

1 **Yellow** = State Board

2 **Green** = SBE and SBE agree

3 **Grey** = needs resolution

4 TO THE HONORABLE SENATE:

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

10 * * * Transfer of Certain Responsibilities of the State Board of Education to
11 the Secretary of Education * * *

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

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

14 The **State Board** shall ~~evaluate education policy proposals, including timely~~
15 ~~evaluation of policies presented by the Governor and Secretary;~~ engage local
16 school board members and the broader education community; ~~and establish~~
17 ~~and advance education policy for the State of Vermont~~ and, consistent with the
18 provisions of this title, its own rules, and rules adopted by the Secretary,
19 establish and regularly update a long-term strategic vision for the delivery of
20 educational services in Vermont; advise the General Assembly, the Governor,
21 and the Secretary of Education on high priority educational policies and issues

1 as they arise; and act in accordance with Legislative mandates, including the
2 adoption of rules and executing special assignments. In addition to other
3 specified duties, the Board shall:

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

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

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

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15 ~~Secretary for the Governor.~~ [Repealed.]

16 (5) [Repealed.]

17 (6) ~~Make regulations governing the attendance and records of~~
18 ~~attendance of all students and the department of students attending public~~
19 ~~schools.~~ [Repealed.]

20 (7) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or
21 appropriate ~~for the execution of its powers and duties and of the powers and~~

1 ~~duties of all persons under its supervision and control~~ to carry out the powers
2 and duties of the Board and as directed by the General Assembly, within the
3 limitations of legislative intent, including rules concerning:

4 (A) the operation and administration of the State Board of
5 Education;

6 (B) educational quality standards;

7 (C) independent school program approval, including:

8 (i) approval of distance learning schools;

9 (ii) post-secondary schools; and

10 (iii) private kindergarten approval;

11 (D) special education, including special education finance and
12 census-based funding;

13 (E) school accountability system based on student achievement;

14 (F) supervisory union and school district organization; and

15 (G) proposals for alternative structures under 2015 Acts and Resolves
16 No. 46.

17 (8) Review and comment on rules proposed by the Agency of Education
18 prior to pre-filing the proposed rules with the Interagency Committee on
19 Administrative Rules under 3 V.S.A. § 837.

20 (9) ~~Implement~~ **Develop** and continually update standards for student
21 performance in appropriate content areas and at appropriate intervals in the

1 continuum from ~~kindergarten~~ prekindergarten to grade 12 and methods of
2 assessment to determine attainment of the standards for student performance.
3 The standards shall be rigorous, challenging, and designed to prepare students
4 to participate in and contribute to the democratic process and to compete in the
5 global marketplace. The standards shall include a standard for reading level
6 proficiency for students completing grade three.

7 (10) [Repealed.]

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

10 (12) [Repealed.]

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

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

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

19 (16) ~~In cooperation with the Secretary, ensure that the Agency develops~~
20 ~~information, plans, and assistance to aid in making technology and~~
21 ~~telecommunications available and coordinated in all school districts. The State~~

1 ~~Board shall develop guidelines for distribution of federal, State, or private~~
2 ~~funds designated for the development or expansion of distance learning~~
3 ~~technologies. The guidelines shall encourage, consistent with any terms or~~
4 ~~conditions established by the funding source, collaboration between schools~~
5 ~~and school districts to realize economic and educational efficiencies.~~

6 [Repealed.]

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

1 ~~school district, and supervisory union are provided educational opportunities~~
2 ~~substantially equal to those provided in other schools, school districts, and~~
3 ~~supervisory unions pursuant to subsection 165(b) of this title. [Repealed.]~~

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

9 (19) [Repealed.]

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

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

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

19 § 212. SECRETARY'S DUTIES GENERALLY

20 The Secretary shall ~~execute those policies~~ adopt rules pursuant to
21 3 V.S.A. chapter 25 as necessary or appropriate for the execution of the

1 Secretary's powers and duties and of the powers and duties of all persons
2 under the Secretary's supervision and control and as directed by the General
3 Assembly, except that the Secretary shall not adopt rules in areas reserved to
4 the State Board of Education under section 164 of this title, implement rules
5 adopted by the Secretary and the State Board in the legal exercise of its their
6 powers, and shall:

7 * * *

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

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

13 (25) Provide guidance to school districts to make technology and
14 telecommunications available and coordinated in all school districts, including
15 guidelines for the distribution of federal, State, and private funds designated
16 for the development or expansion of distance learning technologies. The
17 guidelines shall encourage, consistent with any terms or conditions established
18 by the funding source, collaboration between schools and among school
19 districts to realize economic and educational efficiencies.

20 (26) Report annually on the condition of education statewide and on a
21 supervisory union and school district basis. The report shall include

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

18 (27) Ensure that Vermont’s students, including students enrolled in
19 secondary career technical education, have access to a substantially equal
20 educational opportunity by developing a system to evaluate the equalizing

1 effects of Vermont’s education finance system and education quality standards
2 under section 165 of this title.

