

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 167
3 entitled “An act relating to miscellaneous amendments to education law”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Public Construction Bids * * *

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

9 § 559. PUBLIC BIDS

10 * * *

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

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

20 (2) At least 60 days prior to the proposed bid opening on any
21 construction contract to be awarded by a school board that exceeds

1 ~~\$500,000.00~~ \$2,000,000.00, the school board shall publicly advertise for
2 contractors interested in bidding on the project. The advertisement shall
3 indicate that the school board has established prequalification criteria that a
4 contractor must meet and shall invite any interested contractor to apply to the
5 school board for prequalification. All interested contractors shall submit their
6 qualifications to the school board, which shall determine a list of eligible
7 prospective bidders based on the previously established criteria. At least 30
8 days prior to the proposed bid opening, the school board shall give written
9 notice of the board's determination to each contractor that submitted
10 qualifications. The school board shall consider all bids submitted by
11 prequalified bidders meeting the deadline.

12 (c) Contract award.

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

20 (2) A contract for any property, construction, good, or service to be
21 obtained pursuant to subsection (b) of this section shall be awarded to the

1 lowest responsible bid conforming to specifications. However, when
2 considering the base contract amount and without considering cost overruns, if
3 the two lowest responsible bids are within one percent of each other, the board
4 may award the contract to either bidder. A board shall have the right to reject
5 any bid found not to be responsible or conforming to specifications or to reject
6 all bids.

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 Sec. 4. 16 V.S.A. § 1262a is amended to read:

9 § 1262a. AWARD OF GRANTS

10 * * *

11 (b)(1) The Agency may, from funds available to the Agency for this
12 subsection, award grants to the following entities that seek assistance in
13 meeting the cost of initiation or expansion of food programs:

14 (A) supervisory unions consisting of one or more school districts that
15 need to initiate or expand food programs in order to meet the requirements of
16 section 1264 of this title and that seek assistance in meeting the cost of
17 initiation or expansion; and

18 (B) nonprofit organizations that sponsor the Child and Adult Care
19 Food Program within licensed child care centers, Head Start programs,
20 after-school programs, and adult day care programs.

1 standards, as adopted by the Agency and the State Board of Education, as
2 applicable.

3 (c) The Agency of Education shall adopt rules pursuant to 3 V.S.A. chapter
4 25 to implement this section.

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

8 Sec. 7. 16 V.S.A. § 942(13) is amended to read:

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

17 * * * Home Study Program * * *

18 Sec. 8. 16 V.S.A. § 166b is amended to read:

19 * * *

20 (e) Hearings before enrollment. If the Secretary has information that
21 creates a significant doubt about whether a home study program can or will

1 provide a minimum course of study for a student who has not yet enrolled, the
2 Secretary may call a hearing. At the hearing, the home study program shall
3 establish that it has complied with this section and will provide the student
4 with a minimum course of study.

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

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

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

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

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

1 appointed by the Secretary from a list approved by the State Board. At the
2 request of the child's parent or guardian, the hearing officer shall conduct the
3 hearing at a location in the vicinity of the home study program.

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

16 * * *

17 * * * Effective Date * * *

18 Sec. 9. EFFECTIVE DATE

19 This act shall take effect on July 1, 2024.
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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE