

1 H.483

2 Representative Conlon of Cornwall moves that the bill be amended as
3 follows:

4 **First:** In Sec. 2, 16 V.S.A. § 166, by striking out subdivision (b)(9)(A)(vi)
5 (admissions process) in its entirety and inserting in lieu thereof a new
6 subdivision (b)(9)(A)(vi) to read as follows:

7 (vi) the school shall not use an admissions process for publicly
8 tuitioned students that includes mandatory interviews, academic entrance
9 exams, academic history, mandatory campus visits, or consideration of ability
10 to pay for any costs or fees, provided that:

11 (I) the school may consider whether a publicly tuitioned
12 student is in good standing at the school or schools the student most recently
13 attended, which shall be demonstrated by evidence that:

14 (aa) the student has not been legally dismissed or suspended
15 for more than ten days during the preceding twelve months for disciplinary
16 reasons;

17 (bb) the student is making satisfactory progress toward the
18 completion of an approved school or home study program, as applicable; and

19 (cc) the student’s school attendance record presents a
20 reasonable likelihood that any attendance requirements at the school will be
21 met;

1 (II) the school may set a capacity limit on the number of
2 publicly tuitioned students the school will accept;

3 (III) the school shall establish a nondiscriminatory selection
4 process, such as a lottery, when the number of publicly tuitioned student
5 applicants exceeds any capacity limits; and

6 (IV) the school may require interviews, entrance exams, review
7 of academic history, or campus visits after a publicly tuitioned student has
8 enrolled in the school;

9 **Second:** In Sec. 2, 16 V.S.A. § 166, by striking out subdivision (b)(9)(B)
10 (private right of action and enforcement) in its entirety and inserting in lieu
11 thereof a new subdivision (b)(9)(B) to read as follows:

12 (B) No private right of action is created by this subdivision (9)
13 against an approved independent school approved by the State Board as
14 eligible to receive public tuition for failure to comply with any of the
15 requirements in this subdivision (9). The State Board is authorized to use its
16 powers under subdivision (5) of this subsection (b) to revoke, suspend, or
17 impose conditions on the eligibility of an approved independent school to
18 receive public tuition for failure to comply with these requirements.

19 Complaints of noncompliance shall be received, investigated, and resolved in
20 accordance with subdivision (b)(5) of this section and State Board of
21 Education rules. A person shall not coerce, threaten, interfere, or otherwise

1 discriminate against any individual who alleges noncompliance with the
2 requirements under this subdivision (9).

3 **Third:** In Sec. 8, 16 V.S.A. § 828 (effective until July 1, 2024), in
4 subsection (a), after “approved independent school”, by inserting the words
5 “eligible to receive public tuition”

6 **Fourth:** In Sec. 8, 16 V.S.A. § 828 (effective until July 1, 2024), in
7 subdivision (b)(3), after “provided that subdivisions”, by striking out
8 “166(b)(9)(vi) and (xi) of this title shall not apply.” and inserting in lieu
9 thereof “166(b)(9)(v) and (x) of this title shall not apply. The school shall
10 attest to compliance with this subdivision on or before August 1 of each year.”

11 **Fifth:** In Sec. 9, 16 V.S.A. § 828 (effective July 1, 2024), in subsection (a),
12 after “approved independent school”, by inserting the words “eligible to
13 receive public tuition”

14 **Sixth:** In Sec. 15, agency of education; forms; report, in subsection (b), by
15 striking out “September 1, 2023” and inserting in lieu thereof “July 1, 2023”

16 **Seventh:** By striking out Sec. 16, accreditation transition, in its entirety and
17 inserting in lieu thereof a new Sec. 16 to read as follows:

18 Sec. 16. [Deleted.]

19 **Eighth:** By striking out Sec. 18, moratorium on approval of new approved
20 independent schools, in its entirety and inserting in lieu thereof a new Sec. 18
21 to read as follows:

1 Sec. 18. MORATORIUM ON NEW APPROVED INDEPENDENT
2 SCHOOLS ELIGIBLE TO RECEIVE PUBLIC TUITION

3 Notwithstanding any provision of law to the contrary, the State Board of
4 Education shall be prohibited from providing initial approval for an approved
5 independent school to be eligible to receive public tuition to any school that
6 submits an initial attestation pursuant 16 V.S.A. § 166(b)(9)(x) after August 1,
7 2023. The moratorium created under this section shall remain in effect until
8 further direction by the General Assembly.

9 **Ninth:** In Sec. 19, position development; report, following “an approved
10 independent school eligible to receive public tuition,” and prior to “the Agency
11 of Education”, by inserting “on or before January 15, 2024.”

12 **Tenth:** By striking out Sec. 20, effective dates, and its reader assistance
13 heading in their entireties and inserting in lieu thereof a reader assistance
14 heading and a new Sec. 20 to read as follows:

15 * * * Public School Nonresident Students Admissions Process * * *

16 Sec. 20. 16 V.S.A. § 1093 is amended to read:

17 § 1093. NONRESIDENT STUDENTS

18 (a) A school board may receive into the schools under its charge
19 nonresident students under such terms and restrictions as it deems best, subject
20 to subsection (b) of this section, and money received for the instruction of the
21 students shall be paid into the school fund of the district.

1 (b) A nonresident student seeking admission as a publicly tuitioned student
2 under chapter 21 of this title to a public school in a district outside the
3 student’s district of residence shall be admitted if space is available and, if the
4 student has previously attended school, the student is in good standing at the
5 school or schools most recently attended. As used in this section, “good
6 standing” means:

7 (1) the student has not been legally dismissed or suspended for more
8 than ten days during the preceding twelve months for disciplinary reasons;

9 (2) the student is making satisfactory progress toward the completion of
10 an approved school or home study program, as applicable; and

11 (3) the student’s attendance record presents a reasonable likelihood that
12 any existing attendance requirements of the receiving school district will be
13 met.

14 Eleventh: By adding a reader assistance heading and a new section to be
15 Sec. 21 to read as follows:

16 * * * Effective Dates * * *

17 Sec. 21. EFFECTIVE DATES

18 (a) This section, Sec. 10 (repeal), and in Sec. 15., subdivision (b)
19 (compliance attestation) shall take effect on passage.

20 (b) In Sec. 2, 16 V.S.A. § 166(b)(9)(A)(vi) and (ix) (admissions process
21 and fees) and Sec. 9 (16 V.S.A. § 828) shall take effect on July 1, 2024.

1 (c) The remainder of this act shall take effect on July 1, 2023.