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

7 (29) Submit proposed rules to the State Board for review and comment
8 prior to prefilng them with the Interagency Committee on Administrative
9 Rules under 3 V.S.A. § 837 within a time frame that accommodates the State
10 Board’s review of the proposed rules and the Secretary’s ability to respond to
11 the State Board’s comments.

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

13 (State Board of Education) * * *

14 Sec. 3. 16 V.S.A. § 167 is amended to read:

15 § 167. HIGH SCHOOL EQUIVALENCE CERTIFICATE

16 The ~~State Board~~ **Secretary** is authorized to grant high school equivalency
17 certificates to any person who has not been graduated from a high school on
18 the basis of credits earned in the U.S. Armed Forces, credits earned in
19 approved schools for adults, or satisfactory scores obtained on approved
20 examinations.

21 Sec. 4. 16 V.S.A. § 175 is amended to read:

1 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS;

2 CLOSING

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

7 (1) promptly inform the ~~State Board~~ Secretary;

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

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

14 * * *

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

20 (e) When an institution of higher education is unable or unwilling to
21 comply with the requirements of subsection (a) of this section, the ~~State Board~~

1 Secretary may expend State funds necessary to ensure the proper storage and
2 availability of the institution's records. The Attorney General shall then seek
3 recovery under this subsection, in the name of the State, of all of the State's
4 incurred costs and expenses, including attorney's fees, arising from the failure
5 to comply. Claims under this subsection shall be a lien on all the property of a
6 defaulting institution, until all claims under this subsection are satisfied. The
7 lien shall take effect from the date of filing notice thereof in the records of the
8 town or towns where property of the defaulting institution is located.

9 (f) The **State Board** shall adopt rules under this section for its proper
10 administration. The rules may include provisions for preparing and
11 maintaining transferred records. Persons acting as a repository of records are
12 bound only by maintenance provisions to which they agreed before receiving
13 transferred records.

14 * * *

15 Sec. 5. 16 V.S.A. § 176 is amended to read:

16 § 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

17 * * *

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

20 * * *

1 exceeding five years. The certificate may be subject to conditions, terms, or
2 limitations.

3 * * *

4 Sec. 6. 16 V.S.A. § 214 is added to read:

5 § 214. STATE COUNCIL FOR THE INTERSTATE COMPACT ON
6 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

7 Pursuant to section 806g of this title, the Agency shall constitute the State
8 Council for the Interstate Compact on Educational Opportunity for Military
9 Children and appoint to the Council a Compact Commissioner and Military
10 Family Education Liaison, who may be the same person. The Secretary may
11 appoint additional members.

12 Sec. 7. **STATE BOARD** OF EDUCATION RULES; AGENCY OF
13 EDUCATION

14 (a) Except for the State Board of Education rules referenced in subsection
15 (b) of this section, the rules of the State Board of Education in effect on the
16 effective date of this act shall constitute the rules of the Agency of Education
17 until amended or repealed, and all references in those rules to the State Board
18 of Education and the Commissioner of Education shall be deemed to refer to
19 the Secretary of Education and all references to the Department of Education
20 shall be deemed to refer to the Agency of Education.

1 the public schools, to promote programs for the preparation of teachers to teach
2 these curricula, and to assist in the development of comprehensive health
3 education programs.

4 * * *

5 Sec. 9. 16 V.S.A. § 136 is amended to read:

6 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
7 AND COMPREHENSIVE HEALTH

8 * * *

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

16 * * *

17 Sec. 10. 16 V.S.A. § 242 is amended to read:

18 § 242. DUTIES OF SUPERINTENDENTS

19 The superintendent shall be the chief executive officer for the supervisory
20 union board and for each school board within the supervisory union, and shall:

21 * * *

1 (d) The ~~State Board~~ ~~Secretary~~ may adopt rules regarding maintenance of
2 records.

3 Sec. 13. 16 V.S.A. § 261a is amended to read:

4 § 261a. DUTIES OF SUPERVISORY UNION BOARD

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

6 * * *

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

11 * * *

12 (6) Provide special education services on behalf of its member districts
13 and, except as provided in section 43 of this title, compensatory and remedial
14 services, and provide or coordinate the provision of other educational services
15 as directed by the ~~State Board~~ ~~Secretary~~ or local boards; provided, however, if
16 a supervisory union determines that services would be provided more
17 efficiently and effectively in whole or in part at the district level, then it may
18 ask the Secretary to grant it a waiver from this provision.

