

1 H.461

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; national guard tuition; home study; uniform chart of
5 accounts

6 Statement of purpose of bill as introduced: This bill proposes to make
7 miscellaneous changes in education laws, including (1) suspending the
8 implementation of the shared school district financial system; (2) allowing the
9 National Guard Tuition benefit to be used at non-Vermont approved
10 postsecondary schools; (3) making changes to the home study program; and (4)
11 extending recommendation and reporting requirement deadlines for the
12 Vermont Ethnic and Social Equity Standards Advisory Working Group.

13 An act relating to making miscellaneous changes in education laws

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

15 * * * Shared School District Data Management System * * *

16 Sec. 1. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, as amended
17 by 2019 Acts and Resolves No. 72, Sec. E.500.5, 2021 Acts and Resolves No.
18 66, Sec. 15, and 2022 Acts and Resolves No. 185, Sec. E.500.2, is further
19 amended to read:

1 Sec. E.500.1. ~~SHARED SCHOOL DISTRICT FINANCIAL DATA~~
2 ~~MANAGEMENT SYSTEM~~

3 (a) ~~Not later than December 31, 2024, all Vermont supervisory unions,~~
4 ~~supervisory districts, school districts, and independent technical center districts~~
5 ~~shall utilize the same school finance and financial data management system.~~
6 ~~The system shall be selected by the Agency of Education per State~~
7 ~~procurement guidelines. [Repealed.]~~

8 * * *

9 Sec. 2. 2021 Acts and Resolves No. 66, Sec. 16, as amended by 2022 Acts and
10 Resolves No. 185, Sec. E.500.3, is further amended to read:

11 Sec. 16. ~~PAUSE SUSPENSION OF IMPLEMENTATION OF SHARED~~
12 ~~SCHOOL DISTRICT FINANCIAL DATA MANAGEMENT~~
13 ~~SYSTEM~~

14 Notwithstanding Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No.
15 11, as amended, the mandatory implementation of the Shared School District
16 Data Management System (SSDDMS) shall be ~~paused until July 1, 2023~~
17 permanently suspended, provided that:

18 (4) ~~the~~ the Agency of Education and its contractor for implementation of the
19 system shall continue to support existing users and any new adopters, as of the
20 date of enactment of this act, of the system; ~~and~~ , within the confines of the
21 existing contract.

1 (2) ~~a supervisory union, supervisory district, school district, or~~
2 ~~independent technical center district may implement or leave SSDDMS during~~
3 ~~the pause period after consultation with the Agency of Education and upon~~
4 ~~approval by its governing body. [Repealed.]~~

5 Sec. 3. REPEAL

6 2021 Acts and Resolves No. 66, Sec. 17, as amended by 2022 Acts and
7 Resolves No. 185, Sec. E.500.4 (Agency of Education report on the
8 implementation of the Shared School District Data Management System), is
9 repealed.

10 * * * National Guard Tuition Benefit Program * * *

11 Sec. 4. 16 V.S.A. § 2857 is amended to read:

12 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

13 (a) Program creation. The Vermont National Guard Tuition Benefit
14 Program (Program) is created, under which a member of the Vermont National
15 Guard (member) who meets the eligibility requirements in subsection (c) of
16 this section is entitled to the following tuition benefit for up to full-time
17 attendance:

18 (1) For courses at any Vermont State College institution or the
19 University of Vermont and State Agricultural College (UVM), the benefit shall
20 be the in-state residence tuition rate for the relevant institution.

1 (2) For courses at any eligible Vermont private postsecondary
2 institution, the benefit shall be the in-state tuition rate charged by UVM.

3 (3) For courses at an eligible training institution offering nondegree,
4 certificate training, or continuing education programs, the benefit shall be the
5 lower of the institution's standard tuition or the in-state tuition rate charged by
6 UVM.

7 (4) For courses at a non-Vermont approved postsecondary education
8 institution approved for federal Title IV funding where the degree program is
9 not available in Vermont, the benefit shall be the in-state tuition rate charged
10 by UVM.

