

1 H.480

2 Introduced by Committee on Education

3 Date:

4 Subject: Education

5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous amendments to education law, including (1) amendments to
7 2023 Acts and Resolves No. 29, An act relating to school safety; (2)
8 amendments to the list of postsecondary schools accredited to operate in
9 Vermont; (3) excluding contracts for the purchase of food made from a
10 nonprofit school food services account from the requirements of 16 V.S.A.
11 § 559 (public bids); (4) adding a section to the flexible pathways chapter in
12 Title 16 to codify the virtual learning pathway; (5) amendments to the BOCES
13 grant program; (6) a requirement for school districts to include military-related
14 options in career development and postsecondary planning resources as part of
15 the Flexible Pathways Initiative and a student's personalized learning plan; and
16 (7) amendments to the Secretary of Education search process.

17 An act relating to miscellaneous amendments to education law

18 It is hereby enacted by the General Assembly of the State of Vermont:

* * * School Safety * * *

Sec. 1. 2023 Acts and Resolves No. 29, Secs. 5 and 6 are amended to read:

Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;
IMPLEMENTATION

* * *

(c) ~~The Agency of Education shall establish guidelines necessary to collect the data required pursuant to 16 V.S.A. § 1485(e). Each supervisory union, supervisory district, and independent school using behavioral threat assessment teams as of July 1, 2023 shall comply with the data collection requirements under 16 V.S.A. § 1485(e) beginning in the 2023–2024 school year.~~

[Repealed.]

* * *

Sec. 6. EFFECTIVE DATES

* * *

(c) Sec. 2 (16 V.S.A. § 1480) shall take effect on July 1, ~~2024~~ 2025.

(d) Sec. 4 (16 V.S.A. § 1485) shall take effect on July 1, ~~2025~~ 2027.

* * * Postsecondary Schools Chartered in Vermont * * *

Sec. 2. 16 V.S.A. § 176(d) is amended to read:

(d) Exemptions. The following are exempt from the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

1 ~~(4) Postsecondary schools that are accredited. The following~~
2 postsecondary institutions are accredited, meet the criteria for exempt status,
3 and are authorized to operate educational programs beyond secondary
4 education, including programs leading to a degree or certificate: Bennington
5 College, Champlain College, ~~College of St. Joseph, Goddard College, Green~~
6 ~~Mountain College, Landmark College, Marlboro College, Middlebury College,~~
7 ~~New England Culinary Institute, Norwich University, Saint Michael's College,~~
8 SIT Graduate Institute, ~~Southern Vermont College,~~ Sterling College, Vermont
9 College of Fine Arts, and Vermont Law and Graduate School. This
10 authorization is provided solely to the extent necessary to ensure institutional
11 compliance with federal financial aid-related regulations, and it does not
12 affect, rescind, or supersede any preexisting authorizations, charters, or other
13 forms of recognition or authorization.

14 * * *

15 * * * Nutrition Contracts and Public Bids * * *

16 Sec. 3. 16 V.S.A. § 559 is amended to read:

17 § 559. PUBLIC BIDS

18 * * *

19 (e) Application of this section. Any contract entered into or purchase made
20 in violation of the provisions of this section shall be void; provided, however,
21 that.

1 ~~(1) The provisions of this section shall not apply to contracts for the~~
2 ~~purchase of books or other materials of instruction.~~

3 (2) A school board may name in the specifications and invitations for
4 bids under this section the particular make, kind, or brand of article or articles
5 to be purchased or contracted.

6 (3) Nothing in this section shall apply to emergency repairs.

7 ~~(4) Nothing in this section shall be construed to prohibit a school board~~
8 ~~from awarding a school nutrition contract after using any method of bidding or~~
9 ~~requests for proposals permitted under federal law for award of the contract.~~

10 ~~Notwithstanding the monetary amount in subsection (a) of this section for~~
11 ~~which a school board is required to advertise publicly or invite three or more~~
12 ~~bids or requests for proposal, a school board is required to publicly advertise~~
13 ~~or invite three or more bids or requests for proposal for purchases made from~~
14 ~~the nonprofit school food service account for purchases in excess of the federal~~
15 ~~simplified acquisition threshold when purchasing food or in excess of~~
16 ~~\$25,000.00 when purchasing nonfood items, unless a municipality sets a lower~~
17 ~~threshold for purchases from the nonprofit school food service account. The~~
18 ~~provisions of this section shall not apply to contracts for the purchase of food~~
19 ~~made from a nonprofit school food services account.~~

~~*** Virtual Learning ***~~

Sec. 4. 16 V.S.A. § 948 is added to read:

§ 948. VIRTUAL LEARNING

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

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

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

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

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

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

Sec. 5. 16 V.S.A. § 942(13) is amended to read:

(13) "Virtual learning" means learning in which the teacher and student communicate concurrently through real-time telecommunication. "Virtual

1 ~~learning” also means online learning in which communication between the~~
2 ~~teacher and student does not occur concurrently and the student works~~
3 ~~according to his or her own schedule an intentionally designed learning~~
4 ~~environment for online teaching and learning using online design principles~~
5 ~~and teachers trained in the delivery of online instruction. This instruction may~~
6 ~~take place either in a self-paced environment or a real-time environment.~~

7 * * * BOCES Start-up Grant Program * * *

8 Sec. 6. 2024 Acts and Resolves No. 168, Sec. 4 is amended to read:

9 Sec. 4. BOCES GRANT PROGRAM; APPROPRIATION

10 (a) There is established the Boards of Cooperative Education Services
11 Start-up Grant Program, to be administered by the Agency of Education, from
12 funds appropriated for this purpose, to award grants to enable the formation of
13 boards of cooperative education services (BOCES) formed pursuant to
14 16 V.S.A. chapter 10 after July 1, 2024. BOCES Supervisory unions shall be
15 eligible for a single \$10,000.00 grant after the Secretary of Education approves
16 the applicant’s initial articles of agreement pursuant to 16 V.S.A. § 603(b) two
17 or more boards vote to explore the advisability of forming a board of
18 cooperative education services pursuant to 16 V.S.A. § 603(a). Grants may be
19 used for start-up and formation costs and may include reimbursement to
20 member supervisory unions for costs incurred during the exploration and
21 formation of the BOCES and articles of agreement, including the development

1 ~~of proposed articles of agreement. Grants shall be awarded to only one~~
2 supervisory union within each group of supervisory unions exploring the
3 formation of a BOCES.

4 (b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the
5 sum of \$70,000.00 is appropriated from the Education Fund to the Agency of
6 Education in fiscal year 2025 to fund the Boards of Cooperative Education
7 Services Start-up Grant Program created in subsection (a) of this section.
8 Unexpended appropriations shall carry forward into the subsequent fiscal year
9 and remain available for use for this purpose.

10 * * * Military-related Postsecondary Opportunities * * *

11 Sec. 7. 16 V.S.A. § 941 is amended to read:

12 § 941. FLEXIBLE PATHWAYS INITIATIVE

13 (a) There is created within the Agency a Flexible Pathways Initiative:

14 (1) to encourage and support the creativity of school districts as they
15 develop and expand high-quality educational experiences that are an integral
16 part of secondary education in the evolving 21st Century century classroom;

17 (2) to promote opportunities for Vermont students to achieve
18 postsecondary readiness through high-quality educational experiences that
19 acknowledge individual goals, learning styles, and abilities; and

20 (3) to increase the rates of secondary school completion and
21 postsecondary continuation and retention in Vermont.

1 ~~(b) The Secretary shall develop, publish, and regularly update guidance, in~~
2 the form of technical assistance, sharing of best practices and model
3 documents, legal interpretations, and other support designed to assist school
4 districts:

5 (1) ~~to~~ To identify and support secondary students who require additional
6 assistance to succeed in school and to identify ways in which individual
7 students would benefit from flexible pathways to graduation;

8 (2) ~~to~~ To work with every student in grade 7 seven through grade 12 in
9 an ongoing personalized learning planning process that:

10 (A) identifies the student's emerging abilities, aptitude, and
11 disposition;

12 (B) includes participation by families and other engaged adults;

13 (C) guides decisions regarding course offerings and other high-
14 quality educational experiences; and

15 (D) identifies career and postsecondary planning options using
16 resources provided pursuant to subdivision (4) of this subsection (b); and

17 (E) is documented by a personalized learning plan;

18 (3) ~~to~~ To create opportunities for secondary students to pursue flexible
19 pathways to graduation that:

20 (A) increase aspiration and encourage postsecondary continuation of
21 training and education,

(B) are an integral component of a student's personalized learning plan; and

(C) include:

(i) applied or work-based learning opportunities, including career and career technical education and internships;

(ii) virtual learning and blended learning;

(iii) dual enrollment opportunities as set forth in section 944 of this title;

(iv) early college programs as set forth in subsection 4011(e) of this title; and

(v) [Repealed.]

(vi) adult education and secondary credential opportunities as set forth in section 945 of this title; and.

(4) ~~to~~ To provide students, beginning ~~no not~~ later than in grade 7 seven, with career development and postsecondary planning resources to ensure that they are able to take full advantage of the opportunities available within the flexible pathways to graduation and to achieve their career and postsecondary education and training goals. Resources provided pursuant to this subdivision shall include information regarding the admissions process and requirements necessary to proceed with any and all military-related opportunities.

1 ~~(c) Nothing in this subchapter shall be construed as discouraging or~~
2 limiting the authority of any school district to develop or continue to provide
3 educational opportunities for its students that are otherwise permitted,
4 including the provision of Advanced Placement courses.

5 (d) An individual entitlement or private right of action shall not arise from
6 creation of a personalized learning plan.

7 * * * Secretary of Education Search * * *

8 Sec. 8. 3 V.S.A. § 2702 is amended to read:

9 § 2702. SECRETARY OF EDUCATION

10 (a) With the advice and consent of the Senate, the Governor shall appoint a
11 Secretary of Education from among ~~no~~ not fewer than three candidates
12 proposed by the State Board of Education. The Secretary shall serve at the
13 pleasure of the Governor.

14 (1) The State Board shall begin a robust national search process not later
15 than 60 days after public notification of the resignation of a Secretary of
16 Education.

17 (2) The State Board may request from the Agency of Education the
18 funds necessary to utilize outside resources for the search process required
19 pursuant to this subsection.

20 (b) The Secretary shall report directly to the Governor and shall be a
21 member of the Governor's Cabinet.

1 ~~(c) At the time of appointment, the Secretary shall have expertise in~~
2 education management and policy and demonstrated leadership and
3 management abilities.

4 * * * Effective Dates * * *

5 Sec. 9. EFFECTIVE DATES

6 This act shall take effect on passage, except that Sec. 7 (military related
7 postsecondary opportunities) shall take effect on July 1, 2025.

* * * *School Safety* * * *

Sec. 1. 2023 Acts and Resolves No. 29, Secs. 5 and 6 are amended to read:

Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;

IMPLEMENTATION

* * *

(b) Establishment of behavioral threat assessment teams; training.

*(1) School districts and independent schools not already using
behavioral threat assessment teams shall ~~take all actions necessary to establish~~
~~a team~~ establish a team and identify team members not later than July 1, 2025,
~~including:~~*

*(2) School districts and independent schools shall take all actions
necessary to implement comprehensive behavioral threat assessment and
management programs not later than October 1, 2025, including:*

(A) identifying and training team members, which shall include group bias training and the training requirements contained in 16 V.S.A. § 1485(d);

(B) adopting a behavioral threat assessment team policy;

(C) establishing procedures for proper, fair, and effective use of behavioral threat assessment teams;

(D) updating and exercising emergency operations plans; and

(E) providing education to the school community on the purpose and use of behavioral threat assessment teams.

~~(2)(3)~~ School districts and independent schools currently using behavioral threat assessment teams shall certify compliance with the training requirements contained in 16 V.S.A. § 1485(d) on or before the first day of the 2023–2024 school year.

~~(3)(4)~~ The Agency of Education and Department of Public Safety shall issue guidance and offer training necessary to assist school districts and independent schools with implementation of this subsection.

~~(c) The Agency of Education shall establish guidelines necessary to collect the data required pursuant to 16 V.S.A. § 1485(e). Each supervisory union, supervisory district, and independent school using behavioral threat assessment teams as of July 1, 2023 shall comply with the data collection~~

~~requirements under 16 V.S.A. § 1485(e) beginning in the 2023-2024 school year: [Repealed.]~~

* * *

Sec. 6. EFFECTIVE DATES

* * *

(c) Sec. 2 (16 V.S.A. § 1480) shall take effect on July 1, 2024 2025.

(d) Sec. 4 (16 V.S.A. § 1485) shall take effect on July 1, 2025, except that subdivision (b)(3) shall take effect on October 1, 2025 and subsection (e) shall take effect on July 1, 2027.

Sec. 2. 16 V.S.A. § 1485 is amended to read:

§ 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

* * *

(b) Policy.

* * *

(3) Each school district and each approved or recognized independent school shall develop, adopt, and ensure implementation of a policy and procedures for use of behavioral threat assessment teams that is consistent with and at least as comprehensive as the model policy and procedures developed by the Secretary. Any school board or independent school that fails to adopt such a policy ~~or procedures~~ shall be presumed to have adopted the most current model policy ~~and procedures~~ published by the Secretary. Any

superintendent or independent school that fails to adopt such procedures shall be presumed to have adopted the most current model procedures published by the Secretary.

* * *

* * * *Postsecondary Schools Chartered in Vermont* * * *

Sec. 3. 16 V.S.A. § 176(d) is amended to read:

(d) Exemptions. The following are exempt from the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

* * *

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Champlain College, ~~College of St. Joseph~~, ~~Goddard College~~, ~~Green Mountain College~~, Landmark College, ~~Marlboro College~~, Middlebury College, ~~New England Culinary Institute~~, Norwich University, Saint Michael's College, SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont College of Fine Arts, and Vermont Law and Graduate School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not

affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

** * **

** * * Nutrition Contracts and Public Bids * * **

Sec. 4. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

** * **

(e) Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be void; provided, however, that:

(1) The provisions of this section shall not apply to contracts for the purchase of books or other materials of instruction.

(2) A school board may name in the specifications and invitations for bids under this section the particular make, kind, or brand of article or articles to be purchased or contracted.

(3) Nothing in this section shall apply to emergency repairs.

(4) ~~Nothing in this section shall be construed to prohibit a school board from awarding a school nutrition contract after using any method of bidding or requests for proposals permitted under federal law for award of the contract. Notwithstanding the monetary amount in subsection (a) of this section for which a school board is required to advertise publicly or invite three or more~~

~~bids or requests for proposal, a school board is required to publicly advertise or invite three or more bids or requests for proposal for purchases made from the nonprofit school food service account for purchases in excess of the federal simplified acquisition threshold when purchasing food or in excess of \$25,000.00 when purchasing nonfood items, unless a municipality sets a lower threshold for purchases from the nonprofit school food service account. The provisions of this section shall not apply to contracts for the purchase of food made from a nonprofit school food services account.~~

* * *

* * * Virtual Learning * * *

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

§ 948. VIRTUAL LEARNING

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

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

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

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

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

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

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

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

* * * BOCES Start-up Grant Program * * *

Sec. 7. 2024 Acts and Resolves No. 168, Sec. 4 is amended to read:

Sec. 4. BOCES GRANT PROGRAM; APPROPRIATION

(a) There is established the Boards of Cooperative Education Services Start-up Grant Program, to be administered by the Agency of Education, from

~~funds appropriated for this purpose, to award grants to enable the formation of boards of cooperative education services (BOCES) formed pursuant to 16 V.S.A. chapter 10 after July 1, 2024. BOCES Supervisory unions shall be eligible for a single \$10,000.00 grant after the Secretary of Education approves the applicant's initial articles of agreement pursuant to 16 V.S.A. § 603(b) two or more boards vote to explore the advisability of forming a board of cooperative education services pursuant to 16 V.S.A. § 603(a). Grants may be used for start-up and formation costs and may include reimbursement to member supervisory unions for costs incurred during the exploration and formation of the BOCES and articles of agreement, including the development of proposed articles of agreement. Grants shall be awarded to only one supervisory union within each group of supervisory unions exploring the formation of a BOCES.~~

(b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the sum of \$70,000.00 is appropriated from the Education Fund to the Agency of Education in fiscal year 2025 to fund the Boards of Cooperative Education Services Start-up Grant Program created in subsection (a) of this section. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose.

** * * Military-Related Postsecondary Opportunities * * **

Sec. 8. 16 V.S.A. § 941 is amended to read:

§ 941. FLEXIBLE PATHWAYS INITIATIVE

(a) There is created within the Agency a Flexible Pathways Initiative:

(1) to encourage and support the creativity of school districts as they develop and expand high-quality educational experiences that are an integral part of secondary education in the evolving ~~21st-Century~~ 21st-century classroom;

(2) to promote opportunities for Vermont students to achieve postsecondary readiness through high-quality educational experiences that acknowledge individual goals, learning styles, and abilities; and

(3) to increase the rates of secondary school completion and postsecondary continuation and retention in Vermont.

(b) The Secretary shall develop, publish, and regularly update guidance, in the form of technical assistance, sharing of best practices and model documents, legal interpretations, and other support designed to assist school districts:

(1) ~~to~~ To identify and support secondary students who require additional assistance to succeed in school and to identify ways in which individual students would benefit from flexible pathways to graduation;

(2) ~~to~~ To work with every student in grade 7 seven through grade 12 in an ongoing personalized learning planning process that:

(A) identifies the student's emerging abilities, aptitude, and disposition;

(B) includes participation by families and other engaged adults;

(C) guides decisions regarding course offerings and other high-quality educational experiences; ~~and~~

(D) identifies career and postsecondary planning options using resources provided pursuant to subdivision (4) of this subsection (b); and

(E) is documented by a personalized learning plan;

(3) ~~to~~ To create opportunities for secondary students to pursue flexible pathways to graduation that:

(A) increase aspiration and encourage postsecondary continuation of training and education;

(B) are an integral component of a student's personalized learning plan; and

(C) include:

(i) applied or work-based learning opportunities, including career and career technical education and internships;

- (ii) virtual learning and blended learning;*
 - (iii) dual enrollment opportunities as set forth in section 944 of this title;*
 - (iv) early college programs as set forth in subsection 4011(e) of this title; and*
 - (v) [Repealed.]*
 - (vi) adult education and secondary credential opportunities as set forth in section 945 of this title; ~~and~~.*
- (4) ~~to~~ To provide students, beginning ~~no~~ not later than in grade 7 seven, with career development and postsecondary planning resources to ensure that they are able to take full advantage of the opportunities available within the flexible pathways to graduation and to achieve their career and postsecondary education and training goals. Resources provided pursuant to this subdivision shall include information regarding the admissions process and requirements necessary to proceed with any and all military-related opportunities.*
- (c) Nothing in this subchapter shall be construed as discouraging or limiting the authority of any school district to develop or continue to provide educational opportunities for its students that are otherwise permitted, including the provision of Advanced Placement courses.*
- (d) An individual entitlement or private right of action shall not arise from creation of a personalized learning plan.*

** * * Secretary of Education Search * * **

Sec. 9. 3 V.S.A. § 2702 is amended to read:

§ 2702. SECRETARY OF EDUCATION

(a) With the advice and consent of the Senate, the Governor shall appoint a Secretary of Education from among ~~no~~ not fewer than three candidates proposed by the State Board of Education. The Secretary shall serve at the pleasure of the Governor.

