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H.258

Introduced by Representatives Graning of Jericho, Arsenault of Williston,  
Berbeco of Winooski, Birong of Vergennes, Burrows of West  
Windsor, Casey of Montpelier, Chapin of East Montpelier,  
Christie of Hartford, Cordes of Lincoln, Dodge of Essex, Dolan  
of Waitsfield, Garofano of Essex, Goldman of Rockingham,  
Headrick of Burlington, Holcombe of Norwich, Hooper of  
Burlington, Jerome of Brandon, Lalley of Shelburne, LaMont of  
Morristown, Lipsky of Stowe, Logan of Burlington, McCann of  
Montpelier, McGill of Bridport, Mihaly of Calais, Mulvaney-  
Stanak of Burlington, Ode of Burlington, Rachelson of  
Burlington, Sammis of Castleton, Sibia of Dover, Small of  
Winooski, Squirrell of Underhill, Surprenant of Barnard,  
Templeman of Brownington, Toleno of Brattleboro, Torre of  
Moretown, Waters Evans of Charlotte, and White of Bethel

Referred to Committee on

Date:

Subject: Education; maintenance of public schools; public funds

Statement of purpose of bill as introduced: This bill proposes to 1) require a  
school district that does not maintain an elementary school or high school to  
designate eligible schools to serve as the public school of the district; 2)

1        repeals the definition of approved independent school and the approved  
2        independent school approval process, while maintaining the recognized  
3        independent school enrollment process; 3) creates a definition of therapeutic  
4        schools and makes amendments to special education independent school  
5        tuition provisions; 4) makes conforming changes throughout Title 16 regarding  
6        the school designation process; and 5) makes conforming changes throughout  
7        the Vermont Statutes Annotated based on the repeal of the approved  
8        independent school definition and approval process.

9            An act relating to the provision of State-funded education in districts that do  
10          not maintain an elementary or high school

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

12                            \* \* \* Elementary and High School Designation \* \* \*

13        Sec. 1. 16 V.S.A. § 820 is added to read:

14        § 820. SCHOOLS ELIGIBLE FOR DESIGNATION

15            Under this chapter, a school district that does not maintain a school for the  
16        grades for which it is organized to provide education for shall designate up to  
17        three schools to serve as the public school or schools of the district. A school  
18        eligible for designation shall be:

19                    (1) a public school in Vermont;

20                    (2) a public school located outside of Vermont in a different state; or

1           (3) an independent school recognized under section 166 of this title that  
2           meets at least three of the following four criteria:

3                   (A) The recognized independent school serves as a regional CTE  
4                   center as defined in section 1522 of this title.

5                   (B) The recognized independent school was established through the  
6                   granting of a charter by the Vermont General Assembly.

7                   (C) The recognized independent school qualified as a public school  
8                   under the definition of “public school” in effect on June 30, 1991, under  
9                   subdivision 11(a)(7) of this title.

10                   (D) The recognized independent school is designated under section  
11                   1935 of this title as an employer of teachers within the meaning of 16 V.S.A.  
12                   chapter 55 (State Teachers’ Retirement System of Vermont).

13           Sec. 2. 16 V.S.A. § 821 is amended to read:

14           § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY  
15                   SCHOOLS OR PAY TUITION TO DESIGNATED SCHOOLS

16           (a) Each school district shall maintain one or more approved schools within  
17           the district in which elementary education for its resident students in  
18           kindergarten through grade six is provided unless:

19                   (1) the electorate authorizes the school board to provide for the  
20           elementary education of the students by paying tuition ~~in accordance with law~~

1 to ~~one or more public~~ three or fewer elementary schools ~~in one or more school~~  
2 ~~districts~~ that qualify for designation under section 820 of this title;

3 (2) the school district is organized to provide only high school education  
4 for its students; or

5 (3) the General Assembly provides otherwise.

6 (b) [Repealed.]

7 (c) Notwithstanding subsection (a) of this section, without previous  
8 authorization by the electorate, a school board in a district that operates an  
9 elementary school may pay tuition for elementary students who reside near a  
10 public elementary school in an adjacent district upon request of the student's  
11 parent or guardian, if in the board's judgment the student's education can be  
12 more conveniently furnished there due to geographic considerations. Within  
13 30 days ~~of~~ after the board's decision, a parent or guardian who is dissatisfied  
14 with the decision of the board under this subsection may request a  
15 determination by the Secretary, who shall have authority to direct the school  
16 board to pay all, some, or none of the student's tuition and whose decision  
17 shall be final.

18 ~~(d) Notwithstanding subdivision (a)(1) of this section, the electorate of a~~  
19 ~~school district that does not maintain an elementary school may grant general~~  
20 ~~authority to the school board to pay tuition for an elementary student at an~~  
21 ~~approved independent elementary school or an independent school meeting~~

1 ~~education quality standards pursuant to sections 823 and 828 of this chapter~~  
2 ~~upon notice given by the student's parent or legal guardian before April 15 for~~  
3 ~~the next academic year. [Repealed.]~~

4 Sec. 3. 16 V.S.A. § 822 is amended to read:

5 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR  
6 PAY TUITION TO DESIGNATED SCHOOLS

7 (a) Each school district shall maintain one or more approved high schools  
8 in which high school education is provided for its resident students unless:

9 (1) the electorate authorizes the school board to close an existing high  
10 school and to provide for the high school education of its students by paying  
11 tuition to a ~~public~~ three or fewer high school, an approved independent high  
12 ~~school, or an independent school meeting education quality standards, to be~~  
13 ~~selected by the parents or guardians of the student, within or outside the State~~  
14 schools that qualify for designation under section 820 of this title; or

15 (2) the school district is organized to provide only elementary education  
16 for its students.

17 (b) For purposes of this section, a school district that is organized to  
18 provide kindergarten through grade 12 and maintains a program of education  
19 for only the first eight years of compulsory school attendance shall be  
20 obligated to pay tuition for its resident students for at least four additional  
21 years.

1 (c)(1) A school district may both maintain a high school and furnish high  
2 school education by paying tuition:

3 (A) ~~to~~ To a public school other than the designated school or schools  
4 as in the judgment of the school board may best serve the interests of the  
5 students; ~~or. Judgment of the board shall be final in regard to the institution~~  
6 the students may attend at public cost.

7 (B) ~~to an approved independent school or an independent school~~  
8 ~~meeting education quality standards if the school board judges that a student~~  
9 ~~has unique educational needs that cannot be served within the district or at a~~  
10 ~~nearby public school. [Repealed.]~~

11 (2) ~~The judgment of the board shall be final in regard to the institution~~  
12 ~~the students may attend at public cost. [Repealed.]~~

13 Sec. 4. 16 V.S.A. § 823 is amended to read:

14 § 823. ELEMENTARY TUITION

15 (a) Tuition for elementary students shall be paid by the district in which the  
16 student is a resident. The district shall pay the full tuition charged its students  
17 attending a ~~public~~ designated elementary school. If a payment made to a  
18 ~~public~~ designated elementary school is three percent more or less than the  
19 calculated net cost per elementary pupil in the receiving school district for the  
20 year of attendance, the district shall be reimbursed, credited, or refunded  
21 pursuant to section 836 of this title. Notwithstanding the provisions of this

1 subsection or of subsection 825(b) of this title, the boards or boards of trustees  
2 of both the receiving and sending districts or schools may enter into tuition  
3 agreements with terms differing from the provisions of those subsections,  
4 provided that the receiving district or school must offer identical terms to all  
5 sending districts, and further provided that the statutory provisions apply to  
6 any sending district that declines the offered terms.

7 (b) ~~Unless the electorate of a school district authorizes payment of a higher~~  
8 ~~amount at an annual or special meeting warned for the purpose, the tuition paid~~  
9 ~~to an approved independent elementary school or an independent school~~  
10 ~~meeting education quality standards shall not exceed the least of:~~

11 (1) ~~the average announced tuition of Vermont union elementary schools~~  
12 ~~for the year of attendance;~~

13 (2) ~~the tuition charged by the approved independent school for the year~~  
14 ~~of attendance; or~~

15 (3) ~~the average per pupil tuition the district pays for its other resident~~  
16 ~~elementary students in the year in which the student is enrolled in the approved~~  
17 ~~independent school. [Repealed.]~~

18 Sec. 5. 16 V.S.A. § 824 is amended to read:

19 § 824. HIGH SCHOOL TUITION

20 (a) Tuition for high school students shall be paid by the school district in  
21 which the student is a resident.

1 (b) Except as otherwise provided for technical students in chapter 37 of this  
2 title, the district shall pay the full tuition charged its students attending a ~~public~~  
3 designated high school in Vermont or an adjoining state ~~or a public or~~  
4 ~~approved independent school in Vermont functioning as an approved area~~  
5 ~~career technical center, or an independent school meeting education quality~~  
6 ~~standards;~~ provided:

7 (1) If a payment made to a ~~public~~ designated high school ~~or an~~  
8 ~~independent school meeting education quality standards~~ is three percent more  
9 or less than the calculated net cost per secondary pupil in the receiving school  
10 district ~~or independent school~~ for the year of attendance, then the district ~~or~~  
11 ~~school~~ shall be reimbursed, credited, or refunded pursuant to section 836 of  
12 this title.

13 (2) Notwithstanding the provisions of this subsection or of subsection  
14 825(b) of this title, the board or board of trustees of the ~~receiving public~~  
15 designated school district, ~~public or approved independent school functioning~~  
16 ~~as an area career technical center, or independent school meeting education~~  
17 ~~quality standards~~ may enter into tuition agreements with the boards of sending  
18 districts that have terms differing from the provisions of those subsections,  
19 provided that the receiving district or school must offer identical terms to all  
20 sending districts, and further provided that the statutory provisions apply to  
21 any sending district that declines the offered terms.



1       (c) ~~The district shall pay an amount not to exceed the average announced~~  
2       ~~tuition of Vermont union high schools for the year of attendance for its~~  
3       ~~students enrolled in an approved independent school not functioning as a~~  
4       ~~Vermont area career technical center, or any higher amount approved by the~~  
5       ~~electorate at an annual or special meeting warned for that purpose. [Repealed.]~~

6       Sec. 6. 16 V.S.A. § 826 is amended to read:

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

8       (a) A school board, or the board of trustees of ~~an independent school~~  
9       ~~meeting education quality standards, a school eligible for designation under~~  
10       subdivision 820(3) of this title that proposes to increase tuition charges shall  
11       notify the school board of the school district from which its nonresident  
12       students come, and the Secretary, of the proposed increase on or before  
13       January 15 in any year; such increases shall not become effective without the  
14       notice and not until the following school year.

