall encourage, consistent
20 with any terms or conditions established by the funding source, collaboration

1 between schools and school districts to realize economic and educational
2 efficiencies.

3 (26) Report annually on the condition of education statewide and on a
4 supervisory union and school district basis. The report shall include
5 information on attainment of standards for student performance adopted under
6 subdivision 164(9) of this title, number and types of complaints of hazing,
7 harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title,
8 and responses to the complaints, financial resources and expenditures, and
9 community social indicators. The report shall be organized and presented in a
10 way that is easily understandable by the general public and that enables each
11 school, school district, and supervisory union to determine its strengths and
12 weaknesses. To the extent consistent with State and federal privacy laws and
13 regulations, data on hazing, harassment, or bullying incidents shall be
14 disaggregated by incident type, including disaggregation by ethnic groups,
15 racial groups, religious groups, gender, sexual orientation, gender identity,
16 disability status, and English language learner status. The Secretary shall use
17 the information in the report to determine whether students in each school,
18 school district, and supervisory union are provided educational opportunities
19 substantially equal to those provided in other schools, school districts, and
20 supervisory unions pursuant to subsection 165(b) of this title.

1 (27) Ensure that Vermont’s students, including students enrolled in
2 secondary career technical education, have access to a substantially equal
3 educational opportunity by developing a system to evaluate the equalizing
4 effects of Vermont’s education finance system and education quality standards
5 under section 165 of this title.

6 (28) Be responsible for the program of adult education and literacy and
7 perform all the duties and powers prescribed by law pertaining to adult
8 education and literacy and to act as the State approval agency for educational
9 institutions conducting programs of adult education and literacy.

10 * * * Conforming Changes to Law in 16 V.S.A. chapter 3

11 (State Board of Education) * * *

12 Sec. 3. 16 V.S.A. § 166 is redesignated into 16 V.S.A. chapter 1, subchapter 1.
13 § 14.

14 Sec. 4. 16 V.S.A. § 166b is redesignated as 16 V.S.A. chapter 1, subchapter 1,
15 § 15.

16 Sec. 5. 16 V.S.A. § 167 is redesignated and amended to read:

17 § ~~167~~ 216. HIGH SCHOOL EQUIVALENCE CERTIFICATE

18 The ~~State Board~~ Secretary of Education is authorized to grant high school
19 equivalency certificates to any person who has not been graduated from a high
20 school on the basis of credits earned in the U.S. Armed Forces, credits earned

1 in approved schools for adults, or satisfactory scores obtained on approved
2 examinations.

3 Sec. 6. 16 V.S.A. § 170 is redesignated as 16 V.S.A. Chapter 1, Subchapter 2,
4 § 42a.

5 Sec. 7. 16 V.S.A. § 175 is redesignated into a new chapter, chapter 71, and
6 amended to read:

7 § ~~175~~ 2161. POSTSECONDARY EDUCATIONAL INSTITUTIONS;

8 CLOSING

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

13 (1) promptly inform the ~~State Board~~ Secretary of Education;

14 (2) prepare the academic record of each current and former student in a
15 form satisfactory to the ~~State Board~~ Secretary and including interpretive
16 information required by the ~~Board~~ Secretary; and

17 (3) deliver the records to a person designated by the ~~State Board~~
18 Secretary to act as permanent repository for the institution's records, together
19 with the reasonable cost of entering and maintaining the records.

20 * * *

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

6 (e) When an institution of higher education is unable or unwilling to
7 comply with the requirements of subsection (a) of this section, the State Board
8 Secretary may expend State funds necessary to ensure the proper storage and
9 availability of the institution's records. The Attorney General shall then seek
10 recovery under this subsection, in the name of the State, of all of the State's
11 incurred costs and expenses, including attorney's fees, arising from the failure
12 to comply. Claims under this subsection shall be a lien on all the property of a
13 defaulting institution, until all claims under this subsection are satisfied. The
14 lien shall take effect from the date of filing notice thereof in the records of the
15 town or towns where property of the defaulting institution is located.

16 (f) The State Board shall adopt rules under this section for its proper
17 administration. The rules may include provisions for preparing and
18 maintaining transferred records. Persons acting as a repository of records are
19 bound only by maintenance provisions to which they agreed before receiving
20 transferred records.

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Sec. 8. 16 V.S.A. § 176 is redesignated into a new chapter, chapter 71, and amended to read:

§ ~~176~~ 2162. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

* * *

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

* * *

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green Mountain College~~, Landmark College, Marlboro College, Middlebury College, New England Culinary Institute, Norwich University, Saint Michael’s College, SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont College of Fine Arts, and Vermont Law School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

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(e) Issuance. On proper application, the State Board shall issue a certificate of approval or a certificate of degree-granting authority, or both, to an applicant whose goals, objectives, programs, and resources, including personnel, curriculum, finances, and facilities, are found by the State Board to be in accordance with its rules for approval of postsecondary schools and adequate and appropriate for the stated purpose and for the protection of students and the public interest. The certificate shall be for a term not exceeding five years. The certificate may be subject to conditions, terms, or limitations.

* * *

Sec. 9. 16 V.S.A. § 176a is redesignated into a new chapter, chapter 71, § 2163.

Sec. 10. 16 V.S.A. § 177 is redesignated into a new chapter, chapter 71, § 2164.

Sec. 11. 16 V.S.A. § 178 is redesignated into a new chapter, chapter 71, as § 2165.

Sec. 12. 16 V.S.A. § 180 is redesignated into a new chapter, chapter 71, as § 2166.

Sec. 13. 16 V.S.A. § 214 is added to read:

§ 214. STATE COUNCIL FOR THE INTERSTATE COMPACT ON

1 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

2 Pursuant to section 806g of this title, the Agency of Education shall
3 constitute the State Council for the Interstate Compact on Educational
4 Opportunity for Military Children and appoint to the Council a Compact
5 Commissioner and Military Family Education Liaison, who may be the same
6 person. The Agency may appoint additional members.

7 Sec. 14. **STATE BOARD** OF EDUCATION RULES; AGENCY OF
8 EDUCATION

9 (a) Except for the **State Board** of Education rules referenced in subsection
10 (b) of this section, the rules of the **State Board** of Education in effect on the
11 effective date of this act shall constitute the rules of the Agency of Education
12 until amended or repealed, and all references in those rules to the **State Board**
13 of Education, the Department of Education, and the Commissioner of
14 Education shall be deemed to refer to the Agency of Education and the
15 Secretary of Education as appropriate.

16 (b) The following rules shall continue to be the rules of the **State Board** of
17 Education:

- 18 (1) Series 1200—**State Board of Education**;
19 (2) Series 1320—Special Education Finance and Census-based Funding;
20 (3) Series 2000—Educational Quality Standards;
21 (4) Series 2200—Independent School Program Approval, including:

1 § 133. SUPERVISOR; COMPREHENSIVE HEALTH EDUCATION

2 (a) The Secretary ~~with the approval of the State Board~~ may appoint one
3 qualified person to supervise the preparation of appropriate curricula for use in
4 the public schools, to promote programs for the preparation of teachers to teach
5 these curricula, and to assist in the development of comprehensive health
6 education programs.

7 * * *

8 Sec. 17. 16 V.S.A. § 136 is amended to read:

9 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
10 AND COMPREHENSIVE HEALTH

11 * * *

12 (b) The Secretary ~~with the approval of the State Board~~ shall establish an
13 Advisory Council on Wellness and Comprehensive Health that shall include at
14 least three members associated with the health services field. The members
15 shall serve without compensation but shall receive their actual expenses
16 incurred in connection with their duties relating to wellness and comprehensive
17 health programs. The Council shall assist the Agency to plan, coordinate, and
18 encourage wellness and comprehensive health programs in the public schools.

19 * * *

20 Sec. 18. 16 V.S.A. § 242 is amended to read:

21 § 242. DUTIES OF SUPERINTENDENTS

1 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;
2 MAINTENANCE OF RECORDS

3 * * *

4 (d) The State Board Agency of Education may adopt rules regarding
5 maintenance of records.

6 Sec. 21. 16 V.S.A. § 261a is amended to read:

7 § 261a. DUTIES OF SUPERVISORY UNION BOARD

8 (a) Duties. The board of each supervisory union shall:

9 * * *

10 (4) In accordance with criteria established by the State Board Secretary
11 of Education, establish and implement a plan for receiving and disbursing
12 federal and State funds distributed by the Agency of Education, including
13 funds awarded under P.L. 89-10, the Elementary and Secondary Education Act
14 of 1965 as amended.

15 * * *

16 (6) Provide special education services on behalf of its member districts
17 and, except as provided in section 43 of this title, compensatory and remedial
18 services, and provide or coordinate the provision of other educational services
19 as directed by the State Board Secretary of Education or local boards;
20 provided, however, if a supervisory union determines that services would be

1 provided more efficiently and effectively in whole or in part at the district
2 level, then it may ask the Secretary to grant it a waiver from this provision.

3 * * *

4 Sec. 22. 16 V.S.A. § 301 is amended to read:

5 § 301. APPORTIONMENT OF EXPENSES

6 Unless otherwise agreed upon, each school district shall pay a proportionate
7 share of the salary and expenses of the superintendent and the expenses of the
8 supervisory union based on the number of enrolled students in each member
9 school district. “Enrolled students” shall be defined by the State Board
10 Agency of Education by rule, including the treatment of tuition students,
11 special education students, students enrolled in career technical centers, and
12 other particular circumstances.

13 Sec. 23. 16 V.S.A. § 428 is amended to read:

14 § 428. BUDGET TO BE VOTED

15 * * *

16 (b) If the electorate of a school district votes for its budget by Australian
17 ballot, it shall do so using ballot language jointly developed by the Secretary of
18 Education and the Secretary of State and adopted by the State Board, by rule.

19 Sec. 24. 16 V.S.A. § 471 is amended to read:

20 § 471. APPLICATION OF OTHER LAWS

1 (a) The provisions of this title relating to the administration and
2 maintenance of public schools, school meetings, and voting therein, to grand
3 lists, to the raising and expending of school monies, to monies apportioned by
4 the State Board Secretary of Education, to sharing in other State aid, to the
5 election, appointment, powers, duties, and liabilities of school officers, to
6 elementary and higher instruction, to transportation, board, and attendance of
7 students, to truancy and truant officers, to furnishing of textbooks and
8 appliances, and to all other matters pertaining to schools in a town district,
9 unless otherwise provided, and if not inconsistent with the rights granted by
10 their charters, shall apply to schools maintained, similar school officers, and all
11 matters pertaining to schools in incorporated school districts.

12 * * *

13 Sec. 25. 16 V.S.A. § 511 is amended to read:

14 § 511. BUDGET

15 * * *

16 (b) If the electorate of an incorporated school district votes for its budget
17 by Australian ballot, it shall do so using ballot language jointly developed by
18 the Secretary of Education and Secretary of State ~~and adopted by the State~~
19 Board, by rule.

20 Sec. 26. 16 V.S.A. § 551 is amended to read:

21 § 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

1 Unless otherwise specifically provided in statute with respect to a class of
2 school district or in a municipal charter, the laws of this title, the laws
3 pertaining to municipal corporations, and the rules of the State Board and the
4 Agency of Education shall apply to all school districts.

5 Sec. 27. 16 V.S.A. § 559 is amended to read:

6 § 559. PUBLIC BIDS

7 * * *

8 (b) When a school construction contract exceeds \$500,000.00:

9 (1) The State Board Secretary of Education shall establish, in
10 consultation with the Commissioner of Buildings and General Services and
11 with other knowledgeable sources, general rules for the prequalification of
12 bidders on such a contract. The Department of Buildings and General
13 Services, upon notice by the Secretary, shall provide to school boards
14 undergoing construction projects suggestions and recommendations on bidders
15 qualified to provide construction services.

16 * * *

17 (d) Construction management. The school board may contract for the
18 service of construction management to assist in a school construction project.
19 The State Board Agency of Education, in consultation with the Commissioner
20 of Buildings and General Services and other knowledgeable sources, shall
21 adopt rules defining the term “construction management” and specifying the

1 nature of bidding requirements under construction management services in
2 order to assist school boards to comply with the public bidding requirements of
3 this section.

4 * * *

5 (f) Waivers. The ~~State Board~~ Agency of Education shall by rule adopt
6 standards governing the authority of the Secretary to grant individual waivers
7 to the provisions of this section. The rules, at minimum, shall require the
8 school board seeking the waiver to demonstrate to the Secretary that it is
9 unable to comply with the bidding procedure through no fault of its own, and
10 that it has proposed an alternative method of minimizing costs through a fair
11 and public process.

12 (g) Violations. The ~~State Board~~ Secretary of Education may deny State aid
13 for school construction and for debt service on a project that proceeds in
14 violation of this section.