(1) Not later than 30 days after public notification of a vacancy or anticipated vacancy in the position of Secretary of Education, the Governor shall send a letter to the Chair of the State Board of Education asking the Board to initiate the candidate selection process for a new Secretary of Education. The Governor's letter shall include direction as to the Governor's preferred candidate qualifications and experience.

(2) The State Board shall begin a national search process not later than 60 days after receipt of a letter from the Governor issued pursuant to subdivision (1) of this subsection.

(3) The State Board may request from the Agency of Education the funds necessary to utilize outside resources for the search process required pursuant to this subsection.

(b) The Secretary shall report directly to the Governor and shall be a member of the Governor's Cabinet.

(c) At the time of appointment, the Secretary shall have expertise in education management and policy and demonstrated leadership and management abilities.

** * * Supplemental Reading Instruction * * **

Sec. 10. 16 V.S.A. § 2903 is amended to read:

§ 2903. ~~PREVENTING EARLY SCHOOL FAILURE; READING~~

INSTRUCTION FOUNDATION FOR LITERACY

(a) Statement of policy. The ability to read is critical to success in learning. Children who fail to read by the end of the first grade will likely fall further behind in school. The personal and economic costs of reading failure are enormous both while the student remains in school and long afterward. All students need to receive systematic and explicit evidence-based reading instruction in the early grades from a teacher who is skilled in teaching the foundational components of reading, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. Students who require intensive supplemental instruction tailored to the unique difficulties encountered shall be provided those additional supports by an appropriately trained education professional.

** * **

(c) Reading instruction. A public school or approved independent school that is eligible to receive public tuition that offers instruction in grades

kindergarten, one, two, or three shall provide systematic and explicit evidence-based reading instruction to all students. In addition, ~~such~~ for students in grades kindergarten through 12, public schools and approved independent schools that are eligible to receive public tuition shall provide supplemental reading instruction to any enrolled student whose reading proficiency falls significantly below proficiency standards for the student's grade level or whose reading proficiency prevents progress in school. Schools shall provide support and information to the parents and legal guardians of such students regarding the student's current level of reading proficiency, which shall be based on valid and reliable assessments.

** * * Vermont National Guard Tuition Benefit Program * * **

Sec. 11. 16 V.S.A. § 2857 is amended to read:

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

(a) Program creation. The Vermont National Guard Tuition Benefit Program (Program) is created, under which a member of the Vermont National Guard (member) who meets the eligibility requirements in subsection (c) of this section is entitled to the following tuition benefit for up to full-time attendance:

(1) For courses at any Vermont State College institution or the University of Vermont and State Agricultural College (UVM), the benefit shall be the in-state residence tuition rate for the relevant institution.

(2) For courses at any eligible Vermont private postsecondary institution, the benefit shall be the in-state tuition rate charged by UVM.

(3) For courses at an eligible training institution offering nondegree, certificate training, or continuing education programs, the benefit shall be the lower of the institution's standard tuition or the in-state tuition rate charged by UVM.

(4) For courses at a non-Vermont approved postsecondary education institution approved for federal Title IV funding where the degree program is not available in Vermont, the benefit shall be the in-state tuition rate charged by UVM.

(b) Tuition benefit.

(1) The tuition benefit provided under the Program shall be paid on behalf of the member by the Vermont Student Assistance Corporation (VSAC), subject to the appropriation of funds by the General Assembly specifically for this purpose. An eligible Vermont postsecondary institution that accepts or receives the tuition benefit on behalf of a member shall charge the member the tuition rate for an in-state student. The amount of tuition for a member who attends an educational institution under the Program on less than a full-time basis shall be reduced to reflect the member's course load in a manner determined by VSAC under subdivision (f)(1) of this section.

(2) The tuition benefit shall be conditioned upon the member's executing a promissory note obligating the member to repay the member's tuition benefit, in whole or in part, if the member fails to complete the period of Vermont National Guard service required in subsection (d) of this section, or if the member's benefit is terminated pursuant to subdivision (e)(1) of this section.

(c) Eligibility.