19 * * *

20 Sec. 14. 16 V.S.A. § 428 is amended to read:

21 § 428. BUDGET TO BE VOTED

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

Sec. 15. 16 V.S.A. § 471 is amended to read:

§ 471. APPLICATION OF OTHER LAWS

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

* * *

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

§ 511. BUDGET

* * *

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

5 Sec. 17. 16 V.S.A. § 551 is amended to read:

6 § 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

7 Unless otherwise specifically provided in statute with respect to a class of
8 school district or in a municipal charter, the laws of this title, the laws
9 pertaining to municipal corporations, and the rules of the State Board and the
10 Agency shall apply to all school districts.

11 Sec. 18. 16 V.S.A. § 559 is amended to read:

12 § 559. PUBLIC BIDS

13 * * *

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

15 (1) The State Board Secretary shall establish, in consultation with the
16 Commissioner of Buildings and General Services and with other
17 knowledgeable sources, general rules for the prequalification of bidders on
18 such a contract. The Department of Buildings and General Services, upon
19 notice by the Secretary, shall provide to school boards undergoing construction
20 projects suggestions and recommendations on bidders qualified to provide
21 construction services.

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(d) Construction management. The school board may contract for the service of construction management to assist in a school construction project. The State Board Secretary, in consultation with the Commissioner of Buildings and General Services and other knowledgeable sources, shall adopt rules defining the term “construction management” and specifying the nature of bidding requirements under construction management services in order to assist school boards to comply with the public bidding requirements of this section.

* * *

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

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

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(21) Shall have the authority to engage in short-term borrowing to cover the costs of those portions of projects approved by the ~~State Board~~ ~~Secretary~~ and that will be reimbursed by the ~~State Board~~ ~~Secretary~~ under sections 3447-3456 of this title but which payments will be delayed. However, the board shall borrow under this subdivision only amounts that it would receive if the ~~State Board~~ ~~Secretary~~ could fund its obligation and may borrow no earlier than the time it would have received the funds. The State shall not pay for costs of borrowing funds under this subdivision.

* * *

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

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

1 * * *

2 Sec. 20. 16 V.S.A. § 570 is amended to read:

3 § 570. HARASSMENT, HAZING, AND BULLYING PREVENTION
4 POLICIES

5 * * *

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

7 * * *

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

13 * * *

14 Sec. 21. 16 V.S.A. § 701a is amended to read:

15 § 701a. APPLICATION OF OTHER LAWS

16 * * *

17 (b) The provisions of general law relating to the administration and
18 maintenance of schools, to school meetings and voting at the meetings, to
19 grand lists, to the raising and expending of school money, to money
20 apportioned by the State Board Secretary, to sharing in other State or federal
21 aid, to the election, appointments, powers, duties, and liabilities of school

1 officers, to secondary and elementary instruction, to transportation, board, and
2 attendance of students, to textbooks and appliances, and to all other matters
3 pertaining to schools in a town school district, unless inconsistent with this act
4 or otherwise provided for in this subchapter, shall apply to schools maintained,
5 similar school officers, and all matters pertaining to schools of the union
6 school district.

7 Sec. 22. 16 V.S.A. § 829 is amended to read:

8 § 829. PREKINDERGARTEN EDUCATION

9 * * *

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

19 * * *

20 (e) Rules. The Secretary of Education and the Commissioner for Children
21 and Families shall jointly develop and agree to rules ~~and present them to the~~

1 ~~State Board~~ for adoption ~~by the Secretary of Education~~ under 3 V.S.A. chapter
2 25 as follows:

3 * * *

4 Sec. 23. 16 V.S.A. § 1045 is amended to read:

5 § 1045. DRIVER TRAINING COURSE

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

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

14 * * *

15 Sec. 24. 16 V.S.A. § 1071 is amended to read:

16 § 1071. SCHOOL YEAR AND SCHOOL DAY

17 * * *

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

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

10 * * *

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

16 Sec. 25. 16 V.S.A. § 1162 is amended to read:

17 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

18 (a) A superintendent or principal may, pursuant to policies adopted by the
19 school board that are consistent with ~~State Board~~ ~~Agency~~ rules, suspend a
20 student for up to 10 school days or, with the approval of the board of the

1 school district, expel a student for up to the remainder of the school year or up
2 to 90 school days, whichever is longer, for misconduct:

3 * * *

4 Sec. 26. 16 V.S.A. § 1165 is amended to read:

5 § 1165. ALCOHOL AND DRUG ABUSE

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

11 (b) The **State Board Secretary** shall adopt rules for all school districts that
12 include standards consistent with due process of law for discipline, suspension,
13 or dismissal of students and recommended procedures for education and for
14 referral for treatment and rehabilitation.

15 (c) Each school district shall adopt its own policy consistent with the **State**
16 **Board's Agency** rules setting forth: recommended procedures for education;
17 referral for treatment, counseling, and rehabilitation; and standards consistent
18 with due process of law for discipline, suspension, or dismissal of students in
19 accordance with section 1162 of this title. Nothing in this section is intended
20 to mandate local school districts to employ counselors for treatment or
21 rehabilitation.