15 Sec. 28. 16 V.S.A. § 563 is amended to read:

16 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

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

19 * * *

20 (8) Shall establish and maintain a system for receipt, deposit,
21 disbursement, accounting, control, and reporting procedures that meets the

1 criteria established by the State Board Secretary of Education pursuant to
2 subdivision ~~164(15)~~ 212(24) of this title and that ensures that all payments are
3 lawful and in accordance with a budget adopted or amended by the school
4 board. The school board may authorize a subcommittee, the superintendent of
5 schools, or a designated employee of the school board to examine claims
6 against the district for school expenses and draw orders for such as shall be
7 allowed by it payable to the party entitled thereto. Such orders shall state
8 definitely the purpose for which they are drawn and shall serve as full authority
9 to the treasurer to make such payments. It shall be lawful for a school board to
10 submit to its treasurer a certified copy of those portions of the board minutes,
11 properly signed by the clerk and chair, or a majority of the board, showing to
12 whom, and for what purpose each payment is to be made by the treasurer, and
13 such certified copy shall serve as full authority to the treasurer to make the
14 payments as thus approved.

15 * * *

16 (21) Shall have the authority to engage in short-term borrowing to cover
17 the costs of those portions of projects approved by the State Board Secretary of
18 Education and that will be reimbursed by the State Board Secretary of
19 Education under sections 3447-3456 of this title but which payments will be
20 delayed. However, the board shall borrow under this subdivision only amounts
21 that it would receive if the State Board Secretary of Education could fund its

1 obligation and may borrow no earlier than the time it would have received the
2 funds. The State shall not pay for costs of borrowing funds under this
3 subdivision.

4 * * *

5 (24) Shall adopt a policy that, in accordance with rules adopted by the
6 ~~State Board of Education~~ Agency of Education, will integrate home study
7 students into its schools through enrollment in courses, participation in
8 cocurricular and extracurricular activities, and use of facilities.

9 (25) Shall, if it is a school board of a school district that maintains a
10 secondary school, upon request, award a high school diploma to any Vermont
11 resident who served in the military in World War II, the Korean War, or during
12 the Vietnam era, was honorably separated from active federal military service,
13 and does not hold a high school diploma. The ~~State Board~~ Secretary of
14 Education shall develop and make available an application form for veterans
15 who wish to request a high school diploma.

16 * * *

17 Sec. 29. 16 V.S.A. § 570 is amended to read:

18 § 570. HARASSMENT, HAZING, AND BULLYING PREVENTION

19 POLICIES

20 * * *

21 (d) Duties of the Secretary. The Secretary shall:

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(2) establish an Advisory Council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The Council shall report annually in January to the State Board Secretary of Education and the House and Senate Committees on Education. The Council shall include:

* * *

Sec. 30. 16 V.S.A. § 701a is amended to read:

§ 701a. APPLICATION OF OTHER LAWS

* * *

(b) The provisions of general law relating to the administration and maintenance of schools, to school meetings and voting at the meetings, to grand lists, to the raising and expending of school money, to money apportioned by the State Board Secretary of Education, to sharing in other State or federal aid, to the election, appointments, powers, duties, and liabilities of school officers, to secondary and elementary instruction, to transportation, board, and attendance of students, to textbooks and appliances, and to all other matters pertaining to schools in a town school district, unless inconsistent with this act or otherwise provided for in this subchapter, shall apply to schools maintained, similar school officers, and all matters pertaining to schools of the union school district.

1 Sec. 31. 16 V.S.A. § 829 is amended to read:

2 § 829. PREKINDERGARTEN EDUCATION

3 * * *

4 (c) Prequalification. Pursuant to rules jointly developed and overseen by the
5 Secretaries of Education and of Human Services and adopted by the **State**
6 **Board** Agency of Education pursuant to 3 V.S.A. chapter 25, the Agencies
7 jointly may determine that a private or public provider of prekindergarten
8 education is qualified for purposes of this section and include the provider in a
9 publicly accessible database of prequalified providers. At a minimum, the rules
10 shall define the process by which a provider applies for and maintains
11 prequalification status, shall identify the minimum quality standards for
12 prequalification, and shall include the following requirements:

13 * * *

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

17 * * *

18 Sec. 32. 16 V.S.A. § 944 is amended to read:

19 § 944. DUAL ENROLLMENT PROGRAM

20 * * *

21 (f) Tuition and funding.

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(3) If it agrees to the terms of subsection (c) of this section, an accredited private postsecondary institution in Vermont approved pursuant to section ~~176~~ 2162 of this title shall receive tuition pursuant to subdivisions (1) and (2) of this subsection (f) for each eligible student it enrolls in a college-level course under this section.

* * *

Sec. 33. 16 V.S.A. § 1045 is amended to read:

§ 1045. DRIVER TRAINING COURSE

(a) A driver education and training course, approved by the Agency of Education and the Department of Motor Vehicles shall be made available to students whose parent or guardian is a resident of Vermont and who have reached their 15th birthday and who are regularly enrolled in a public or independent high school approved by the State Board Secretary of Education.

(b) After June 30, 1984, all driver education courses shall include a course of instruction, approved by the State Board Secretary of Education and the council on the effects of alcohol and drugs on driving.

* * *

Sec. 34. 16 V.S.A. § 1071 is amended to read:

§ 1071. SCHOOL YEAR AND SCHOOL DAY

* * *

1 (b) Hours of operation. Within the minimum set by the ~~State Board~~
2 Secretary of Education, the school board shall fix the number of hours that
3 shall constitute a school day, subject to change upon the order of the ~~State~~
4 ~~Board~~ Secretary of Education.

5 (c) Unanticipated closings. When a public school is closed for cause
6 beyond the control of the school board, it may petition the ~~State Board~~
7 Secretary of Education for a waiver of the requirements of this section. The
8 petition shall be filed with the ~~State Board~~ Secretary of Education within
9 10 days of each occurrence and not later than June 15 of the school year
10 involved; and the ~~State Board~~ Secretary of Education shall act on the petition
11 at its next meeting. If the petition is approved and a waiver granted, the school
12 district shall be deemed to have satisfied the requirements of this section. If
13 the ~~State Board~~ Secretary of Education fails to act at that meeting, the petition
14 shall be deemed to have been approved and the waiver granted.

15 * * *

16 (g) Upon application of one or more school districts, after approval by the
17 voters of each such district, the ~~State Board~~ Secretary of Education may grant a
18 waiver of the requirements of subsection (a) of this section if it is satisfied that
19 equivalent educational programming will be maintained or improved. The
20 waiver may be granted for any purpose, including the conservation of energy.

21 Sec. 35. 16 V.S.A. § 1162 is amended to read:

1 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

2 (a) A superintendent or principal may, pursuant to policies adopted by the
3 school board that are consistent with State Board Agency of Education rules,
4 suspend a student for up to 10 school days or, with the approval of the board of
5 the school district, expel a student for up to the remainder of the school year or
6 up to 90 school days, whichever is longer, for misconduct:

7 * * *

8 Sec. 36. 16 V.S.A. § 1165 is amended to read:

9 § 1165. ALCOHOL AND DRUG ABUSE

10 (a) The State Board Secretary of Education, in consultation with local
11 school boards, the alcohol and drug division, the law enforcement authorities,
12 and the juvenile court system shall formulate a general policy for the
13 education, discipline, and referral for rehabilitation of students who are
14 involved with alcohol or drug abuse on school property or at school functions.

15 (b) The State Board Agency of Education shall adopt rules for all school
16 districts that include standards consistent with due process of law for
17 discipline, suspension, or dismissal of students and recommended procedures
18 for education and for referral for treatment and rehabilitation.

19 (c) Each school district shall adopt its own policy consistent with the State
20 Board's Agency of Education's rules setting forth: recommended procedures
21 for education; referral for treatment, counseling, and rehabilitation; and

1 standards consistent with due process of law for discipline, suspension, or
2 dismissal of students in accordance with section 1162 of this title. Nothing in
3 this section is intended to mandate local school districts to employ counselors
4 for treatment or rehabilitation.

5 * * *

6 Sec. 37. 16 V.S.A. § 1224 is amended to read:

7 § 1224. REPORTS

8 The superintendent shall include in his or her annual report to the school
9 board of each district data regarding the students in the district who have been
10 transported or boarded under the provisions of this chapter and the associated
11 expenses. Annually, at a time fixed by the State Board Secretary of Education,
12 the superintendent shall report to the Board Secretary regarding the students
13 transported or boarded under the provisions of this chapter and the associated
14 expenses.

15 Sec. 38. 16 V.S.A. § 1262b is amended to read:

16 § 1262b. RULES

17 The State Board Agency of Education shall adopt rules governing grants
18 under section 1262a of this title. The rules shall provide for grants from State
19 funds in accordance with federal guidelines for food programs. The State
20 Board Agency of Education may adopt other rules that are necessary to carry
21 out the provisions of this subchapter.

1 (5) require each school to make publicly available protocols and
2 procedures developed in accordance with the policies adopted by the State
3 Board Secretary of Education under this section.

4 Sec. 41. 16 V.S.A. § 1522 is amended to read:

5 § 1522. DEFINITIONS

6 As used in this chapter:

7 * * *

8 (10) “CTE tuition” means the amount calculated by subtracting from
9 total regional technical CTE center costs all expenditures from State and
10 federal grants except for incentive grants, adult education grants, or other State
11 grants as defined by State Board Agency of Education rule, then dividing the
12 result by the sum of the actual number of full-time equivalent out-of-state
13 students and the average of the full-time equivalent Vermont students for the
14 three prior years.

15 * * *

16 Sec. 42. 16 V.S.A. § 1531 is amended to read:

17 § 1531. RESPONSIBILITY OF STATE BOARD SECRETARY OF
18 EDUCATION

19 (a) The ~~State Board~~ Secretary of Education has overall responsibility for
20 the effectiveness of career technical education. This requires the Board

1 Secretary to collect suitable information and to take appropriate steps within its
2 legal, financial, and personnel resources to ensure that:

3 * * *

4 Sec. 43. 16 V.S.A. § 1532 is amended to read:

5 § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

6 (a) The **State Board** Secretary of Education shall adopt by rule:

7 (1) Minimum standards for the operation and performance of career
8 technical centers that include the education quality standards adopted by the
9 **State Board** under subdivision 164(9) and section 165 of this title.

10 (2) Standards for student performance based on the standards adopted by
11 the **State Board** under subdivision 164(9) of this title and standards for industry
12 recognized credentials.

13 * * *

14 Sec. 44. 16 V.S.A. § 1533 is amended to read:

15 § 1533. CAREER TECHNICAL CENTER EVALUATION

16 (a) At least once in each period of five years, and in coordination with the
17 Vermont Advisory Council on Career Technical Education, the Secretary shall
18 evaluate the effectiveness of each career technical center in the State. The **State**
19 **Board** Secretary by rule shall prescribe the method for conducting these
20 evaluations.

1 (b) Evaluations of career technical centers shall consider at least the
2 following areas:

3 (1) compliance with this chapter and the rules of the ~~State Board~~ Agency
4 of Education;

5 * * *

6 Sec. 45. 16 V.S.A. § 1534 is amended to read:

7 § 1534. COURSE OF STUDY EVALUATION

8 (a) At least once in each period of five years, and in coordination with the
9 Vermont Advisory Council on Career Technical Education, the Secretary shall
10 evaluate the effectiveness of each course of study offered by any career
11 technical center in the State. The ~~State Board~~ Agency of Education by rule
12 shall prescribe the method for conducting these evaluations.

13 * * *

14 Sec. 46. 16 V.S.A. § 1544 is amended to read:

15 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

16 Subject to any direction and regulations as to courses, teachers, or
17 equipment that the ~~State Board~~ Secretary of Education may prescribe by rule,
18 high schools may include within their courses of study pretechnical or career
19 technical courses, or both. Before establishing such a program, a high school
20 shall consult with the regional advisory board for its CTE service region.

21 Sec. 47. 16 V.S.A. § 1545 is amended to read:

1 § 1545. CREDITS AND GRADES EARNED

2 (a) Grades earned in a course offered within a CTE program ~~approved by~~
3 ~~the~~ that complies with State Board Agency of Education rules shall not be
4 altered by any public school or approved or recognized independent school in
5 Vermont and shall be applied by the school toward any State graduation
6 requirements in accordance with rules adopted by the State Board Agency of
7 Education. Any State Board Agency of Education rules regarding earning of
8 credits shall allow flexibility with respect to the integration of CTE education
9 and other academic courses.

10 (b) The credits earned for a career technical education program ~~approved~~
11 ~~by the~~ that complies with State Board Agency of Education rules shall be
12 honored by any public or independent school within Vermont. If necessary to
13 enable a student to participate in career technical education and graduate with
14 his or her class, the credits earned shall be applied toward any school district or
15 independent school graduation requirements exceeding the minimum number
16 of credits required by the State Board Agency of Education. The school board
17 of the high school from which the student wishes to graduate shall make a
18 determination as to whether the credits shall be applied toward graduation
19 requirements. A decision of a school board may be appealed to the Secretary
20 who shall construe this section to favor participation in career technical
21 education.

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Sec. 48. 16 V.S.A. § 1552 is amended to read:

§ 1552. SECONDARY STUDENT TUITION

(a) Each career technical center shall establish a tuition charge for secondary career technical education. The amount shall reflect the actual cost, as defined by rule of the State Board Agency of Education, of attendance in the career technical courses offered by the center. The tuition charge shall be reduced proportionally for students enrolled in a part-time program.