11 * * *

12 * * * Home Study Program * * *

13 Sec. 5. 16 V.S.A. § 166b is amended to read:

14 § 166b. HOME STUDY PROGRAM

15 (a) Enrollment notice. ~~A home study program shall send a written~~
16 ~~enrollment notice to the Secretary whenever it intends to enroll a child.~~
17 ~~Enrollments in home study programs shall expire on July 1. If a home study~~
18 ~~program intends to re-enroll a child for the following school year, a new notice~~
19 ~~under this section is required and may be submitted at any time after March 1.~~
20 A parent or legal guardian shall send the Secretary annual notice of intent to
21 enroll the parent's or legal guardian's child in a home study program at least

1 10 business days prior to commencing home study. Such notice shall be
2 submitted via a form developed by the Agency of Education. A notice under
3 this subsection shall include the following:

4 (1) The name, age, and date, month, and year of birth of the child.

5 (2) The names, mailing addresses, e-mail addresses, town of legal
6 residence, and telephone numbers of ~~the~~ all parents or guardians ~~of the child~~
7 with legal custody who are legally authorized to make educational decisions
8 for the student.

9 (3) ~~For each child enrolled during the preceding year, any assessment of~~
10 ~~progress required under subsection (d) of this section.~~ An attestation that the
11 academic progress of each child enrolled in a home study program will be
12 assessed at the end of each school year and that the parent or guardian will
13 maintain the record of such assessments. Permitted means of assessment shall
14 include:

15 (A) a standardized assessment, which may be administered by the
16 local school district or a testing service;

17 (B) a review of the student's progress by an individual who holds a
18 current Vermont teacher's certificate;

19 (C) a parent or guardian report and portfolio to include a summary of
20 what the student learned during the school year and at least four samples of
21 student work;

1 (D) grades from an online academy or school; or

2 (E) evidence of passing of the GED.

3 (4) For each child not previously enrolled in a Vermont public school or
4 Vermont home study program, independent professional evidence ~~on~~ regarding
5 whether the child has a ~~disability. A comprehensive evaluation to establish~~
6 ~~eligibilities for special education is not required, but may be ordered by a~~
7 ~~hearing officer after a hearing under this section~~ documented disability and
8 how the disability may affect the student's educational progress in a home
9 study program.

10 ~~(5) Subject to the provisions of subsections (k) and (l) of this section, for~~
11 ~~each child being enrolled for the current year, a detailed outline or narrative~~
12 ~~that describes the content to be provided in each subject area of the minimum~~
13 ~~course of study, including any special services or adaptations to be made to~~
14 ~~accommodate any disability. Methods and materials to be used may be~~
15 ~~included but are not required. An attestation that each child being enrolled in~~
16 home study will be provided the equivalent of at least 175 days of instruction
17 in the minimum course of study, specifically:

18 (A) for a child who is younger than 13 years of age, the subject areas
19 listed in section 906 of this title;

20 (B) for a child who is 13 years of age or older, the subject areas listed
21 in subdivisions 906(b)(1), (2), (4), and (5) of this title; or

1 (C) for students with documented disabilities, a parent or guardian
2 must attest to providing adaptations to support the student in the home study
3 program.

4 ~~(6) The names, addresses, telephone numbers, and signatures of the~~
5 ~~persons who will provide ongoing instruction in each subject area of the~~
6 ~~minimum course of study, as defined in subsection (i) of this section.~~

7 [Repealed.]

8 (7) The signatures of all ~~custodial~~ parents or guardians with legal
9 custody who are legally authorized to make educational decisions for the
10 student. In the alternative, the parent seeking enrollment may provide
11 attestation of sole primary educational decision-making authority.

12 ~~(b) Notice to home study programs~~ Enrollment. Within ~~14~~ 10 business
13 ~~days of receiving an~~ following submission of a complete enrollment notice, the
14 Secretary or designee shall send the home study program a written
15 acknowledgment of receipt, which shall constitute sufficient enrollment
16 verification for purposes of section 1121 of this title. ~~The acknowledgment~~
17 ~~shall include a determination:~~

18 (1) ~~either that the enrollment notice is complete and no further~~
19 ~~information is needed, or specifically identifying information required under~~
20 ~~subsection (a) of this section which is missing. If information is missing, the~~

1 home study program shall provide the additional information in writing within
2 14 days; and [Repealed.]