(1) To be eligible for the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(A) be an active member of the Vermont National Guard;

(B) have successfully completed basic training;

(C) be enrolled;

(i) at UVM, a Vermont State College, or any other college or university located in Vermont in a program that leads to an undergraduate certificate ~~or~~, an undergraduate degree, or a graduate degree;

(ii) at an eligible training institution in a program that leads to a certificate or other credential recognized by VSAC; or

(iii) at a non-Vermont approved postsecondary education institution approved for Title IV funding only when the degree program is not available in Vermont;

~~(D) have not previously earned an undergraduate bachelor's degree;~~

~~[Repealed.]~~

~~(E) continually demonstrate satisfactory academic progress as determined by criteria established by the Vermont National Guard and VSAC, in consultation with the educational institution at which the individual is enrolled under the Program;~~

~~(F) have used available post-September 11, 2001 tuition benefits and other federally funded military tuition assistance; provided, however, that this subdivision shall not apply to:~~

~~(i) tuition benefits and other federally funded military tuition assistance for which the individual has not yet earned the full amount of the benefit or tuition;~~

~~(ii) Montgomery GI Bill benefits;~~

~~(iii) post-September 11, 2001 educational program housing allowances;~~

~~(iv) federal educational entitlements;~~

~~(v) National Guard scholarship grants;~~

~~(vi) loans under section 2856 of this title; and~~

~~(vii) other nontuition benefits; and~~

(G) have submitted a statement of good standing to VSAC signed by the individual's commanding officer within 30 days prior to the beginning of each semester.

(2) An individual may receive more than one undergraduate certificate, undergraduate degree, graduate degree, or other credential recognized by VSAC under the Program, provided that the cost of all certificates, degrees, and credentials received by the individual under the Program does not exceed an amount equal to twice the full-time in-state tuition rate charged by UVM for completion of an undergraduate baccalaureate degree.

(d) Service commitment.

(1) For each full academic year of attendance under the Program, a member shall be required to serve two years in the Vermont National Guard in order to receive the full tuition benefit under the Program.

(2) If a member's service with the Vermont National Guard terminates before the member fulfills this two-year service commitment, other than for good cause as determined by the Vermont National Guard, the individual shall reimburse VSAC a pro rata portion of the tuition paid under the Program pursuant to the terms of an interest-free reimbursement promissory note signed by the individual at the time of entering the Program.

(3) For members participating in the Program on a less than full-time basis, the member's service commitment shall be at the rate of one month of

Vermont National Guard service commitment for each credit hour, not to exceed 12 months of service commitment for a single semester.

(e) Termination of tuition benefit.

(1) The Office of the Vermont Adjutant and Inspector General may terminate the tuition benefit provided an individual under the Program if:

(A) the individual's commanding officer revokes the statement of good standing submitted pursuant to subdivision (c)(7) of this section as a result of an investigation or disciplinary action that occurred after the statement of good standing was issued;

(B) the individual is dismissed from the educational institution in which the individual is enrolled under the Program for academic or disciplinary reasons; or

(C) the individual withdraws without good cause from the educational institution in which the individual is enrolled under the Program.

(2) If an individual's tuition benefit is terminated pursuant to subdivision (1) of this subsection, the individual shall reimburse VSAC for the tuition paid under the Program, pursuant to the terms of an interest-free reimbursement promissory note signed by the individual at the time of entering the Program; shall be responsible on a pro rata basis for the remaining tuition cost for the current semester or any courses in which the individual is currently

enrolled; and shall be ineligible to receive future tuition benefits under the Program.

(3) If an individual is dismissed for academic or disciplinary reasons from any postsecondary educational institution before receiving tuition benefits under the Program, the Office of the Adjutant and Inspector General may make a determination regarding the individual's eligibility to receive tuition benefits under the Program.

(f) Adoption of policies, procedures, and guidelines.

(1) VSAC, in consultation with the Office of the Adjutant and Inspector General, shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, which shall include eligibility, application, and acceptance requirements, proration of service requirements for academic semesters or attendance periods shorter than one year, data sharing guidelines, and the criteria for determining "good cause" as used in subdivisions (d)(2) and (e)(1)(C) of this section.

(2) Each educational institution participating in the Program shall adopt policies and procedures for the enrollment of members under the Program. These policies and procedures shall be consistent with the policies, procedures, and guidelines adopted by VSAC under subdivision (1) of this subsection.

(g) Reports.

(1) On or before November 1 of each year, the President, Chancellor, or equivalent position of each educational institution that participated in the Program during the immediately preceding school year shall report to the Vermont National Guard and VSAC regarding the number of members enrolled at its institution during that school year who received tuition benefits under the Program and, to the extent available, the courses or program in which the members were enrolled.

(2) On or before January 15 of each year, the Vermont National Guard and VSAC shall report these data and other relevant performance factors, including information pertaining to the achievement of the goals of this entitlement program and the costs of the Program to date, to the Governor, the House and Senate Committees on Education, and the House Committees on Appropriations and on ~~General, Housing, and Military Affairs~~ Government Operations and Military Affairs. The provisions of 2 V.S.A. § 20(d), expiration of reports, shall not apply to the reports to be made under this subsection

** * * Cardiac Emergency Response Plans * * **

Sec. 12. 16 V.S.A. § 1480 is amended to read:

§ 1480. EMERGENCY OPERATIONS PLANS

** * **

(d) The template maintained by the Vermont School Safety Center shall include, at a minimum, hazard-specific provisions for:

(1) Acute cardiac events in schools, including protocols that address:

(A) the use and maintenance of automated external defibrillator (AED) devices;