15       (b) A school board ~~or the board of trustees of an independent school~~  
16       ~~meeting education quality standards~~ may establish a separate tuition for one or  
17       more special education programs. No such tuition shall be established unless  
18       the State Board has by rule defined the program as of a type that may be  
19       funded by a separate tuition. Any such tuition shall be announced in  
20       accordance with the provisions of subsection (a) of this section. The amount  
21       of tuition shall reflect the net cost per pupil in the program. The announcement

1 of tuition shall describe the special education services included or excluded  
2 from coverage. Tuition for part-time students shall be reduced proportionally.

3 (c) Excess special education costs incurred by a supervisory union in  
4 providing special education services to a student beyond those covered by  
5 tuition may be charged to the student's supervisory union for the district of  
6 residence. However, only actual costs or actual proportionate costs attributable  
7 to the student may be charged.

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 Sec. 7. 16 V.S.A. § 827 is amended to read:

12 § 827. DESIGNATION OF A ~~PUBLIC HIGH SCHOOL OR AN~~  
13 ~~APPROVED INDEPENDENT HIGH SCHOOL~~ AS THE PUBLIC  
14 HIGH SCHOOL OF A SCHOOL DISTRICT

15 (a) School designation.

16 (1) High school designation. ~~A~~ The school board of a school district not  
17 maintaining an approved public high school ~~may~~ shall vote on such terms or  
18 conditions as it deems appropriate, to designate three or fewer ~~approved~~  
19 ~~independent or public high schools~~ eligible for designation under section 820  
20 of this title as the public high school or schools of the district. The vote of the

1 school board shall occur at a school board meeting held in accordance with the  
2 Vermont Open Meeting Law.

3 (2) Elementary school designation. The school board of a school district  
4 not maintaining an approved public elementary school shall vote on such terms  
5 or conditions as it deems appropriate, to designate three or fewer schools  
6 eligible for designation under section 820 of this title as the public elementary  
7 school or schools of the district. The vote of the school board shall occur at a  
8 school board meeting held in accordance with the Vermont Open Meeting  
9 Law.

10 (b) Tuition. Except as otherwise provided in this section, if the board of  
11 trustees or the school board of a designated school votes to accept this  
12 designation, the school shall be regarded as a public school for tuition purposes  
13 under ~~subsection 824(b)~~ sections 823 and 824 of this title, and the sending  
14 school district shall pay tuition only to that school, and to any other school  
15 designated under this section, until such time as the sending school district or  
16 the designated school votes to rescind the designation.

17 (c) Parent requests. A parent or legal guardian who is dissatisfied with the  
18 instruction provided at a designated school or who cannot obtain for ~~his or her~~  
19 the parent's or legal guardian's child the kind of course or instruction desired  
20 there, or whose child can be better accommodated in ~~an approved independent~~  
21 or a public elementary or public high school nearer ~~his or her~~ the child's home

1 during the next academic year, may request on or before April 15 that the  
2 school board pay tuition to another ~~approved independent or public elementary~~  
3 or public high school selected by the parent or guardian.

4 (d) School board decision regarding parent requests. The school board may  
5 pay tuition to another approved public elementary or public high school as  
6 requested by the parent or legal guardian if in its judgment that will best serve  
7 the interests of the student. Its decision shall be final in regard to the  
8 institution the student may attend. If the board approves the parent's request,  
9 the board shall pay tuition for the student in an amount not to exceed the least  
10 of:

11 (1) The statewide average announced tuition of Vermont union high  
12 schools.

13 (2) The per-pupil tuition the district pays to the designated school in the  
14 year in which the student is enrolled in the nondesignated school. If the district  
15 has designated more than one school pursuant to this section, then it shall be  
16 the lowest per-pupil tuition paid to a designated school.

17 (3) The tuition charged by the approved nondesignated school in the  
18 year in which the student is enrolled.

19 (e) ~~Notwithstanding any other provision of law to the contrary:~~

1           ~~(1) the school districts of Pawlet, Rupert, and Wells may designate a~~  
2           ~~public high school located in New York as the public high school of the district~~  
3           ~~pursuant to the provisions of this section;~~

4           ~~(2) unless otherwise directed by an affirmative vote of the school~~  
5           ~~district, when the Wells Board approves parental requests to pay tuition to a~~  
6           ~~nondesignated approved independent or public school, the Board shall pay~~  
7           ~~tuition in an amount not to exceed the base education amount as determined~~  
8           ~~under section 4011 of this title for the fiscal year in which tuition is being paid;~~  
9           ~~and~~

10           ~~(3) unless otherwise directed by an affirmative vote of the school~~  
11           ~~district, when the Strafford Board approves a parental request to pay tuition to~~  
12           ~~a nondesignated approved independent or public school, the Board shall pay~~  
13           ~~tuition to the nondesignated school pursuant to section 824 of this title for the~~  
14           ~~year in which the student is enrolled; provided, however, that it shall not pay~~  
15           ~~tuition in an amount that exceeds the tuition paid to the designated school for~~  
16           ~~the same academic year. [Repealed.]~~

17           Sec. 8. 16 V.S.A. § 828 is amended to read:

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

19           A school district shall not pay the tuition of a student except to a public  
20           school, ~~an approved independent school, an independent school meeting~~  
21           ~~education quality standards, a school eligible for designation under section 820~~

1 of this title, a tutorial program approved by the State Board, a therapeutic  
2 school, or an approved education program, ~~or an independent school in another~~  
3 ~~state or country approved under the laws of that state or country~~, nor shall  
4 payment of tuition on behalf of a person be denied on account of age. Unless  
5 otherwise provided, a person who is aggrieved by a decision of a school board  
6 relating to eligibility for tuition payments, the amount of tuition payable, or the  
7 school ~~he or she~~ the person may attend, may appeal to the State Board and its  
8 decision shall be final.

9 Sec. 9. 16 V.S.A. § 828 is amended to read:

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

11 A school district shall not pay the tuition of a student except to a public  
12 school, a school eligible for designation under section 820 of this title, a  
13 tutorial program approved by the State Board, a therapeutic school, or an  
14 approved education program, nor shall payment of tuition on behalf of a person  
15 be denied on account of age. Schools that receive public tuition shall comply  
16 with the reporting requirement under subsection 4010(c) of this title. Unless  
17 otherwise provided, a person who is aggrieved by a decision of a school board  
18 relating to eligibility for tuition payments, the amount of tuition payable, or the  
19 school the person may attend, may appeal to the State Board and its decision  
20 shall be final.

1 Sec. 10. REPEALS

2 (a) 2022 Acts and Resolves No. 127, Sec. 21 (16 V.S.A. § 828) is repealed.

3 (b) 16 V.S.A. § 835 (tuitioning of elementary students in Lemington,  
4 Bloomfield, Brunswick, Granby, Guildhall, and Maidstone) is repealed.

5 Sec. 11. 16 V.S.A. § 836 is amended to read:

6 § 836. TUITION OVERCHARGE OR UNDERCHARGE

7 (a) Annually, on or before November 1, the Secretary shall inform each  
8 school board or board of trustees of a receiving public designated school, ~~each~~  
9 ~~board of trustees of a receiving approved independent school for which the~~  
10 ~~Secretary has calculated a net cost per pupil~~, and each sending school district  
11 in Vermont of the calculated net cost per elementary or secondary pupil in the  
12 receiving schools. Each school board or board of trustees of a receiving school  
13 shall then determine whether it overcharged or undercharged any sending  
14 district for tuition charges and shall notify the district by December 15 of the  
15 same year of the amount due or the amount to be refunded or credited.

16 (b) If the sending district has paid tuition charges in excess of three percent  
17 of the calculated net cost per elementary or secondary pupil and is not sending  
18 enough students to the receiving district to use the overcharge funds as credit  
19 against tuition, the receiving district shall refund the overcharge money ~~by~~ on  
20 or before July 31; provided, however, that the refund shall be in the amount  
21 that exceeded a ~~three percent~~ three percent overcharge. Interest owed the

1 sending district on overcharge monies shall begin to accrue on December 1, at  
2 the rate of one-half percent per month.

3 (c) If the receiving district has undercharged tuition in an amount three  
4 percent or more than the calculated net cost per elementary or secondary pupil,  
5 the sending district shall pay the receiving district an amount equal to the  
6 amount of the undercharge that is between three percent and ten percent of the  
7 net cost per pupil. If payment is not made ~~by~~ on or before July 31 of the year  
8 following the year in which the undercharge was determined, interest owed the  
9 receiving district on undercharge monies shall begin to accrue on August 1, at  
10 the rate of one percent per month.

11 \* \* \* Recognized Independent Schools \* \* \*

12 Sec. 12. 16 V.S.A. § 11 is amended to read:

13 § 11. CLASSIFICATIONS AND DEFINITIONS

14 (a) As used in this title, unless the context otherwise clearly requires:

15 \* \* \*

16 (8) “Independent school” means a school other than a public school,  
17 which provides a program of elementary or secondary education, or both. An  
18 “independent school meeting education quality standards” means an  
19 independent school in Vermont that undergoes the education quality standards  
20 process and meets the requirements of subsection 165(b) of this title.

21 \* \* \*



1 (19) “Recognized independent school” for any school year means an  
2 independent school that meets the requirements for recognized independent  
3 schools in section 166 of this title and that is not a home study program.

4 (20) ~~“Approved independent school” means an independent school that~~  
5 ~~is approved under section 166 of this title.~~ [Repealed.]

6 \* \* \*

7 (36) “Therapeutic school” means a recognized independent school that  
8 limits enrollment to students who are on an individualized education program  
9 (IEP) or plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.  
10 § 794 and who are enrolled pursuant to a written contract between a local  
11 education agency (LEA) and the school.

12 Sec. 13. 16 V.S.A. § 165 is amended to read:

13 § 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL  
14 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING  
15 EDUCATION QUALITY STANDARDS

16 \* \* \*

17 (b) Annually, the Secretary shall determine whether students in each  
18 Vermont public school are provided educational opportunities substantially  
19 equal to those provided in other public schools. If the Secretary determines  
20 that a school is not meeting the education quality standards listed in subsection  
21 (a) of this section or that the school is making insufficient progress in

1 improving student performance in relation to the standards for student  
2 performance set forth in subdivision 164(9) of this title, ~~he or she~~ the Secretary  
3 shall describe in writing actions that a district must take in order to meet either  
4 or both sets of standards and shall provide technical assistance to the school. If  
5 the school fails to meet the standards or make sufficient progress within two  
6 years ~~of~~ after the determination, the Secretary shall recommend to the State  
7 Board one or more of the following actions:

8 \* \* \*

9 (4) the State Board close an individual school or schools and require that  
10 the school district pay tuition to another ~~public school or an approved~~  
11 ~~independent school~~ eligible for designation pursuant to chapter 21 of this title;  
12 or

13 \* \* \*

14 (f) In order to be designated ~~an~~ a recognized independent school meeting  
15 education quality standards, ~~an~~ a recognized independent school shall  
16 participate in the education quality standards process of subsection (b) of this  
17 section. ~~An~~ A recognized independent school shall receive technical assistance  
18 in accordance with the provisions of subsection (b), but shall not be subject to  
19 subdivisions (b)(2)–(4) of this section. The school shall be ~~an~~ a recognized  
20 independent school meeting education quality standards unless the State  
21 Board, after opportunity for hearing, finds that:

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\* \* \*

Sec. 14. 16 V.S.A. § 166 is amended to read:

§ 166. ~~APPROVED AND~~ RECOGNIZED INDEPENDENT SCHOOLS

(a) Authority. An independent school may operate and provide elementary education or secondary education if it is ~~either approved or~~ recognized as set forth in this section.

(b) ~~Approved independent schools. On application, the State Board shall approve an independent school that offers elementary or secondary education if it finds, after opportunity for hearing, that the school provides a minimum course of study pursuant to section 906 of this title and that it substantially complies with all statutory requirements for approved independent schools and the Board's rules for approved independent schools. An independent school that intends to accept public tuition shall be approved by the State Board only on the condition that the school agrees, notwithstanding any provision of law to the contrary, to enroll any student who requires special education services and who is placed in or referred to the approved independent school as an appropriate placement and least restrictive environment for the student by the student's individualized education program team or by the local education agency; provided, however, that this requirement shall not apply to an independent school that limits enrollment to students who are on an individualized education program or a plan under Section 504 of the~~

1 ~~Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to~~  
2 ~~a written agreement between the local education agency and the school.~~

3 ~~Except as provided in subdivision (6) of this subsection, the Board's rules must~~  
4 ~~at minimum require that the school have the resources required to meet its~~  
5 ~~stated objectives, including financial capacity, faculty who are qualified by~~  
6 ~~training and experience in the areas in which they are assigned, and physical~~  
7 ~~facilities and special services that are in accordance with any State or federal~~  
8 ~~law or regulation. Approval may be granted without State Board evaluation in~~  
9 ~~the case of any school accredited by a private, State, or regional agency~~  
10 ~~recognized by the State Board for accrediting purposes, provided that the State~~  
11 ~~Board shall determine that the school complies with all student enrollment~~  
12 ~~provisions required by law.~~

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

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

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

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

1           ~~(6) This subdivision (6) applies to an independent school located in~~  
2           ~~Vermont that offers a distance learning program and that, because of its~~  
3           ~~structure, does not meet some or all the rules of the State Board for approved~~  
4           ~~independent schools. In order to be approved under this subdivision, a school~~  
5           ~~shall meet the standards adopted by rule of the State Board for approved~~  
6           ~~independent schools that can be applied to the applicant school and any other~~  
7           ~~standards or rules adopted by the State Board regarding these types of schools.~~  
8           ~~A school approved under this subdivision shall not be eligible to receive tuition~~  
9           ~~payments from public school districts under chapter 21 of this title.~~

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

20           ~~(8)(A) If an approved independent school experiences any of the~~  
21           ~~following financial reporting events during the period of its approved status,~~

1 the school shall notify the Secretary of Education within five days after its  
2 knowledge of the event unless the failure is de minimis:

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

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

7 (iii) the school's failure to maintain required retirement  
8 contributions;

9 (iv) the school's use of designated funds for nondesignated  
10 purposes;

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

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

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

19 (B)(i) If the Secretary reasonably believes that an approved  
20 independent school lacks financial capacity to meet its stated objectives during  
21 the period of its approved status, then the Secretary shall notify the school in

1 ~~writing of the reasons for this belief and permit the school a reasonable~~  
2 ~~opportunity to respond.~~

3 ~~(ii) If the Secretary, after having provided the school a reasonable~~  
4 ~~opportunity to respond, does not find that the school has satisfactorily~~  
5 ~~responded or demonstrated its financial capacity, the Secretary may establish a~~  
6 ~~review team that, with the consent of the school, includes a member of the~~  
7 ~~Council of Independent Schools, to:~~

8 ~~(I) conduct a school visit to assess the school's financial~~  
9 ~~capacity;~~

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

12 ~~(III) submit a report of its findings and recommendations to the~~  
13 ~~State Board.~~

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

18 ~~(iv) In considering whether an independent school lacks financial~~  
19 ~~capacity to meet its stated objectives during the period of its approved status~~  
20 ~~and what actions the State Board should take if it makes this finding, the State~~



1 ~~Board may consult with, and draw on the analytical resources of, the Vermont~~  
2 ~~Department of Financial Regulation.~~

3 ~~(C) Information provided by an independent school under this~~  
4 ~~subsection that is not already in the public domain is exempt from public~~  
5 ~~inspection and copying under the Public Records Act and shall be kept~~  
6 ~~confidential. [Repealed.]~~

7 (c) Recognized independent schools. Upon filing an enrollment notice, a  
8 recognized independent school may provide elementary or secondary  
9 education in Vermont. The enrollment notice shall be on a form provided by  
10 the Secretary and shall be filed with the Secretary ~~no~~ not earlier than three  
11 months before the beginning of the school year for the public schools in the  
12 town in which the applicant proposes to locate.

13 (1) The enrollment notice shall contain the following information and  
14 assurances:

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

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

20 (C) assurances that:

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

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

6 (iii) the school's educational program will include the minimum  
7 course of study set forth in section 906 of this title;

8 (iv) the school will have teachers and materials sufficient to carry  
9 out the school's educational program; and

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

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

1           (3) A recognized independent school shall provide to each student's  
2           parent or guardian a copy of its currently filed statement of objectives and a  
3           copy of this section. The copy shall be provided when the student enrolls or  
4           before September 1, whichever comes later. Failure to comply with this  
5           subsection may create a permissible inference of false advertising in violation  
6           of 13 V.S.A. § 2005.

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

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

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

17           (5) If the Secretary has information that creates significant doubt about  
18          whether the school, once in operation, is meeting the requirements for  
19          recognized independent schools, the Secretary may call a hearing. At the  
20          hearing, the school shall establish that it has met the requirements for

1 recognized independent schools. Failure to do so shall result in a finding by  
2 the Secretary that:

3 (A) the school may not be in operation for the remainder of the  
4 school year and that the children are truant unless absent with legal excuse or  
5 enrolled in a public school, ~~an independent school~~, another recognized  
6 independent school, or a home study program; or

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

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

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

1 (d) Council of Independent Schools. A Council of Independent Schools is  
2 created consisting of 11 members, ~~no fewer than three of whom shall be~~  
3 ~~representatives of recognized independent schools.~~ The Secretary shall  
4 appoint nine members from within the independent schools' community. The  
5 Secretary shall appoint two members from the public-at-large. Each member  
6 shall serve for two years and may be reappointed for up to an additional two  
7 terms. The Council shall adopt rules for its own operation. A chair shall be  
8 elected by and from among the members. The duties of the Council shall  
9 include advising the Secretary on policies and procedures with respect to  
10 independent schools. No hearing shall be initiated under this section before the  
11 State Board or by the Secretary until the recommendations of the Council have  
12 been sought and received. The recommendations of the Council, including any  
13 minority reports, shall be admissible at the hearing.

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

1 (f) Tuition bills. ~~An approved independent school~~ A school eligible for  
2 designation under subdivision 820(3) of this title that accepts students for  
3 whom the district of residence pays tuition under chapter 21 of this title shall  
4 bill the sending district monthly for a State-placed student and shall not bill the  
5 sending district for any month in which the State-placed student was not  
6 enrolled.

7 (g) Tuition students; assessments. ~~An approved independent school~~ A  
8 school eligible for designation under subdivision 820(3) of this title that  
9 accepts students for whom the district of residence pays tuition under chapter  
10 21 of this title shall use the assessment or assessments required under  
11 subdivision 164(9) of this title to measure attainment of standards for student  
12 performance of those students. In addition, the school shall provide data  
13 related to the assessment or assessments as required by the Secretary.

14 \* \* \* Conforming Changes to Title 16 \* \* \*

15 Sec. 15. 16 V.S.A. § 253 is amended to read:

16 § 253. CONFIDENTIALITY OF RECORDS

17 \* \* \*

18 (c) In accordance with 21 V.S.A. § 306, a board member, superintendent,  
19 or headmaster shall not enter into on behalf of a supervisory union, school  
20 district, or recognized ~~or approved~~ independent school a confidential  
21 employment separation agreement that inhibits the disclosure to prospective

1 employers and responsible licensing entities of factual information about a  
2 prospective employee's background that would lead a reasonable person to  
3 conclude that the prospective employee has engaged in conduct jeopardizing  
4 the safety of a minor. Notwithstanding any provision of law to the contrary  
5 under 33 V.S.A. chapter 49, a board member, superintendent, or headmaster  
6 and employees of a supervisory union, school district, or recognized ~~or~~  
7 ~~approved~~ independent school shall provide factually correct information  
8 concerning a former employee's employment record with the supervisory  
9 union, school district, or recognized ~~or approved~~ independent school to a  
10 prospective employer of that individual if requested by the prospective  
11 employer. Nothing in this subsection shall permit the disclosure of  
12 information that is prohibited from disclosure by subsection (b) of this section.  
13 Notwithstanding any provision of law to the contrary, a person shall not be  
14 subject to civil or criminal liability for disclosing information that is required  
15 by this section to be disclosed if the person was acting in good faith. This  
16 immunity from liability shall not apply when the information supplied by a  
17 person is knowingly false or rendered with a malicious purpose.

18 Sec. 16. 16 V.S.A. § 255 is amended to read:

19 § 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;

20 CONTRACTORS

1 (a) Superintendents, headmasters of recognized ~~or approved~~ independent  
2 schools, and their contractors shall request criminal record information for the  
3 following:

4 \* \* \*

5 (j) The board of trustees of a recognized ~~or approved~~ independent school  
6 shall request a criminal record check and a check of the Registries pursuant to  
7 the provisions of this section prior to offering employment to a headmaster.

8 \* \* \*

9 Sec. 17. 16 V.S.A. § 256 is amended to read:

10 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

11 MAINTENANCE OF RECORDS

12 (a)(1) Anyone required to request a criminal record check under this  
13 subchapter about a person who previously has undergone a check, regardless  
14 of whether the check was for student teaching, licensure, or employment  
15 purposes, shall comply with that requirement by acquiring the results of the  
16 previous criminal record check unless:

17 (A) the person refuses to authorize release of the information;

18 (B) the record no longer exists;

19 (C) since the record check, there has been a period of one year or  
20 more during which the person has not worked for a Vermont school district or  
21 a recognized ~~or an approved~~ independent school; or



1 (D) as otherwise required by this chapter.

2 \* \* \*

3 Sec. 18. 16 V.S.A. § 563a is amended to read:

4 § 563a. PREVENTION, IDENTIFICATION, AND REPORTING OF  
5 CHILD SEXUAL ABUSE AND SEXUAL VIOLENCE

6 Each school board of a school district and governing body of ~~an approved~~  
7 ~~or a~~ recognized independent school shall ensure that adults employed in the  
8 schools within its jurisdiction receive orientation, information, or instruction  
9 on the prevention, identification, and reporting of child sexual abuse, as  
10 defined in 33 V.S.A. § 4912(8), and sexual violence. This shall include  
11 information regarding the signs and symptoms of sexual abuse, sexual  
12 violence, grooming processes, recognizing the dangers of child sexual abuse in  
13 and close to the home, and other predatory behaviors of sex offenders. The  
14 school board or governing body shall also provide opportunities for parents,  
15 guardians, and other interested persons to receive the same information. The  
16 Agencies of Education and of Human Services shall provide materials and  
17 technical support to any school board or governing body that requests  
18 assistance in implementing this section.

19 Sec. 19. 16 V.S.A. § 568 is amended to read:

20 § 568. SCHOOL BRANDING

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

1 (1) "School" means a public school or ~~an~~ a recognized independent  
2 school approved under section 166 of this title.

3 \* \* \*

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

5 § 570. HARASSMENT, HAZING, AND BULLYING PREVENTION  
6 POLICIES

7 \* \* \*

8 (e) Definitions. ~~In~~ As used in this subchapter:

9 (1) "Educational institution" and "school" mean a public school or ~~an~~  
10 ~~approved~~ or a recognized independent school as defined in section 11 of this  
11 title.

12 \* \* \*

13 Sec. 21. 16 V.S.A. § 702 is amended to read:

14 § 702. DEFINITIONS

15 As used in this chapter:

16 \* \* \*

17 (4) "Member district" means a school district, which can be a union  
18 school district, that is a member of a union elementary school district or a  
19 union high school district for certain grades, prekindergarten through grade 12,  
20 and is a distinct district organized to provide for the education of its resident

1 students for all other grades, whether by operating one or more schools or  
2 paying tuition to a designated school or schools.

3 \* \* \*

4 (13)(A) “Union school district” means a municipality formed under the  
5 provisions of this chapter that is governed by a single publicly elected board  
6 and that is responsible for the education of students residing in two or more  
7 towns in the grades for which the district is organized by:

8 (i) operating a school or schools for all grades;

9 (ii) operating a school or schools for all students in one or more  
10 grades and paying tuition to a designated school or schools for all students in  
11 the remaining grade or grades; or

12 (iii) paying tuition to a designated school or schools for all grades.

13 \* \* \*

14 Sec. 22. 16 V.S.A. § 708(c) is amended to read:

15 (c) Proposal to form union school district; report and proposed articles of  
16 agreement. If a study committee determines that it is advisable to propose  
17 formation of a union school district, then it shall prepare a report analyzing the  
18 strengths and challenges of the current structures of all “necessary” and  
19 “advisable” school districts and outlining the ways in which a union school  
20 district promotes the State policy set forth in section 701 of this chapter. The  
21 study committee shall also prepare proposed articles of agreement that, if

1 approved pursuant to the provisions of this chapter, shall serve as the operating  
2 agreement for the new union school district. At a minimum, articles of  
3 agreement shall state:

4 (1) The name of any school district the study committee considers  
5 “necessary” to formation of the proposed union school district.

6 (2) The name of any school district the study committee considers  
7 “advisable” to include in the proposed union school district.

8 (3) The legal name or temporary legal name by which the union school  
9 district shall be known.

10 (4) The grades, if any, that the proposed union school district will  
11 operate and the grades, if any, for which it will pay tuition to a designated  
12 school or schools.

13 \* \* \*

14 (12) The date on which the union school district will be solely  
15 responsible for the education of its resident students in the grades for which it  
16 is organized and will begin operating any schools, paying any tuition to a  
17 designated school or schools, and providing educational services.

18 \* \* \*

19 Sec. 23. 16 V.S.A. § 722 is amended to read:

20 § 722. AMENDMENTS TO ARTICLES OF AGREEMENT

1           (a) The union school district voters. Only the voters of a union school  
2           district may amend a specific condition or agreement in the district’s articles of  
3           agreement if the condition or agreement was set forth as a distinct subsection  
4           in the warning required by section 712 (warning on vote to establish union  
5           school district and elect initial members of the board) of this chapter to form  
6           the union school district or in a subsequent warning to amend the articles  
7           pursuant to this section, which the voters approved.

8           (b) The union school district board. The board of a union school district  
9           may amend a specific condition or agreement in the district’s articles of  
10          agreement only if the condition or agreement was not set forth as a distinct  
11          subsection in a warning required in subsection (a) of this section, but was  
12          instead incorporated into the warning by reference pursuant subsection 712(e)  
13          of this chapter (warning on vote to establish union school district and elect  
14          initial members of the board), or if the original articles of agreement or voter-  
15          approved amendments authorize the board to amend a specific condition or  
16          agreement.

17          (c) Reduction of grades operated. Notwithstanding the provisions of  
18          subsection (a) (union school district voters) of this section, the voters shall not  
19          vote whether to reduce the grades that the union school district operates, and to  
20          begin paying tuition to a designated school or school for those grades, unless  
21          the State Board finds it is in the best interests of the State, the students, and the

1 districts involved and aligns with the policy set forth in section 701 of this title  
2 and gives prior approval to the proposed amendment.

3 \* \* \*

4 Sec. 24. 16 V.S.A. § 724 is amended to read:

5 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED  
6 UNION SCHOOL DISTRICT

7 \* \* \*

8 (d) Report, including a plan for withdrawal; decision not to prepare report.

9 (1) Report supporting withdrawal.

10 (A) If, after conducting the analysis required by subsection (c) of this  
11 section, the withdrawal study committee votes to advance the withdrawal  
12 process as further outlined in this section, then the committee shall prepare a  
13 report, which it shall deliver electronically to the union district board and  
14 which the superintendent shall publish on the district's website.

15 (B) At a minimum, the report shall include:

16 (i) the analysis conducted pursuant to subsection (c) of this  
17 section, describing the ways in which the data and analysis:

18 (I) support withdrawal; and

19 (II) do not support the continuation of the union district in its  
20 current configuration;

1 (ii) the proposed financial terms of withdrawal, including the  
2 proposed ownership of buildings and other assets and the proposed  
3 responsibility for financial and other contractual obligations, including debts;

4 (iii) a plan, including a detailed timeline, for the actions the  
5 proposed new school district would take to ensure that, on a proposed  
6 operational date, it could provide for the education of its students in  
7 prekindergarten through grade 12 by operating all grades, tuitioning all grades  
8 to a designated school or schools, or operating some grades and tuitioning the  
9 remainder; to a designated school or schools in a manner that will meet  
10 educational quality standards as required by section 165 of this title, and  
11 including, if applicable, the process by which the proposed new school district  
12 would explore formation of a new union school district with one or more other  
13 school districts in the region and would integrate or condition any votes to  
14 withdraw with votes on formation of a new union district; and

15 \* \* \*

16 Sec. 25. 16 V.S.A. § 912 is amended to read:

17 § 912. STUDENT'S RIGHT OF REFUSAL; ANIMAL DISSECTION

18 (a) A student in a public elementary or secondary school or ~~an approved~~ a  
19 recognized independent school shall have the right to be excused from  
20 participating in any lesson, exercise, or assessment requiring the student to

1 dissect, vivisect, or otherwise harm or destroy an animal or any part of an  
2 animal, or to observe any of these activities, as part of a course of instruction.

3 (b) Each school district and ~~approved~~ recognized independent school shall  
4 adopt and implement policies regarding a student's right to be excused under  
5 this section, which shall include:

6 \* \* \*

7 Sec. 26. 16 V.S.A. § 943 is amended to read:

8 § 943. HIGH SCHOOL COMPLETION PROGRAM

9 (a) There is created a High School Completion Program to be a potential  
10 component of a flexible pathway for any Vermont student who is at least 16  
11 years of age, who has not received a high school diploma, and who may or  
12 may not be enrolled in a public or ~~approved~~ recognized independent school.

13 (b) If a person who wishes to work on a personalized learning plan leading  
14 to graduation through the High School Completion Program is not enrolled in a  
15 public or ~~approved~~ recognized independent school, then the Secretary shall  
16 assign the prospective student to a high school district, which shall be the  
17 district of residence whenever possible. The school district in which a student  
18 is enrolled or to which a nonenrolled student is assigned shall work with the  
19 local adult education and literacy provider that serves the high school district  
20 and the student to develop a personalized learning plan. The school district  
21 shall award a high school diploma upon successful completion of the plan.



1 (c) The Secretary shall reimburse, and net cash payments where possible, a  
2 school district that has agreed to a personalized learning plan developed under  
3 this section in an amount:

4 (1) established by the Secretary for the development and ongoing  
5 evaluation and revision of the personalized learning plan and for other  
6 educational services typically provided by the assigned district or ~~an approved~~  
7 a recognized independent school pursuant to the plan, such as counseling,  
8 health services, participation in cocurricular activities, and participation in  
9 academic or other courses; provided, however, that this amount shall not be  
10 available to a school district that provides services under this section to an  
11 enrolled student; and

12 \* \* \*

13 Sec. 27. 16 V.S.A. § 944 is amended to read:

14 § 944. DUAL ENROLLMENT PROGRAM

15 (a) Program creation. There is created a statewide Dual Enrollment  
16 Program to be a potential component of a student's flexible pathway. The  
17 Program shall include college courses offered on the campus of an accredited  
18 postsecondary institution and college courses offered by an accredited  
19 postsecondary institution on the campus of a secondary school. The Program  
20 may include online college courses or components.

21 (b) Students.