(b) Secondary students are eligible for tuition assistance in career technical education provided in another state when the State Board Secretary of Education determines that such career technical education can properly serve the needs of Vermont students.

* * *

Sec. 49. 16 V.S.A. § 1562 is amended to read:

§ 1562. TRYOUT CLASSES

From the monies annually available for use in career technical education, the State Board Secretary of Education may reimburse part of the program cost attributable to programs designed to assist students in deciding whether to enroll in career technical courses. As a condition of such assistance, the program shall demonstrate that it has taken steps to encourage each student to consider enrolling in courses not traditional for that student's gender.

1 Sec. 50. 16 V.S.A. § 1563 is amended to read:

2 § 1563. TRANSPORTATION ASSISTANCE

3 * * *

4 (c) The State Board Agency of Education may adopt rules necessary to
5 implement this section.

6 Sec. 51. 16 V.S.A. § 1565 is amended to read:

7 § 1565. SALARY ASSISTANCE

8 (a) The State Board Secretary of Education shall reimburse a school district
9 operating a career technical center for a portion of its cost in paying the salary
10 of the following persons:

11 * * *

12 (b) Assistance under this section shall be determined by a formula and
13 standards established by rule of the State Board Secretary. The formula and
14 those standards:

15 * * *

16 Sec. 52. 16 V.S.A. § 1568 is amended to read:

17 § 1568. REPORTING OF INFORMATION

18 (a) Annually, in accordance with a time line, format, and process
19 established by State Board Agency of Education rule, each CTE center shall
20 report its costs and student enrollment, achievement, and performance
21 measures to the Secretary. CTE center financial accounts shall be kept

1 separately from those of the host high school in accordance with rules adopted
2 by the ~~State Board~~ Agency of Education, which shall clearly delineate relevant
3 costs and revenues.

4 (b) If a CTE center fails to file financial or student information required
5 under this section within the timelines established by rule of the ~~State Board~~
6 Agency of Education, the Secretary may withhold funds due under this chapter
7 and shall subtract \$100.00 per business day from funds due the center under
8 this chapter. The Secretary may waive the \$100.00 penalty upon appeal by the
9 center for good cause.

10 Sec. 53. 16 V.S.A. § 1577 is amended to read:

11 § 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE
12 BOARD

13 The governance board of a CTE center authorized under this subchapter, in
14 addition to other duties and authority specifically assigned by law to the
15 governing authority of a CTE center, shall have the following duties and
16 authority:

17 * * *

18 (6) To establish and maintain a system for receipt, deposit,
19 disbursement, accounting, control, and reporting procedures that meets the
20 criteria established by the ~~State Board~~ Secretary of Education pursuant to
21 subdivision ~~164(15)~~ 212(24) of this title and that ensures all payments are

1 lawful and in accordance with the budget adopted pursuant to terms approved
2 by the State Board Secretary. The ~~Board~~ Secretary may authorize a
3 subcommittee, a superintendent of schools, or a designated employee of the
4 ~~Board~~ Agency of Education to examine claims against the district for center
5 expenses, and draw orders for such as shall be allowed by it payable to the
6 party entitled thereto. Such orders shall state definitely the purpose for which
7 they are drawn, and shall serve as full authority to the treasurer to make such
8 payments. It shall be lawful for a board to submit to its treasurer a certified
9 copy of those portions of the board minutes, properly signed by the clerk and
10 chair, or a majority of the board, showing to whom, and for what purpose, each
11 payment is to be made by the treasurer, and the certified copy shall serve as
12 full authority to the treasurer to make the approved payments.

13 * * *

14 Sec. 54. 16 V.S.A. § 1601 is amended to read:

15 § 1601. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (2) “Industry competency standards” ~~mean~~ means performance criteria
19 developed jointly by educators and business representatives and adopted by the
20 State Board Secretary of Education that define skills and knowledge that are
21 needed in the workplace.

1 * * *

2 (5) “Student apprentice coordinator” means a licensed professional
3 educator whom the ~~State Board of Education~~ Secretary of Education finds
4 qualified to plan, implement and evaluate a student apprenticeship program.

5 * * *

6 Sec. 55. 16 V.S.A. § 1602 is amended to read:

7 § 1602. SCHOOL BOARD RESPONSIBILITIES

8 * * *

9 (b) Each school board that runs a student apprenticeship program shall:

10 * * *

11 (2) Ensure preparation of individuals employed by business to be
12 worksite mentors according to guidelines established by the ~~State Board~~
13 Secretary of Education. Each participating business shall support the
14 preparation of the worksite mentor as a condition to participating in the student
15 apprenticeship program.

16 * * *

17 Sec. 56. 16 V.S.A. § 1603 is amended to read:

18 § 1603. ELEMENTS OF THE PROGRAM

19 (a) An eligible student may apply to enter the student apprenticeship
20 program upon successful completion of grade 10 or its equivalent and meeting

1 entrance requirements established by the ~~State Board of Education~~ Secretary of
2 Education.

3 * * *

4 (f) A student apprentice who successfully completes a student
5 apprenticeship program shall receive an industry competency certificate issued
6 by the ~~State Board of Education~~ Secretary of Education. In order to earn an
7 industry competency certificate, a student apprentice shall demonstrate mastery
8 of industry competency standards and shall complete academic requirements
9 for graduation.

10 * * *

11 Sec. 57. 16 V.S.A. § 1604 is amended to read:

12 § 1604. ~~STATE BOARD~~ SECRETARY OF EDUCATION

13 RESPONSIBILITIES

14 The ~~State Board of Education~~ Secretary of Education shall:

15 * * *

16 (6) Certify those who graduate from a student apprenticeship program as
17 meeting industry competency standards for entrance into the trade or
18 profession the student has studied. The ~~State Board~~ Secretary of Education
19 shall maintain a record of certificates issued under this subdivision.

20 Sec. 58. 16 V.S.A. § 1605 is amended to read:

21 § 1605. REGIONAL ADVISORY BOARD RESPONSIBILITIES

1 Each regional advisory board shall:

2 (1) Based on standards of operation established by the ~~State Board of~~
3 ~~Education~~ Secretary of Education, approve or disapprove an application from a
4 school board to establish and operate a student apprenticeship program. The
5 Board may rescind approval if the program is not meeting the standards.

6 (2) Based on standards and processes established by the ~~State Board~~
7 Secretary or Education, determine which applicants shall be accepted into the
8 student apprenticeship programs in its region and determine whether a student
9 should be terminated from a program. Decisions regarding acceptance into a
10 program shall, in part, be based on submission of an acceptable career
11 preparation plan developed by the applicant with the help of a guidance
12 counselor. Decisions regarding termination shall be made with the advice of
13 the student apprenticeship coordinator.

14 * * *

15 Sec. 59. 16 V.S.A. § 1931 is amended to read:

16 § 1931. DEFINITIONS

17 As used in this chapter:

18 * * *

19 (20) “Teacher” shall mean any licensed teacher, principal, supervisor,
20 superintendent, or any professional licensed by the Vermont Standards Board
21 for Professional Educators who is regularly employed, or otherwise contracted

1 if following retirement, for the full normal working time for his or her position
2 in a public day school or school district within the State, or in any school or
3 teacher-training institution located within the State, [controlled by the State
4 Board of Education or the Agency of Education, and supported wholly by the
5 State]; or in certain public independent schools designated for such purposes
6 by the Board in accordance with section 1935 of this title. In all cases of
7 doubt, the Board shall determine whether any person is a teacher as defined in
8 this chapter. It shall not mean a person who is teaching with an emergency
9 license.

10 * * *

11 Sec. 60. 16 V.S.A. § 1935 is amended to read:

12 § 1935. TEACHERS IN CERTAIN PUBLIC OR INDEPENDENT
13 SCHOOLS

14 (a) The Board of Trustees may designate certain public or independent
15 schools, which are located within the State, and supported wholly or in part by
16 the State but which are not under the control of the State Board of Education or
17 the Agency of Education, as employers of teachers within the meaning of this
18 chapter.

19 * * *

20 Sec. 61. 16 V.S.A. § 2822 is amended to read:

21 § 2822. DEFINITIONS

1 As used in this chapter:

2 * * *

3 (6) “Approved postsecondary education institution” means any
4 institution of postsecondary education that is:

5 (A) certified by the **State Board** of Education as provided in section
6 ~~176 or 176a~~ 2162 or 2163 of this title;

7 (B) accredited by an accrediting agency approved by the United
8 States Secretary of Education pursuant to the Higher Education Act;

9 (C) a non-U.S. institution approved by the United States Secretary of
10 Education as eligible for use of education loans made under Title IV of the
11 Higher Education Act; or

12 (D) a non-U.S. institution designated by the Corporation as eligible
13 for use of its grant awards.

14 * * *

15 Sec. 62. 16 V.S.A. § 2880 is amended to read:

16 § 2880. DEFINITIONS

17 As used in this subchapter:

18 (1) “Approved postsecondary education institution” means any
19 institution of postsecondary education that is:

20 (A) certified by the **State Board** of Education as provided in section
21 ~~176 or 176a~~ 2162 or 2163 of this title;

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Sec. 63. 16 V.S.A. § 2903 is amended to read:

§ 2903. PREVENTING EARLY SCHOOL FAILURE; READING
INSTRUCTION

* * *

(b) Foundation for literacy. The State Board Agency of Education, in collaboration with the Agency of Human Services, higher education, literacy organizations, and others, shall develop a plan for establishing a comprehensive system of services for early education in the first three grades to ensure that all students learn to read by the end of the third grade. The plan shall be updated at least once every five years following its initial submission in 1998.

* * *

Sec. 64. 16 V.S.A. § 2905 is amended to read:

§ 2905. PREKINDERGARTEN-16 COUNCIL

* * *

(h) The Council shall report on its activities to the House and Senate Committees on Education and to the State Board Secretary of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 65. 16 V.S.A. § 2944 is amended to read:

1 § 2944. SPECIAL EDUCATION

2 (a)–(c) [Repealed.]

3 (d) The Secretary ~~with the advice of the~~ **State Board** may make grants for
4 programs and may make grants, subject to conditions the Secretary shall
5 establish, to persons whom he or she finds qualified for either part-time or full-
6 time study in programs designed to qualify them as special education
7 personnel.

8 * * *

9 Sec. 66. 16 V.S.A. § 2945 is amended to read:

10 § 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

11 * * *

12 (d) The Council shall:

13 * * *

14 (2) review periodically the rules, regulations, standards, and guidelines
15 pertaining to special education and recommend to the **State Board** and the
16 Secretary of Education any changes it finds necessary;

17 * * *

18 (4) advise the **State Board** and the Secretary of Education in the
19 development of any State plan for provision of special education.

20 Sec. 67. 16 V.S.A. § 2958 is amended to read:

21 § 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL

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Sec. 71. 16 V.S.A. § 3448 is amended to read:

§ 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
PROJECTS; RENEWABLE ENERGY

(a) Construction aid.

(1) Preliminary application for construction aid. A district or independent school eligible for assistance under section 3447 of this title, that intends to construct or purchase a new school, or make extensive additions or alterations to its existing school, and desires to avail itself of State school construction aid, shall submit a written preliminary application to the Secretary. A preliminary application shall include information required by the ~~State Board~~ Secretary of Education by rule and shall specify the need for and purpose of the project.

(2) Approval of preliminary application.

(A) When reviewing a preliminary application for approval, the Secretary shall consider:

* * *

(iv) statewide educational initiatives ~~and the strategic plan of the~~ State Board of Education.

* * *

1 (B) the cost of emergency projects that the State Board Secretary of
2 Education has approved but not yet reimbursed due to insufficient funds, as
3 well as the estimated cost of those that might be approved in the coming year
4 under subsection (d) of this section;

5 (C) the cost of projects to extend the life of a building that the State
6 Board Secretary of Education has approved but not yet reimbursed due to
7 insufficient funds, as well as the estimated cost of those that might be approved
8 by the State Board Secretary of Education in the coming fiscal year under
9 subdivision (3)(B) of this subsection (a).

10 (5) Final approval for construction aid.

11 (A) Unless approved by the Secretary for good cause in advance of
12 commencement of construction, a school district shall not begin construction
13 before the State Board Secretary of Education approves a final application. A
14 school district may submit a written final application to the State Board
15 Secretary of Education at any time following approval of a preliminary
16 application.

17 (B) The State Board Secretary of Education may approve a final
18 application for a project provided that:

19 * * *

20 (iv) the district has provided for construction financing of the
21 project during a period prescribed by the State Board Secretary of Education;

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(C) The board of trustees of an independent school may submit a written final application to the State Board Secretary of Education for a project for which a preliminary application has been approved by the Secretary, provided that each municipality represented on the board of trustees has voted funds or authorized a bond issue for 100 percent of the municipality's estimated share of the project in an amount determined by the Secretary under this section.

(D) The State Board Secretary of Education may provide that a grant for a high school project is conditioned upon the agreement of the recipient to provide high school instruction for any high school pupil living in an area prescribed by the Board who may elect to attend the school.

* * *

(8) Eligible construction cost.

(A) Space and cost parameters. Only those portions of a project shall be eligible for construction aid that meet space and cost parameters adopted by the State Board Secretary of Education. The parameters shall define maximum square footage costs, maximum gross square footage per student by grade range and school size, and minimum and maximum square footage allowances per student for programs and services.

