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H.122

Introduced by Representatives Birong of Vergennes and Graning of Jericho

Referred to Committee on

Date:

Subject: Education; Agency of Education; State Board of Education;

governance; school districts; class size; school facilities; independent

schools; designation

Statement of purpose of bill as introduced: This bill proposes to:

(1) require the State to provide educational opportunities through the merger of the school districts in existence on July 1, 2025 into not more than 25 newly formed unified union school districts;

(2) provide a process for review by the Secretary of Education and create the Commission on the Sustainable Realignment of Vermont School Districts to create a final plan for district realignment, if necessary;

(3) allow school districts to designate independent schools that meet certain criteria to provide education for students residing in the district who would have to travel more than certain periods of time to attend a public school within the district; and

(4) eliminate the independent school approval process.

1 (A) A school district may choose to designate, pursuant to 16 V.S.A.
2 §§ 820 and 827, not more than three schools that are eligible for designation to
3 provide education for resident students of the district who would spend:

4 (i) more than 45 minutes being transported from the resident's
5 home to a public elementary school located within the district; or

6 (ii) more than 75 minutes being transported from the resident's
7 home to a public high school located within the district.

8 (B) An elementary school operated by a school district shall have a
9 minimum:

10 (i) average daily membership of 450 students; and

11 (ii) average class size of 18 students.

12 (C) A high school operated by a school district shall have a
13 minimum:

14 (i) average daily membership of 600 students; and

15 (ii) average class size of 25 students.

16 (D) The provisions of this subdivision (3) regarding minimum
17 average daily membership and average class sizes shall not apply to a public
18 school, public school program, or a therapeutic school, if all students in the
19 school or program are enrolled in the class or school either as a documented
20 part of the student's IEP or Section 504 plan or pursuant to a written agreement
21 between the local education agency and the school, as applicable.

1 (b) School districts that meet the requirements of subsection (a) of this
2 section shall be formed by merging the governance structures of all member
3 districts into a single unified union school district pursuant to the processes and
4 requirements of 16 V.S.A. chapter 11. Newly formed school districts shall
5 obtain an affirmative vote of all “necessary” districts not later than July 1,
6 2029 and shall be operational on or before July 1, 2030. The study committee
7 report presented to the State Board and district voters pursuant to 16 V.S.A.
8 chapter 11 shall indicate how the proposed unified union school district will
9 meet the requirements of subsection (a) of this section.

10 (c) In addition to making the findings required under 16 V.S.A. § 709 and
11 considering whether the proposed unified union school district will meet the
12 requirements of subsection (a) of this section, when evaluating the study
13 committee report, the State Board shall also be mindful of any other district in
14 the region that may become geographically isolated. The State Board may
15 request the Secretary of Education to work with potentially isolated districts
16 and other districts in the region to move toward a governance structure that
17 meets the requirements of subsection (a) of this section.

18 (d) The State Board is authorized to deny approval to a proposal that would
19 geographically isolate a district that would not be an appropriate member of
20 another sustainable governance structure in the region.

1 (e) The State Board may adjust the boundaries and existence of supervisory
2 unions as necessary based on the newly formed unified union school districts
3 created pursuant to this section.

4 Sec. 3. REVIEW OF SUSTAINABLE GOVERNANCE STRUCTURES

5 (a) Secretary's recommendation. In order to ensure the State is able to
6 provide educational opportunities through the merger of the school districts in
7 existence on July 1, 2025 into not more than 25 newly formed unified union
8 school districts that meet the requirements of Sec. 1 of this act, the Secretary of
9 Education shall review the governance structures of the school districts and
10 supervisory unions of the State as they will exist, or are anticipated to exist, on
11 July 1, 2030. On or before June 1, 2029, the Secretary shall develop, publish
12 on the Agency of Education's website, and present to the Commission on the
13 Sustainable Realignment of Vermont School Districts a proposed plan that, to
14 the extent necessary to align the provision of education with the requirements
15 of Sec. 1 of this act, would move districts then in existence into larger unified
16 union school districts.

