

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[Repealed.]

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Sec. 6. EFFECTIVE DATES

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(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:

* * *

(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.

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* * * Nutrition Contracts and Public Bids * * *

Sec. 3. 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:

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.

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* * * 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;

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

3 (C) include:

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

6 (ii) virtual learning and blended learning;

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

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

11 (v) [Repealed.]

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

14 (4) ~~to~~ To provide students, beginning ~~no~~ not later than in grade 7 seven,
15 with career development and postsecondary planning resources to ensure that
16 they are able to take full advantage of the opportunities available within the
17 flexible pathways to graduation and to achieve their career and postsecondary
18 education and training goals. Resources provided pursuant to this subdivision
19 shall include information regarding the admissions process and requirements
20 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.