* * *

1 Sec. 72. 16 V.S.A. § 3448a is amended to read:

2 § 3448a. APPEAL

3 Any municipal corporation or independent school as defined in section
4 3447 of this title aggrieved by an order, allocation or award of the ~~State Board~~
5 Secretary of Education may, within 30 days, appeal ~~therefrom~~ to the State
6 Board of Education, and may appeal from the decision of the State Board,
7 within 30 days of that decision, to the Superior Court in the county in which
8 the project is located.

9 Sec. 73. 16 V.S.A. § 3448f is amended to read:

10 § 3448f. ENERGY PERFORMANCE CONTRACTING;

11 AUTHORIZATION; STATE AID

12 (a) Definitions. As used in this section:

13 (1) “Cost-saving measure” means any facility improvement, repair, or
14 alteration or any equipment, fixture, or furnishing to be constructed or installed
15 in any facility that is designed to reduce energy consumption and operating
16 costs or to increase the operating efficiency of facilities for their appointed
17 functions, that is cost effective, and that is further defined by ~~State Board~~
18 Agency of Education rule.

19 * * *

20 (f) State funding for energy conservation measures.

21 * * *

1 to result in energy and operational cost-savings, and legislative appropriation
2 sufficient to fund the State aid due under this section, the ~~State Board~~ Secretary
3 of Education shall certify an award for the project to the Commissioner of
4 Finance and Management who shall issue a warrant for the payment of the
5 award. A district awarded State aid under this section shall use the State aid
6 solely for the purpose of paying all or a portion of the obligation due under the
7 performance contract at the time the award is received.

8 * * *

9 Sec. 74. 16 V.S.A. § 3454 is amended to read:

10 § 3454. DEFERRED MAINTENANCE

11 No State school construction aid shall be available under this title for any
12 proposed project or construction if the Secretary finds the need for the project
13 or construction has arisen in whole or in part from significant deferred
14 maintenance. The ~~State Board~~ Agency of Education, by rule, shall define
15 “significant deferred maintenance.”

16 Sec. 75. 16 V.S.A. § 3581 is amended to read:

17 § 3581. ACCEPTANCE

18 The ~~State Board~~ Secretary of Education may accept, use, disburse, and
19 account for federal funds made available for the purposes of acquisition,
20 construction, reconstruction, remodeling, or repair of public school buildings.

1 Sec. 76. 16 V.S.A. § 3582 is amended to read:

2 § 3582. FORMULATION OF PLANS

3 The State Board Secretary of Education may formulate any State plan,
4 including preparation of surveys and estimates of school building needs,
5 required by federal legislation.

6 Sec. 77. 16 V.S.A. § 4001 is amended to read:

7 § 4001. DEFINITIONS

8 As used in this chapter:

9 (1) “Average daily membership” of a school district, or if needed in
10 order to calculate the appropriate homestead tax rate, of the municipality as
11 defined in 32 V.S.A. § 5401(9), in any year means:

12 (A) The full-time equivalent enrollment of students, as defined by the
13 State Board Agency of Education by rule, who are legal residents of the district
14 or municipality attending a school owned and operated by the district,
15 attending a public school outside the district under section 822a of this title, or
16 for whom the district pays tuition to one or more approved independent
17 schools or public schools outside the district during the annual census period.
18 The census period consists of the 11th day through the 30th day of the school
19 year in which school is actually in session.

20 (B) The full-time equivalent enrollment in the year before the last
21 census period, of any State-placed students as defined in subdivision 11(a)(28)

1 of this title. A school district that provides for the education of its students by
2 paying tuition to an approved independent school or public school outside the
3 district shall not count a State-placed student for whom it is paying tuition for
4 purposes of determining average daily membership. A school district that is
5 receiving the full amount, as defined by the ~~State Board~~ Agency of Education
6 by rule, of the student’s education costs under subsection 2950(a) of this title,
7 shall not count the student for purposes of determining average daily
8 membership. A State-placed student who is counted in average daily
9 membership shall be counted as a student for the purposes of determining
10 weighted student count.

11 * * *

12 (6) “Education spending” means the amount of the school district
13 budget, any assessment for a joint contract school, career technical center
14 payments made on behalf of the district under subsection 1561(b) of this title,
15 and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is
16 paid for by the school district, but excluding any portion of the school budget
17 paid for from any other sources such as endowments, parental fundraising,
18 federal funds, nongovernmental grants, or other State funds such as special
19 education funds paid under chapter 101 of this title.

20 (A) [Repealed.]

1 (B) For purposes of calculating excess spending pursuant to
2 32 V.S.A. § 5401(12), “education spending” shall not include:

3 * * *

4 (iii) Spending that is approved school capital construction
5 spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future
6 approved school capital construction costs, including that portion of tuition
7 paid to an independent school designated as the public high school of the
8 school district pursuant to section 827 of this title for capital construction costs
9 by the independent school that has received approval from the State Board
10 Secretary of Education, using the processes for preliminary approval of public
11 school construction costs pursuant to subdivision 3448(a)(2) of this title.

12 * * *

13 Sec. 78. 16 V.S.A. § 4015 is amended to read:

14 § 4015. SMALL SCHOOL SUPPORT

15 (a) In this section:

16 (1) “Eligible school district” means a school district that:

17 (A) operates at least one school with an average grade size of 20 or
18 fewer; and

19 (B) has been determined by the State Board Secretary of Education,
20 on an annual basis, to be eligible due to either:

21 * * *

1 Sec. 79. 16 V.S.A. § 4016 is amended to read:

2 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

3 * * *

4 (b) ~~In~~ As used in this section, “allowable transportation expenditures”
5 means the costs of transporting students to and from school for regular
6 classroom services and shall not include expenditures for transporting students
7 participating in curricular activities that take place off the school grounds or
8 for transporting students participating in cocurricular activities. The **State**
9 **Board** Agency of Education shall further define allowable transportation
10 expenditures by rule.

11 (c) A district or supervisory union may apply and the Secretary may pay
12 for extraordinary transportation expenditures incurred due to geographic or
13 other conditions such as the need to transport students out of the school district
14 to attend another school because the district does not maintain a public school.
15 The **State Board** Agency of Education shall define extraordinary transportation
16 expenditures by rule. The total amount of base year extraordinary
17 transportation grant expenditures shall be \$250,000.00 for fiscal year 1997,
18 increased each year thereafter by the annual price index for state and local
19 government purchases of goods and services. Extraordinary transportation
20 expenditures shall not be paid out of the funds appropriated under subsection
21 (b) of this section for other transportation expenditures. Grants paid under this

1 section shall be paid from the Education Fund and shall be added to adjusted
2 education payment receipts paid under section 4011 of this title.

3 Sec. 80. 16 V.S.A. § 4030 is amended to read:

4 § 4030. DATA SUBMISSION; CORRECTIONS

5 (a) Upon discovering an error or change in data submitted to the Secretary
6 for the purpose of determining payments to or from the Education Fund, a
7 school district shall report the error or change to the Secretary as soon as
8 possible. Any budget deficit or surplus due to the error or change shall be
9 carried forward to the following year.

10 * * *

11 (e) The State Board Agency of Education may adopt rules as necessary to
12 implement the provisions of this section.

13 * * * Conforming Changes to Vermont Laws Other than Laws in Title 16 * * *

14 Sec. 81. 11 V.S.A. § 825 is amended to read:

15 § 825. CORPORATE NAME

16 * * *

17 (c) A person intending to operate a postsecondary school, as defined in
18 16 V.S.A. §§ ~~176 and 176a~~ 2162 and 2163, shall apply for a certificate of
19 approval from the State Board of Education prior to registering a name under
20 this section.

1 Sec. 82. 11 V.S.A. § 1621 is amended to read:

2 § 1621. REGISTRATION OF BUSINESS NAME BY PERSONS,
3 PARTNERSHIPS, AND ASSOCIATIONS

4 * * *

5 (e) Prior to registering its business name under this section, a person
6 intending to operate a postsecondary school, as defined in 16 V.S.A. §§ 176
7 ~~and 176a 2162 and 2163~~, shall apply to the **State Board** of Education for a
8 certificate of approval pursuant to those sections.

9 Sec. 83. 11 V.S.A. § 3402 is amended to read:

10 § 3402. NAME

11 * * *

12 (b) A person intending to operate a postsecondary school, as defined in
13 16 V.S.A. §§ ~~176 and 176a 2162 and 2163~~, shall apply for a certificate of
14 approval from the **State Board** of Education prior to registering a name under
15 this chapter.

16 Sec. 84. 11 V.S.A. § 4005 is amended to read:

17 § 4005. NAME

18 * * *

19 (e) A person intending to operate a postsecondary school, as defined in
20 16 V.S.A. §§ ~~176 and 176a 2162 and 2163~~, shall apply for a certificate of

1 approval from the **State Board** of Education prior to registering a name under
2 this section.

3 Sec. 85. 18 V.S.A. § 1120 is amended to read:

4 § 1120. DEFINITIONS

5 As used in this subchapter:

6 * * *

7 (2) “School” means a public or independent prekindergarten,
8 kindergarten, elementary, or secondary school, or any postsecondary school as
9 defined in 16 V.S.A. § ~~176(b)~~ 2162(b), unless exempted by rule adopted
10 pursuant to section 1123 of this title.

11 Sec. 86. 24 V.S.A. § 4947 is amended to read:

12 § 4947. HEALTH BENEFIT PLANS OFFERED TO ENTITIES\

13 PROVIDING EDUCATIONAL SERVICES

14 * * *

15 (e) A health benefit association shall make all health benefit plans that it
16 offers available to approved or recognized independent schools operating in
17 Vermont. Participation shall not create joint and several liability as a result of
18 any act or omission of any other school, municipality, or association. Schools
19 that participate under this section shall be provided with copies of the annual
20 audit. The provisions of 16 V.S.A. § ~~166~~ 14 shall apply for purposes of

1 determining whether a school qualifies as an “approved or recognized
2 independent school.”

3 Sec. 87. 28 V.S.A. § 120 is amended to read:

4 § 120. DEPARTMENT OF CORRECTIONS EDUCATION PROGRAM;
5 INDEPENDENT SCHOOL

6 * * *

7 (b) Applicability of education provisions. The education program shall be
8 approved by the **State Board of Education** as an independent school under
9 16 V.S.A. § ~~166~~ 14, and shall be coordinated with adult education, special
10 education, and career technical education.

11 * * *

12 Sec. 88. 33 V.S.A. § 5118 is amended to read:

13 § 5118. LIMITED EXCEPTION TO CONFIDENTIALITY OF RECORDS
14 OF JUVENILES MAINTAINED BY THE FAMILY DIVISION OF
15 THE SUPERIOR COURT

16 (a) As used in this section:

17 * * *

18 (2) “Independent school” means an approved or recognized independent
19 school under 16 V.S.A. § ~~166~~ 14.

20 * * *

1 Sec. 89. EFFECTIVE DATES

2 This act shall take effect on passage, except for Sec. 70 which shall take
3 effect on July 1, 2022.

4

5 and that after passage the title of the bill be amended to read: “An act
6 relating to reforming the State Board of Education”

7

8

9

10 (Committee vote: _____)

11

12

Senator _____

13

FOR THE COMMITTEE

14

15

16

17

18

19

20

21

1 **Appendix —Laws referencing the State Board of Education that are not**
2 **proposed to be amended—For reference only—to be deleted in final bill**

3
4 **EDITORS—DO NOT EDIT THIS APPENDIX**

5
6 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

7 (a) Authority. An independent school may operate and provide elementary
8 education or secondary education if it is either approved or recognized as set
9 forth herein.

10 [Subsection (b) effective until July 1, 2022; see also subsection (b) effective
11 July 1, 2022.]

12 (b) Approved independent schools. On application, the **State Board** shall
13 approve an independent school that offers elementary or secondary education
14 if it finds, after opportunity for hearing, that the school provides a minimum
15 course of study pursuant to section 906 of this title and that it substantially
16 complies with the Board’s rules for approved independent schools. Except as
17 provided in subdivision (6) of this subsection, the Board’s rules must at
18 minimum require that the school have the resources required to meet its stated
19 objectives, including financial capacity, faculty who are qualified by training
20 and experience in the areas in which they are assigned, and physical facilities
21 and special services that are in accordance with any State or federal law or

1 regulation. Approval may be granted without **State Board** evaluation in the
2 case of any school accredited by a private, State, or regional agency recognized
3 by the **State Board** for accrediting purposes.

4 (1) On application, the **State Board** shall approve an independent school
5 that offers kindergarten but no other graded education if it finds, after
6 opportunity for hearing, that the school substantially complies with the Board's
7 rules for approved independent kindergartens. The **State Board** may delegate to
8 another State agency the authority to evaluate the safety and adequacy of the
9 buildings in which kindergartens are conducted, but shall consider all findings
10 and recommendations of any such agency in making its approval decision.

11 (2) Approvals under this subsection (b) shall be for a term established by
12 rule of the Board but not greater than five years.