17 (b) Final plan. On or before November 30, 2029, the Commission on the
18 Sustainable Realignment of Vermont School Districts shall review and analyze
19 the Secretary's proposal, may take testimony or ask for additional information
20 from districts and supervisory unions, shall approve the Secretary's proposal
21 either in its original form or in an amended form that complies with Sec. 1 of

1 this act, and shall publish on the Agency’s website its order merging and
2 realigning districts and supervisory unions where necessary.

3 (c) Applicability. This section shall not apply to:

4 (1) an interstate school district; or

5 (2) a regional career technical center school district formed under 16

6 V.S.A. chapter 37, subchapter 5A.

7 (d) Charters. The provisions of this section shall supersede any educational
8 charter provision to the contrary.

9 (e) Creation of the Commission on the Sustainable Realignment of
10 Vermont School Districts.

11 (1) Creation. There is created the Commission on the Sustainable
12 Realignment of Vermont School Districts to review and analyze the Secretary
13 of Education’s proposal pursuant to subsection (a) of this section and issue an
14 order merging and realigning districts and supervisory unions where necessary
15 to ensure all Vermont school districts comply with the requirements of Sec. 1
16 of this act.

17 (2) Membership. The Commission shall be composed of five retired
18 superintendents:

19 (A) one member shall be appointed by the Governor;

20 (B) two members shall be appointed by the Speaker of the House;

21 and

1 (C) two members shall be appointed by the Senate Committee on
2 Committees.

3 (3) Powers and duties. The Commission shall review and analyze the
4 Secretary of Education’s proposal pursuant to this section and issue an order
5 merging and realigning districts and supervisory unions where necessary to
6 ensure all Vermont school districts comply with the requirements of Sec. 1 of
7 this act.

8 (4) Assistance. The Commission shall have the administrative,
9 technical, and legal assistance of the Agency of Education.

10 (5) Final plan. On or before November 30, 2029, the Commission on
11 the Sustainable Realignment of Vermont School Districts shall issue its final
12 plan in accordance with the requirements of subsection (b) of this section.

13 (6) Meetings.

14 (A) The member appointed by the Governor shall call the first
15 meeting of the Commission to occur after the Secretary’s plan is issued
16 pursuant to subsection (a) of this section, but not later than July 1, 2029.

17 (B) The Commission shall select a chair from among its members at
18 the first meeting.

19 (C) A majority of the membership shall constitute a quorum.

20 (D) The Commission shall cease to exist on July 1, 2031.

1 appropriate placement and least restrictive environment for the student by the
2 student's individualized education program team or by the local education
3 agency; provided, however, that this requirement shall not apply to an
4 independent school that limits enrollment to students who are on an
5 individualized education program or a plan under Section 504 of the
6 Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to
7 a written agreement between the local education agency and the school.
8 Except as provided in subdivision (6) of this subsection, the Board's rules must
9 at minimum require that the school have the resources required to meet its
10 stated objectives, including financial capacity, faculty who are qualified by
11 training and experience in the areas in which they are assigned, and physical
12 facilities and special services that are in accordance with any State or federal
13 law or regulation. Approval may be granted without State Board evaluation in
14 the case of any school accredited by a private, State, or regional agency
15 recognized by the State Board for accrediting purposes, provided that the State
16 Board shall determine that the school complies with all student enrollment
17 provisions required by law.

18 (1) On application, the State Board shall approve an independent school
19 that offers kindergarten but no other graded education if it finds, after
20 opportunity for hearing, that the school substantially complies with the Board's
21 rules for approved independent kindergartens. The State Board may delegate

1 to another State agency the authority to evaluate the safety and adequacy of the
2 buildings in which kindergartens are conducted but shall consider all findings
3 and recommendations of any such agency in making its approval decision.