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

3 (A) the student:

4 (i) is enrolled in:

5 (I) a Vermont public school, including a Vermont career  
6 technical center;

7 (II) a public school in another state ~~or an approved independent~~  
8 ~~school~~ that is designated as the public secondary school for the student's  
9 district of residence pursuant to section 827 of this title; or

10 (III) ~~an approved independent~~ a school in Vermont to which the  
11 ~~student's district of residence pays publicly funded tuition on behalf of the~~  
12 ~~student~~ eligible for designation under subdivision 820(3) of this title that is  
13 designated as the public secondary school for the student's district of residence  
14 pursuant to section 827 of this title;

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

17 (iii) is a home study student;

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

20 (C) the secondary school and the postsecondary institution have  
21 determined that the student is sufficiently prepared to succeed in a dual

1 enrollment course, which can be determined in part by the assessment tool or  
2 tools identified by the participating postsecondary institution.

3 \* \* \*

4 Sec. 28. 16 V.S.A. § 946 is amended to read:

5 § 946. EARLY COLLEGE

6 \* \* \*

7 (c) A student on whose behalf the Secretary makes a payment pursuant to  
8 subsection (a) of this subsection:

9 (1) shall be enrolled as a full-time student in the institution receiving the  
10 payment for the academic year for which payment is made;

11 (2) shall not be enrolled concurrently in a secondary school operated by  
12 the student's district of residence or to which the district pays tuition on the  
13 student's behalf to a designated school or schools; and

14 (3) shall not be included in the average daily membership of any school  
15 district for the academic year for which payment is made; provided, however,  
16 that if more than five percent of the grade 12 students residing in a district  
17 enroll in an early college program, then the district may include the number of  
18 students in excess of five percent in its average daily membership; but further  
19 provided that a student in grade 12 enrolled in a college program shall be  
20 included in the percentage calculation only if, for the previous academic year,  
21 the student was enrolled in a school maintained by the district or was a student

1 for whom the district paid tuition to a ~~public or approved independent school~~  
2 designated school.

3 \* \* \*

4 Sec. 29. 16 V.S.A. § 1045(a) is amended to read:

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

10 Sec. 30. 16 V.S.A. § 1046 is amended to read:

11 § 1046. ARRANGEMENT

12 Subject to the approval of the Secretary, each superintendent shall arrange  
13 for the establishment of a driver education and training course for all public  
14 ~~and approved independent~~ schools located within ~~his or her~~ the  
15 superintendent's jurisdiction that so request.

16 \* \* \* Attendance and Discipline \* \* \*

17 Sec. 31. 16 V.S.A. § 1071(e) is amended to read:

18 (e) Regional calendar. Before April 1 of each year, the superintendents of  
19 ~~schools and the headmasters of public schools not managed by school boards~~  
20 ~~in an area~~ a technical education service region shall meet, and by majority  
21 vote, establish a uniform calendar within that area for the following school

1 year. The calendar shall include student attendance days, periods of vacation,  
2 holidays, and teacher in-service education days and shall comply with  
3 subsection (a) of this section. Unless permitted by the Secretary, no area  
4 served by a regional career technical center shall be divided into two or more  
5 calendar regions.

6 Sec. 32. 16 V.S.A. § 1073(b) is amended to read:

7 (b) Access to school.

8 \* \* \*

9 (2) Right to enroll in a public or independent school. Notwithstanding  
10 the provisions of sections 822 and 1075 of this title, a pregnant or parenting  
11 student may enroll in any approved public school in Vermont or an adjacent  
12 state, any ~~approved~~ recognized independent school in Vermont, or any other  
13 educational program approved by the State Board in which any other legal  
14 pupil in Vermont may enroll.

15 (3) Teen parent education program.

16 \* \* \*

17 (B) Nonresidential teen parent education programs.

18 (i) The pregnant or parenting student's district of residence or the  
19 ~~approved independent or~~ designated public school to which that district pays  
20 tuition for its students (the enrolling school) shall be responsible for planning,  
21 coordinating, and assessing the enrolled student's education plan while

1 attending a teen parent education program and for planning, assessing, and  
2 facilitating the student's subsequent education plan, including the student's  
3 transition back to the public or approved independent school. As determined  
4 by the district of residence or the enrolling school, as appropriate, the student's  
5 educational plan while attending a teen parent education program shall include  
6 learning experiences that are the substantial equivalent of the learning  
7 experiences required by the district of residence or the enrolling school to  
8 obtain a high school diploma.

9 \* \* \*

10 Sec. 33. 16 V.S.A. § 1075(b) is amended to read:

11 (b) The Secretary shall determine the legal residence of all State-placed  
12 students pursuant to the provisions of this section. In all other cases, the  
13 student's legal residence shall be determined by the school board of the district  
14 in which the student is seeking enrollment or, if the student is seeking payment  
15 of tuition to a designated school, the school board from which the student is  
16 seeking tuition payment. If a student is denied enrollment at any stage, the  
17 student and ~~his or her~~ the student's parent or guardian shall be notified in  
18 writing, within 24 hours, of the provisions of this section. If the student is not  
19 in attendance as a result of a preliminary decision by school officials and a  
20 decision from the school board will not be available by the end of the second  
21 school day after the request for enrollment is made, the Secretary may issue a

1 temporary order requiring enrollment. Any interested person or taxpayer who  
2 is dissatisfied with the decision of the school board as to the student's legal  
3 residence may appeal to the Secretary, who shall determine the student's legal  
4 residence, and the decision of the Secretary shall be final. Pending appeal  
5 under this subsection, the Secretary shall issue a temporary order requiring  
6 enrollment.

7 Sec. 34. 16 V.S.A. § 1121 is amended to read:

8 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

9 A person having the control of a child between ~~the ages of~~ six and 16 years  
10 of age shall cause the child to attend a public school, ~~an approved or a~~  
11 recognized independent school, an approved education program, or a home  
12 study program for the full number of days for which that school is held, unless  
13 the child:

14 \* \* \*

15 Sec. 35. 16 V.S.A. § 1127 is amended to read:

16 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

17 (a) The truant officer, upon receiving the notice provided in section 1126 of  
18 this title, shall inquire into the cause of the nonattendance of the child. If ~~he or~~  
19 ~~she~~ the truant officer finds that the child is absent without cause, the truant  
20 officer shall give written notice to the person having the control of the child

1 that the child is absent from school without cause and shall also notify that  
2 person to cause the child to attend school regularly thereafter.

3 (b) When, after receiving notice, a person fails, without legal excuse, to  
4 cause a child to attend school as required by this chapter, ~~he or she~~ the person  
5 shall be fined not more than \$1,000.00 pursuant to subsection (c) of this  
6 section.

7 (c) The truant officer shall enter a complaint to the State's Attorney of the  
8 county and shall provide a statement of the evidence upon which the complaint  
9 is based. The State's Attorney shall prosecute the person. In the prosecution,  
10 the complaint, information, or indictment shall be deemed sufficient if it states  
11 that the respondent (naming the respondent) having the control of a child of  
12 school age (naming the child) neglects to send that child to a public school or  
13 ~~an approved or a~~ recognized independent school or a home study program as  
14 required by law.

15 Sec. 36. 16 V.S.A. § 1161a is amended to read:

16 § 1161a. DISCIPLINE

17 (a) Each public and each ~~approved~~ recognized independent school shall  
18 adopt and implement a comprehensive plan for responding to student  
19 misbehavior. To the extent appropriate, the plan shall promote the positive  
20 development of youths. The plan shall include:

21 \* \* \*



1 (c) No person employed by or agent of a public or ~~approved~~ recognized  
2 independent school shall inflict or cause to be inflicted corporal punishment  
3 upon a student attending the school or the institution. However, this section  
4 does not prohibit a person from using reasonable and necessary force:

5 \* \* \*

6 Sec. 37. 16 V.S.A. § 1162 is amended to read:

7 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

8 \* \* \*

9 (d) Notwithstanding anything to the contrary in this chapter, a student  
10 enrolled in a public school, ~~approved~~ recognized independent school, or  
11 prequalified private prekindergarten program who is under eight years of age  
12 shall not be suspended or expelled from the school; provided, however, that the  
13 school may suspend or expel the student if the student poses an imminent  
14 threat of harm or danger to others in the school.

15 Sec. 38. 16 V.S.A. § 1163 is amended to read:

16 § 1163. TRANSFER OF SUSPENSION OR EXPULSION TO OTHER  
17 SCHOOLS

18 (a) If a student transfers from one Vermont public or recognized  
19 independent school to another, then upon application by the student and after a  
20 review of whether the school can provide the student with appropriate services,

1 the new school may choose to continue a suspension or expulsion imposed by  
2 the original school.

3 (b) During a period of suspension or expulsion imposed under section 1162  
4 of this title, a student, or parent or guardian, shall not be subject to the  
5 provisions of subchapter 3 of this chapter regarding compulsory attendance at  
6 school, unless the conditions of the suspension or expulsion include  
7 participation in a program in the school or an alternative program outside the  
8 school. Further, nothing in this section shall prohibit a suspended or expelled  
9 student from applying to a different Vermont public or recognized independent  
10 school during the period of suspension or expulsion and attending if accepted.

11 (c) A school district that provides for the education of a suspended or  
12 expelled student by paying tuition to a ~~public or approved independent~~  
13 designated school may, at the discretion of the school board, provide for the  
14 education of the student during the period of suspension or expulsion by  
15 paying tuition to another public ~~or approved independent~~ school.

16 Sec. 39. 16 V.S.A. § 1261a is amended to read:

17 § 1261a. DEFINITIONS

18 As used in this subchapter:

19 (1) “Food programs” means provision of food to persons under  
20 programs meeting standards for assistance under the National School Lunch

1 Act, 42 U.S.C. § 1751 et seq., and in the Child Nutrition Act, 42 U.S.C. § 1771  
2 et seq., each as amended.

3 (2) “School board” means the governing body responsible for the  
4 administration of a public school.

5 (3) “Independent school board” means a governing body responsible for  
6 the administration of a nonprofit independent school exempt from ~~United~~  
7 ~~States~~ U.S. income taxes that is eligible for designation under section 820(3) of  
8 this title.

9 Sec. 40. 16 V.S.A. § 1262a is amended to read:

10 § 1262a. AWARD OF GRANTS

11 (a)(1) The Agency may, from funds appropriated for this subsection to the  
12 Agency, award grants to:

13 (A) supervisory unions for the use of member school boards that  
14 establish and operate food programs;

15 (B) independent school boards of schools eligible for designation  
16 under section 820(3) of this title that establish and operate food programs; and

17 (C) approved education programs, as defined in subdivision  
18 11(a)(34) of this title and operating under private nonprofit ownership as  
19 defined in the National School Lunch Act, that establish and operate food  
20 programs for students engaged in a teen parent education program or students  
21 enrolled in a Vermont public school.