3 (2) ~~either that the child may be enrolled immediately or that the child~~
4 ~~may be enrolled 45 days after the enrollment notice was received. At any time~~
5 ~~before the child may be enrolled, the Secretary may order that a hearing be~~
6 ~~held. After notice of such a hearing is received, the child shall not be enrolled~~
7 ~~until after an order has been issued by the hearing officer to that effect.~~

8 [Repealed.]

9 (c) ~~Enrollment reports~~ Withdrawal. ~~Each home study program shall notify~~
10 ~~the Secretary within seven days of the day that any student ceases to be~~
11 ~~enrolled in the program. Within ten days of receiving any enrollment report,~~
12 ~~the Secretary shall notify the appropriate superintendent of schools~~ The parent
13 or guardian shall notify the Secretary in writing within 10 business days
14 following the date that any student is withdrawn from the student's home study
15 program.

16 (d) ~~Progress assessment~~. ~~Each home study program shall assess annually~~
17 ~~the progress of each of its students. Progress shall be assessed in each subject~~
18 ~~area of the minimum course of study, as defined in subsection (i) of this~~
19 ~~section, by one or more of the following methods:~~

20 (1) ~~A report in a form designated by the Secretary, by a teacher licensed~~
21 ~~in Vermont. In determining the form of the report, the Secretary shall consult~~

1 ~~with parents who have provided home study programs for their children.~~

2 ~~Nothing in this section shall be construed to require the Secretary to consult~~
3 ~~with parents on an individual basis regarding the form of a teacher report.~~

4 ~~(2) A report prepared by the student's parents or instructor, or a teacher~~
5 ~~advisory service report from a publisher of a commercial curriculum, together~~
6 ~~with a portfolio of the student's work that includes work samples to~~
7 ~~demonstrate progress in each subject area in the minimum course of study.~~

8 ~~(3) The complete results of a standardized achievement test approved by~~
9 ~~the Secretary, administered in a manner approved by the testing company, and~~
10 ~~scored in accordance with this subdivision. In selecting the list of tests to be~~
11 ~~approved, the Secretary shall:~~

12 ~~(A) Consult with parents who have provided home study programs for~~
13 ~~their children. Nothing in this section shall be construed to require the~~
14 ~~Secretary to consult with parents on an individual basis regarding the test to be~~
15 ~~administered as a progress assessment for their own home study programs.~~

16 ~~(B) Select at least four tests to be scored by a testing company, and at~~
17 ~~least four tests to be administered and scored by a teacher licensed in Vermont~~
18 ~~who is not the parent or legal guardian of the student. [Repealed.]~~

19 ~~(e) Hearings before enrollment. If the Secretary has information that creates~~
20 ~~a significant doubt about whether a home study program can or will provide a~~
21 ~~minimum course of study for a student who has not yet enrolled, the Secretary~~

1 ~~may call a hearing. At the hearing, the home study program shall establish that~~
2 ~~it has complied with this section and will provide the student with a minimum~~
3 ~~course of study. [Repealed.]~~

4 (f) ~~Hearings after enrollment. If the Secretary has information that~~
5 ~~reasonably could be expected to justify an order of termination under this~~
6 ~~section, he or she may call a hearing. At the hearing, the Secretary shall~~
7 ~~establish one or more of the following:~~

8 (1) ~~the home study program has substantially failed to comply with the~~
9 ~~requirements of this section;~~

10 (2) ~~the home study program has substantially failed to provide a student~~
11 ~~with the minimum course of study;~~

12 (3) ~~the home study program will not provide a student with the minimum~~
13 ~~course of study. [Repealed.]~~

14 (g) ~~Notice and procedure. Notice of any hearing shall include a brief~~
15 ~~summary of the material facts and shall be sent to each parent or guardian and~~
16 ~~each instructor of the student or students involved who are known to the~~
17 ~~Secretary. The hearing shall occur within 30 days of the day that notice is~~
18 ~~given or sent. If a notice concerns a child not yet enrolled in a home study~~
19 ~~program, enrollment shall not occur until an order has been issued after the~~
20 ~~hearing. The hearing shall be conducted by an impartial hearing officer~~
21 ~~appointed by the Secretary from a list approved by the State Board. At the~~

1 ~~request of the child's parent or guardian, the hearing officer shall conduct the~~
2 ~~hearing at a location in the vicinity of the home study program. [Repealed.]~~

3 (h) ~~Order following hearing. After hearing evidence, the hearing officer~~
4 ~~shall enter an order within ten working days. If the child is not enrolled, the~~
5 ~~order shall provide that the child be enrolled or that enrollment be disallowed.~~
6 ~~If the child is enrolled, the order shall provide that enrollment be continued or~~
7 ~~that the enrollment be terminated. An order shall take effect immediately.~~
8 ~~Unless the hearing officer provides for a shorter period, an order disallowing or~~
9 ~~terminating enrollment shall extend until the end of the following school year,~~
10 ~~as defined in this title. If the order is to disallow or terminate the enrollment, a~~
11 ~~copy shall be given to the appropriate superintendent of schools, who shall take~~
12 ~~appropriate action to ensure that the child is enrolled in a school as required by~~
13 ~~this title. Following a hearing, the Secretary may petition the hearing officer to~~
14 ~~reopen the case only if there has been a material change in circumstances.~~

15 [Repealed.]

16 (i) ~~The minimum course of study required under this section shall be~~
17 ~~provided every school year, and the educational content provided shall be~~
18 ~~adapted in each area of study to the age and ability of each child and to any~~
19 ~~disability of the child. Nothing in this section requires that a home study~~
20 ~~program follow the program or methods used by the public schools. In this~~
21 ~~section, "minimum course of study" means:~~

1 ~~(1) For a child who is younger than 13 years of age, the subject areas~~
2 ~~listed in section 906 of this title.~~

3 ~~(2) For a child who is 13 years of age or older, the subject areas listed in~~
4 ~~subdivisions 906(b)(1), (2), (4), and (5) of this title, and other subject areas~~
5 ~~selected by the home study program. The child's progress in the elective areas~~
6 ~~shall not be subject to the annual progress assessment. [Repealed.]~~

7 (j) Waiver. After the filing of the enrollment notice ~~or at a hearing~~, if the
8 home study program is unable to comply with any specific requirements due to
9 deep religious conviction shared by an organized group, the Secretary may
10 waive such requirements if ~~he or she~~ the Secretary determines that the
11 educational purposes of this section are being or will be substantially met.

12 (k) ~~A Vermont home study program that has successfully completed the~~
13 ~~last two consecutive school years of home study with any enrolled child,~~
14 ~~provided those two years fall within the most recent five years, shall not~~
15 ~~thereafter be required to submit an annual detailed outline or narrative~~
16 ~~describing the content of the minimum course of study. For the purposes of~~
17 ~~this subsection, successful completion of a home study program shall mean~~
18 ~~that, in each of the two consecutive years, the program has not been disallowed~~
19 ~~by order of a hearing officer, the previously enrolled student made progress~~
20 ~~commensurate with age and ability in all subject areas of the minimum course~~
21 ~~of study, and the home study program has otherwise complied with the~~

1 ~~requirements of this section.~~ Annual notice. A parent or guardian who has
2 provided a complete enrollment notice as described in subsection (a) of this
3 section shall notify the Secretary on or before the start of each following year
4 of the parent's or guardian's intention to continue to provide instruction
5 through a home study program via a form provided by the Agency of
6 Education. This notice shall be provided at least 10 business days prior to the
7 intended start date of the home study program.

8 (1) ~~A home study program that has successfully completed two consecutive~~
9 ~~school years of home study as defined in subsection (k) of this section shall not~~
10 ~~be exempt from any other requirements of this section and shall annually~~
11 ~~submit a description of special services and adaptations to accommodate any~~
12 ~~disability of the child consistent with subsection (i) of this section. In addition,~~
13 ~~the program shall submit a detailed outline or narrative describing the content~~
14 ~~to be provided in each subject area of the minimum course of study as part of~~
15 ~~its enrollment notice for each child who is 12 years of age at the time the~~
16 ~~enrollment notice is submitted. [Repealed.]~~

17 * * * Vermont Ethnic and Social Equity Standards Advisory

18 Working Group * * *

19 Sec. 6. 2019 Acts and Resolves No. 1, Sec. 1, as amended by 2021 Acts and
20 Resolves No. 66, Sec. 12 and 2022 Acts and Resolves No. 185, Sec. E.500.6,
21 is further amended to read:

