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S.167

An act relating to miscellaneous amendments to education law

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

* * * 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

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

10 (c) Contract award.

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

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

1 the two lowest responsible bids are within one percent of each other, the board
2 may award the contract to either bidder. A board shall have the right to reject
3 any bid found not to be responsible or conforming to specifications or to reject
4 all bids.

5 * * *

6 (e) Application of this section. Any contract entered into or purchase made
7 in violation of the provisions of this section shall be void; provided, however,
8 that:

9 (1) The provisions of this section shall not apply to contracts for the
10 purchase of books or other materials of instruction.

11 (2) A school board may name in the specifications and invitations for
12 bids under this section the particular make, kind, or brand of article or articles
13 to be purchased or contracted.

14 (3) Nothing in this section shall apply to emergency repairs.

15 ~~(4) Nothing in this section shall be construed to prohibit a school board~~
16 ~~from awarding a school nutrition contract after using any method of bidding or~~
17 ~~requests for proposals permitted under federal law for award of the contract.~~
18 ~~Notwithstanding the monetary amount in subsection (a) of this section for~~
19 ~~which a school board is required to advertise publicly or invite three or more~~
20 ~~bids or requests for proposal, a school board is required to publicly advertise or~~
21 ~~invite three or more bids or requests for proposal for purchases made from the~~

1 ~~nonprofit school food service account for purchases in excess of the federal~~
2 ~~simplified acquisition threshold when purchasing food or in excess of~~
3 ~~\$25,000.00 when purchasing nonfood items, unless a municipality sets a lower~~
4 ~~threshold for purchases from the nonprofit school food service account. The~~
5 ~~provisions of this section shall not apply to contracts for the purchase of food~~
6 ~~made from a nonprofit school food services account.~~

7 * * *

8 * * * Postsecondary Schools Chartered in Vermont * * *

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

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

12 * * *

13 (4) Postsecondary schools that are accredited. The following
14 postsecondary institutions are accredited, meet the criteria for exempt status,
15 and are authorized to operate educational programs beyond secondary
16 education, including programs leading to a degree or certificate: Bennington
17 College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green~~
18 ~~Mountain College~~, Landmark College, ~~Marlboro College~~, Middlebury College,
19 ~~New England Culinary Institute~~, Norwich University, Saint Michael's College,
20 SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont
21 College of Fine Arts, and Vermont Law and Graduate School. This

1 authorization is provided solely to the extent necessary to ensure institutional
2 compliance with federal financial aid-related regulations, and it does not affect,
3 rescind, or supersede any preexisting authorizations, charters, or other forms of
4 recognition or authorization.

5 * * *

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

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

8 * * * Holocaust Education * * *

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

10 (a) On or before December 1, 2024, the Agency of Education shall request
11 from all supervisory unions information regarding how Holocaust education is
12 taught in the prekindergarten through grade 12 supervisory union-wide
13 curriculum. The Agency may consult with such entities as the U.S. Holocaust
14 Museum and the Vermont Holocaust Memorial.

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

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

1 * * * Virtual Learning * * *

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

3 § 948. VIRTUAL LEARNING

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

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

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

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

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

16 (c) The Agency of Education shall adopt rules pursuant to 3 V.S.A. chapter
17 25 to implement this section.

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

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

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

10 * * * Home Study Program * * *

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

12 § 166b. HOME STUDY PROGRAM

13 (a) Enrollment notice. A parent or legal guardian shall send the Secretary
14 notice of intent to enroll the parent’s or legal guardian’s child in a home study
15 program at least 10 business days prior to commencing home study. Such
16 notice shall be submitted via a form developed by the Agency of Education. A
17 notice under this subsection shall include the following:

18 * * *

19 (5) An attestation that each child being enrolled in home study will be
20 provided the equivalent of at least 175 days of instruction in the minimum
21 course of study per year, ~~specifically.~~ The instruction provided shall be

1 adapted in each of the minimum courses of study to the age and ability of each
2 child, as well as the disability of each child, as applicable. Nothing in this
3 section shall be construed to require a home study program to follow the
4 program or methods used by public schools. Specifically, the minimum course
5 of study per year means:

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

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

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

13 * * *

14 (e) Hearings after enrollment. If the Secretary has information that
15 reasonably could be expected to justify an order of termination under this
16 section, the Secretary may call a hearing. At the hearing, the Secretary shall
17 establish one or more of the following:

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

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

1 (3) the home study program will not provide a student with the
2 minimum course of study; or

3 (4) the home study program has failed to show progress commensurate
4 with age and ability in the annual assessment maintained by the home study
5 program.

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

14 (g) Order following hearing. After hearing evidence, the hearing officer
15 shall enter an order within 10 working days. The order shall provide that
16 enrollment be continued or that the enrollment be terminated. An order shall
17 take effect immediately. Unless the hearing officer provides for a shorter
18 period, an order terminating enrollment shall extend until the end of the
19 following school year, as defined in this title. If the order is to terminate the
20 enrollment, a copy shall be given to the appropriate superintendent of schools,
21 who shall take appropriate action to ensure that the child is enrolled in a school

1 as required by this title. Following a hearing, the Secretary may petition the
2 hearing officer to reopen the case only if there has been a material change in
3 circumstances.

4 * * *

5 * * * Secretary of Education Search * * *

6 Sec. 8. 3 V.S.A. § 2702 is amended to read:

7 § 2702. SECRETARY OF EDUCATION

8 (a) With the advice and consent of the Senate, the Governor shall appoint a
9 Secretary of Education from among ~~no~~ not fewer than three candidates
10 proposed by the State Board of Education. The Secretary shall serve at the
11 pleasure of the Governor.

12 (1) The State Board shall begin a robust national search process not later
13 than 60 days after public notification of the resignation of a Secretary of
14 Education.

15 (2) The State Board may request from the Agency of Education the
16 funds necessary to utilize outside resources for the search process required
17 pursuant to this subsection.

18 (b) The Secretary shall report directly to the Governor and shall be a
19 member of the Governor's Cabinet.

1 (c) At the time of appointment, the Secretary shall have expertise in
2 education management and policy demonstrated leadership and management
3 abilities.

4 * * * Agency of Education Financial Data Report * * *

5 Sec. 9. EDUCATION FINANCE INFORMATION; AGENCY OF
6 EDUCATION; REPORT

7 (a) On or before September 15, 2024, the Agency of Education shall submit
8 a written report to the General Assembly that shall include the following
9 information for fiscal years 2023 and 2024:

10 (1) a financial analysis of the cost of the mental health and behavioral
11 needs services provided by school districts and paid for from the Education
12 Fund, broken down by costs in the following categories:

13 (A) mental health and behavioral needs staffing costs;

14 (B) mental health and behavioral needs transportation related costs;

15 and

16 (C) costs associated with educating students outside the district due
17 to mental health or behavioral needs; and

18 (2) the districts that provide for the education of their students in any
19 grade by paying tuition, including the following information, by school
20 district:

21 (A) the number of students tuitioned in each grade; and

1 (B) the name and location of the schools students are tuitioned to,
2 including the number of students in each school district attending a particular
3 school and the amount of tuition charged by each receiving school.

4 (b) On or before December 1 2024, the Agency of Education shall submit a
5 written report to the General Assembly with an analysis whether an
6 interagency collaboration between the Agencies of Education and of Human
7 Services to provide the social services currently provided by school districts is
8 possible and, if so, what the possible advantages or disadvantages to such a
9 collaboration might be.

10 * * * Overpayment of Education Taxes * * *

11 Sec. 10. COMPENSATION FOR OVERPAYMENT

12 (a) Notwithstanding any provision of law to the contrary, the sum of
13 \$29,224.00 shall be transferred from the Education Fund to the Town of
14 Canaan in fiscal year 2025 to compensate the homestead taxpayers of the
15 Town of Canaan for an overpayment of education taxes in fiscal year 2024 due
16 to erroneous accounting of certain students for the purposes of calculating
17 average daily membership. The transfer under this subsection shall be made
18 directly to the Town of Canaan.

19 (b) Notwithstanding any provision of law to the contrary, the sum of
20 \$5,924.00 shall be transferred from the Education Fund to the Town of
21 Bloomfield in fiscal year 2025 to compensate the homestead taxpayers of the

1 Town of Bloomfield for an overpayment of education taxes in fiscal year 2024
2 due to erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of Bloomfield.

5 (c) Notwithstanding any provision of law to the contrary, the sum of
6 \$2,575.00 shall be transferred from the Education Fund to the Town of
7 Brunswick in fiscal year 2025 to compensate the homestead taxpayers of the
8 Town of Brunswick for an overpayment of education taxes in fiscal year 2024
9 due to erroneous accounting of certain students for the purposes of calculating
10 average daily membership. The transfer under this subsection shall be made
11 directly to the Town of Brunswick.

12 (d) Notwithstanding any provision of law to the contrary, the sum of
13 \$6,145.00 shall be transferred from the Education Fund to the Town of East
14 Haven in fiscal year 2025 to compensate the homestead taxpayers of the Town
15 of East Haven for an overpayment of education taxes in fiscal year 2024 due to
16 erroneous accounting of certain students for the purposes of calculating
17 average daily membership. The transfer under this subsection shall be made
18 directly to the Town of East Haven.

19 (e) Notwithstanding any provision of law to the contrary, the sum of
20 \$2,046.00 shall be transferred from the Education Fund to the Town of Granby
21 in fiscal year 2025 to compensate the homestead taxpayers of the Town of

1 Granby for an overpayment of education taxes in fiscal year 2024 due to
2 erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of Granby.

5 (f) Notwithstanding any provision of law to the contrary, the sum of
6 \$10,034.00 shall be transferred from the Education Fund to the Town of
7 Guildhall in fiscal year 2025 to compensate the homestead taxpayers of the
8 Town of Guildhall for an overpayment of education taxes in fiscal year 2024
9 due to erroneous accounting of certain students for the purposes of calculating
10 average daily membership. The transfer under this subsection shall be made
11 directly to the Town of Guildhall.