(B) the specific steps to reduce death from cardiac arrest during school activities or within school or district facilities, which shall be consistent with nationally recognized, evidence-based standards;

(C) the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds;

(D) implementation of AED placement and routine maintenance within each school or district facility, which shall be consistent with applicable nationally recognized, evidence-based standards, and which shall include a requirement for clearly marked and easily accessible AEDs at each athletic venue where practices or competitions are held;

(E) required staff training in CPR and AED use and practice drills regarding the cardiac response plan; and

(2) An athletic emergency action plan (AEAP) for all public or approved and recognized independent schools with an athletic department or organized athletic program. The AEAP shall detail the steps to be taken in

response to a serious or life-threatening injury of a student participating in sports or other athletic activities. The AEAP established by public and independent schools pursuant to this subdivision shall be consistent with the athletic emergency action plans policy established by the Vermont Principals' Association.

Sec. 13. IMPLEMENTATION

School districts and independent schools shall have a cardiac emergency response plan developed and ready for implementation beginning in the 2026–2027 school year.

** * * Energy Performance Contracting * * **

Sec. 14. 16 V.S.A. § 3448f is amended to read:

§ 3448f. ENERGY PERFORMANCE CONTRACTING;

AUTHORIZATION; STATE AID

** * **

(b) Authorization. Notwithstanding any provision of law to the contrary, a district may enter into a performance contract pursuant to this section for a period not to exceed 20 years. Cost-saving measures implemented under the contract shall comply with all State and local building codes.

(c) Selection of qualified contractor:

(1) Request for proposals. The district shall issue a request for proposals from individuals or entities interested in entering into a performance

contract (who shall become the “contractor”), shall consider the proposals, and shall select a qualified contractor to engage in final contract negotiations. In developing the request for proposals and in selecting a qualified contractor, the district should make use of any assistance available from Efficiency Vermont, the School Energy Management Program of the Vermont Superintendents Association, and other similar entities. Factors to be considered in the final selection shall include contract terms, comprehensiveness of the proposal, comprehensiveness of cost-saving measures, experience of the contractor, quality of technical approach, and overall benefits to the district.

(2) Financial grade audit. The person selected pursuant to this subsection shall prepare a financial grade energy audit that, upon acceptance by the district, shall be part of the final performance contract executed with the district. If after preparation of the financial grade energy audit the district decides not to execute a performance contract with the contractor, the district shall pay the qualified contractor for costs incurred in preparing the financial grade energy audit. If, however, the district decides to execute a performance contract with the contractor, the costs of the financial grade energy audit shall be part of the costs of the performance contract.

(3) ~~Voter approval of proposed performance contract. If the terms of the proposed performance contract permit the district to make payments to the~~

~~contractor over a period of time exceeding 10 years, then the district shall not enter into a final performance contract until it receives approval from the electorate to do so. [Repealed.]~~

* * *

** * * School Library Material Selection Procedures * * **

Sec. 15. 16 V.S.A. § 1624 is amended to read:

§ 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

(a) Each school board and each approved independent school shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title a library material selection policy and. Each superintendent and head of school of an approved independent school shall develop and implement procedures for the reconsideration and retention of materials. The policy and procedures shall affirm the importance of intellectual freedom and be guided by the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, Vermont laws prohibiting discrimination in places of public accommodation, the 2004 American Library Association's Freedom to Read Statement, Vermont's the 2024 Vermont Freedom to Read Statement, and reflect Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.

* * *

** * * Exception to Moratorium on New Approved Independent Schools * * **

Sec. 16. 2023 Acts and Resolves No. 78, Sec. E.511.1 is amended to read:

*Sec. E.511.1 MORATORIUM ON APPROVAL OF NEW APPROVED
INDEPENDENT SCHOOLS*

(a) Notwithstanding any provision of law to the contrary, the State Board of Education shall be prohibited from approving an application for initial approval of an approved independent school until further direction by the General Assembly.

(b) Notwithstanding subsection (a) of this section, a change in either tax status or conversion to a nonprofit organization by a therapeutic approved independent school, absent any other changes, shall not effect the approval status of the school.

** * * Cell Phone and Social Media Use in Schools * * **

Sec. 17. 16 V.S.A. chapter 9, subchapter 7 is added to read:

*Subchapter 7. Cell Phone, Personal Electronic Device, and Social Media Use
in Schools*

§ 581. INTENT

It is the intent of the General Assembly for all students in Vermont to access the benefits of a phone- and social media-free school environment, which promotes focus, improved mental health, and increased social cohesion.

§ 582. DEFINITIONS

As used in this subchapter:

(1) “Cell phone” means any device capable of using cellular technology to facilitate voice service through a commercial telecommunications company, regardless of whether the device can access internet services and electronic mail.

(2) “Individualized health care plan” means a written document developed by a school nurse, in collaboration with parents, students, and other relevant professionals, to outline specific health care needs and management strategies tailored to the unique health condition of a student.