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Sec. 27. 16 V.S.A. § 1224 is amended to read:

§ 1224. REPORTS

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

Sec. 28. 16 V.S.A. § 1262b is amended to read:

§ 1262b. RULES

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

Sec. 29. 16 V.S.A. § 1321 is amended to read:

§ 1321. FORM AND CONTENTS OF REGISTER

~~With the approval of the State Board, the~~ The Secretary shall prescribe the content of school registers used to keep records of student enrollment and daily

1 attendance and to obtain statistical and other information from teachers and
2 school officers. Schools shall maintain an electronic system for recording
3 enrollment and attendance

4 Sec. 30. 16 V.S.A. § 1388 is amended to read:

5 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
6 EPINEPHRINE AUTO-INJECTORS

7 (a) As used in this section:

8 (1) “Designated personnel” means a school employee, agent, or
9 volunteer who has been authorized by the school administrator to provide and
10 administer epinephrine auto-injectors under this section and who has
11 completed the training required by ~~State Board~~ ~~Agency~~ policy.

12 * * *

13 (f) On or before January 1, 2014, the ~~State Board~~ ~~Secretary~~, in consultation
14 with the Department of Health, shall adopt policies for managing students with
15 life-threatening allergies and other individuals with life-threatening allergies
16 who may be present at a school. The policies shall:

17 * * *

18 (5) require each school to make publicly available protocols and
19 procedures developed in accordance with the policies adopted by the ~~State~~
20 ~~Board~~ ~~Secretary~~ under this section.

21 Sec. 31. 16 V.S.A. § 1522 is amended to read:

1 § 1522. DEFINITIONS

2 As used in this chapter:

3 * * *

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

10 * * *

11 Sec. 32. 16 V.S.A. § 1531 is amended to read:

12 § 1531. RESPONSIBILITY OF ~~STATE BOARD~~ SECRETARY OF
13 EDUCATION

14 (a) The ~~State Board~~ **Secretary** has overall responsibility for the
15 effectiveness of career technical education. This requires the ~~Board~~ **Secretary**
16 to collect suitable information and to take appropriate steps within its legal,
17 financial, and personnel resources to ensure that:

18 * * *

19 (b) In order to provide regional career technical education services
20 efficiently, the State Board shall designate a service region for each career
21 technical center. However, the Board may designate a service region for two

1 or more comprehensive high schools if that region is not served by a career
2 technical center.

3 (c) For a school district that is geographically isolated from a Vermont
4 career technical center, the State Board may approve a career technical center
5 in another state as the career technical center that district students may attend.
6 In this case, the school district shall receive transportation assistance pursuant
7 to section 1563 of this title and tuition assistance pursuant to section 1561(c) of
8 this title. Any student who is a resident in the Windham Southwest
9 Supervisory Union and who is enrolled at public expense in the Charles H.
10 McCann Technical School or the Franklin County Technical School shall be
11 considered to be attending an approved career technical center in another state
12 pursuant to this subsection, and, if the student is from a school district eligible
13 for a small schools support grant pursuant to section 4015 of this title, the
14 student's full-time equivalency shall be computed according to time attending
15 the school.

16 Sec. 33. 16 V.S.A. § 1532 is amended to read:

17 § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

18 (a) The State Board Secretary shall adopt by rule:

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

1 technical center in the State. The State Board Secretary by rule shall prescribe
2 the method for conducting these evaluations.

3 * * *

4 Sec. 36. 16 V.S.A. § 1544 is amended to read:

5 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

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

11 Sec. 37. 16 V.S.A. § 1545 is amended to read:

12 § 1545. CREDITS AND GRADES EARNED

13 (a) Grades earned in a course offered within a CTE program ~~approved by~~
14 ~~the State Board~~ that complies with Agency rules shall not be altered by any
15 public school or approved or recognized independent school in Vermont and
16 shall be applied by the school toward any State graduation requirements in
17 accordance with rules adopted by the State Board Secretary. Any State Board
18 Agency rules regarding earning of credits shall allow flexibility with respect to
19 the integration of CTE education and other academic courses.

20 (b) The credits earned for a career technical education program ~~approved~~
21 ~~by the State Board~~ that complies with Agency rules shall be honored by any

1 public or independent school within Vermont. If necessary to enable a student
2 to participate in career technical education and graduate with his or her class,
3 the credits earned shall be applied toward any school district or independent
4 school graduation requirements exceeding the minimum number of credits
5 required by the ~~State Board~~ ~~Agency rule~~. The school board of the high school
6 from which the student wishes to graduate shall make a determination as to
7 whether the credits shall be applied toward graduation requirements. A
8 decision of a school board may be appealed to the Secretary who shall construe
9 this section to favor participation in career technical education.

10 * * *

11 Sec. 38. 16 V.S.A. § 1552 is amended to read:

12 § 1552. SECONDARY STUDENT TUITION

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

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

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Sec. 39. 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 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.

Sec. 40. 16 V.S.A. § 1563 is amended to read:

§ 1563. TRANSPORTATION ASSISTANCE

* * *

(c) The ~~State Board~~ Secretary may adopt rules necessary to implement this section.

Sec. 41. 16 V.S.A. § 1565 is amended to read:

§ 1565. SALARY ASSISTANCE

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

* * *

1 (b) Assistance under this section shall be determined by a formula and
2 standards established by rule of the ~~State Board~~ Secretary. The formula and
3 those standards:

4 * * *

5 Sec. 42. 16 V.S.A. § 1568 is amended to read:

6 § 1568. REPORTING OF INFORMATION

7 (a) Annually, in accordance with a time line, format, and process
8 established by ~~State Board~~ Agency rule, each CTE center shall report its costs
9 and student enrollment, achievement, and performance measures to the
10 Secretary. CTE center financial accounts shall be kept separately from those of
11 the host high school in accordance with rules adopted by the ~~State Board~~
12 Secretary, which shall clearly delineate relevant costs and revenues.

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

19 Sec. 43. 16 V.S.A. § 1577 is amended to read:

20 § 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE

21 BOARD

1 * * *

2 Sec. 44. 16 V.S.A. § 1601 is amended to read:

3 § 1601. DEFINITIONS

4 As used in this chapter:

5 * * *

6 (2) “Industry competency standards” ~~mean~~ means performance criteria
7 developed jointly by educators and business representatives and adopted by the
8 ~~State Board~~ Secretary that define skills and knowledge that are needed in the
9 workplace.

10 * * *

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

14 * * *

15 Sec. 45. 16 V.S.A. § 1602 is amended to read:

16 § 1602. SCHOOL BOARD RESPONSIBILITIES

17 * * *

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

19 * * *

20 (2) Ensure preparation of individuals employed by business to be
21 worksite mentors according to guidelines established by the ~~State Board~~

1 **Secretary**. Each participating business shall support the preparation of the
2 worksite mentor as a condition to participating in the student apprenticeship
3 program.

4 * * *

5 Sec. 46. 16 V.S.A. § 1603 is amended to read:

6 § 1603. ELEMENTS OF THE PROGRAM

7 (a) An eligible student may apply to enter the student apprenticeship
8 program upon successful completion of grade 10 or its equivalent and meeting
9 entrance requirements established by the **State Board of Education Secretary**.

10 * * *

11 (f) A student apprentice who successfully completes a student
12 apprenticeship program shall receive an industry competency certificate issued
13 by the **State Board of Education Secretary**. In order to earn an industry
14 competency certificate, a student apprentice shall demonstrate mastery of
15 industry competency standards and shall complete academic requirements for
16 graduation.

17 * * *

18 Sec. 47. 16 V.S.A. § 1604 is amended to read:

19 § 1604. **STATE BOARD SECRETARY OF EDUCATION**

20 RESPONSIBILITIES

21 The **State Board of Education Secretary** shall:

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

Sec. 48. 16 V.S.A. § 1605 is amended to read:

§ 1605. REGIONAL ADVISORY BOARD RESPONSIBILITIES

Each regional advisory board shall:

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

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

* * *

1 Sec. 49. 16 V.S.A. § 1931 is amended to read:

2 § 1931. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (20) “Teacher” shall mean any licensed teacher, principal, supervisor,
6 superintendent, or any professional licensed by the Vermont Standards Board
7 for Professional Educators who is regularly employed, or otherwise contracted
8 if following retirement, for the full normal working time for his or her position
9 in a public day school or school district within the State, or in any school or
10 teacher-training institution located within the State, [controlled by the State
11 Board of Education or the Agency of Education, and supported wholly by the
12 State]; or in certain public independent schools designated for such purposes
13 by the Board in accordance with section 1935 of this title. In all cases of
14 doubt, the Board shall determine whether any person is a teacher as defined in
15 this chapter. It shall not mean a person who is teaching with an emergency
16 license.

17 * * *

18 Sec. 50. 16 V.S.A. § 1935 is amended to read:

19 § 1935. TEACHERS IN CERTAIN PUBLIC OR INDEPENDENT

20 SCHOOLS

1 (a) The Board of Trustees may designate certain public or independent
2 schools, which are located within the State, and supported wholly or in part by
3 the State but ~~which that~~ are not under the control of the State Board of
4 Education or the Agency of Education, as employers of teachers within the
5 meaning of this chapter.

