

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 \* \* \* 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 a report containing information regarding whether  
12 and where Holocaust education is taught in the prekindergarten through grade  
13 12 supervisory union-wide curriculum. Included in the request from the  
14 Agency shall be Holocaust education resources, which shall be developed in  
15 consultation with the Vermont Holocaust Memorial.

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

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

1 curriculum across the State. Additionally, the report shall include an  
2 explanation of how curricula are developed, including an analysis of how  
3 Holocaust education fits into the standards for student performance adopted by  
4 the State Board of Education pursuant to 16 V.S.A. § 164(9).

5 \* \* \* Virtual Learning \* \* \*

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

7 § 948. VIRTUAL LEARNING

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

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

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

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

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

20 (c) The Agency of Education shall adopt rules pursuant to 3 V.S.A. chapter  
21 25 to implement this section.

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

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

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

13                                \* \* \* Home Study Program \* \* \*

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

15                                \* \* \*

16        (e) Hearings before enrollment. If the Secretary has information that  
17        creates a significant doubt about whether a home study program can or will  
18        provide a minimum course of study for a student who has not yet enrolled, the  
19        Secretary may call a hearing. At the hearing, the home study program shall  
20        establish that it has complied with this section and will provide the student  
21        with a minimum course of study.

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

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

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

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

11        (g) Notice and procedure. Notice of any hearing shall include a brief  
12        summary of the material facts and shall be sent to each parent or guardian and  
13        each instructor of the student or students involved who are known to the  
14        Secretary. The hearing shall occur within 30 days following the day that  
15        notice is given or sent. If a notice concerns a child not yet enrolled in a home  
16        study program, enrollment shall not occur until an order has been issued after  
17        the hearing. The hearing shall be conducted by an impartial hearing officer  
18        appointed by the Secretary from a list approved by the State Board. At the  
19        request of the child's parent or guardian, the hearing officer shall conduct the  
20        hearing at a location in the vicinity of the home study program.

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

\* \* \*

\* \* \* Effective Date \* \* \*

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

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1

2 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

4

Senator \_\_\_\_\_

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FOR THE COMMITTEE