4 (2) ~~Approvals under this subsection (b) shall be for a term established~~
5 ~~by rule of the Board but not greater than five years.~~

6 (3) ~~An approved independent school shall provide to the parent or~~
7 ~~guardian responsible for each of its students, prior to accepting any money for~~
8 ~~a student, an accurate statement in writing of its status under this section and a~~
9 ~~copy of this section. Failure to comply with this provision may create a~~
10 ~~permissible inference of false advertising in violation of 13 V.S.A. § 2005.~~

11 (4) ~~Each approved independent school shall provide to the Secretary on~~
12 ~~October 1 of each year the names, genders, dates of birth, and addresses of its~~
13 ~~enrolled students. Within seven days of the termination of a student's~~
14 ~~enrollment, the approved independent school shall notify the Secretary of the~~
15 ~~name and address of the student. The Secretary shall notify the appropriate~~
16 ~~school officials as provided in section 1126 of this title.~~

17 (5) ~~The State Board may revoke, suspend, or impose conditions upon~~
18 ~~the approval of an approved independent school, after having provided an~~
19 ~~opportunity for a hearing, for substantial failure to comply with the minimum~~
20 ~~course of study, for failure to demonstrate that the school has the resources~~
21 ~~required to meet its stated objectives, for failure to comply with statutory~~

1 ~~requirements or the Board's rules for approved independent schools, or for~~
2 ~~failure to report under subdivision (4) of this subsection (b). Upon that~~
3 ~~revocation or suspension, students required to attend school who are enrolled~~
4 ~~in that school shall become truant unless they enroll in a public school, an~~
5 ~~approved or recognized independent school, or a home study program.~~

6 ~~(6) This subdivision (6) applies to an independent school located in~~
7 ~~Vermont that offers a distance learning program and that, because of its~~
8 ~~structure, does not meet some or all the rules of the State Board for approved~~
9 ~~independent schools. In order to be approved under this subdivision, a school~~
10 ~~shall meet the standards adopted by rule of the State Board for approved~~
11 ~~independent schools that can be applied to the applicant school and any other~~
12 ~~standards or rules adopted by the State Board regarding these types of schools.~~
13 ~~A school approved under this subdivision shall not be eligible to receive tuition~~
14 ~~payments from public school districts under chapter 21 of this title.~~

15 ~~(7) Approval for independent residential schools under this subsection is~~
16 ~~also contingent upon proof of the school's satisfactory completion of an annual~~
17 ~~fire safety inspection by the Department of Public Safety or its designee~~
18 ~~pursuant to 20 V.S.A. chapter 173, subchapter 2. A certificate executed by the~~
19 ~~inspecting entity, declaring satisfactory completion of the inspection and~~
20 ~~identifying the date by which a new inspection must occur, shall be posted at~~
21 ~~the school in a public location. The school shall provide a copy of the~~

1 ~~certificate to the Secretary of Education after each annual inspection. The~~
2 ~~school shall pay the actual cost of the inspection unless waived or reduced by~~
3 ~~the inspecting entity.~~

4 ~~(8)(A) If an approved independent school experiences any of the~~
5 ~~following financial reporting events during the period of its approved status,~~
6 ~~the school shall notify the Secretary of Education within five days after its~~
7 ~~knowledge of the event unless the failure is de minimis:~~

8 ~~(i) the school's failure to file its federal or State tax returns when~~
9 ~~due, after permissible extension periods have been taken into account;~~

10 ~~(ii) the school's failure to meet its payroll obligations as they are~~
11 ~~due or to pay federal or State payroll tax obligations as they are due;~~

12 ~~(iii) the school's failure to maintain required retirement~~
13 ~~contributions;~~

14 ~~(iv) the school's use of designated funds for nondesignated~~
15 ~~purposes;~~

16 ~~(v) the school's inability to fully comply with the financial terms~~
17 ~~of its secured installment debt obligations over a period of two consecutive~~
18 ~~months, including the school's failure to make interest or principal payments~~
19 ~~as they are due or to maintain any required financial ratios;~~

1 ~~(vi) the withdrawal or conditioning of the school's accreditation~~
2 ~~on financial grounds by a private, State, or regional agency recognized by the~~
3 ~~State Board for accrediting purposes; or~~

