| 1 | TO THE HONORABLE SENATE: | | |
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| 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 <u>\$2,000,000.00</u> : | | |
| 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 | | | |
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| 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 | | |
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| 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 | afterschool programs, and adult day care programs. | |

| 1 | (2) The amount of the grants shall be limited to 75 percent of the cost | | | |
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| 2 | deemed necessary by the Secretary to construct, renovate, or acquire additional | | | |
| 3 | facilities and equipment to provide lunches to all students, and shall be reduced | | | |
| 4 | by the amount of funds available from federal or other sources, including those | | | |
| 5 | funds available under section 3448 of this title. The Agency shall direct | | | |
| 6 | supervisory unions seeking grants under this section to share facilities and | | | |
| 7 | equipment within the supervisory union and with other supervisory unions for | | | |
| 8 | the provision of lunches wherever more efficient and effective operation of | | | |
| 9 | food programs can be expected to result. | | | |
| 10 | * * * | | | |
| 11 | * * * Holocaust Education * * * | | | |
| 12 | Sec. 5. HOLOCAUST EDUCATION; DATA COLLECTION; REPORT | | | |
| 13 | (a) On or before September 1, 2024, the Agency of Education shall request | | | |
| 14 | from all supervisory unions a report containing information regarding whether | | | |
| 15 | and where Holocaust education is taught in the prekindergarten through grade | | | |
| 16 | 12 supervisory union-wide curriculum. Included in the request from the | | | |
| 17 | Agency shall be Holocaust education resources, which shall be developed in | | | |
| 18 | consultation with the Vermont Holocaust Memorial. | | | |
| 19 | (b) On or before December 31, 2024, Supervisory unions shall report back | | | |
| 20 | to the Agency with the information requested pursuant to subsection (a) of this | | | |
| 21 | section. | | | |

| 1 | (c) On or before March 1, 2025, the Agency shall submit a written report to | |
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| 2 | the Senate and House Committees on Education with information, organized | |
| 3 | by supervisory union, regarding the inclusion of Holocaust education in | |
| 4 | curriculum across the State. Additionally, the report shall include an | |
| 5 | explanation of how curricula are developed, including an analysis of how | |
| 6 | Holocaust education fits into the standards for student performance adopted by | |
| 7 | the State Board of Education pursuant to 16 V.S.A. § 164(9). | |
| 8 | * * * Virtual Learning * * * | |
| 9 | Sec. 6. 16 V.S.A. § 948 is added to read: | |
| 10 | <u>§ 948. VIRTUAL LEARNING</u> | |
| 11 | (a) The Agency of Education shall maintain access to and oversight of a | |
| 12 | virtual learning provider for the purpose of offering virtual learning | |
| 13 | opportunities to Vermont students. | |
| 14 | (b) A student may enroll in virtual learning if: | |
| 15 | (1) the student is enrolled in a Vermont public school, including a | |
| 16 | Vermont career technical center; | |
| 17 | (2) virtual learning is determined to be an appropriate learning pathway | |
| 18 | outlined in the student's personalized learning plan; and | |
| 19 | (3) the student's learning experience occurs under the supervision of an | |
| 20 | appropriately licensed educator and aligns with State expectations and | |

| 1 | standards, as adopted by the Agency and the State Board of Education, as | |
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| 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 | |
| б | 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 | | |
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| 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. | | |
| 20 | | | |
| 21 | | | |

| | (Draft No. 3.1 – S.167) 2/26/2024 - BSJ - 1:41 PM | Page 10 of 10 |
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| 4 | | |
| 5 | (Committee vote:) | |
| 6 | | |
| 7 | | Senator |
| 8 | | FOR THE COMMITTEE |