13 (3) An approved independent school shall provide to the parent or
14 guardian responsible for each of its students, prior to accepting any money for
15 a student, an accurate statement in writing of its status under this section, and a
16 copy of this section. Failure to comply with this provision may create a
17 permissible inference of false advertising in violation of 13 V.S.A. § 2005.

18 (4) Each approved independent school shall provide to the Secretary on
19 October 1 of each year the names, genders, dates of birth, and addresses of its
20 enrolled students. Within seven days of the termination of a student's
21 enrollment, the approved independent school shall notify the Secretary of the

1 name and address of the student. The Secretary shall notify the appropriate
2 school officials as provided in section 1126 of this title.

3 (5) The **State Board** may revoke, suspend, or impose conditions upon the
4 approval of an approved independent school, after having provided an
5 opportunity for a hearing, for substantial failure to comply with the minimum
6 course of study, for failure to demonstrate that the school has the resources
7 required to meet its stated objectives, for failure to comply with statutory
8 requirements or the Board's rules for approved independent schools, or for
9 failure to report under subdivision (4) of this subsection (b). Upon that
10 revocation or suspension, students required to attend school who are enrolled
11 in that school shall become truant unless they enroll in a public school, an
12 approved or recognized independent school, or a home study program.

13 (6) This subdivision (6) applies to an independent school located in
14 Vermont that offers a distance learning program and that, because of its
15 structure, does not meet some or all the rules of the **State Board** for approved
16 independent schools. In order to be approved under this subdivision, a school
17 shall meet the standards adopted by rule of the **State Board** for approved
18 independent schools that can be applied to the applicant school and any other
19 standards or rules adopted by the **State Board** regarding these types of schools.
20 A school approved under this subdivision shall not be eligible to receive tuition
21 payments from public school districts under chapter 21 of this title.

1 (7) Approval for independent residential schools under this subsection is
2 also contingent upon proof of the school’s satisfactory completion of an annual
3 fire safety inspection by the Department of Public Safety or its designee
4 pursuant to 20 V.S.A. chapter 173, subchapter 2. A certificate executed by the
5 inspecting entity, declaring satisfactory completion of the inspection and
6 identifying the date by which a new inspection must occur, shall be posted at
7 the school in a public location. The school shall provide a copy of the
8 certificate to the Secretary of Education after each annual inspection. The
9 school shall pay the actual cost of the inspection unless waived or reduced by
10 the inspecting entity.

11 (8)(A) If an approved independent school experiences any of the
12 following financial reporting events during the period of its approved status,
13 the school shall notify the Secretary of Education within five days after its
14 knowledge of the event unless the failure is de minimis:

15 (i) the school’s failure to file its federal or State tax returns when
16 due, after permissible extension periods have been taken into account;

17 (ii) the school’s failure to meet its payroll obligations as they are
18 due or to pay federal or State payroll tax obligations as they are due;

19 (iii) the school’s failure to maintain required retirement
20 contributions;

1 (iv) the school’s use of designated funds for nondesignated
2 purposes;

3 (v) the school’s inability to fully comply with the financial terms
4 of its secured installment debt obligations over a period of two consecutive
5 months, including the school’s failure to make interest or principal payments
6 as they are due or to maintain any required financial ratios;

7 (vi) the withdrawal or conditioning of the school’s accreditation on
8 financial grounds by a private, State, or regional agency recognized by the
9 State Board for accrediting purposes; or

10 (vii) the school’s insolvency, as defined in 9 V.S.A. § 2286(a).

11 (B)(i) If the State Board reasonably believes that an approved
12 independent school lacks financial capacity to meet its stated objectives during
13 the period of its approved status, then the State Board shall notify the school in
14 writing of the reasons for this belief and permit the school a reasonable
15 opportunity to respond.

16 (ii) If the State Board, after having provided the school a
17 reasonable opportunity to respond, does not find that the school has
18 satisfactorily responded or demonstrated its financial capacity, the State Board
19 may establish a review team, that, with the consent of the school, includes a
20 member of the Council of Independent Schools, to:

1 (I) conduct a school visit to assess the school’s financial
2 capacity;

3 (II) obtain from the school such financial documentation as the
4 review team requires to perform its assessment; and

5 (III) submit a report of its findings and recommendations to the
6 State Board.

7 (iii) If the State Board concludes that an approved independent
8 school lacks financial capacity to meet its stated objectives during the period of
9 its approved status, the State Board may take any action that is authorized by
10 this section.

11 (iv) In considering whether an independent school lacks financial
12 capacity to meet its stated objectives during the period of its approved status
13 and what actions the State Board should take if it makes this finding, the State
14 Board may consult with, and draw on the analytical resources of, the Vermont
15 Department of Financial Regulation.

16 (C) Information provided by an independent school under this
17 subsection that is not already in the public domain is exempt from public
18 inspection and copying under the Public Records Act and shall be kept
19 confidential.

20 [Subsection (b) effective July 1, 2022; see also subsection (b) effective until
21 July 1, 2022.]

1 (b) Approved independent schools. On application, the State Board shall
2 approve an independent school that offers elementary or secondary education
3 if it finds, after opportunity for hearing, that the school provides a minimum
4 course of study pursuant to section 906 of this title and that it substantially
5 complies with all statutory requirements for approved independent schools and
6 the Board's rules for approved independent schools. An independent school
7 that intends to accept public tuition shall be approved by the State Board only
8 on the condition that the school agrees, notwithstanding any provision of law
9 to the contrary, to enroll any student who requires special education services
10 and who is placed in or referred to the approved independent school as an
11 appropriate placement and least restrictive environment for the student by the
12 student's individualized education program team or by the local education
13 agency; provided, however, that this requirement shall not apply to an
14 independent school that limits enrollment to students who are on an
15 individualized education program or a plan under Section 504 of the
16 Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to
17 a written agreement between the local education agency and the school. Except
18 as provided in subdivision (6) of this subsection, the Board's rules must at
19 minimum require that the school have the resources required to meet its stated
20 objectives, including financial capacity, faculty who are qualified by training
21 and experience in the areas in which they are assigned, and physical facilities

1 and special services that are in accordance with any State or federal law or
2 regulation. Approval may be granted without State Board evaluation in the
3 case of any school accredited by a private, State, or regional agency recognized
4 by the State Board for accrediting purposes, provided that the State Board shall
5 determine that the school complies with all student enrollment provisions
6 required by law.

7 (1) On application, the State Board shall approve an independent school
8 that offers kindergarten but no other graded education if it finds, after
9 opportunity for hearing, that the school substantially complies with the Board's
10 rules for approved independent kindergartens. The State Board may delegate to
11 another State agency the authority to evaluate the safety and adequacy of the
12 buildings in which kindergartens are conducted, but shall consider all findings
13 and recommendations of any such agency in making its approval decision.

14 (2) Approvals under this subsection (b) shall be for a term established by
15 rule of the Board but not greater than five years.

16 (3) An approved independent school shall provide to the parent or
17 guardian responsible for each of its students, prior to accepting any money for
18 a student, an accurate statement in writing of its status under this section, and a
19 copy of this section. Failure to comply with this provision may create a
20 permissible inference of false advertising in violation of 13 V.S.A. § 2005.

1 (4) Each approved independent school shall provide to the Secretary on
2 October 1 of each year the names, genders, dates of birth, and addresses of its
3 enrolled students. Within seven days of the termination of a student's
4 enrollment, the approved independent school shall notify the Secretary of the
5 name and address of the student. The Secretary shall notify the appropriate
6 school officials as provided in section 1126 of this title.

7 (5) The **State Board** may revoke, suspend, or impose conditions upon the
8 approval of an approved independent school, after having provided an
9 opportunity for a hearing, for substantial failure to comply with the minimum
10 course of study, for failure to demonstrate that the school has the resources
11 required to meet its stated objectives, for failure to comply with statutory
12 requirements or the Board's rules for approved independent schools, or for
13 failure to report under subdivision (4) of this subsection (b). Upon that
14 revocation or suspension, students required to attend school who are enrolled
15 in that school shall become truant unless they enroll in a public school, an
16 approved or recognized independent school, or a home study program.

17 (6) This subdivision (6) applies to an independent school located in
18 Vermont that offers a distance learning program and that, because of its
19 structure, does not meet some or all the rules of the **State Board** for approved
20 independent schools. In order to be approved under this subdivision, a school
21 shall meet the standards adopted by rule of the **State Board** for approved

1 independent schools that can be applied to the applicant school and any other
2 standards or rules adopted by the **State Board** regarding these types of schools.
3 A school approved under this subdivision shall not be eligible to receive tuition
4 payments from public school districts under chapter 21 of this title.

5 (7) Approval for independent residential schools under this subsection is
6 also contingent upon proof of the school's satisfactory completion of an annual
7 fire safety inspection by the Department of Public Safety or its designee
8 pursuant to 20 V.S.A. chapter 173, subchapter 2. A certificate executed by the
9 inspecting entity, declaring satisfactory completion of the inspection and
10 identifying the date by which a new inspection must occur, shall be posted at
11 the school in a public location. The school shall provide a copy of the
12 certificate to the Secretary of Education after each annual inspection. The
13 school shall pay the actual cost of the inspection unless waived or reduced by
14 the inspecting entity.

15 (8)(A) If an approved independent school experiences any of the
16 following financial reporting events during the period of its approved status,
17 the school shall notify the Secretary of Education within five days after its
18 knowledge of the event unless the failure is de minimis:

19 (i) the school's failure to file its federal or State tax returns when
20 due, after permissible extension periods have been taken into account;

1 (ii) the school’s failure to meet its payroll obligations as they are
2 due or to pay federal or State payroll tax obligations as they are due;

3 (iii) the school’s failure to maintain required retirement
4 contributions;

5 (iv) the school’s use of designated funds for nondesignated
6 purposes;

7 (v) the school’s inability to fully comply with the financial terms
8 of its secured installment debt obligations over a period of two consecutive
9 months, including the school’s failure to make interest or principal payments
10 as they are due or to maintain any required financial ratios;

11 (vi) the withdrawal or conditioning of the school’s accreditation on
12 financial grounds by a private, State, or regional agency recognized by the
13 **State Board** for accrediting purposes; or

14 (vii) the school’s insolvency, as defined in 9 V.S.A. § 2286(a).

15 (B)(i) If the **State Board** reasonably believes that an approved
16 independent school lacks financial capacity to meet its stated objectives during
17 the period of its approved status, then the **State Board** shall notify the school in
18 writing of the reasons for this belief and permit the school a reasonable
19 opportunity to respond.

20 (ii) If the **State Board**, after having provided the school a
21 reasonable opportunity to respond, does not find that the school has

1 satisfactorily responded or demonstrated its financial capacity, the **State Board**
2 may establish a review team, that, with the consent of the school, includes a
3 member of the Council of Independent Schools, to:

4 (I) conduct a school visit to assess the school’s financial
5 capacity;

6 (II) obtain from the school such financial documentation as the
7 review team requires to perform its assessment; and

8 (III) submit a report of its findings and recommendations to the
9 **State Board**.

10 (iii) If the **State Board** concludes that an approved independent
11 school lacks financial capacity to meet its stated objectives during the period of
12 its approved status, the **State Board** may take any action that is authorized by
13 this section.

14 (iv) In considering whether an independent school lacks financial
15 capacity to meet its stated objectives during the period of its approved status
16 and what actions the **State Board** should take if it makes this finding, the **State**
17 **Board** may consult with, and draw on the analytical resources of, the Vermont
18 Department of Financial Regulation.

19 (C) Information provided by an independent school under this
20 subsection that is not already in the public domain is exempt from public

1 inspection and copying under the Public Records Act and shall be kept
2 confidential.

3 (c) Recognized independent schools. Upon filing an enrollment notice, a
4 recognized independent school may provide elementary or secondary
5 education in Vermont. The enrollment notice shall be on a form provided by
6 the Secretary and shall be filed with the Secretary no earlier than three months
7 before the beginning of the school year for the public schools in the town in
8 which the applicant proposes to locate.

9 (1) The enrollment notice shall contain the following information and
10 assurances:

11 (A) a statement that the school will be in session an amount of time
12 substantially equivalent to that required for public schools;

13 (B) a detailed description or outline of the minimum course of study
14 for each grade level the school offers, and how the annual assessment of each
15 student will be performed; and

16 (C) assurances that:

17 (i) the school will prepare and maintain attendance records for each
18 student enrolled or regularly attending classes;

19 (ii) at least once each year, the school will assess each student's
20 progress, and will maintain records of that assessment, and present the result of
21 that assessment to each student's parent or guardian;

1 (iii) the school’s educational program will include the minimum
2 course of study set forth in section 906 of this title;

3 (iv) the school will have teachers and materials sufficient to carry
4 out the school’s educational program; and

5 (v) the school will meet such State and federal laws and
6 regulations concerning its physical facilities and health and safety matters as
7 are applicable to recognized independent schools.

8 (2) If the Secretary has information that creates significant doubt about
9 whether the school would be able to meet the requirements set forth in this
10 subsection (c), the Secretary may call a hearing. At the hearing, the school
11 shall establish that it can meet the requirements for recognized independent
12 schools. Failure to do so shall result in a finding by the Secretary that the
13 school must take specified action to come into compliance within a specified
14 time frame or the children enrolled must attend another recognized
15 independent school, a public school, an approved independent school, or a
16 home study program, or be declared truant unless absent with legal excuse.