4 ~~(vii) the school's insolvency, as defined in 9 V.S.A. § 2286(a).~~

5 ~~(B)(i) If the Secretary reasonably believes that an approved~~
6 ~~independent school lacks financial capacity to meet its stated objectives during~~
7 ~~the period of its approved status, then the Secretary shall notify the school in~~
8 ~~writing of the reasons for this belief and permit the school a reasonable~~
9 ~~opportunity to respond.~~

10 ~~(ii) If the Secretary, after having provided the school a reasonable~~
11 ~~opportunity to respond, does not find that the school has satisfactorily~~
12 ~~responded or demonstrated its financial capacity, the Secretary may establish a~~
13 ~~review team that, with the consent of the school, includes a member of the~~
14 ~~Council of Independent Schools, to:~~

15 ~~(I) conduct a school visit to assess the school's financial~~
16 ~~capacity;~~

17 ~~(II) obtain from the school such financial documentation as the~~
18 ~~review team requires to perform its assessment; and~~

19 ~~(III) submit a report of its findings and recommendations to the~~
20 ~~State Board.~~

1 ~~(iii) If the State Board concludes that an approved independent~~
2 ~~school lacks financial capacity to meet its stated objectives during the period of~~
3 ~~its approved status, the State Board may take any action that is authorized by~~
4 ~~this section.~~

5 ~~(iv) In considering whether an independent school lacks financial~~
6 ~~capacity to meet its stated objectives during the period of its approved status~~
7 ~~and what actions the State Board should take if it makes this finding, the State~~
8 ~~Board may consult with, and draw on the analytical resources of, the Vermont~~
9 ~~Department of Financial Regulation.~~

10 ~~(C) Information provided by an independent school under this~~
11 ~~subsection that is not already in the public domain is exempt from public~~
12 ~~inspection and copying under the Public Records Act and shall be kept~~
13 ~~confidential. [Repealed.]~~

14 (c) Recognized independent schools. Upon filing an enrollment notice, a
15 recognized independent school may provide elementary or secondary
16 education in Vermont. The enrollment notice shall be on a form provided by
17 the Secretary and shall be filed with the Secretary ~~no~~ not earlier than three
18 months before the beginning of the school year for the public schools in the
19 town in which the applicant proposes to locate.

20 (1) The enrollment notice shall contain the following information and
21 assurances:

1 (A) a statement that the school will be in session an amount of time
2 substantially equivalent to that required for public schools;

3 (B) a detailed description or outline of the minimum course of study
4 for each grade level the school offers and how the annual assessment of each
5 student will be performed; and

6 (C) assurances that:

7 (i) the school will prepare and maintain attendance records for
8 each student enrolled or regularly attending classes;

9 (ii) at least once each year, the school will assess each student's
10 progress, and will maintain records of that assessment, and present the result of
11 that assessment to each student's parent or guardian;

12 (iii) the school's educational program will include the minimum
13 course of study set forth in section 906 of this title;

14 (iv) the school will have teachers and materials sufficient to carry
15 out the school's educational program; and

16 (v) the school will meet such State and federal laws and
17 regulations concerning its physical facilities and health and safety matters as
18 are applicable to recognized independent schools.

19 (2) If the Secretary has information that creates significant doubt about
20 whether the school would be able to meet the requirements set forth in this
21 subsection (c), the Secretary may call a hearing. At the hearing, the school

1 shall establish that it can meet the requirements for recognized independent
2 schools. Failure to do so shall result in a finding by the Secretary that the
3 school must take specified action to come into compliance within a specified
4 time frame or the children enrolled must attend another recognized
5 independent school, a public school, ~~an approved independent school~~, or a
6 home study program, or be declared truant unless absent with legal excuse.

7 (3) A recognized independent school shall provide to each student's
8 parent or guardian a copy of its currently filed statement of objectives and a
9 copy of this section. The copy shall be provided when the student enrolls or
10 before September 1, whichever comes later. Failure to comply with this
11 subsection may create a permissible inference of false advertising in violation
12 of 13 V.S.A. § 2005.

