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H.609

Introduced by Representatives Cupoli of Rutland City, Anthony of Barre City,
Arrison of Weathersfield, Harrison of Chittenden, Page of
Newport City, and Williams of Granby

Referred to Committee on

Date:

Subject: Education; miscellaneous; technical corrections

Statement of purpose of bill as introduced: This bill proposes to make several
technical corrections to Title 16, including: 1) changing responsibility for
review of independent school financial capacity from the State Board of
Education to the Agency of Education; 2) updating dual enrollment program
eligibility; 3) clarifying the timeline for appeals of school district residency; 4)
omitting an out-of-date reference to audiologists in duties of the Vermont
Standards Board for Professional Educators; and 5) clarifying when student
records for publicly funded students who change schools shall be provided to
the new school.

An act relating to technical corrections to Title 16

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

2 Sec. 1. 16 V.S.A. § 166 is amended to read:

3 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

4 * * *

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

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

11 (ii) the school's failure to meet its payroll obligations as they are
12 due or to pay federal or State payroll tax obligations as they are due;

13 (iii) the school's failure to maintain required retirement
14 contributions;

15 (iv) the school's use of designated funds for nondesignated
16 purposes;

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

1 (vi) the withdrawal or conditioning of the school's accreditation
2 on financial grounds by a private, State, or regional agency recognized by the
3 State Board for accrediting purposes; or

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

5 (B)(i) If the ~~State Board~~ Secretary reasonably believes that an
6 approved independent school lacks financial capacity to meet its stated
7 objectives during the period of its approved status, then the ~~State Board~~
8 Secretary shall notify the school in writing of the reasons for this belief and
9 permit the school a reasonable opportunity to respond.

10 (ii) If the ~~State Board~~ Secretary, after having provided the school a
11 reasonable opportunity to respond, does not find that the school has
12 satisfactorily responded or demonstrated its financial capacity, the ~~State Board~~
13 Secretary may establish a review team, that, with the consent of the school,
14 includes a member of the Council of Independent Schools, to:

15 (I) conduct a school visit to assess the school's financial
16 capacity;

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

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

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

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

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

14 Sec. 2. 16 V.S.A. § 944 is amended to read:

15 § 944. DUAL ENROLLMENT PROGRAM

16 * * *

17 (b) Students.

18 (1) A Vermont resident who has completed grade 10 but has not
19 received a high school diploma is eligible to participate in the Program if:

20 (A) the student:

21 (i) is enrolled in:

1 (I) a Vermont public school, including a Vermont career
2 technical center;

3 (II) ~~a public school in another state~~ or an approved independent
4 school that is designated as the public secondary school for the student's
5 district of residence; or

6 (III) an approved independent school in Vermont ~~to which the~~
7 ~~student's district of residence pays publicly funded tuition on behalf of the~~
8 ~~student~~ and the student is a resident of a non-operating district;

9 (ii) is assigned to a public school through the High School
10 Completion Program; or

11 (iii) is a home study student;

12 (B) dual enrollment is an element included within the student's
13 personalized learning plan; and

14 (C) the secondary school and the postsecondary institution have
15 determined that the student is sufficiently prepared to succeed in a dual
16 enrollment course, which can be determined in part by the assessment tool or
17 tools identified by the participating postsecondary institution.

18 * * *

1 Sec. 3. 16 V.S.A. § 1075 is amended to read:

2 § 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND
3 PAYMENT OF EDUCATION OF STUDENT

4 * * *

5 (b) The Secretary shall determine the legal residence of all State-placed
6 students pursuant to the provisions of this section. In all other cases, the
7 student's legal residence shall be determined by the school board of the district
8 in which the student is seeking enrollment or, if the student is seeking payment
9 of tuition, the school board from which the student is seeking tuition payment.
10 If a student is denied enrollment at any stage, the student and ~~his or her~~ the
11 student's parent or guardian shall be notified in writing, within 24 hours, of the
12 provisions of this section. If the student is not in attendance as a result of a
13 preliminary decision by school officials and a decision from the school board
14 will not be available by the end of the second school day after the request for
15 enrollment is made, the Secretary may issue a temporary order requiring
16 enrollment. Any interested person or taxpayer who is dissatisfied with the
17 decision of the school board as to the student's legal residence may appeal to
18 the Secretary, who shall determine the student's legal residence, and the
19 decision of the Secretary shall be final. Appeals to the Secretary shall be made
20 in writing within 30 days after the final school board decision. Pending appeal

1 under this subsection, the Secretary shall issue a temporary order requiring
2 enrollment.

3 * * *

4 Sec. 4. 16 V.S.A. § 1694 is amended to read:

5 § 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR
6 PROFESSIONAL EDUCATORS

7 In addition to any other powers and duties prescribed by law or incidental or
8 necessary to the exercise of such lawful powers and duties, the Standards
9 Board shall:

10 (1)(A) Adopt rules pursuant to 3 V.S.A. chapter 25 with respect to the
11 licensing of teachers and administrators, and of speech-language pathologists
12 ~~and audiologists~~ as provided in 26 V.S.A. chapter 87.

13 * * *

14 Sec. 5. 16 V.S.A. § 1095 is added to read:

15 § 1095. TRANSFER OF STUDENT RECORDS

16 A Vermont public or approved independent school shall provide a student's
17 educational records to the Vermont public or approved independent school in
18 which the student subsequently enrolls, upon request of the student or the
19 student's parent or guardian.

20 Sec. 6. EFFECTIVE DATE

21 This act shall take effect on July 1, 2022.