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S.167

An act relating to miscellaneous amendments to education law

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

* * * Public Construction Bids * * *

Sec. 1. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

* * *

(b) High-cost construction contracts. When a school construction contract exceeds ~~\$500,000.00~~ \$2,000,000.00:

(1) The State Board shall establish, in consultation with the Commissioner of Buildings and General Services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The Department of Buildings and General Services, upon notice by the Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

(2) At least 60 days prior to the proposed bid opening on any construction contract to be awarded by a school board that exceeds ~~\$500,000.00~~ \$2,000,000.00, the school board shall publicly advertise for contractors interested in bidding on the project. The advertisement shall indicate that the school board has established prequalification criteria that a

1 contractor must meet and shall invite any interested contractor to apply to the
2 school board for prequalification. All interested contractors shall submit their
3 qualifications to the school board, which shall determine a list of eligible
4 prospective bidders based on the previously established criteria. At least 30
5 days prior to the proposed bid opening, the school board shall give written
6 notice of the board's determination to each contractor that submitted
7 qualifications. The school board shall consider all bids submitted by
8 prequalified bidders meeting the deadline.

9 (c) Contract award.

10 (1) A contract for any such item or service to be obtained pursuant to
11 subsection (a) of this section shall be ~~awarded to one of~~ selected from among
12 the three or fewer lowest responsible bids conforming to specifications, with
13 consideration being given to quantities involved, time required for delivery,
14 purpose for which required, competency and responsibility of bidder, and ~~his~~
15 ~~or her~~ the bidder's ability to render satisfactory service. A board shall have the
16 right to reject any or all bids.

17 (2) A contract for any property, construction, good, or service to be
18 obtained pursuant to subsection (b) of this section shall be awarded to the
19 lowest responsible bid conforming to specifications. However, when
20 considering the base contract amount and without considering cost overruns, if
21 the two lowest responsible bids are within one percent of each other, the board

1 may award the contract to either bidder. A board shall have the right to reject
2 any bid found not to be responsible or conforming to specifications or to reject
3 all bids.

4 * * *

5 * * * Postsecondary Schools Chartered in Vermont * * *

6 Sec. 2. 16 V.S.A. § 176(d) is amended to read:

7 (d) Exemptions. The following are exempt from the requirements of this
8 section except for the requirements of subdivision (c)(1)(C) of this section:

9 * * *

10 (4) Postsecondary schools that are accredited. The following
11 postsecondary institutions are accredited, meet the criteria for exempt status,
12 and are authorized to operate educational programs beyond secondary
13 education, including programs leading to a degree or certificate: Bennington
14 College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green~~
15 ~~Mountain College~~, Landmark College, ~~Marlboro College~~, Middlebury College,
16 ~~New England Culinary Institute~~, Norwich University, Saint Michael's College,
17 SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont
18 College of Fine Arts, and Vermont Law and Graduate School. This
19 authorization is provided solely to the extent necessary to ensure institutional
20 compliance with federal financial aid-related regulations, and it does not affect,

1 rescind, or supersede any preexisting authorizations, charters, or other forms of
2 recognition or authorization.

3 * * *

4 Sec. 3. 2023 Acts and Resolves No. 29, Sec. 6(c) is amended to read:

5 (c) Sec. 2 (16 V.S.A. § 1480) shall take effect on ~~July 1, 2024~~ July 1, 2025.

6 * * * Holocaust Education * * *

7 Sec. 4. HOLOCAUST EDUCATION; DATA COLLECTION; REPORT

8 (a) On or before December 1, 2024, the Agency of Education shall request
9 from all supervisory unions a report containing information regarding whether
10 and where Holocaust education is taught in the prekindergarten through grade
11 12 supervisory union-wide curriculum. The request required under this
12 subsection shall be developed in consultation with the Vermont Holocaust
13 Memorial.

14 (b) On or before September 1, 2025, Supervisory unions shall report back
15 to the Agency with the information requested pursuant to subsection (a) of this
16 section.