13 (4) A recognized independent school shall renew its enrollment notice
14 annually. An independent school shall be recognized for a period not to
15 exceed five years by the Secretary without need for filing an annual enrollment
16 notice if:

17 (A) it is recognized by an organization approved by the State Board
18 for the purpose of recognizing such school; or

19 (B) it is accredited by a private, state, or regional agency approved by
20 the State Board for accrediting purposes; provided, however, nothing in this

1 subdivision (4) shall be construed to prohibit the Secretary from initiating a
2 hearing under this subsection (c).

3 (5) If the Secretary has information that creates significant doubt about
4 whether the school, once in operation, is meeting the requirements for
5 recognized independent schools, the Secretary may call a hearing. At the
6 hearing, the school shall establish that it has met the requirements for
7 recognized independent schools. Failure to do so shall result in a finding by
8 the Secretary that:

9 (A) the school may not be in operation for the remainder of the
10 school year and that the children are truant unless absent with legal excuse or
11 enrolled in a public school, ~~an independent school~~, another recognized
12 independent school, or a home study program; or

13 (B) the school must take specified action to come into compliance
14 within a specified time frame or the school will not be permitted to operate for
15 the remainder of the school year.

16 (6) Each recognized independent school shall provide to the Secretary
17 on October 1 of each year the names, genders, dates of birth, and addresses of
18 its enrolled students. Within seven days ~~of~~ after the termination of a student's
19 enrollment, the recognized independent school shall notify the Secretary of the
20 name and address of the student. The Secretary shall notify the appropriate
21 school officials as provided in section 1126 of this title.

1 (7) After the filing of the enrollment notice or at a hearing, if the school
2 is unable to comply with any specific requirements due to deep religious
3 conviction shared by an organized group, the Secretary may waive such
4 requirements if ~~he or she~~ the Secretary determines that the educational
5 purposes of this subsection are being or will be substantially met.

6 (d) Council of Independent Schools. A Council of Independent Schools is
7 created consisting of 11 members, ~~no fewer than three of whom shall be~~
8 ~~representatives of recognized independent schools~~. The Secretary shall
9 appoint nine members from within the independent schools' community. The
10 Secretary shall appoint two members from the public-at-large. Each member
11 shall serve for two years and may be reappointed for up to an additional two
12 terms. The Council shall adopt rules for its own operation. A chair shall be
13 elected by and from among the members. The duties of the Council shall
14 include advising the Secretary on policies and procedures with respect to
15 independent schools. No hearing shall be initiated under this section before the
16 State Board or by the Secretary until the recommendations of the Council have
17 been sought and received. The recommendations of the Council, including any
18 minority reports, shall be admissible at the hearing.

19 (e) Harassment, hazing, and bullying policies. The board of trustees of ~~an~~
20 ~~approved or a~~ recognized independent school operating in Vermont shall adopt
21 harassment, hazing, and bullying prevention policies; establish procedures for

1 dealing with harassment, hazing, and bullying of students; and provide notice
2 of these. The provisions of chapter 9, subchapter 5 of this title for public
3 schools shall apply to this subsection, except that the board shall follow its
4 own procedures for adopting policy.

5 (f) Tuition bills. ~~An approved independent school~~ A school eligible for
6 designation under section 820 of this title that accepts students for whom the
7 district of residence pays tuition under chapter 21 of this title shall bill the
8 sending district monthly for a State-placed student and shall not bill the
9 sending district for any month in which the State-placed student was not
10 enrolled.

11 (g) Tuition students; assessments. ~~An approved independent school~~ A
12 school eligible for designation under section 820 of this title that accepts
13 students for whom the district of residence pays tuition under chapter 21 of this
14 title shall use the assessment or assessments required under subdivision 164(9)
15 of this title to measure attainment of standards for student performance of
16 those students. In addition, the school shall provide data related to the
17 assessment or assessments as required by the Secretary.

