

Senate proposal of amendment

H. 461

An act relating to making miscellaneous changes in education laws

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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

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

Sec. E.500.1. SHARED SCHOOL DISTRICT FINANCIAL DATA
MANAGEMENT SYSTEM

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 [Repealed.]~~

* * *

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

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

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

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

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 [Repealed.]~~

Sec. 3. REPEAL

2021 Acts and Resolves No. 66, Sec. 17, as amended by 2022 Acts and

Resolves No. 185, Sec. E.500.4 (Agency of Education report on the implementation of the Shared School District Data Management System), is repealed.

* * * National Guard Tuition Benefit Program * * *

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

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

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

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

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

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

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

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* * * Home Study Program * * *

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

§ 166b. HOME STUDY PROGRAM

(a) Enrollment notice. ~~A home study program shall send a written enrollment notice to the Secretary whenever it intends to enroll a child. Enrollments in home study programs shall expire on July 1. If a home study program intends to re-enroll a child for the following school year, a new notice under this section is required and may be submitted at any time after March 1. A parent or legal guardian shall send the Secretary annual notice of intent to enroll the parent's or legal guardian's child in a home study program at least 10 business days prior to commencing home study. Such notice shall be submitted via a form developed by the Agency of Education. A notice under this subsection shall include the following:~~

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

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

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

(A) a standardized assessment, which may be administered by the local school district or a testing service, or administered in a manner approved by the testing company;

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

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

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

(E) evidence of passing of the GED.

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

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

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

(B) for a child who is 13 years of age or older, the subject areas listed

in subdivisions 906(b)(1), (2), (4), and (5) of this title; or

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

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

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

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

~~(1) either that the enrollment notice is complete and no further information is needed, or specifically identifying information required under subsection (a) of this section which is missing. If information is missing, the home study program shall provide the additional information in writing within 14 days; and [Repealed.]~~

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

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

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

~~(1) A report in a form designated by the Secretary, by a teacher licensed in Vermont. In determining the form of the report, the Secretary shall consult with parents who have provided home study programs for their children. Nothing in this section shall be construed to require the Secretary to consult with parents on an individual basis regarding the form of a teacher report.~~

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

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

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

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

~~(e) Hearings before enrollment.— If the Secretary has information that creates a significant doubt about whether a home study program can or will provide a minimum course of study for a student who has not yet enrolled, the Secretary may call a hearing. At the hearing, the home study program shall establish that it has complied with this section and will provide the student with a minimum course of study. [Repealed.]~~

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

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

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

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

~~(g) Notice and procedure.— Notice of any hearing shall include a brief summary of the material facts and shall be sent to each parent or guardian and each instructor of the student or students involved who are known to the~~

~~Secretary. The hearing shall occur within 30 days of the day that notice is given or sent. If a notice concerns a child not yet enrolled in a home study program, enrollment shall not occur until an order has been issued after the hearing. The hearing shall be conducted by an impartial hearing officer appointed by the Secretary from a list approved by the State Board. At the request of the child's parent or guardian, the hearing officer shall conduct the hearing at a location in the vicinity of the home study program. [Repealed.]~~

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

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

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

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

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

~~(k) A Vermont home study program that has successfully completed the last two consecutive school years of home study with any enrolled child, provided those two years fall within the most recent five years, shall not thereafter be required to submit an annual detailed outline or narrative~~

~~describing the content of the minimum course of study. For the purposes of this subsection, successful completion of a home study program shall mean that, in each of the two consecutive years, the program has not been disallowed by order of a hearing officer, the previously enrolled student made progress commensurate with age and ability in all subject areas of the minimum course of study, and the home study program has otherwise complied with the requirements of this section. Annual notice. A parent or guardian who has provided a complete enrollment notice as described in subsection (a) of this section shall notify the Secretary on or before the start of each following year of the parent's or guardian's intention to continue to provide instruction through a home study program via a form provided by the Agency of Education. This notice shall be provided at least 10 business days prior to the intended start date of the home study program.~~

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

* * * Vermont Ethnic and Social Equity Standards Advisory
Working Group * * *

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

Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY
WORKING GROUP

* * *

(d) Appointment and operation.