1           (2) The amount of any grant awarded under this subsection shall not be  
2 more than the amount necessary, in addition to any reimbursement from  
3 federal funds, to pay the actual cost of the meal.

4           (b) The Agency may, from funds available to the Agency for this  
5 subsection, award grants to supervisory unions consisting of one or more  
6 school districts that need to initiate or expand food programs in order to meet  
7 the requirements of section 1264 of this title and that seek assistance in  
8 meeting the cost of initiation or expansion. The amount of the grants shall be  
9 limited to 75 percent of the cost deemed necessary by the Secretary to  
10 construct, renovate, or acquire additional facilities and equipment to provide  
11 lunches to all students, and shall be reduced by the amount of funds available  
12 from federal or other sources, including those funds available under section  
13 3448 of this title. The Agency shall direct supervisory unions seeking grants  
14 under this section to share facilities and equipment within the supervisory  
15 union and with other supervisory unions for the provision of lunches wherever  
16 more efficient and effective operation of food programs can be expected to  
17 result.

18           (c) On a quarterly basis, from State funds appropriated to the Agency for  
19 this subsection, the Agency shall award to each supervisory union, ~~independent~~  
20 ~~school board,~~ and approved education program as described in subsection (a)  
21 of this section a sum equal to the amount that would have been the student

1 share of the cost of all breakfasts and lunches actually provided in the district  
2 during the previous quarter to students eligible for a reduced-price breakfast  
3 under the federal school breakfast program and students eligible for a reduced-  
4 price lunch under the federal school lunch program.

5 (d) The Agency shall, from funds appropriated for this subsection to the  
6 Agency, award grants to supervisory unions and supervisory districts in  
7 accordance with section 1264a of this title (locally produced foods). If the  
8 amount appropriated for this purpose is insufficient to fully fund the grants  
9 under that section, then the grant amounts that are awarded shall be prorated.

10 Sec. 41. 16 V.S.A. § 1264(c) is amended to read:

11 (c) The State shall be responsible for the student share of the cost of  
12 breakfasts provided to all public school students eligible for a reduced-price  
13 breakfast under the federal school breakfast program and for the student share  
14 of the cost of lunches provided to all public school students eligible for a  
15 reduced-price lunch under the federal school lunch program.

16 Sec. 42. 16 V.S.A. § 1387 is amended to read:

17 § 1387. POSSESSION AND SELF-ADMINISTRATION OF EMERGENCY

18 MEDICATION

19 (a) Pursuant to the requirements of this section, each public and ~~approved~~  
20 recognized independent school in the State shall permit students with life-  
21 threatening allergies or with asthma to possess and self-administer emergency

1 medication at school, on school grounds, at school-sponsored activities, on  
2 school-provided transportation, and during school-related programs.

3 \* \* \*

4 (c) In each school year for which possession and self-administration of  
5 emergency medication is requested, the student's parent or guardian shall  
6 develop, in consultation with the school nurse or the designated health care  
7 staff at ~~an approved~~ a recognized independent school, a plan of action  
8 regarding responding to the student's life-threatening allergy or allergies or  
9 asthma. The plan of action shall be based upon the written documentation  
10 provided by the student's physician and shall include the name of each  
11 emergency medication, the dosage, and the times and circumstances under  
12 which the medication is to be taken. The written plan shall prominently state  
13 that the medication is solely for the use of the student covered by the plan. The  
14 parties developing the plan of action shall determine both to whom the plan, or  
15 notification of the plan, shall be given and the person or persons responsible  
16 for distribution or notification. The plan may include a requirement that the  
17 student notify a school employee or agent after self-administering emergency  
18 medication. The written plan shall become part of the student's health records  
19 maintained by the school.

20 \* \* \*

1 (e) Nothing in this section shall prohibit a public school district or ~~an~~  
2 ~~approved~~ a recognized independent school from adopting school policies and  
3 individual plans of action regarding the possession and self-administration of  
4 emergency medication for medical conditions other than asthma and life-  
5 threatening allergies.

6 Sec. 43. 16 V.S.A. § 1388 is amended to read:

7 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF  
8 EPINEPHRINE AUTO-INJECTORS

9 (a) As used in this section:

10 \* \* \*

11 (4) “School” means a public or ~~approved~~ recognized independent school  
12 and extends to school grounds, school-sponsored activities, school-provided  
13 transportation, and school-related programs.

14 \* \* \*

15 Sec. 44. 16 V.S.A. § 1431 is amended to read:

16 § 1431. CONCUSSIONS AND OTHER HEAD INJURIES

17 (a) Definitions. As used in this subchapter:

18 \* \* \*

19 (5) “School athletic team” means an interscholastic athletic team or club  
20 sponsored by a public or ~~approved~~ recognized independent school for  
21 elementary or secondary students.

1

\* \* \*

2

(c) Notice and training. The principal or headmaster of each public and  
3 ~~approved~~ recognized independent school in the State, or a designee, shall  
4 ensure that:

5

\* \* \*

6

(e) Action plan.

7

(1) The principal or headmaster of each public and ~~approved~~ recognized  
8 independent school in the State or a designee shall ensure that each school has  
9 a concussion management action plan that describes the procedures the school  
10 shall take when a student athlete suffers a concussion. The action plan shall  
11 include policies on:

12

\* \* \*

13

Sec. 45. 16 V.S.A. § 1432 is amended to read:

14

§ 1432. MENSTRUAL PRODUCTS

15

(a) By enacting this statute, the General Assembly intends to ensure that all  
16 students attending a public school or ~~an approved independent school~~ eligible  
17 for designation under subdivision 820(3) of this title have access to menstrual  
18 products at no cost and without having to request them.

19

(b)(1) A school district and ~~an approved independent~~ a school eligible for  
20 designation under subdivision 820(3) of this title shall make menstrual



1 products available at no cost for each school within the district or under the  
2 jurisdiction of the board of the independent school in:

3 (A) a majority of gender-neutral bathrooms and bathrooms  
4 designated for female students that are generally used by students who are  
5 eight years of age or older; and

6 (B) the school nurse's office.

7 (2) The school district or ~~independent~~ school eligible for designation  
8 under subdivision 820(3) of this title, in consultation with the school nurse  
9 who provides services to the school, shall determine which of the gender-  
10 neutral bathrooms and bathrooms designated for female students to stock with  
11 menstrual products and which brands to use.

12 (c) School districts and ~~approved independent~~ schools eligible for  
13 designation under subdivision 820(3) of this title shall bear the cost of  
14 supplying menstrual products and may seek grants or partner with a nonprofit  
15 or community-based organization to fulfill this obligation.

16 Sec. 46. 16 V.S.A. § 1482 is amended to read:

17 § 1482. SAFETY PATROLS

18 (a) In the exercise of authorized control and supervision over students  
19 attending schools and other educational institutions in this State, both public  
20 and independent, the school board or other directing authority of a school or  
21 institution may organize and supervise school safety patrols and the

1 appointment, with the permission of parents, of students as members for the  
2 purpose of influencing and encouraging other students to refrain from crossing  
3 public highways at points other than at regular crossings and for the purpose of  
4 directing students not to cross highways at times when the presence of traffic  
5 would make crossing unsafe.

6 (b) The school board or other directing authority shall obtain and keep in  
7 force adequate accident insurance to protect students acting as safety patrols  
8 during the performance of their services.

9 (c) The Commissioner of Public Safety shall, upon the request of a school  
10 board or other directing authority of any public ~~or independent~~ educational  
11 institution, assign an officer or officers of the State Police to assist the school  
12 authorities to organize and supervise school safety patrols, advise and make  
13 recommendations concerning the elimination of traffic hazards endangering  
14 the safety of students, and otherwise assist in promoting safety education in the  
15 schools of the State. Within the appropriation of the Department of Public  
16 Safety, the Commissioner shall furnish any equipment, material, and supplies  
17 that ~~he or she~~ the Commissioner deems necessary for the proper functioning of  
18 ~~the~~ school safety patrols in public schools. Nothing in this section shall be  
19 construed to authorize or permit any safety patrol member to direct vehicular  
20 traffic.

1 Sec. 47. 16 V.S.A. 1541a is amended to read:

2 § 1541a. RESPONSIBILITY OF LOCAL BOARDS IN SENDING  
3 DISTRICTS

4 \* \* \*

5 (b) A school district that maintains a secondary school shall provide the  
6 names and addresses of enrolled students to the CTE center for its region for  
7 the limited purpose of the CTE center providing information to students and  
8 their parents about CTE center offerings. ~~An approved independent~~ A school  
9 eligible for designation under subdivision 820(3) of this title shall provide to  
10 the CTE center the names and addresses of enrolled secondary students for  
11 whom it receives publicly funded tuition dollars under chapter 21 of this title.

12 Sec. 48. 16 V.S.A. § 2944(g) is amended to read:

13 (g) Any public school or ~~approved independent secondary~~ school eligible  
14 for designation under subdivision 820(3) of this title receiving State education  
15 funds shall allow an enrolled student to choose to participate in the graduation  
16 ceremony and senior year activities of the student's peers if:

17 \* \* \*

18 Sec. 49. 16 V.S.A. § 2962(e) is amended to read:

19 (e) ~~Under section 2973 of this title, a supervisory union, in its role as the~~  
20 ~~local education agency, may place a student with an individualized education~~  
21 ~~program under the Individuals with Disabilities Education Act, 20 U.S.C.~~

1 ~~chapter 33, with certain approved independent schools that accept public~~  
2 ~~tuition. If the approved independent school is entitled to special education cost~~  
3 ~~reimbursement under that section, it may bill the supervisory union for excess~~  
4 ~~special education costs incurred by the independent school in providing special~~  
5 ~~education services to that student beyond those covered by general tuition. If~~  
6 ~~those costs for that student exceed the extraordinary expenditures threshold as~~  
7 ~~defined in subdivision (a)(2) of this section, the supervisory union shall be~~  
8 ~~entitled to extraordinary reimbursement under this section for that student as if~~  
9 ~~it incurred those costs directly. [Repealed.]~~

10 Sec. 50. 16 V.S.A. § 2973 is amended to read:

11 § 2973. INDEPENDENT THERAPEUTIC SCHOOL TUITION CONTRACT  
12 RATES

13 ~~(a)(1) Notwithstanding any provision of law to the contrary, an approved~~  
14 ~~independent school that accepts public tuition shall enroll any student with an~~  
15 ~~individualized education program who requires special education services and~~  
16 ~~who is placed in the approved independent school as an appropriate placement~~  
17 ~~and least restrictive environment for the student by the student's individualized~~  
18 ~~education program team or by the local education agency (LEA); provided,~~  
19 ~~however, that this requirement shall not apply to an independent school that~~  
20 ~~limits enrollment to students who are on an individualized education program~~  
21 ~~or a plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794,~~

1 ~~and who are enrolled pursuant to a written agreement between the LEA and the~~  
2 ~~school.~~

3 ~~(2) In placing a student with an independent school under subdivision (1)~~  
4 ~~of this subsection, the student's individualized education program team and the~~  
5 ~~LEA shall comply with all applicable federal and State requirements.~~

6 ~~(3) An approved independent school is not required to demonstrate that it~~  
7 ~~has the resources to serve every category of special education as defined under~~  
8 ~~State Board of Education rules in order to be approved or retain its approval to~~  
9 ~~receive public funding for general tuition.~~

10 ~~(4) The terms "special education services," "LEA," and "individualized~~  
11 ~~education program" or "IEP" as used in this section shall have the same~~  
12 ~~meanings as defined by State Board rules. [Repealed.]~~

13 (b)(1) The Secretary of Education shall establish minimum standards of  
14 services for students receiving special education services in ~~independent~~  
15 therapeutic schools in Vermont and may advise ~~independent~~ therapeutic  
16 schools as to the need for certain special education services in Vermont.