12 (g) Notwithstanding any provision of law to the contrary, the sum of
13 \$20,536.00 shall be transferred from the Education Fund to the Town of Kirby
14 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
15 Kirby for an overpayment of education taxes in fiscal year 2024 due to
16 erroneous accounting of certain students for the purposes of calculating
17 average daily membership. The transfer under this subsection shall be made
18 directly to the Town of Kirby.

19 (h) Notwithstanding any provision of law to the contrary, the sum of
20 \$2,402.00 shall be transferred from the Education Fund to the Town of
21 Lemington in fiscal year 2025 to compensate the homestead taxpayers of the

1 Town of Lemington for an overpayment of education taxes in fiscal year 2024
2 due to erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of Lemington.

5 (i) Notwithstanding any provision of law to the contrary, the sum of
6 \$11,464.00 shall be transferred from the Education Fund to the Town of
7 Maidstone in fiscal year 2025 to compensate the homestead taxpayers of the
8 Town of Maidstone for an overpayment of education taxes in fiscal year 2024
9 due to erroneous accounting of certain students for the purposes of calculating
10 average daily membership. The transfer under this subsection shall be made
11 directly to the Town of Maidstone.

12 (j) Notwithstanding any provision of law to the contrary, the sum of
13 \$4,349.00 shall be transferred from the Education Fund to the Town of Norton
14 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
15 Norton for an overpayment of education taxes in fiscal year 2024 due to
16 erroneous accounting of certain students for the purposes of calculating
17 average daily membership. The transfer under this subsection shall be made
18 directly to the Town of Norton.

19 (k) Notwithstanding any provision of law to the contrary, the sum of
20 \$2,657.00 shall be transferred from the Education Fund to the Town of Victory
21 in fiscal year 2025 to compensate the homestead taxpayers of the Town of

1 Victory for an overpayment of education taxes in fiscal year 2024 due to
2 erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of Victory.

5 * * * Military-Related Postsecondary Education and Training

6 Opportunities * * *

7 Sec. 10a. 16 V.S.A. § 941 is amended to read:

8 § 941. FLEXIBLE PATHWAYS INITIATIVE

9 (a) There is created within the Agency a Flexible Pathways Initiative:

10 (1) to encourage and support the creativity of school districts as they
11 develop and expand high-quality educational experiences that are an integral
12 part of secondary education in the evolving 21st ~~Century~~ century classroom;

13 (2) to promote opportunities for Vermont students to achieve
14 postsecondary readiness through high-quality educational experiences that
15 acknowledge individual goals, learning styles, and abilities; and

16 (3) to increase the rates of secondary school completion and
17 postsecondary continuation and retention in Vermont.

18 (b) The Secretary shall develop, publish, and regularly update guidance, in
19 the form of technical assistance, sharing of best practices and model
20 documents, legal interpretations, and other support designed to assist school
21 districts:

1 (1) ~~to~~ To identify and support secondary students who require additional
2 assistance to succeed in school and to identify ways in which individual
3 students would benefit from flexible pathways to graduation;

4 (2) ~~to~~ To work with every student in grade ~~7~~ seven through grade 12 in
5 an ongoing personalized learning planning process that:

6 (A) identifies the student's emerging abilities, aptitude, and
7 disposition;

8 (B) includes participation by families and other engaged adults;

9 (C) guides decisions regarding course offerings and other high-
10 quality educational experiences; ~~and~~

11 (D) identifies career and postsecondary planning options using
12 resources provided pursuant to subdivision (4) of this subsection (b); and

13 ~~(D)~~(E) is documented by a personalized learning plan;

14 (3) ~~to~~ To create opportunities for secondary students to pursue flexible
15 pathways to graduation that:

16 (A) increase aspiration and encourage postsecondary continuation of
17 training and education;

18 (B) are an integral component of a student's personalized learning
19 plan; and

20 (C) include:

1 (i) applied or work-based learning opportunities, including career
2 and career technical education and internships;

3 (ii) virtual learning and blended learning;

4 (iii) dual enrollment opportunities as set forth in section 944 of
5 this title;

6 (iv) early college programs as set forth in subsection 4011(e) of
7 this title;

8 (v) the High School Completion Program as set forth in section
9 943 of this title; and

10 (vi) the Adult Diploma Program and General Educational
11 Development Program as set forth in section 945 of this title; and

12 (4) ~~to~~ To provide students, beginning ~~no~~ not later than in grade ~~7~~ seven,
13 with career development and postsecondary planning resources to ensure that
14 they are able to take full advantage of the opportunities available within the
15 flexible pathways to graduation and to achieve their career and postsecondary
16 education and training goals. Resources provided pursuant to this subdivision
17 shall include information regarding the admissions process and requirements
18 necessary to proceed with any and all military-related opportunities.

19 * * *

1 Sec. 10b. 16 V.S.A. § 2828 is added to read:

2 § 2828. PLANNING RESOURCES; U.S. ARMED FORCES OPTIONS

3 The Corporation's print and website financial aid and planning publications
4 for postsecondary education and training resources shall include Vermont
5 National Guard and U. S. Armed Forces options relevant to each publication.

6 * * * Effective Date * * *

7 Sec. 11. EFFECTIVE DATE

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