6 * * *

7 Sec. 51. 16 V.S.A. § 2903 is amended to read:

8 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING
9 INSTRUCTION

10 * * *

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

18 * * *

19 Sec. 52. 16 V.S.A. § 2905 is amended to read:

20 § 2905. PREKINDERGARTEN-16 COUNCIL

21 * * *

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

5 Sec. 53. 16 V.S.A. § 2944 is amended to read:

6 § 2944. SPECIAL EDUCATION

7 (a)–(c) [Repealed.]

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

13 * * *

14 Sec. 54. 16 V.S.A. § 2945 is amended to read:

15 § 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

16 * * *

17 (d) The Council shall:

18 * * *

19 (2) review periodically the rules, regulations, standards, and guidelines
20 pertaining to special education and recommend to the State Board and the
21 Secretary any changes it finds necessary;

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

Sec. 55. 16 V.S.A. § 2958 is amended to read:

§ 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL PLACEMENTS

* * *

(e) Costs for residential placement shall be reimbursed under subchapter 2 of this chapter only if the residential facility is approved by the State Board Secretary for the purposes of providing special education and related services to children with disabilities.

Sec. 56. 16 V.S.A. § 2973 is amended to read:

§ 2973. INDEPENDENT SCHOOL TUITION RATES

* * *

(c) The State Board Secretary is authorized to enter into interstate compacts with other states to regulate rates for tuition, room, and board for students receiving special education in independent schools.

Sec. 57. 16 V.S.A. § 2974 is amended to read:

§ 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

Annually, the Secretary shall report to the State Board House and Senate Committees on Education regarding:

1 * * *

2 Sec. 58. 16 V.S.A. § 2974 is amended to read:

3 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

4 Annually, the Secretary shall report to the ~~State Board~~ House and Senate
5 Committees on Education regarding:

6 * * *

7 Sec. 59. 16 V.S.A. § 2974 is amended to read:

8 § 2869. LOAN CANCELLATION; MATHEMATICS, SCIENCE, AND
9 COMPUTER SCIENCE TEACHERS

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

13 (1) in a Vermont elementary or secondary school ~~that is approved by the~~
14 ~~State Board~~; and

15 * * *

16 Sec. 60. 16 V.S.A. § 3448 is amended to read:

17 § 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
18 PROJECTS; RENEWABLE ENERGY

19 (a) Construction aid.

20 (1) Preliminary application for construction aid. A district or
21 independent school eligible for assistance under section 3447 of this title, that

1 intends to construct or purchase a new school, or make extensive additions or
2 alterations to its existing school, and desires to avail itself of State school
3 construction aid, shall submit a written preliminary application to the
4 Secretary. A preliminary application shall include information required by the
5 ~~State Board~~ Secretary by rule and shall specify the need for and purpose of the
6 project.

7 (2) Approval of preliminary application.

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

10 * * *

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

13 * * *

14 (3) Priorities. Following approval of a preliminary application and
15 provided that the district has voted funds or authorized a bond for the total
16 estimated cost of a project, the ~~State Board~~ Secretary shall assign points to the
17 project so that the project can be placed on a priority list based on the number
18 of points received. Once a project receives points, if it does not receive
19 funding in a given year, it shall not lose points in subsequent years and,
20 pursuant to rule of the ~~Board~~ Secretary and provided the scope of the project
21 remains the same, it shall gain points due to length of time on the list and may

1 gain points for any other reason. The points shall be assigned in the following
2 priority:

3 * * *

4 (4) Request for legislative appropriation. ~~By~~ On or before January 15 of
5 each year, the ~~State Board~~ Secretary shall present the House Committee on
6 Corrections and Institutions and the Senate Committee on Institutions with its
7 annual capital construction funding request. Following receipt of the request,
8 the Committees shall recommend a total school construction appropriation for
9 the next fiscal year to the General Assembly. The General Assembly shall not
10 revise the order of the project priorities presented by the ~~State Board~~ Secretary.
11 The funding request to the Committees shall be in the form of separate line
12 items as follows:

13 (A) a list of projects that have been assigned points in their order of
14 priority, including the voted funds or authorized bond amount for each project;

15 (B) the cost of emergency projects that the ~~State Board~~ Secretary has
16 approved but not yet reimbursed due to insufficient funds, as well as the
17 estimated cost of those that might be approved in the coming year under
18 subsection (d) of this section;

19 (C) the cost of projects to extend the life of a building that the ~~State~~
20 ~~Board~~ Secretary has approved but not yet reimbursed due to insufficient funds,
21 as well as the estimated cost of those that might be approved by the ~~State~~

1 ~~Board~~ **Secretary** in the coming fiscal year under subdivision (3)(B) of this
2 subsection (a).

3 (5) Final approval for construction aid.

4 (A) Unless approved by the Secretary for good cause in advance of
5 commencement of construction, a school district shall not begin construction
6 before the ~~State Board~~ **Secretary** approves a final application. A school district
7 may submit a written final application to the ~~State Board~~ **Secretary** at any time
8 following approval of a preliminary application.