17 (3) A recognized independent school shall provide to each student’s
18 parent or guardian a copy of its currently filed statement of objectives and a
19 copy of this section. The copy shall be provided when the student enrolls or
20 before September 1, whichever comes later. Failure to comply with this

1 subsection may create a permissible inference of false advertising in violation
2 of 13 V.S.A. § 2005.

3 (4) A recognized independent school shall renew its enrollment notice
4 annually. An independent school shall be recognized for a period not to exceed
5 five years by the Secretary without need for filing an annual enrollment notice
6 if:

7 (A) it is recognized by an organization approved by the State Board
8 for the purpose of recognizing such school; or

9 (B) it is accredited by a private, state, or regional agency approved by
10 the State Board for accrediting purposes; provided, however, nothing in this
11 subdivision (4) shall be construed to prohibit the Secretary from initiating a
12 hearing under this subsection (c).

13 (5) If the Secretary has information that creates significant doubt about
14 whether the school, once in operation, is meeting the requirements for
15 recognized independent schools, the Secretary may call a hearing. At the
16 hearing, the school shall establish that it has met the requirements for
17 recognized independent schools. Failure to do so shall result in a finding by the
18 Secretary that:

19 (A) the school may not be in operation for the remainder of the school
20 year and that the children are truant unless absent with legal excuse or enrolled

1 in a public school, an independent school, another recognized independent
2 school, or a home study program; or

3 (B) the school must take specified action to come into compliance
4 within a specified time frame or the school will not be permitted to operate for
5 the remainder of the school year.

6 (6) Each recognized independent school shall provide to the Secretary on
7 October 1 of each year the names, genders, dates of birth, and addresses of its
8 enrolled students. Within seven days of the termination of a student's
9 enrollment, the recognized independent school shall notify the Secretary of the
10 name and address of the student. The Secretary shall notify the appropriate
11 school officials as provided in section 1126 of this title.

12 (7) After the filing of the enrollment notice or at a hearing, if the school
13 is unable to comply with any specific requirements due to deep religious
14 conviction shared by an organized group, the Secretary may waive such
15 requirements if he or she determines that the educational purposes of this
16 subsection are being or will be substantially met.

17 (d) Council of Independent Schools. A Council of Independent Schools is
18 created consisting of 11 members, no fewer than three of whom shall be
19 representatives of recognized independent schools. The Secretary shall appoint
20 nine members from within the independent schools' community. The Secretary
21 shall appoint two members from the public-at-large. Each member shall serve

1 for two years and may be reappointed for up to an additional two terms. The
2 Council shall adopt rules for its own operation. A chair shall be elected by and
3 from among the members. The duties of the Council shall include advising the
4 Secretary on policies and procedures with respect to independent schools. No
5 hearing shall be initiated under this section before the **State Board** or by the
6 Secretary until the recommendations of the Council have been sought and
7 received. The recommendations of the Council, including any minority reports,
8 shall be admissible at the hearing.

9 (e) Harassment, hazing, and bullying policies. The board of trustees of an
10 approved or recognized independent school operating in Vermont shall adopt
11 harassment, hazing, and bullying prevention policies, establish procedures for
12 dealing with harassment, hazing, and bullying of students, and provide notice
13 of these. The provisions of chapter 9, subchapter 5 of this title for public
14 schools shall apply to this subsection, except that the board shall follow its
15 own procedures for adopting policy.

16 (f) An approved independent school that accepts students for whom the
17 district of residence pays tuition under chapter 21 of this title shall bill the
18 sending district monthly for a State-placed student and shall not bill the
19 sending district for any month in which the State-placed student was not
20 enrolled.

1 (g) An approved independent school that accepts students for whom the
2 district of residence pays tuition under chapter 21 of this title shall use the
3 assessment or assessments required under subdivision 164(9) of this title to
4 measure attainment of standards for student performance of those students. In
5 addition the school shall provide data related to the assessment or assessments
6 as required by the Secretary.

7 § 176A. POSTSECONDARY SCHOOLS NOT CHARTERED IN
8 VERMONT

9 (a) Applicability. Except as provided in subsection (e) of this section, a
10 postsecondary school that operates primarily outside the State of Vermont,
11 offers or operates a program of college or professional education for credit or a
12 degree, and wishes to operate in Vermont is subject to this section and to
13 subsections 176(g) through (l) of this title.

14 (b) [Repealed.]

15 (c) Requirements. A postsecondary school subject to this section shall:

16 (1) register its name with the Secretary of State pursuant to Title 11,
17 11A, or 11B;

18 (2) secure accreditation by any regional, national, or programmatic
19 institutional accrediting agency recognized by the U.S. Department of
20 Education;

1 (3) apply for and receive a certificate of approval or a certificate of
2 degree-granting authority, or both pursuant to subsection 176(e) of this title
3 prior to offering postsecondary credit-bearing courses or programs, admitting
4 the first student, or conferring or offering to confer a degree to a student
5 enrolled in its Vermont school;

6 (4) meet any requirements for approval in its state of primary operation
7 for the specific degree or credit-bearing course or program that it intends to
8 offer in Vermont;

9 (5) register with the Agency pursuant to **State Board** rule; and

10 (6) provide written notification to each applicant for admission or
11 enrollment, on an application, enrollment, or registration form to be signed by
12 the applicant, that credits earned at the school are transferable at the discretion
13 of the receiving school.

14 (d) Renewal. After receiving initial approval, a postsecondary school
15 subject to this section shall register annually with the **State Board of Education**
16 by providing evidence of accreditation and approval by the state in which it
17 primarily operates and any other documentation the **Board** requires. The **State**
18 **Board** may refuse or revoke registration at any time for good cause.

19 (e) Exemptions. The following are exempt from the provisions of this
20 section:

1 (1) Nondegree-granting and noncredit-granting programs of education
2 sponsored by a trade, labor, business, or professional organization that are
3 conducted solely for that organization’s membership or for members of the
4 particular industries or professions served by that organization.

5 (2) Postsecondary schools currently licensed or approved by a Vermont
6 occupational licensing board.

7 (3) Nondegree-granting or noncredit-granting postsecondary schools that
8 offer only training in specific trades or vocations.

9 (4) Religious instruction that does not result in earning credits or a
10 degree.

11 (5) Programs of education offered solely via correspondence, the
12 Internet, or electronic media, provided that the postsecondary school has no
13 physical presence in Vermont. Evidence of a “physical presence” includes the
14 existence of administrative offices, seminars conducted by a person who is
15 physically present at the seminar location, the provision of direct services to
16 students, and required physical gatherings.

17 (6) Programs of education offered solely via the Internet or electronic
18 media, provided that the program’s home state has entered into an interstate
19 reciprocity agreement with Vermont and the program:

20 (A) is a member in good standing of the agreement within the home
21 state; and

1 (B) has no “physical presence” in Vermont as that term is defined in
2 the agreement.

3 § 177. POSTSECONDARY APPROVAL; FEES

4 (a) A postsecondary school subject to section 176 of this title shall pay:

5 (1) a fee of \$4,000.00 for an application for approval to offer credit-
6 bearing courses;

7 (2) a fee of \$5,000.00 for an application for degree-granting authority if
8 the postsecondary school is approved to offer credit-bearing courses; and

9 (3) a fee of \$7,500.00 if the school seeks approval under subdivisions (1)
10 and (2) of this subsection simultaneously.

11 (b) If a postsecondary school that is subject to section 176 of this title and is
12 operating within an unexpired certification period files an application to offer a
13 new degree at the same level as a degree previously approved by the State
14 Board, then the fee shall be based upon the actual costs to the Agency but shall
15 not be less than \$1,000.00 for each new degree.

16 (c) A postsecondary school subject to section 176a of this title shall pay:

17 (1) the fees set forth in subsection (a) of this section for initial review
18 and approval pursuant to subdivision 176a(c)(3) of this title;

19 (2) a fee of \$1,000.00 for initial registration with the Agency pursuant to
20 subdivision 176a(c)(5) of this title; and

1 Secretary finds are having difficulty meeting the quality standards listed in
2 subsection 165(a) of this title or are making insufficient progress in improving
3 student performance in relation to the standards set forth in subdivision 164(9)
4 of this title. Eligible activities include:

5 * * *

6 § 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY
7 UNIONS

8 (a) The **State Board** shall review on its own initiative or when requested as
9 per subsection (b) of this section and may regroup the supervisory unions of
10 the State or create new supervisory unions in such manner as to afford
11 increased efficiency or greater convenience and economy and to facilitate
12 prekindergarten through grade 12 curriculum planning and coordination as
13 changed conditions may seem to require.

14 (b)(1) Any school district that has so voted at its annual school district
15 meeting, if said meeting has been properly warned regarding such a vote, may
16 request that the **State Board** adjust the existing boundaries of the supervisory
17 union of which it is a member district.

18 (2) Any group of school districts that have so voted at their respective
19 annual school district meeting, regardless of whether the districts are members
20 of the same supervisory union, may request that the **State Board** adjust existing
21 supervisory union boundaries and move one or more nonrequesting districts to

1 a different supervisory union if such adjustment would assist the requesting
2 districts to realign their governance structures into a unified union school
3 district pursuant to chapter 11 of this title.

4 (3) The **State Board** shall act on a request made pursuant to this
5 subsection within 75 days of receipt of the request and may regroup the school
6 districts of the area so as to ensure reasonable supervision of all public schools
7 therein.

8 (c) The **State Board** may designate any school district, including a unified
9 union district, as a supervisory district if it will provide for the education of all
10 resident students in prekindergarten through grade 12 and is large enough to
11 support the planning and administrative functions of a supervisory union.

12 (d) Upon application by a supervisory union board, the **State Board** may
13 waive any requirements of chapter 5 or 7 of this title with respect to the
14 supervisory union board structure, board composition, or board meetings, or
15 the staffing pattern of the supervisory union, if it can be demonstrated that such
16 a waiver will result in efficient and effective operations of the supervisory
17 union; will not result in any disproportionate representation; and is otherwise
18 in the public interest.

19 § 262. MEETINGS; ELECTION OF OFFICERS

20 (a) Within 30 days from the date a supervisory union is established by the
21 **State Board**, the Secretary shall call a meeting of the school directors of the

1 school districts in the supervisory union. The number of directors shall be
2 determined and directors shall be elected according to section 266 of this title.
3 Within 30 days thereafter, the Secretary shall call a meeting and the board shall
4 elect a chair and other necessary officers to serve until the first regular annual
5 election of officers.

6 * * *

7 § 421. TOWN SCHOOL DISTRICTS

8 * * *

9 (b) It is the policy of the State to support two or more school districts within
10 a supervisory union in establishing a unified union district in accordance with
11 section 722 of this title, if such unified union district would then be large
12 enough to qualify for designation by the State Board as a supervisory district.

13 § 557. GRATUITY OR COMPENSATION PROHIBITED

14 (a) A member of the State Board, a supervisory union board, or a school
15 board, the Secretary, and any person employed by one of the boards or by the
16 Agency shall not solicit or receive directly or indirectly any gift or
17 compensation for recommending or voting on any finding, ruling, decision, or
18 report, or voting to procure any service, thing, or supply purchased with public
19 funds. A violation of this provision is subject to 13 V.S.A. § 1106(b).

20 (b) A member of the State Board, a supervisory union board or a school
21 board, and any person employed by one of the boards shall not receive directly

1 or indirectly anything of value by contract or otherwise, from the school
2 district or supervisory union he or she serves unless it is received:

3 (1) as a result of a contract accepted after a public bid in accordance with
4 law;

5 (2) in public recognition of service or achievement;

6 (3) as regular salary or expenses allowed by law for official duties
7 performed as a member of the board; or

8 (4) for employment according to the provisions of section 558 of this
9 title.

10 (c) No school board member or supervisory union board member shall vote
11 on any contract or purchase in which he or she has a direct or indirect interest.

12 (d) A person who violates subsection (b) or (c) of this section shall be fined
13 not more than \$1,000.00 and shall be incapable of holding elective or
14 appointed office in this State for two years next ensuing.

15 § 706C. CONSIDERATION BY LOCAL SCHOOL DISTRICT BOARDS

16 AND APPROVAL BY STATE BOARD OF EDUCATION

17 * * *

18 (b) The study committee shall transmit the report to the Secretary who shall
19 submit the report with his or her recommendations to the **State Board**. After
20 providing notice to the study committee and after giving the committee an
21 opportunity to be heard, the **State Board** shall consider the report and the

1 Secretary’s recommendations, and decide whether the formation of such union
2 school district will be in the best interests of the State, the students, and the
3 school districts proposed to be members of the union. The **State Board** may
4 request that the Secretary and the study committee make further investigation
5 and may consider any other information deemed by it to be pertinent. If, after
6 due consideration and any further meetings it deems necessary, the **State Board**
7 finds that the formation of the proposed union school district is in the best
8 interests of the State, the students, and the school districts, it shall approve the
9 report submitted by the committee, together with any amendments, as a final
10 report of the study committee, and shall give notice of its action to the
11 committee. The chair of the study committee shall file a copy of the final
12 report with the town clerk of each proposed member district at least 20 days
13 prior to the vote to establish the union.