1 * * * Maintenance of Public Schools * * *

2 Sec. 6. 16 V.S.A. chapter 21 is amended to read:

3 CHAPTER 21. MAINTENANCE OF PUBLIC SCHOOLS

4 § 820. SCHOOLS ELIGIBLE FOR DESIGNATION

5 (a) Under this chapter, a school district may designate a school to provide
6 education for resident students of the district who would spend:

7 (1) more than 45 minutes being transported from the resident’s home to
8 a public elementary school located within the district; or

9 (2) more than 75 minutes being transported from the resident’s home to
10 a public high school located within the district.

11 (b) A school eligible for designation shall comply with the following:

12 (1) General characteristics. The school shall be an independent school
13 recognized under section 166 of this title that meets at least three of the
14 following four criteria:

15 (A) The recognized independent school serves as a regional CTE
16 center as defined in section 1522 of this title.

17 (B) The recognized independent school was established through the
18 granting of a charter by the Vermont General Assembly.

19 (C) The recognized independent school qualified as a public school
20 under the definition of “public school” in effect on June 30, 1991 under
21 subdivision 11(a)(7) of this title.

1 (D) The recognized independent school is designated under section
2 1935 of this title as an employer of teachers within the meaning of chapter 55
3 of this title (State Teachers' Retirement System of Vermont).

4 (2) School and class size.

5 (A) A recognized independent elementary school shall have a
6 minimum:

7 (i) school size of 450 students; and

8 (ii) average class size of 18 students.

9 (B) A recognized independent high school shall have a minimum:

10 (i) school size of 600 students; and

11 (ii) average class size of 25 students.

12 (c) This section shall not apply to therapeutic schools as defined by
13 subdivision 11(36) of this title.

14 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY
15 SCHOOLS ~~OR PAY TUITION~~

16 (a) Each school district shall maintain one or more approved schools within
17 the district in which elementary education for its resident students in
18 kindergarten through grade six is provided unless:

19 ~~(1) the electorate authorizes the school board to provide for the~~
20 ~~elementary education of the students by paying tuition in accordance with law~~
21 ~~to one or more public elementary schools in one or more school districts;~~

1 ~~(2) the school district is organized to provide only high school education~~
2 ~~for its students; or~~

3 ~~(3) the General Assembly provides otherwise.~~

4 (b) [Repealed.]

5 (c) Notwithstanding subsection (a) of this section, without previous
6 authorization by the electorate, a school board in a district that operates an
7 elementary school may pay tuition for elementary students who reside near a
8 public elementary school in an adjacent district upon request of the student's
9 parent or guardian, if in the board's judgment the student's education can be
10 more conveniently furnished there due to geographic considerations. Within
11 30 days of following the board's decision, a parent or guardian who is
12 dissatisfied with the decision of the board under this subsection may request a
13 determination by the Secretary, who shall have authority to direct the school
14 board to pay all, some, or none of the student's tuition and whose decision
15 shall be final.

16 ~~(d) Notwithstanding subdivision (a)(1) of this section, the electorate of a~~
17 ~~school district that does not maintain an elementary school may grant general~~
18 ~~authority to the school board to pay tuition for an elementary student at an~~
19 ~~approved independent elementary school or an independent school meeting~~
20 ~~education quality standards pursuant to sections 823 and 828 of this chapter~~

1 ~~upon notice given by the student's parent or legal guardian before April 15 for~~
2 ~~the next academic year. [Repealed.]~~

3 * * *

4 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
5 PAY TUITION

6 (a) Each school district shall maintain one or more approved high schools
7 in which high school education is provided for its resident students ~~unless:~~

8 ~~(1) the electorate authorizes the school board to close an existing high~~
9 ~~school and to provide for the high school education of its students by paying~~
10 ~~tuition to a public high school, an approved independent high school, or an~~
11 ~~independent school meeting education quality standards, to be selected by the~~
12 ~~parents or guardians of the student, within or outside the State; or~~

13 ~~(2) the school district is organized to provide only elementary education~~
14 ~~for its students.~~

15 (b) ~~For purposes of this section, a school district that is organized to~~
16 ~~provide kindergarten through grade 12 and maintains a program of education~~
17 ~~for only the first eight years of compulsory school attendance shall be~~
18 ~~obligated to pay tuition for its resident students for at least four additional~~
19 ~~years. [Repealed.]~~

20 (c)~~(1) A school district may both maintain a high school and furnish high~~
21 ~~school education by paying tuition:~~

1 sending districts, and further provided that the statutory provisions apply to
2 any sending district that declines the offered terms.