(3) “Parent” means a parent of a student and includes legal guardians who are legally authorized to make education decisions for the student.

(4) “School” means any public school, approved independent school, or career and technical education center located in Vermont.

(5) “Student” means an individual currently enrolled in or registered at a school located in Vermont, as defined under subdivision (4) of this section.

§ 583. STUDENT USE OF CELL PHONES AND PERSONAL

ELECTRONIC DEVICES IN SCHOOLS

(a) Model policy.

(1) The Secretary of Education, in consultation with the Vermont School Boards Association, the Vermont Independent School Association, and a representative from the Vermont Coalition for Phone and Social Media Free

Schools, shall develop, and review at least annually, a policy to, subject to the exceptions in subdivision (2) of this subsection, prohibit student use of cell phones and non-school-issued personal electronic devices that connect to cellular networks, the internet, or have wireless capabilities at school from arrival to dismissal.

(2) The model policy shall provide exceptions for students to use a cell phone or personal electronic device if such use is:

(A) required as part of a student's individualized health care plan, individualized education program, or 504 plan, which shall be documented according to applicable State and federal law; provided, however, that if such use is required to meet an international student's special education needs or as part of a disability accommodation, and the international student does not have an individualized education program or 504 plan, the need for such use shall be documented in a manner the school deems appropriate;

(B) approved by an administrator for an academic, school-sponsored athletic, or cocurricular purpose, for the most limited use reasonably possible;
or

(C) required for compliance with the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431–11435.

(b) Policy adoption.

(1) Beginning with the 2026–2027 school year, each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title a student cell phone and personal electronic device use policy that shall be at least as stringent as the model policy developed by the Secretary. Any school board that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Secretary.

(2) Beginning with the 2026–2027 school year, each approved independent school shall develop, adopt, and ensure the enforcement of a student cell phone and personal electronic device use policy that shall be at least as stringent as the model policy developed by the Secretary. Any approved independent school that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Secretary.

§ 584. USE OF SOCIAL MEDIA PLATFORMS IN EDUCATION

Schools, school districts, and supervisory unions shall be prohibited from:

(1) utilizing social media for communication with students directly unless the program or platform is approved for such communication by the school district or independent school; provided, however, that any approved communication program or platform shall allow school officials to archive all communications and prevent all communications from being edited or deleted once a communication has been sent; and

(2) requiring students to use social media for out-of-school academic work, school sports, extracurricular clubs, or any other out-of-school school-sponsored activities.

Sec. 18. CELL PHONE AND PERSONAL ELECTRONIC DEVICE

POLICY IMPLEMENTATION

(a) On or before January 1, 2026, the Agency of Education shall develop and publish a model student cell phone and personal electronic device use policy pursuant to Sec. 17 of this act.

(b) On or before July 1, 2026, school boards and approved independent schools shall adopt student cell phone and personal electronic device use policies as required pursuant to Sec. 17 of this act, to be effective in the 2026–2027 school year.

** * * CTE Attendance Outside Service Region * * **

Sec. 18a. STUDENTS ATTENDING A CTE CENTER OUTSIDE THEIR

SERVICE REGION

(a) As used in this section:

(1) “Receiving district” means a school district receiving tuition on behalf of a student to whom it provides career technical education.

(2) “Sending district” means a school district paying tuition on behalf of a student to a school district that provides CTE courses.

(b) Secondary students may apply for enrollment into programs offered at CTE centers outside their service region when the center in their service region does not offer the program in which they wish to enroll or they are not able to enroll in the program of their choice. The school district of the students' residence shall pay tuition for that enrollment pursuant to an agreement between the sending district and the receiving district that specifies how costs for such enrollments shall be covered.

(c) Beginning in the 2025–2026 school year, a regional CTE center may provide transportation to and from the technical center for students residing outside the technical center's service region if the student is attending pursuant to subsection (b) of this section.

(d) Any changes in the tuition charged by a career and technical center due to the acceptance of students residing outside of the CTE center's service region shall be reconciled through the tuition reconciliation process outlined in State Board of Education rule 2393, Agency of Education, Career and Technical Education State Board Regulations (22-000-007).

(e) A school district that maintains a secondary school shall provide the requested directory information of enrolled students to a CTE center located outside the school district's assigned CTE service region, for the limited purpose of the CTE center providing information to students and their parents about CTE center offerings in the following situations:

(1) the school district's assigned CTE center has a waitlist for enrollment;

(2) students were denied entry to their assigned CTE center or a program operated by their assigned CTE center; or

(3) when a student has interest in a program not offered at the student's assigned CTE center.

** * * Effective Dates * * **

Sec. 19. EFFECTIVE DATES

(a) Secs. 8 (military-related postsecondary opportunities) and 13 (cardiac emergency response plans implementation) shall take effect on July 1, 2025.

(b) Sec. 12 (16 V.S.A. § 1480(d)) shall take effect on July 1, 2026.

(c) This section and the remainder of this act shall take effect on passage