

1 H.405

2 Introduced by Representatives Peterson of Clarendon, Branagan of Georgia,  
3 Demar of Enosburgh, Higley of Lowell, Williams of Granby,  
4 and Wilson of Lyndon

5 Referred to Committee on

6 Date:

7 Subject: Education; school choice; elementary education; secondary education

8 Statement of purpose of bill as introduced: This bill proposes to allow all  
9 Vermont students to attend the school of the student's choice, paid for by a  
10 School Choice Grant issued by the Agency of Education. The School Choice  
11 Grant would be paid from the Education Fund payment otherwise due to the  
12 student's school district of residence. This bill also proposes to require the  
13 Joint Fiscal Office to issue a report with recommendations for the integration  
14 of the school choice program into Vermont's current education funding  
15 structure.

16 An act relating to school choice for all Vermont students

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

2 Sec. 1. 16 V.S.A. § 822b is added to read:

3 § 822b. SCHOOL CHOICE

4 (a) Policy. It shall be the policy of the State of Vermont to allow a parent  
5 and the parent's child in grades prekindergarten through 12 to choose which  
6 public or independent school the child shall attend, regardless of the child's  
7 district of residence.

8 (b) Parental choice of school. On or before a date set by the Secretary of  
9 Education, in the second semester of a school year, the parent or guardian of a  
10 student may select, from a list of public and approved independent schools  
11 maintained by the Agency of Education, the school to which the parent or  
12 guardian wishes to have the parent or guardian's child attend for the coming  
13 school year, and notify the Agency of that choice. Failure to notify the Agency  
14 in a timely manner shall be deemed to indicate that the parent or guardian  
15 wishes the child to remain in the school that the student currently attends. The  
16 State Board of Education shall by rule provide for midyear transfers and  
17 adjustments in extraordinary cases.

18 (c) Acceptance of choice of school. A Vermont public school shall accept  
19 all students whose parent or guardian has selected that school, unless the  
20 school has insufficient capacity or resources. In that case, the school shall  
21 accept students who apply by lottery, but may give preference to students

1 whose siblings attend the school. An approved independent school may not  
2 decline to accept a student because of race, creed, color, national origin,  
3 marital status, sex, sexual orientation, or gender identity.

4 (d) School Choice Grant. Upon parental selection and notification of the  
5 student's acceptance by the receiving school, the Agency of Education shall  
6 issue a School Choice Grant to the receiving district or approved independent  
7 school selected, which shall be paid from the Education Fund payment  
8 otherwise due the student's school district of residence.

9 (e) Nonoperating districts. If a district does not maintain a school for the  
10 grades it is organized to provide education for its resident students, at and after  
11 the inception of the program described in this section, the district shall  
12 continue to pay tuition for each of its resident students according to sections  
13 821 and 822 of this title until a student continuing to reside in the district  
14 completes the student's secondary education.

15 (f) Acceptance of School Choice Grants. A Vermont public school shall  
16 accept the tuition paid under the School Choice Grant established in  
17 subsection (d) of this section as full payment for tuition but may assess fees  
18 and other charges related to the cost of providing its customary education  
19 program for all of its students. An approved independent school or an out-of-  
20 state public school may charge tuition in excess of the tuition amount paid  
21 under the School Choice Grant under subsection (e) of this section, but

1 payment of the excess amount shall be the responsibility of the parent or  
2 guardian.

3 Sec. 2. SCHOOL CHOICE FUNDING; REPORT

4 On or before January 15, 2024, the Joint Fiscal Office (JFO) shall prepare a  
5 written report for the House and Senate Committees on Education, the House  
6 Committee on Ways and Means, and the Senate Committee on Finance, with  
7 recommendations for the integration of the school choice program created in  
8 Sec. 1 of this act into Vermont's current education funding structure, in  
9 accordance with the State policy set out in subdivision 16 V.S.A. § 822b(a).  
10 In preparing the report, JFO shall consult with the Agency of Education and  
11 any other relevant stakeholders.

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on passage, except that Sec. 1 shall take effect on  
14 August 1, 2024.