9 (B) The ~~State Board~~ **Secretary** may approve a final application for a
10 project provided that:

11 * * *

12 (iv) the district has provided for construction financing of the
13 project during a period prescribed by the ~~State Board~~ **Secretary**;

14 * * *

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

1 the Secretary shall certify the remainder of the award due for the project to the
2 Commissioner of Finance and Management who shall issue a warrant for the
3 payment. Provided, however, if a project that is included on a prioritized list,
4 for which list the General Assembly has appropriated funds in any year, is not
5 eligible to be certified for one-half of the award or for the entire award, and if
6 another project of lesser priority is eligible for certification, nothing in this
7 section shall preclude the ~~State Board~~ Secretary from certifying an award for
8 the lesser priority project prior to the higher priority project.

9 * * *

10 (e) Rules. The ~~State Board~~ Secretary shall adopt rules pertaining to school
11 construction and capital outlay.

12 * * *

13 Sec. 61. 16 V.S.A. § 3448a is amended to read:

14 § 3448a. APPEAL

15 Any municipal corporation or independent school as defined in section
16 3447 of this title aggrieved by an order, allocation or award of the ~~State Board~~
17 Secretary of Education may, within 30 days, appeal ~~therefrom~~ to the ~~State~~
18 Board, and may appeal from the decision of the ~~State Board~~, within 30 days of
19 that decision, to the Superior Court in the county in which the project is
20 located.

21 Sec. 62. 16 V.S.A. § 3448f is amended to read:

1 § 3448f. ENERGY PERFORMANCE CONTRACTING;

2 AUTHORIZATION; STATE AID

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

4 (1) “Cost-saving measure” means any facility improvement, repair, or
5 alteration or any equipment, fixture, or furnishing to be constructed or installed
6 in any facility that is designed to reduce energy consumption and operating
7 costs or to increase the operating efficiency of facilities for their appointed
8 functions, that is cost effective, and that is further defined by **State Board**
9 **Agency** rule.

10 * * *

11 (f) State funding for energy conservation measures.

12 * * *

13 (3) Priorities. Following approval of a district’s application, the **State**
14 **Board Secretary** shall assign points, established by **Board Agency** rule, to the
15 project so that the project can be placed on a priority list distinct from but
16 similar to the list established under section 3448 of this title, based on the
17 number of points received. Once a project receives points, if it does not
18 receive funding in a given year, it shall not lose points in subsequent years and,
19 pursuant to **Board Agency** rule and provided the scope of the project remains
20 the same, it shall gain points due to the length of time on the list and may gain
21 points for any other reason. Prioritized projects under this section shall be

1 included in the ~~State Board~~'s Secretary's request for legislative appropriation
2 as a separate and distinct line item under section 3448 of this title. Any
3 legislative appropriation made to fund the line item for performance contracts
4 shall not exceed 20 percent of the appropriation made in the same year to fund
5 State aid for school construction under section 3448.

6 * * *

7 (5) Eligible costs. A project or portions of a project under this section
8 shall be eligible for aid pursuant to criteria established by ~~State Board~~ Agency
9 rule.

10 (6) Payment. Upon completion of the construction or installation of the
11 cost-saving measure, determination by the Department of Buildings and
12 General Services that implementation of the cost-saving measures is expected
13 to result in energy and operational cost-savings, and legislative appropriation
14 sufficient to fund the State aid due under this section, the ~~State Board~~ Secretary
15 shall certify an award for the project to the Commissioner of Finance and
16 Management who shall issue a warrant for the payment of the award. A
17 district awarded State aid under this section shall use the State aid solely for
18 the purpose of paying all or a portion of the obligation due under the
19 performance contract at the time the award is received.

20 * * *

21 Sec. 63. 16 V.S.A. § 3454 is amended to read:

1 § 3454. DEFERRED MAINTENANCE

2 No State school construction aid shall be available under this title for any
3 proposed project or construction if the Secretary finds the need for the project
4 or construction has arisen in whole or in part from significant deferred
5 maintenance. The ~~State Board~~ Secretary, by rule, shall define “significant
6 deferred maintenance.”

7 Sec. 64. 16 V.S.A. § 3581 is amended to read:

8 § 3581. ACCEPTANCE

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

12 Sec. 65. 16 V.S.A. § 3582 is amended to read:

13 § 3582. FORMULATION OF PLANS

14 The ~~State Board~~ Secretary may formulate any State plan, including
15 preparation of surveys and estimates of school building needs, required by
16 federal legislation.

17 Sec. 66. 16 V.S.A. § 4001 is amended to read:

18 § 4001. DEFINITIONS

19 As used in this chapter:

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

4 (A) The full-time equivalent enrollment of students, as defined by the
5 ~~State Board~~ **Secretary** by rule, who are legal residents of the district or
6 municipality attending a school owned and operated by the district, attending a
7 public school outside the district under section 822a of this title, or for whom
8 the district pays tuition to one or more approved independent schools or public
9 schools outside the district during the annual census period. The census period
10 consists of the 11th day through the 30th day of the school year in which
11 school is actually in session.