14 § 706F. CONTENTS OF WARNING ON VOTE TO ESTABLISH THE
15 UNION

16 The warning for each school district meeting shall contain two articles in
17 substantially the following form:

18 WARNING

19 The voters of the town (city, union, etc.) school district of are
20 hereby notified and warned to meet at on the day of , , to vote by

1 Australian ballot between the hours of _____, at which time the polls will open,
2 and, at which time the polls will close, upon the following articles of business:

3 Article I

4 Shall the town (city, union, etc.) school district of _____ which the State
5 Board of Education has found (necessary or advisable) to include in the
6 proposed union school district, join with the school districts of _____ and _____,
7 which the State Board of Education has found necessary to include in the
8 proposed union school district, and the school districts of _____ and _____, which the State
9 Board of Education has found advisable to include in the proposed union
10 school district, for the purpose of forming a union school district, as provided
11 in Title 16, Vermont Statutes Annotated, upon the following conditions and
12 agreements:

13 (a) Grades. The union school
14 district shall operate and manage a school offering instruction in grades
15 _____ through _____.

16 (b) Board of School Directors. (State formula by which representation
17 of each member district on the union school board is to be determined.)

18 (c) [Repealed.]

19 (d) Assumption of debts and ownership of school property. The union
20 school district shall assume the indebtedness of member districts, acquire the
21 school properties of member districts, and pay for them, all as specified in the

1 final report. (If no indebtedness is to be assumed, or school property acquired,
2 by the union district, this paragraph (d) may be omitted.) (e) Final Report.

3 The provisions of the final report approved by the **State Board** of Education on
4 the day of , , which is on file in the town clerk's office, shall
5 govern the union district.

6 Article II

7 To elect from the following nominees: , , (name, etc.), (number
8 of directors which the district is entitled to) school director(s) to serve
9 on the proposed union school district board from the date of the organization
10 meeting for terms as provided in the final report.

11 § 706H. SUPERINTENDENT FOR UNION DISTRICT

12 For administrative and supervisory services, the **State Board** of Education shall
13 assign a union school district to a supervisory union as established according to
14 the provisions of this title.

15 § 706N. AMENDMENTS TO AGREEMENTS REACHED BY

16 ESTABLISHMENT VOTE, ORGANIZATION MEETING, OR FINAL 17 REPORT

18 (a) A specific condition or agreement set forth as a distinct subsection under
19 Article 1 of the warning required by section 706f of this chapter and adopted
20 by the member districts at the vote held to establish the union school district, or
21 any amendment subsequently adopted pursuant to the terms of this section,

1 may be amended only at a special or annual union district meeting; provided
2 that the prior approval of the **State Board** of Education shall be secured if the
3 proposed amendment concerns reducing the number of grades that the union is
4 to operate. The warning for the meeting shall contain each proposed
5 amendment as a separate article. The vote on each proposed amendment shall
6 be by Australian ballot. Ballots shall be counted in each member district, and
7 the clerks of each member district shall transmit the results of the vote in that
8 district to the union school district clerk. Although the results shall be reported
9 to the public by member district, an amendment is effective if approved by a
10 majority of the electorate of the union district voting at that meeting.

11 * * *

12 § 721. INCLUSION OF ADDITIONAL SCHOOL DISTRICTS

13 (a) Action initiated by district outside the union. After preliminary study by
14 a district school board and approval by the **State Board**, and when a majority of
15 voters present and voting at a school district meeting duly warned for that
16 purpose vote to apply to a neighboring union school district for admission as a
17 member of the union district, the vote shall be certified by the clerk of the
18 school district to the clerk of the union school district and to the Secretary of
19 Education. If, within two years from the date of that vote a majority of those
20 voting at a meeting of the union school district duly warned for that purpose,
21 votes to include the additional school district as a member of the union, the

1 clerk of the union shall certify the results of that vote to the Secretary of
2 Education. The Secretary of Education shall designate the additional school
3 district a member of the union, and so certify to the Secretary of State. The
4 Secretary of State shall record such certification in accordance with the
5 provisions of section 706g of this title, which shall have the effect as provided
6 therein.

7 (b) Action initiated by union school district. When it appears to the union
8 board of directors that the boundaries of the union school district should be
9 changed to include another school district, the union board shall submit a plan
10 for incorporation of the other school district in the union district to the **State**
11 **Board**. Following approval of the plan by the **State Board**, the union district
12 directors shall insert an article fully describing the proposed change in the
13 warning for a regular or special meeting of the union district. When a majority
14 of the voters voting at the meeting vote to include an additional school district
15 within the boundaries of the union school district as a member of the union, the
16 board of directors shall notify the legislative branch of that additional district
17 of the vote. Within 180 days thereafter, the legislative branch of the additional
18 district proposed to be included shall duly warn a meeting thereof, setting forth
19 in the warning the vote of the union district and the proposed change in its
20 boundaries. If a majority of the voters voting at the meeting of the additional
21 district vote to be included within the union school district, the result of that

1 vote and the result of the vote already taken by the union school district shall
2 be certified by the respective clerks to the Secretary of Education. The
3 Secretary of Education and the Secretary of State shall then take the action
4 specified in section 706g of this title.

5 * * *

6 § 721A. WITHDRAWAL FROM DISTRICT

7 * * *

8 (c) If the vote to ratify the withdrawal of a member is approved by each of
9 the other members, the union school district shall notify the Secretary of
10 Education who shall advise the **State Board**. At a meeting held thereafter, if the
11 **State Board** finds that the students in the withdrawing member will attend a
12 school that is in compliance with the rules adopted by the Board pertaining to
13 educational programs, then the **State Board** shall declare the membership of the
14 withdrawing member in the union school district to end as of July 1
15 immediately following or as soon thereafter as the obligations of the
16 withdrawing member have been paid to, or an agreement made with, the union
17 school district in an amount satisfactory to the electorate of each member of
18 the union school district. The **State Board** shall give notice to the remaining
19 members in the union of its meeting and give representatives of the remaining
20 members an opportunity to be heard. It shall then determine whether it is in the
21 best interests of the State, the students, and the members remaining in the

1 union district for the union to continue to exist. The State Board may declare
2 the union district dissolved as of July 1 immediately following or as soon
3 thereafter as each member's obligations have been satisfied, or it may declare
4 that the union district shall continue to exist despite the withdrawal of the
5 former member. The State Board shall file the declaration with the Secretary of
6 State, the clerk of the withdrawing member, and the clerk of the union school
7 district concerned.

8 * * *

9 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED UNION
10 SCHOOL DISTRICT

11 * * *

12 (c) If the vote to ratify the withdrawal of the town or city is approved by
13 each of the other towns or cities, the unified union school district clerk shall
14 notify the Secretary of Education who shall advise the State Board. At a
15 meeting held thereafter, if the State Board finds that the students in the
16 withdrawing town or city will attend a school that is in compliance with the
17 rules adopted by the State Board pertaining to educational programs, the State
18 Board shall declare the membership of the withdrawing town or city to be at an
19 end as of July 1 immediately following or as soon thereafter as the obligations
20 of the withdrawing district have been paid to, or an agreement made with, the
21 union school district in an amount satisfactory to the electorate of each of the

1 other towns and cities within the unified union school district. In addition, the
2 **State Board** shall declare the preexisting school district corresponding to the
3 withdrawing town or city to be reconstituted. The **State Board** shall give notice
4 to the remaining towns and cities in the unified union school district of its
5 meeting and give the relevant representatives an opportunity to be heard. It
6 shall then determine whether it is in the best interests of the State, the students,
7 and the school districts remaining in the unified union school district that the
8 unified union district continue to exist. The **State Board** may declare the
9 unified union school district dissolved as of July 1 immediately following or as
10 soon thereafter as each remaining town's or city's obligations have been
11 satisfied, or it may declare that the unified union district shall continue to exist
12 despite the withdrawal of the former town or city member. The **State Board**
13 shall file its declaration with the Secretary of State, the clerk of the
14 withdrawing town or city, and the clerk of the affected unified union school
15 district.

16 * * *

17 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

18 * * *

19 (b) A school board or the board of trustees of an independent school
20 meeting education quality standards may establish a separate tuition for one or
21 more special education programs. No such tuition shall be established unless

1 the **State Board** has by rule defined the program as of a type that may be
2 funded by a separate tuition. Any such tuition shall be announced in
3 accordance with the provisions of subsection (a) of this section. The amount of
4 tuition shall reflect the net cost per pupil in the program. The announcement of
5 tuition shall describe the special education services included or excluded from
6 coverage. Tuition for part-time students shall be reduced proportionally.

7 * * *

8 (d) The **State Board** shall adopt rules relating to the types of special
9 education programs that may establish tuition charges and relating to methods
10 and times of calculating excess charges.

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

12 A school district shall not pay the tuition of a student except to a public
13 school, an approved independent school, an independent school meeting
14 education quality standards, a tutorial program approved by the **State Board**, an
15 approved education program, or an independent school in another state or
16 country approved under the laws of that state or country, nor shall payment of
17 tuition on behalf of a person be denied on account of age. Unless otherwise
18 provided, a person who is aggrieved by a decision of a school board relating to
19 eligibility for tuition payments, the amount of tuition payable, or the school he
20 or she may attend, may appeal to the **State Board** and its decision shall be final.

1 § 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF
2 UNDERSTANDING

3 (a) Neither the **State Board** nor the Agency shall regulate the use of restraint
4 and seclusion on school property by a school resource officer certified pursuant
5 to 20 V.S.A. § 2358.

6 * * *

7 § 1541. RESPONSIBILITY OF LOCAL SCHOOL BOARDS THAT
8 OPERATE CAREER TECHNICAL CENTERS

9 * * *

10 (b) A school board that operates a CTE center shall establish a regional
11 advisory board. It shall give due regard to the policy and financial
12 recommendations of its regional advisory board. When the school board rejects
13 a written recommendation of a regional advisory board, or fails to adopt a
14 recommendation after 30 days, it shall notify the advisory board and the
15 Secretary in writing, stating its reasons. If the **State Board** designates a service
16 region for two or more comprehensive high schools, the boards of the high
17 schools shall establish a joint regional advisory board.

18 * * *

19 § 1546. COMPREHENSIVE HIGH SCHOOLS

20 * * *

1 (c) Two or more comprehensive high schools for which the State Board has
2 designated a service region shall be a career technical center for the purposes
3 of accountability to the State Board under subchapter 2 of this chapter,
4 responsibilities of the career technical center under subchapter 3 of this
5 chapter, and receiving State financial assistance under subchapter 5 of this
6 chapter, excluding the per equalized pupil general State support grant under
7 subsection 1561(b). The regional advisory board shall determine how funds
8 received under subchapter 5 shall be distributed. A comprehensive high school
9 aggrieved by a decision of the regional advisory board may appeal to the
10 Secretary who, after opportunity for hearing, may affirm or modify the
11 decision.

12 § 1573. APPROVAL BY STATE BOARD OF EDUCATION

13 The planning committee shall transmit the report to the Secretary who, after
14 consultation with the chair of the entity that performs workforce development
15 activities pursuant to 10 V.S.A. § 542, shall submit the report with his or her
16 recommendations to the State Board. The State Board, after notice to the
17 planning committee and after giving the committee and other interested parties
18 an opportunity to be heard, shall consider the report and the Secretary's
19 recommendations, and decide whether the establishment of an alternative
20 governance structure will be in the best interests of the students and the region.
21 The State Board may request the Secretary or the planning committee, or both,

1 to make further investigation, and may consider any other information deemed
2 by it to be pertinent. If, after due consideration and any further meetings as it
3 may deem necessary, the **State Board** finds that establishment of the alternative
4 governance structure is in the best interests of the students and the region
5 involved, it shall approve the report submitted by the committee, together with
6 any amendments, as a final report of the planning committee, and shall give
7 notice of its action to the committee. The chair of the planning committee shall
8 file a copy of the final report with the clerk of each town school district,
9 incorporated school district, unified union school district, and city school
10 district in the region at least 20 days prior to the vote to adopt the alternative
11 governance structure.

12 § 1576. EFFECT OF CERTIFICATION; APPLICATION OF OTHER LAWS

13 (a) Upon certification under section 1575 of this title, the career technical
14 center region shall become a public school district and shall constitute a body
15 politic and corporate, with all the rights and responsibilities pertaining thereto,
16 as specified in this subchapter, and as specified in the approval granted by the
17 **State Board**. The career technical center school district shall also be a
18 supervisory district for the purpose of providing the planning and
19 administrative functions of a supervisory union for the programs offered.

20 § 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

21 * * *

1 (b) Appointment and qualifications. All members of the Standards Board
2 shall be appointed by the Governor for terms of three years, which shall begin
3 July 1 of the year of appointment. Prior to appointing a member, the Governor
4 shall consult with the State Board of Education, and, as appropriate, the
5 Vermont National Education Association, the Vermont School Boards
6 Association, the Vermont Principals Association, the Vermont Superintendents
7 Association, the Vermont State Colleges, the University of Vermont, and the
8 Association of Vermont Independent Colleges. No person shall be eligible for
9 more than one sequential reappointment. The Governor shall appoint a
10 replacement to fill any vacancy on the Standards Board for the remainder of
11 the term. The Governor shall assure appointments are consistent with the
12 following requirements:

13 * * *

14 (4) The public member shall not be a member of the State Board of
15 Education or an employee of any school and shall not derive primary
16 livelihood in the field of public or independent education at any level of
17 responsibility.