3 ~~(b) Unless the electorate of a school district authorizes payment of a higher~~
4 ~~amount at an annual or special meeting warned for the purpose, the tuition paid~~
5 ~~to an approved independent elementary school or an independent school~~
6 ~~meeting education quality standards shall not exceed the least of:~~

7 ~~(1) the average announced tuition of Vermont union elementary schools~~
8 ~~for the year of attendance;~~

9 ~~(2) the tuition charged by the approved independent school for the year~~
10 ~~of attendance; or~~

11 ~~(3) the average per pupil tuition the district pays for its other resident~~
12 ~~elementary students in the year in which the student is enrolled in the approved~~
13 ~~independent school. [Repealed.]~~

14 § 824. HIGH SCHOOL TUITION

15 (a) Tuition for high school students shall be paid by the school district in
16 which the student is a resident.

17 (b) Except as otherwise provided for technical students, the district shall
18 pay the full tuition charged its students attending a public designated high
19 school in Vermont ~~or an adjoining state or a public or approved independent~~
20 ~~school in Vermont functioning as an approved area career technical center, or~~
21 ~~an independent school meeting education quality standards; provided:~~

1 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

2 (a) A school board, or the board of trustees of ~~an independent school~~
3 ~~meeting education quality standards~~, a school eligible for designation under
4 section 820 of this title that proposes to increase tuition charges shall notify the
5 school board of the school district from which its nonresident students come,
6 and the Secretary, of the proposed increase on or before January 15 in any
7 year; such increases shall not become effective without the notice and not until
8 the following school year.

9 (b) A school board ~~or the board of trustees of an independent school~~
10 ~~meeting education quality standards~~ may establish a separate tuition for one or
11 more special education programs. No such tuition shall be established unless
12 the State Board has by rule defined the program as of a type that may be
13 funded by a separate tuition. Any such tuition shall be announced in
14 accordance with the provisions of subsection (a) of this section. The amount
15 of tuition shall reflect the net cost per pupil in the program. The announcement
16 of tuition shall describe the special education services included or excluded
17 from coverage. Tuition for part-time students shall be reduced proportionally.

18 * * *

19 ~~§ 827. DESIGNATION OF A PUBLIC HIGH SCHOOL OR AN~~

20 ~~APPROVED INDEPENDENT HIGH SCHOOL AS THE PUBLIC~~

21 ~~HIGH SCHOOL OF A SCHOOL DISTRICT~~

1 (a) A school district ~~not maintaining an approved public high school~~ may
2 vote on such terms or conditions as it deems appropriate, to designate three or
3 fewer ~~approved independent or public high schools as the public high school or~~
4 ~~schools of the district~~ eligible for designation under section 820 of this title to
5 provide education for the district's resident students who would spend:

6 (1) more than 45 minutes being transported from the resident's home to
7 a public elementary school located within the district; or

8 (2) more than 75 minutes being transported from the resident's home to
9 a public high school located within the district.

10 (b) Except as otherwise provided in this section, if the board of trustees ~~or~~
11 ~~the school board~~ of a designated school votes to accept this designation, ~~the~~
12 ~~school shall be regarded as a public school for tuition purposes under~~
13 ~~subsection 824(b)~~ tuition shall be paid in accordance with sections 823 and 824
14 of this title, and the sending school district shall pay tuition only to that school,
15 and to any other school designated under this section, until such time as the
16 sending school district or the designated school votes to rescind the
17 designation.