* * *

(D) The Working Group shall cease to exist on ~~July 1, 2023~~ September 1, 2023.

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or before ~~December 31, 2022~~ June 30, 2023, recommend to the State Board updates and additional standards to recognize fully the history, contributions,

and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

* * *

(i) Duties of the State Board of Education. The Board of Education shall, on or before ~~December 31, 2022~~ December 31, 2023, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. 7. ACT 1 TECHNICAL ADVISORY GROUP

(a) Creation. There is created the Act 1 Technical Advisory Group (Advisory Group) to provide ongoing assistance regarding the work of the Ethnic and Social Equity Standards Advisory Working Group (Working Group), created by 2019 Acts and Resolves No. 1, as amended.

(b) Membership. The Technical Advisory Group shall be composed of the following 12 active members of the Working Group as of August 31, 2023, designated or appointed by the following organizations:

(1) the Chairperson of the Working Group, the designee of the Vermont Human Rights Commission;

(2) the Vice Chairperson of the Working Group, the designee of the Vermont-National Education Association;

(3) the designee of the Vermont School Boards Association;

(4) the designee of the Vermont Superintendents Association;

(5) the designee of the Vermont Principals' Association with expertise in the development of school curriculum;

(6) the designee of the Vermont Curriculum Leaders Association;

(7) the Vermont Coalition for Ethnic and Social Equity in Schools appointee member from Outright Vermont;

(8) the Vermont-based, college-level faculty expert in ethnic studies;

(9) the designee of the Vermont Office of Racial Equity;

(10) the student appointee from Montpelier High School;

(11) the designee of the Vermont Independent Schools Association; and

(12) the designee of the Agency of Education.

(c) Powers and duties. The Advisory Group shall provide assistance to the General Assembly, the Agency of Education, and the State Board of Education on the following recommendations made by the Working Group:

(1) proposed revisions and comments to Agency of Education, State Board Rule 2000 Education Quality Standards (CVR 22-000-003);

(2) recommended updates and additional standards for student performance proposed to the State Board of Education pursuant to 2019 Acts and Resolves No. 1, Sec. 1, subdivision (g)(1);

(3) policy recommendations submitted to the General Assembly; and

(4) any other recommendations submitted to the General Assembly or State Board of Education.

(d) Assistance. The Advisory Group shall have the assistance of the Agency of Education for the purposes of scheduling meetings.

(e) Meetings.

(1) The Chair of the Advisory Group shall be the Chair of the Working Group as of August 31, 2023. If a member resigns before the Advisory Group ceases to exist, the organization impacted by the resignation shall have the authority to appoint a replacement member in consultation with the Advisory Group. The Advisory Group shall meet as needed.

(2) A majority of the membership shall constitute a quorum.

(3) The Advisory Group shall cease to exist on January 31, 2024.

Sec. 8. [Deleted.]

* * *Union School District Board Member Nominating Petitions * * *

Sec. 9. 16 V.S.A. § 711 is amended to read:

§ 711. VOTE TO ELECT INITIAL MEMBERS OF THE UNION SCHOOL DISTRICT BOARD

* * *

(d) Proposed unified union school district. Subject to the provisions of subsections 706(c) (existing union school districts) and 708(b) (necessary and advisable school districts) of this chapter, the voters of each school district identified as “necessary” or “advisable” shall vote whether to elect initial board members of a proposed unified union school district, as follows:

* * *

(3) At-large representation. When representation on the board of a proposed unified union school district is not apportioned or allocated to the potential towns within the proposed district pursuant to subdivision (1) (proportional to town population) or (2) (modified at-large) of this subsection and the board member is elected at-large:

(A) The voters of one or more school districts identified as “necessary” to formation of the proposed unified union school district shall file a petition nominating a candidate for the office of unified union school district board member at-large. A petition shall be valid only if:

* * *

(iii) the petition is signed by at least 60 voters residing in one or more school districts identified as “necessary” to the formation of the proposed unified union school district or one percent of the legal voters residing in the combined “necessary” school districts that would form the proposed unified union school district, whichever is less;

* * *

(e) Proposed union elementary or union high school district. Subject to the provisions of subsections 706(c) (existing union school districts) and 708(b) (necessary and advisable school districts) of this chapter, the voters of each school district identified as “necessary” or “advisable” shall vote whether to elect initial board members of the proposed union school district, as follows:

* * *

(3) At-large representation. When representation on the board of a proposed union elementary or union high school district board is not apportioned or allocated to the potential member districts pursuant to subdivision (1) (proportional to town population) or (2) (modified at large) of this subsection and the board member is elected at-large:

(A) The voters of one or more school districts identified as “necessary” to the formation of the proposed union school district shall file a petition nominating a candidate for the office of union school district board member at-large. A petition shall be valid only if:

* * *

(iii) the petition is signed by at least 60 voters residing in one or more school districts identified as “necessary” to the formation of the proposed union school district or one percent of the legal voters residing in the combined “necessary” school districts that would form the proposed union school district, whichever is less;

* * *

Sec. 10. 16 V.S.A. § 730 is amended to read:

§ 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;
NOMINATION AND ELECTION; BOND

(a) If by Australian ballot. The provisions of this subsection (a) shall apply to a unified union school district that conducts elections for board membership by Australian ballot.

* * *

(2) Modified at-large model: allocation to town; at-large representation.

(A) When membership on the board of a unified union school district is allocated to each town within the district, but the allocation is not closely proportional to the town's relative population and the board member is elected at-large, the voters residing in any one or more of the towns within the district may file a petition nominating a candidate for board membership under the "modified at-large" model. A petition is valid only if:

* * *

(iii) the petition is signed by at least 60 voters residing in the unified union school district or one percent of the legal voters in the district, whichever is less;

* * *

(3) At-large representation.

(A) When membership on a unified union school district board is not apportioned or allocated pursuant to subdivision (1) (proportional to town population) or (2) (modified at-large) of this subsection (a) and the board member is elected at large, the voters residing in any one or more of the towns within the district may file a petition nominating a candidate for at-large board membership. A petition is valid only if:

* * *

(iii) the petition is signed by at least 60 voters residing in the unified union school district or one percent of the legal voters in the district, whichever is less;

* * *

Sec. 11. 16 V.S.A. § 748 is amended to read:

§ 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT
BOARD MEMBERS; NOMINATION AND ELECTION; BOND

(a) If by Australian ballot. The provisions of this subsection (a) shall apply to a union elementary or union high school district that conducts elections for board membership by Australian ballot.

* * *

(2) Modified at-large model: allocation to town; at-large representation.

(A) When membership on the board of a union elementary or union high school district is allocated to each member district, but the allocation is not closely proportional to the member district's population and the board member is elected at-large, the voters residing in any one or more of the member districts may file a petition nominating a candidate for board membership under the "modified at-large" model. A petition is valid only if:

* * *

(iii) the petition is signed by at least 60 voters residing in the union elementary or union high school district or one percent of the legal voters in the district, whichever is less;

* * *

(3) At-large representation.

(A) When membership on the board of a union elementary or union high school district is not apportioned or allocated pursuant to subdivision (1) (proportional to town population) or (2) (modified at-large) of this subsection (a) (Australian ballot) and the board member is elected at large, the voters residing in any one or more of the member districts may file a petition nominating a candidate for at-large board membership. A petition is valid only if:

* * *

(iii) the petition is signed by at least 60 voters residing in the union elementary or union high school district or one percent of the legal voters in the district, whichever is less;

* * *

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

(a) Secs. 6 (Ethnic and Social Equity Standards Advisory Working Group) and this section shall take effect on passage.

(b) Sec. 7 (Act 1 Technical Advisory Group) shall take effect on September 1, 2023.

(c) All other sections shall take effect on July 1, 2023.