17 (c) On or before January 1, 2026, the Agency shall submit a written report
18 to the Senate and House Committees on Education with information, organized
19 by supervisory union, regarding the inclusion of Holocaust education in
20 curriculum across the State. Additionally, the report shall include an
21 explanation of how curricula are developed, including an analysis of how

1 Holocaust education fits into the standards for student performance adopted by
2 the State Board of Education pursuant to 16 V.S.A. § 164(9).

3 (d) On or before January 1, 2026, the Agency shall provide all supervisory
4 unions with Holocaust education resources, which shall be developed in
5 consultation with the Vermont Holocaust Memorial.

6 * * * Virtual Learning * * *

7 Sec. 5. 16 V.S.A. § 948 is added to read:

8 § 948. VIRTUAL LEARNING

9 (a) The Agency of Education shall maintain access to and oversight of a
10 virtual learning provider for the purpose of offering virtual learning
11 opportunities to Vermont students.

12 (b) A student may enroll in virtual learning if:

13 (1) the student is enrolled in a Vermont public school, including a
14 Vermont career technical center;

15 (2) virtual learning is determined to be an appropriate learning pathway
16 outlined in the student's personalized learning plan; and

17 (3) the student's learning experience occurs under the supervision of an
18 appropriately licensed educator and aligns with State expectations and
19 standards, as adopted by the Agency and the State Board of Education, as
20 applicable.

1 (c) The Agency of Education shall adopt rules pursuant to 3 V.S.A. chapter
2 25 to implement this section.

3 (d) A school district shall count a student enrolled in virtual learning in the
4 school district’s average daily membership, as defined in section 4001 of this
5 title, if the student meets all of the criteria in subsection (b) of this section.

6 Sec. 6. 16 V.S.A. § 942(13) is amended to read:

7 (13) “Virtual learning” means ~~learning in which the teacher and student~~
8 ~~communicate concurrently through real-time telecommunication.~~ “Virtual
9 learning” ~~also means online learning in which communication between the~~
10 ~~teacher and student does not occur concurrently and the student works~~
11 ~~according to his or her own schedule~~ an intentionally designed learning
12 environment for online teaching and learning using online design principles
13 and teachers trained in the delivery of online instruction. This instruction may
14 take place either in a self-paced environment or a real-time environment.

15 * * * Home Study Program * * *

16 Sec. 7. 16 V.S.A. § 166b is amended to read:

17 § 166b. HOME STUDY PROGRAM

18 * * *

19 (e) Hearings after enrollment. If the Secretary has information that
20 reasonably could be expected to justify an order of termination under this

1 section, the Secretary may call a hearing. At the hearing, the Secretary shall
2 establish one or more of the following:

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

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

7 (3) the home study program will not provide a student with the
8 minimum course of study.

9 (f) Notice and procedure. Notice of a hearing shall include a brief
10 summary of the material facts and shall be sent to each parent or guardian and
11 each instructor of the student or students involved who are known to the
12 Secretary. The hearing shall occur within 30 days following the day that
13 notice is given or sent. The hearing shall be conducted by an impartial hearing
14 officer appointed by the Secretary from a list approved by the State Board. At
15 the request of the child's parent or guardian, the hearing officer shall conduct
16 the hearing at a location in the vicinity of the home study program.

17 (g) Order following hearing. After hearing evidence, the hearing officer
18 shall enter an order within 10 working days. The order shall provide that
19 enrollment be continued or that the enrollment be terminated. An order shall
20 take effect immediately. Unless the hearing officer provides for a shorter
21 period, an order terminating enrollment shall extend until the end of the

1 following school year, as defined in this title. If the order is to terminate the
2 enrollment, a copy shall be given to the appropriate superintendent of schools,
3 who shall take appropriate action to ensure that the child is enrolled in a school
4 as required by this title. Following a hearing, the Secretary may petition the
5 hearing officer to reopen the case only if there has been a material change in
6 circumstances.

7 * * *

8 * * * Effective Date * * *

9 Sec. 8. EFFECTIVE DATE

10 This act shall take effect on July 1, 2024.