18 (c) ~~A parent or legal guardian who is dissatisfied with the instruction~~
19 ~~provided at a designated school or who cannot obtain for his or her child the~~
20 ~~kind of course or instruction desired there, or whose child can be better~~
21 ~~accommodated in an approved independent or public high school nearer his or~~

1 ~~her home during the next academic year, may request on or before April 15~~
2 ~~that the school board pay tuition to another approved independent or public~~
3 ~~high school selected by the parent or guardian. [Repealed.]~~

4 (d) ~~The school board may pay tuition to another approved high school as~~
5 ~~requested by the parent or legal guardian if in its judgment that will best serve~~
6 ~~the interests of the student. Its decision shall be final in regard to the~~
7 ~~institution the student may attend. If the board approves the parent's request,~~
8 ~~the board shall pay tuition for the student in an amount not to exceed the least~~
9 ~~of:~~

10 (1) ~~The statewide average announced tuition of Vermont union high~~
11 ~~schools.~~

12 (2) ~~The per-pupil tuition the district pays to the designated school in the~~
13 ~~year in which the student is enrolled in the nondesignated school. If the district~~
14 ~~has designated more than one school pursuant to this section, then it shall be~~
15 ~~the lowest per-pupil tuition paid to a designated school.~~

16 (3) ~~The tuition charged by the approved nondesignated school in the~~
17 ~~year in which the student is enrolled. [Repealed.]~~

18 (e) ~~Notwithstanding any other provision of law to the contrary:~~

19 (1) ~~the school districts of Pawlet, Rupert, and Wells may designate a~~
20 ~~public high school located in New York as the public high school of the district~~
21 ~~pursuant to the provisions of this section;~~

1 ~~(2) unless otherwise directed by an affirmative vote of the school~~
2 ~~district, when the Wells Board approves parental requests to pay tuition to a~~
3 ~~nondesignated approved independent or public school, the Board shall pay~~
4 ~~tuition in an amount not to exceed the base education amount as determined~~
5 ~~under section 4011 of this title for the fiscal year in which tuition is being paid;~~
6 ~~and~~

7 ~~(3) unless otherwise directed by an affirmative vote of the school~~
8 ~~district, when the Strafford Board approves a parental request to pay tuition to~~
9 ~~a nondesignated approved independent or public school, the Board shall pay~~
10 ~~tuition to the nondesignated school pursuant to section 824 of this title for the~~
11 ~~year in which the student is enrolled; provided, however, that it shall not pay~~
12 ~~tuition in an amount that exceeds the tuition paid to the designated school for~~
13 ~~the same academic year. [Repealed.]~~

14 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

15 A school district shall not pay the tuition of a student except to a public
16 school, ~~an approved independent school, an independent school meeting~~
17 ~~education quality standards~~ a school eligible for designation under section 820
18 of this title, a tutorial program approved by the State Board, a therapeutic
19 school, or an approved education program, ~~or an independent school in another~~
20 ~~state or country approved under the laws of that state or country, that complies~~
21 ~~with the reporting requirement under subsection 4010(c) of this title, nor shall~~

1 payment of tuition on behalf of a person be denied on account of age. Unless
2 otherwise provided, a person who is aggrieved by a decision of a school board
3 relating to eligibility for tuition payments, the amount of tuition payable, or the
4 school the person may attend, may appeal to the State Board and its decision
5 shall be final.

6 * * *

7 * * * Technical and Conforming Amendments * * *

8 Sec. 7. LEGISLATIVE COUNSEL; PREPARATION OF A DRAFT BILL

9 On or before January 15, 2026, the Office of Legislative Counsel shall
10 prepare and submit a draft bill to the House and Senate Committees on
11 Education that makes statutory amendments of a technical nature and identifies
12 all statutory sections that the General Assembly shall amend substantively to
13 effect the intent of the act.

14 * * * Effective Date * * *

15 Sec. 8. EFFECTIVE DATE

16 This act shall take effect on July 1, 2025.