17 ~~(2)(A) The Secretary of Education shall set, after consultation with~~  
18 ~~independent schools in Vermont, and based on the level of services provided~~  
19 ~~by the schools, the maximum rates to be paid by the Agency and supervisory~~  
20 ~~unions or school districts for tuition, room, and board for residential placement~~  
21 ~~of students who require special education services. The amount charged by an~~

1 independent school for tuition shall reflect the school's actual or anticipated  
2 costs of providing special education services to the student and shall not  
3 exceed the maximum rates set by the Secretary, provided that the Secretary  
4 may permit charges in excess of these maximum rates where the Secretary  
5 deems warranted. [Repealed.]

6 (B)(i) ~~An approved independent school that enrolls a student under~~  
7 ~~subdivision (a)(1) of this section may bill the responsible LEA for excess~~  
8 ~~special education costs incurred by the independent school in providing special~~  
9 ~~education services beyond those covered by general tuition. Reimbursement of~~  
10 ~~these excess special education costs shall be based on the direct cost rates~~  
11 ~~approved by the Secretary for services actually provided to the student~~  
12 ~~consistent with the Agency of Education Technical Manual for special~~  
13 ~~education cost accounting. The Agency of Education shall publish specific~~  
14 ~~elements that must be included as part of an independent school's invoice for~~  
15 ~~excess special education costs, and these elements shall be included in the~~  
16 ~~written agreement required under subdivision (c)(2) of this section.~~

17 (ii) ~~In establishing the direct cost rates for reimbursement under~~  
18 ~~this subdivision (B), the Secretary shall apply the principle of treating an~~  
19 ~~approved independent school and a public school with parity in the amount of~~  
20 ~~federal, State, and local contributions to cover the costs of providing special~~  
21 ~~education services.~~

1           ~~(iii) An approved independent school that enrolls a student under~~  
2           ~~subdivision (a)(1) of this section shall provide such documentation to the~~  
3           ~~Secretary as the Secretary deems necessary in order to ensure that amounts~~  
4           ~~payable under this subdivision (B) to the school are reasonable in relation to~~  
5           ~~the special education services provided by the school. The Secretary may~~  
6           ~~withhold, or direct an LEA to withhold, payment under this subdivision~~  
7           ~~pending the Secretary's receipt of required documentation under this~~  
8           ~~subdivision, or may withhold, or direct an LEA to withhold, an amount~~  
9           ~~determined by the Secretary as not reasonable in relation to the special~~  
10           ~~education services provided by the school. [Repealed.]~~

11           (C)(i) The Secretary shall set, after consultation with ~~independent~~  
12           ~~therapeutic~~ schools in Vermont, the maximum ~~tuition~~ contract rates to be paid  
13           by the Agency and supervisory unions or school districts to ~~independent~~  
14           ~~therapeutic~~ schools that limit enrollment to students who are on an IEP or a  
15           plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and  
16           who are enrolled pursuant to a written agreement between the LEA and the  
17           school. The maximum ~~tuition~~ contract rates shall be based on the level of  
18           services provided by the school.

19           (ii) The ~~tuition~~ contract rates established by the Secretary under  
20           this subdivision (C) shall be ~~no~~ not more than the costs that are reasonably  
21           related to the level of services provided by the school and shall be set forth on

1 a form prescribed for that purpose by the Secretary of Education. The  
2 Secretary shall determine the relationship between costs and the level of  
3 services by using generally accepted accounting principles, such as those set  
4 forth in the Handbook (II) for Financial Accounting of Vermont School  
5 Systems.

6 (iii) After the Secretary approves a ~~tuition~~ contract rate for an  
7 ~~independent~~ a therapeutic school under this subdivision (C), the school shall  
8 not exceed that ~~tuition~~ contract rate until such time as a new ~~tuition~~ contract  
9 rate is approved by the Secretary.

10 ~~(c)(1) In order to be approved as an independent school eligible to receive~~  
11 ~~State funding under subdivision (a)(1) of this section, the school shall~~  
12 ~~demonstrate the ability to serve students with disabilities by:~~

13 ~~(A) demonstrating an understanding of special education~~  
14 ~~requirements, including the:~~

15 ~~(i) provision of a free and appropriate public education in~~  
16 ~~accordance with federal and State law;~~

17 ~~(ii) provision of education in the least restrictive environment in~~  
18 ~~accordance with federal and State law;~~

19 ~~(iii) characteristics and educational needs associated with any of~~  
20 ~~the categories of disability or suspected disability under federal and State law;~~  
21 ~~and~~



1                   ~~(iv) procedural safeguards and parental rights, including discipline~~  
2 ~~procedures, specified in federal and State law;~~

3                   ~~(B) committing to implementing the IEP of an enrolled student with~~  
4 ~~special education needs, providing the required services, and appropriately~~  
5 ~~documenting the services and the student's progress;~~

6                   ~~(C) employing or contracting with staff who have the required~~  
7 ~~licensure to provide special education services;~~

8                   ~~(D) agreeing to communicate with the responsible LEA concerning:~~

9                   ~~(i) the development of, and any changes to, the IEP;~~

10                   ~~(ii) services provided under the IEP and recommendations for a~~  
11 ~~change in the services provided;~~

12                   ~~(iii) the student's progress;~~

13                   ~~(iv) the maintenance of the student's enrollment in the independent~~  
14 ~~school; and~~

15                   ~~(v) the identification of students with suspected disabilities; and~~

16                   ~~(E) committing to participate in dispute resolution as provided under~~  
17 ~~federal and State law.~~

18                   ~~(2) An approved independent school that enrolls a student requiring~~  
19 ~~special education services who is placed with the school under subdivision~~

20 ~~(a)(1) of this section:~~

1           ~~(A) shall enter into a written agreement with the LEA committing to~~  
2           ~~the requirements under subdivision (1) of this subsection (c); and~~

3           ~~(B) shall ensure that qualified school personnel attend planning~~  
4           ~~meetings and IEP meetings for the student. [Repealed.]~~

5           ~~(d)(1) If a student is placed with an approved independent school under~~  
6           ~~subsection (a) of this section and either the LEA and the school each certifies,~~  
7           ~~or the hearing officer under subdivision (3) of this subsection certifies, to the~~  
8           ~~Secretary of Education that the school is unable to provide required IEP~~  
9           ~~services due to its inability to retain qualified staff, then the LEA shall make~~  
10           ~~another placement that satisfies the federal requirements to provide the student~~  
11           ~~with a free and appropriate public education in the least restrictive~~  
12           ~~environment.~~

13           ~~(2) If the conditions in subdivision (1) of this subsection are satisfied:~~

14           ~~(A) the approved independent school shall not be subject to any~~  
15           ~~disciplinary action or the revocation of its approved status by the State Board~~  
16           ~~of Education due to its failure to enroll the student; and~~

17           ~~(B) no private right of action shall be created on the part of the~~  
18           ~~student or his or her family members, or any other private party, to:~~

19           ~~(i) require the LEA to place the student with the approved~~  
20           ~~independent school or the school to enroll the student; or~~

1           (ii) ~~hold the LEA or the approved independent school responsible~~  
2           ~~for monetary damages due to the failure of the school to enroll the student or~~  
3           ~~the necessity for the LEA to make an alternative placement.~~

4           (3) ~~If the LEA and approved independent school do not agree on whether~~  
5           ~~the school is unable to retain qualified staff under subdivision (1) of this~~  
6           ~~subsection, then the LEA and the school shall jointly contract with a hearing~~  
7           ~~officer to conduct a hearing with the parties and make a determination, which~~  
8           ~~shall be final. The cost for the hearing officer shall be split evenly between the~~  
9           ~~two parties. [Repealed.]~~

10          (e) Neither a school district nor any State agency shall pay rates for tuition,  
11          room, and board for students receiving special education in ~~independent~~  
12          therapeutic schools outside Vermont that are in excess of allowable costs  
13          approved by the authorized body in the state in which the ~~independent~~  
14          therapeutic school is located, except in exceptional circumstances or for a child  
15          who needs exceptional services, as approved by the Secretary.

16          (f) The State Board is authorized to enter into interstate compacts with  
17          other states to regulate rates for ~~tuition~~ contract rates, room, and board for  
18          students receiving special education in ~~independent~~ therapeutic schools.

19          Sec. 51. 16 V.S.A. § 3447 is amended to read:

20          § 3447. SCHOOL BUILDING CONSTRUCTION; STATE BONDS; CITY

21                                   AS SCHOOL DISTRICT

1           The State Treasurer may issue bonds under 32 V.S.A. chapter 13 in such  
2           amount as may from time to time be appropriated to assist incorporated school  
3           districts, joint contract schools, town school districts, union school districts,  
4           and regional career technical center school districts, ~~and independent schools~~  
5           ~~meeting education quality standards that serve as the public high school for~~  
6           ~~one or more towns or cities~~, or combination thereof, and that both receive their  
7           principal support from public funds and are conducted within the State under  
8           the authority and supervision of a board of trustees, not less than two-thirds of  
9           whose membership is appointed by the selectboard of a town or by the city  
10          council of a city or in part by such selectboard and the remaining part by such  
11          council under the conditions and for the purpose set forth in sections 3447–  
12          3456 of this title. A city shall be deemed to be an incorporated school district  
13          within the meaning of sections 3447–3456 of this title.