18 * * *

19 § 1695. REVIEW OF LICENSING STANDARDS

20 Prior to the pre-filing by the Standards Board of a licensing standard or
21 procedure proposed for rulemaking pursuant to 3 V.S.A. § 820, the Secretary

1 may object to it before the **State Board** on the grounds that it would have
2 significant adverse financial or operational impact on the public school system.

3 If the **State Board** agrees, it may remand the proposed rule to the Standards
4 Board for further deliberations consistent with its written decision. The
5 Secretary may also object on the same grounds to a substantive change to a
6 proposed rule, once initiated, before a final proposal is filed pursuant to 3
7 V.S.A. § 841.

8 § 1707. APPEAL FROM PANEL ORDER

9 (a) Appeal to **State Board** of Education.

10 (1) A party aggrieved by a final decision of a hearing panel may, within
11 30 days of the decision, appeal that decision by filing a notice of appeal with
12 the administrative officer of the hearing panel who shall refer the case to the
13 **State Board** of Education. The parties may agree to waive this review by
14 written stipulation filed with the **State Board** of Education. The **State Board** of
15 Education shall conduct its review on the basis of the record created before the
16 hearing panel, and it shall allow the presentation of evidence regarding alleged
17 irregularities in hearing procedure not shown in the record.

18 (2) The **State Board** of Education shall not substitute its judgment for
19 that of the hearing panel as to the weight of the evidence on questions of fact.

20 It may affirm the decision or may reverse and remand the matter with

1 recommendations if substantial rights of the appellant have been prejudiced
2 because the hearing panel’s finding, inferences, conclusions, or decisions are:

3 (A) in violation of constitutional or statutory provisions;

4 (B) in excess of the statutory authority of the hearing panel;

5 (C) made upon unlawful procedure;

6 (D) affected by other error of law;

7 (E) clearly erroneous in view of the evidence on the record as a
8 whole;

9 (F) arbitrary or capricious; or

10 (G) characterized by abuse of discretion or clearly unwarranted
11 exercise of discretion.

12 (b) Following appeal or waiver of appeal to the **State Board** of Education, a
13 party may appeal to the Superior Court in Washington County, which shall
14 review the matter de novo.

15 § 1801. DEFINITIONS

16 As used in this subchapter:

17 * * *

18 (2) “New SU” means a supervisory union created from the merger or
19 realignment of two or more current supervisory unions or of all or some of the
20 districts in one or more current supervisory unions (a Realigning SU). “New
21 SU” also means a supervisory union created by the **State Board**’s adjustment of

1 the borders of one or more current supervisory unions or parts of supervisory
2 unions pursuant to section 261 of this title or otherwise, regardless of whether
3 the New SU is known by the name of one of the current supervisory unions or
4 the adjustment is otherwise structured or considered to be one in which one
5 current supervisory union (the Absorbing SU) is absorbing one or more other
6 supervisory unions or parts of supervisory unions into the Absorbing SU.

7 * * *

8 § 2061. POWERS OF SECRETARY OF EDUCATION

9 The “designated State official” for this State shall be the Secretary of
10 Education. The Secretary shall enter into contracts pursuant to Article III of the
11 Agreement only with the approval of the specific text thereof by the State
12 Board.

13 § 2179. NONAPPLICABILITY OF CERTAIN STATUTES

14 Except as expressly provided in this chapter, the Corporation, its officers
15 and employees shall not be governed by:

16 * * *

17 (6) chapters 3 and 5 of this title, dealing with the State Board and the
18 Secretary of Education;

19 * * *

20 § 2869. LOAN CANCELLATION; MATHEMATICS, SCIENCE, AND
21 COMPUTER SCIENCE TEACHERS

1 (a) Loans obtained under this subchapter may be partially or completely
2 cancelled and forgiven for a borrower who is employed for a complete
3 academic school year as a full-time licensed teacher:

4 (1) in a Vermont elementary or secondary school that is approved by the
5 State Board; and

6 (2) in the subject area of mathematics, science, or computer science
7 during a year when there is a critical shortage of licensed teachers in that area.

8 (b) Annually, the Board of the Corporation shall determine, after
9 consultation with the Secretary, whether a critical shortage of licensed teachers
10 exists in each of the subject areas of mathematics, science, and computer
11 science.

12 (c) The Board shall determine the amount of loan to be cancelled for each
13 complete academic year of teaching service. The amount cancelled for each
14 year shall not exceed 25 percent of the original principal amount plus any
15 accrued interest.

16 (d) This section is subject to the availability of funds specifically
17 appropriated for loan cancellations under this section.

18 § 2948. STATE AID

19 (a) For the payment of general State aid, children with disabilities shall be
20 counted in the same manner as children who do not have disabilities.

21 (b) [Repealed.]

1 (c) Each supervisory union shall receive an essential early education grant
2 each school year. Grants shall be distributed according to the estimated number
3 of children from three through five years of age. The **State Board** by rule shall
4 encourage coordination of services and may set other terms of the grant. Each
5 supervisory union shall be responsible for the remainder of the costs of
6 providing necessary services under section 2956 of this title. Annually, for
7 each following fiscal year, the essential early education grant shall be
8 increased by the most recent cumulative price index, as of November 15, for
9 State and local government purchases of goods and services from fiscal year
10 2002 through that following fiscal year, as provided through the State's
11 participation in the New England Economic Project.

12 (d), (e) [Repealed.]

13 (f) If a student is being provided education or special education or both in a
14 school operated by the Department of Corrections, the Department of
15 Corrections shall serve the student as if the Department were the school district
16 of residence of the student.

17 (g) Notwithstanding any law to the contrary, a child with a disability who is
18 residing in a State school, hospital, or community residential facility or in a
19 State-approved private residential facility shall be provided special education
20 in accordance with this chapter by the supervisory union in which the facility is
21 located; provided, however, that this special education may be directly

1 provided by the facility in which the child resides when the child's
2 individualized education program and treatment plans indicate that the facility
3 is the most appropriate educational placement for the child. Programs of
4 special education provided by a facility described in this subsection shall be
5 subject to the approval of the Secretary.

6 (h)-(j) [Repealed.]

7 (k) For the costs of students in the custody of the Department of
8 Corrections, the Secretary of Education shall pay for the costs of special
9 education in accordance with the provisions of 28 V.S.A. § 120.

10 (l) [Repealed.]

11 (m) All other State aid to supervisory unions shall be set forth in subchapter
12 2 of this chapter.

13 (n) If a student is being provided education or special education, or both in a
14 school operated by the Department for Children and Families, the funding and
15 provision of services shall be the responsibility of the Department for Children
16 and Families and special education procedural responsibility shall be the
17 responsibility of the supervisory union for the school district of residence of
18 the student's parent, parents, or guardian.

19 § 2949. RECIPROCAL AGREEMENTS WITH OTHER STATES

20 The **State Board** of Education, with the approval of the Attorney General, is
21 authorized to enter into reciprocal agreements with the boards of education in

1 other states to share in the expense of securing the services of specialists or
2 persons skilled in the education of children with disabilities.

3 § 2959. RULEMAKING; MEDIATION

4 (a) The **State Board** shall adopt rules governing the determination of a
5 child's eligibility for special education, accounting and financial reporting
6 standards, program requirements, procedural requirements, and the
7 identification of the supervisory union or agency responsible for each child
8 with a disability.

9 (b) Subject to rules established by the **State Board**, the Secretary shall offer
10 mediation to parents, children with disabilities, and districts, supervisory
11 unions, and agencies involved in special education disputes.

12 § 2959A. EDUCATION MEDICAID RECEIPTS

13 * * *

14 (e) Supervisory unions shall use funds received under this section to pay for
15 reasonable costs of administering the Medicaid claims process, and school
16 districts or supervisory unions shall use funds received under this section for
17 prevention and intervention programs in prekindergarten through grade 12.
18 The programs shall be designed to facilitate early identification of and
19 intervention with children with disabilities and to ensure all students achieve
20 rigorous and challenging standards approved and adopted by the **State Board** or
21 locally adopted standards. A supervisory union shall provide annual written

1 justification to the Secretary of Education on how it or its member districts
2 used the funds. Such annual submission shall show how the funds' use is
3 expressly linked to those provisions of the supervisory union's action plan that
4 directly relate to improving student performance. A supervisory union shall
5 include in its annual report the amount of the prior year's Medicaid
6 reimbursement revenues and the use of Medicaid funds consistent with the
7 purposes set forth in this subsection.

8 * * *

9 § 2962. EXTRAORDINARY SERVICES REIMBURSEMENT

10 * * *

11 (c) As used in this subchapter, "extraordinary special education
12 expenditures" means a school district's or supervisory union's allowable
13 expenditures that for any one child exceed \$60,000.00 for a fiscal year. In this
14 subsection, child means a student with disabilities who is three years of age or
15 older in the current school year. The **State Board** shall define allowable
16 expenditures that shall include any expenditures required under federal law,
17 and any costs of mediation conducted by a mediator who is approved by the
18 Secretary.

19 * * *

20 § 2963. SPECIAL EDUCATION EXPENDITURES REIMBURSEMENT

21 * * *

1 (c) As used in this subchapter:

2 (1) Special education expenditures are allowable expenditures for special
3 education, as defined by rule of the **State Board**, less the following:

4 (A) revenue from federal aid for special education;

5 (B) mainstream service costs, as defined in subdivision 2961(c)(1) of
6 this title;

7 (C) extraordinary special education expenditures, as defined in section
8 2962 of this title;

9 (D) any transportation expenses already reimbursed;

10 (E) special education costs for a student eligible for aid under section
11 2963a of this title; and

12 (F) other State funds used for special education costs as defined by
13 the **State Board** by rule.

14 (2) The **State Board** shall define allowable expenditures under this
15 subsection. Allowable expenditures shall include any expenditures required
16 under federal law.

17 (3) “Special education expenditures reimbursement rate” means a
18 percentage of special education expenditures that is calculated to achieve the
19 60 percent share required by subsection 2967(b) of this title.

20 (d) [Repealed.]

21 § 2969. PAYMENTS

1 (a) On or before August 15, December 15, and April 15 of each school year,
2 the State Treasurer shall withdraw from the Education Fund, based on warrant
3 of the Commissioner of Finance and Management, and shall forward to each
4 supervisory union and its member districts to the extent they anticipate
5 reimbursable expenditures under this chapter, the amount of State assistance
6 estimated in accordance with State Board rules to be necessary to fund sections
7 2961 through 2963a of this title in the current fiscal period. The State Board
8 shall by rule ensure that the amount of such assistance shall be adjusted to
9 compensate for any overpayments or underpayments determined, after review
10 and acceptance of the reports submitted under section 2968 of this title, to have
11 been made in previous periods. Notwithstanding this subsection, failure to
12 submit the reports within the timelines established by subsection 2968(a) of
13 this title shall result in the withholding of any payments until the report is filed.

14 * * *

15 § 3448E. CONSTRUCTION OF CAREER TECHNICAL EDUCATION
16 FACILITIES; APPROVAL AND FUNDING

17 (a) Definitions. For the purposes of this section:

18 * * *

19 (3) “Career technical education facilities” means regional technical
20 centers and those portions of comprehensive high schools that are designed to

1 provide **State board**-approved career technical education programs and
2 services.

3 § 4029. USE OF FUNDS FOR EDUCATION

4 (a) Funds received by a school district may be used only for legitimate
5 items of current education expense and shall not be used for municipal
6 services.

7 (b) Funds received by a municipality other than a school district may not be
8 used directly or indirectly for education expenses.

9 (c) If the Secretary determines that a school district has spent funds paid
10 under section 4028 of this title for an item that is not a legitimate item of
11 current education expense, the treasurer of the municipality shall, within 90
12 days, remit the amount of the expenditure to the Education Fund. The treasurer
13 shall use funds raised pursuant to 17 V.S.A. § 2664, 20 V.S.A. § 2601, or 24
14 V.S.A. § 1309 for this purpose. If the Secretary determines that a municipality
15 other than a school district has spent funds for an item that is a legitimate item
16 of current education expense, the treasurer of the municipality shall transfer the
17 amount of the expenditure from the local education fund to the municipal fund.

18 (d) The legislative body of a school district or other municipality may
19 appeal a decision of the Secretary under this section to the **State Board**, which
20 shall hear the appeal de novo in the manner provided by 3 V.S.A. chapter 25
21 for the hearing of contested cases. A legislative body of a school district or

1 other municipality may appeal a decision of the State Board to the Superior
2 Court of the district in which the municipality is located. The Superior Court
3 shall hear the matter de novo in the manner provided by Rule 74 of the
4 Vermont Rules of Civil Procedure. An appeal from the decision of the Superior
5 Court shall be to the Supreme Court under the Vermont Rules of Appellate
6 Procedure.

7 * * *