12 (B) The full-time equivalent enrollment in the year before the last
13 census period, of any State-placed students as defined in subdivision 11(a)(28)
14 of this title. A school district that provides for the education of its students by
15 paying tuition to an approved independent school or public school outside the
16 district shall not count a State-placed student for whom it is paying tuition for
17 purposes of determining average daily membership. A school district that is
18 receiving the full amount, as defined by the ~~State Board~~ **Secretary** by rule, of
19 the student’s education costs under subsection 2950(a) of this title, shall not
20 count the student for purposes of determining average daily membership. A

1 State-placed student who is counted in average daily membership shall be
2 counted as a student for the purposes of determining weighted student count.

3 * * *

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

12 (A) [Repealed.]

13 (B) For purposes of calculating excess spending pursuant to
14 32 V.S.A. § 5401(12), “education spending” shall not include:

15 * * *

16 (iii) Spending that is approved school capital construction
17 spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future
18 approved school capital construction costs, including that portion of tuition
19 paid to an independent school designated as the public high school of the
20 school district pursuant to section 827 of this title for capital construction costs
21 by the independent school that has received approval from the State Board of

1 ~~Education~~ Secretary, using the processes for preliminary approval of public
2 school construction costs pursuant to subdivision 3448(a)(2) of this title.

3 * * *

4 Sec. 67. 16 V.S.A. § 4015 is amended to read:

5 § 4015. SMALL SCHOOL SUPPORT

6 (a) In this section:

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

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

10 (B) has been determined by the ~~State Board~~ Secretary, on an annual
11 basis, to be eligible due to either:

12 * * *

13 Sec. 68. 16 V.S.A. § 4016 is amended to read:

14 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

15 * * *

16 (b) ~~In~~ As used in this section, “allowable transportation expenditures”

17 means the costs of transporting students to and from school for regular

18 classroom services and shall not include expenditures for transporting students

19 participating in curricular activities that take place off the school grounds or

20 for transporting students participating in cocurricular activities. The State

1 **Board Secretary** shall further define allowable transportation expenditures by
2 rule.

3 (c) A district or supervisory union may apply and the Secretary may pay
4 for extraordinary transportation expenditures incurred due to geographic or
5 other conditions such as the need to transport students out of the school district
6 to attend another school because the district does not maintain a public school.

7 The **State Board Secretary** shall define extraordinary transportation
8 expenditures by rule. The total amount of base year extraordinary
9 transportation grant expenditures shall be \$250,000.00 for fiscal year 1997,
10 increased each year thereafter by the annual price index for state and local
11 government purchases of goods and services. Extraordinary transportation
12 expenditures shall not be paid out of the funds appropriated under subsection
13 (b) of this section for other transportation expenditures. Grants paid under this
14 section shall be paid from the Education Fund and shall be added to adjusted
15 education payment receipts paid under section 4011 of this title.

16 Sec. 69. 16 V.S.A. § 4030 is amended to read:

17 § 4030. DATA SUBMISSION; CORRECTIONS

18 (a) Upon discovering an error or change in data submitted to the Secretary
19 for the purpose of determining payments to or from the Education Fund, a
20 school district shall report the error or change to the Secretary as soon as

1 possible. Any budget deficit or surplus due to the error or change shall be
2 carried forward to the following year.

3 * * *

4 (e) The State Board Secretary may adopt rules as necessary to implement
5 the provisions of this section.

6 Sec. 70. EFFECTIVE DATES

7 This act shall take effect on passage, except for Sec. 58 (16 V.S.A. § 2974)
8 which shall take effect on July 1, 2022.

9
10 and that after passage the title of the bill be amended to read: “An act
11 relating to reforming the State Board of Education”

12
13 (Committee vote: _____)

14 _____
15 Senator _____

16 FOR THE COMMITTEE

17

18

19

20

1 **Appendix —Laws referencing the State Board of Education on which**
2 **AOE will have comments—For reference only—to be deleted in final bill**

3

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

5

6 § 1541. RESPONSIBILITY OF LOCAL SCHOOL BOARDS THAT
7 OPERATE CAREER TECHNICAL CENTERS

8

* * *

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

17

* * *

18 § 1546. COMPREHENSIVE HIGH SCHOOLS

19

* * *

20 (c) Two or more comprehensive high schools for which the **State Board** has
21 designated a service region shall be a career technical center for the purposes

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

10 § 1573. APPROVAL BY **STATE BOARD** OF EDUCATION

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

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

10 § 2061. POWERS OF SECRETARY OF EDUCATION

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