14          Sec. 52. 16 V.S.A. § 3448 is amended to read:

15          § 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION

16                   PROJECTS; RENEWABLE ENERGY

17                  (a) Construction aid.

18                   (1) Preliminary application for construction aid. A district ~~or~~  
19                   ~~independent school~~ eligible for assistance under section 3447 of this title that  
20                   intends to construct or purchase a new school, or make extensive additions or  
21                   alterations to its existing school, and desires to avail itself of State school

1 construction aid shall submit a written preliminary application to the Secretary.

2 A preliminary application shall include information required by the State

3 Board by rule and shall specify the need for and purpose of the project.

4 \* \* \*

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

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

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

20 (C) the cost of projects to extend the life of a building that the State  
21 Board has approved but not yet reimbursed due to insufficient funds, as well as

1 the estimated cost of those that might be approved by the State Board in the  
2 coming fiscal year under subdivision (3)(B) of this subsection (a).

3 (5) Final approval for construction aid.

4 \* \* \*

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

11 [Repealed.]

12 \* \* \*

13 Sec. 53. 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 of Education may, within 30 days, appeal to the Superior Court in the county  
18 in which the project is located.

19 Sec. 54. 16 V.S.A. § 3448f is amended to read:

20 § 3448f. ENERGY PERFORMANCE CONTRACTING;

21 AUTHORIZATION; STATE AID

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

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

7 (2) "District" means a district ~~or independent school~~ eligible for  
8 assistance under section 3447 of this title.

9 \* \* \*

10 Sec. 55. 16 V.S.A. § 3455a is amended to read:

11 § 3455a. ~~COMPUTER-AIDED~~ COMPUTER-AIDED DESIGN

12 Whenever a school district ~~or independent school~~ makes final application  
13 for construction aid pursuant to subdivision 3448(a)(5) of this title, the district  
14 ~~or school~~ shall submit to the Secretary copies of site plans and building plans  
15 either in computer-aided design (CAD) format, if used, or, if not, in the form  
16 submitted by the architect or engineer to the school board or board of trustees.

17 Sec. 56. 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 by rule, who are legal residents of the district or municipality  
6 attending a school owned and operated by the district, attending a public  
7 school outside the district under section 822a of this title, or for whom the  
8 district pays tuition to one or more ~~approved independent schools or public~~  
9 designated schools outside the district during the annual census period. The  
10 census period consists of the 11th day through the 30th day of the school year  
11 in which 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~~ a designated school  
16 outside the district shall not count a State-placed student for whom it is paying  
17 tuition for purposes of determining average daily membership. A school  
18 district that is receiving the full amount, as defined by the State Board by rule,  
19 of 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 (C) The full-time equivalent enrollment for each prekindergarten  
4 child as follows: If a child is enrolled in 10 or more hours of prekindergarten  
5 education per week or receives 10 or more hours of essential early education  
6 services per week, the child shall be counted as one full-time equivalent pupil.  
7 If a child is enrolled in six or more but fewer than 10 hours of prekindergarten  
8 education per week or if a child receives fewer than 10 hours of essential early  
9 education services per week, the child shall be counted as a percentage of one  
10 full-time equivalent pupil, calculated as one multiplied by the number of hours  
11 per week divided by ~~ten~~ 10. A child enrolled in prekindergarten education for  
12 fewer than six hours per week shall not be included in the district's average  
13 daily membership. There is no limit on the total number of children who may  
14 be enrolled in prekindergarten education or who receive essential early  
15 education services.

16 \* \* \*

17 (6) "Education spending" means the amount of the school district  
18 budget, any assessment for a joint contract school, career technical center  
19 payments made on behalf of the district under subsection 1561(b) of this title,  
20 and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is  
21 paid for by the school district, but excluding any portion of the school budget

1 paid for from any other sources such as endowments, parental fundraising,  
2 federal funds, nongovernmental grants, or other State funds such as special  
3 education funds paid under chapter 101 of this title.

4 (A) [Repealed.]

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

7 \* \* \*

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

16 \* \* \*

17 (vi) A budget deficit in a district that pays tuition to a ~~public~~  
18 designated school ~~or an approved independent school, or both~~, for all of its  
19 resident students in any year in which the deficit is solely attributable to tuition  
20 paid for one or more new students who moved into the district after the budget  
21 for the year creating the deficit was passed.

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Sec. 57. 16 V.S.A. § 4010(c) is amended to read:

(c) Reporting on weighting categories to the Agency of Education. Each school district shall annually report to the Agency of Education by a date established by the Agency the information needed in order for the Agency to compute the weighting categories under subsection (b) of this section for that district. In order to fulfill this obligation, a school district that pays public tuition on behalf of a resident student (sending district) to a public school in another school district, ~~an approved independent~~ a school eligible for designation under subdivision 820(3) of this title, or an out-of-state school (each a receiving school) may request the receiving school to collect this information on the sending district's resident student, and if requested, the receiving school shall provide this information to the sending district in a timely manner.

Sec. 58. 16 V.S.A. § 4012 is amended to read:

§ 4012. STATE-PLACED STUDENTS

(a) A district that provides for the education of its students by paying tuition to ~~an approved independent school or a public~~ a designated school outside the district shall receive from the Secretary an amount equal to the calculated net cost per pupil in the receiving school, as defined in section 825 of this title, prorated for the percentage of annual tuition billed for a State-

1 placed student. If the calculated net cost per pupil in a ~~receiving independent~~  
2 ~~school or school located outside Vermont~~ designated school is not available,  
3 the Secretary shall pay the tuition charged. A district shall not receive funds  
4 under this section if all the student's education costs are fully paid under  
5 subsection 2950(a) of this title.

6 \* \* \*

7 Sec. 59. 18 V.S.A. § 1129 is amended to read:

8 § 1129. IMMUNIZATION REGISTRY

9 \* \* \*

10 (g) As used in this section, "administrator" means an individual licensed  
11 under 16 V.S.A. chapter 5, the majority of whose employed time in a public  
12 school, school district, or supervisory union is assigned to developing and  
13 managing school curriculum, evaluating and disciplining personnel, or  
14 supervising and managing a school system or school program.

15 "Administrator" also means an individual employed by ~~an approved or a~~  
16 recognized independent school, the majority of whose assigned time is devoted  
17 to those duties.

18 Sec. 60. 18 V.S.A. § 1243 is amended to read:

19 § 1243. TESTING OF DRINKING WATER

20 \* \* \*

21 (e) Waiver.

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\* \* \*

(2) A school district, supervisory union, ~~independent school~~, or child care provider that receives a waiver under this subsection shall be eligible for assistance from the State for the costs of remediation that has been implemented or scheduled as a result of sampling conducted after April 22, 2019.

\* \* \*

Sec. 61. 18 V.S.A. § 1781 is amended to read:

§ 1781. DEFINITIONS

As used in this chapter:

\* \* \*

(10) “School” means:

(A) A public school in Vermont, including a regional career technical center and a comprehensive high school.

(B) ~~An approved independent school.~~ [Repealed.]

Sec. 62. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may otherwise be provided by law, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

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\* \* \*

(34)(A) “School bus” means any motor vehicle used to transport children to or from school or in connection with school activities, except:

(i) Buses operated by common carriers who incidentally accept school children as passengers.

(ii) Private motor vehicles used to carry members of the owner’s household. As used in this section, “private motor vehicle” means a vehicle neither owned nor leased by a public school ~~or an approved independent school.~~

\* \* \*

Sec. 63. 24 V.S.A. § 4947 is amended to read:

§ 4947. HEALTH BENEFIT PLANS OFFERED TO ENTITIES  
PROVIDING EDUCATIONAL SERVICES

\* \* \*

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

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

3 Sec. 64. 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~~ a recognized independent  
9 school under 16 V.S.A. § 166; and shall be coordinated with adult education,  
10 special education, and career technical education.

11 \* \* \*

12 (d) Curriculum. The education program shall offer a minimum course of  
13 study, as defined in 16 V.S.A. § 906, and special education programs in  
14 accordance with the program description used for recognized independent  
15 school approval.

16 \* \* \*

17 Sec. 65. 33 V.S.A. § 4913 is amended to read:

18 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL  
19 ACTION

20 (a) A mandated reporter is any:

21 \* \* \*





1       Sec. 67. TRANSITION

2           (a) A school district that does not maintain an elementary school or high  
3           school and, as of June 30, 2023, paid tuition to the school of a family’s choice  
4           under the provisions of 16 V.S.A. chapter 21 in effect at that time shall vote to  
5           designate three or fewer eligible schools in accordance with this act not later  
6           than July 1, 2028. The district shall begin paying tuition only to designated  
7           schools in accordance with this act beginning with the first school year of  
8           designation or the 2028–2029 school year, whichever comes first.

9           (b) A student enrolled for the 2022–2023 school year in or who has been  
10          accepted for enrollment for the 2023–2024 school year by an approved  
11          independent school and whose district of residence pays tuition pursuant to the  
12          provisions of 16 V.S.A. chapter 21 in effect on June 30, 2023 shall continue to  
13          be entitled to public tuition until such time as the student graduates from that  
14          school or until 2028, whichever comes first.

15          (c) Under 16 V.S.A. § 562(7), school district voters may authorize a school  
16          board to “purchase buildings or sites for school purposes, [and] to locate and  
17          erect schoolhouses.” Before the 2028–2029 school year, a school district may  
18          vote to authorize a school board to purchase buildings or sites from an  
19          approved independent school that the school district paid tuition to for  
20          60 percent or more of its students under the provisions of 16 V.S.A. chapter 21  
21          in effect on June 30, 2023 in the 2022–2023 school year, for the purpose of

1 opening a new public or elementary high school within the district. Any new  
2 such public or elementary high school shall meet all educational quality  
3 standards pursuant to 16 V.S.A. § 165 as well as all other laws and rules  
4 applicable to public schools, including teacher licensing requirements under  
5 Title 16 chapter 51.

6 \* \* \* Effective Dates \* \* \*

7 Sec. 68. EFFECTIVE DATES

8 This act shall take effect on July 1, 2023, except that this section and  
9 Sec. 10 (repeals) shall take effect on passage and Secs. 9 (16 V.S.A. § 828) and  
10 57 (16 V.S.A. § 4010(c)) shall take effect on July 1, 2024.