

H.701

Introduced by Representatives Tomlinson of Winooski, Berbeco of Winooski,
and McCann of Montpelier

Referred to Committee on

Date:

Subject: Education; education quality standards; Agency of Education; school
districts

Statement of purpose of bill as introduced: This bill proposes to require any
action recommended by the Secretary of Education to correct deficiencies in
education quality standard compliance under 16 V.S.A. § 165(b) to be
supported by data. It also requires control of a school to be returned to a
school district if the Secretary assumes control to correct deficiencies and has
not done so within two years of assuming control.

An act relating to the Secretary's role in State support for schools not
meeting education quality standards

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

Sec. 1. 16 V.S.A. § 165 is amended to read:

§ 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL
OPPORTUNITIES; INDEPENDENT SCHOOL MEETING
EDUCATION QUALITY STANDARDS

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(b)(1) Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, the Secretary shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress within two years following the determination, the Secretary shall recommend to the State Board one or more of the following actions: listed in subdivisions (A)–(E) of this subdivision. Any recommendation from the Secretary shall be accompanied by nonselective, comprehensive, and district-validated multiyear data to justify the recommendation.

~~(1)(A) the~~ The Agency ~~continue to~~ shall provide in-person weekly technical assistance for one more cycle of review;

~~(2)(B) the~~ The State Board shall adjust supervisory union boundaries or responsibilities of the superintendency pursuant to section 261 of this title;

1 ~~(3)(C) the~~ The Secretary shall assume administrative control of an
2 individual school, ~~school district, or supervisory union,~~ including budgetary
3 control to ensure sound financial practices, only to the extent necessary to
4 correct deficiencies;

5 (i) If the Secretary assumes full budgetary and management
6 control over the school, the Secretary shall demonstrate within two years after
7 assuming control that the school has corrected the deficiencies that led to the
8 Secretary's recommendation. Failure of the Secretary to do so will result in
9 restoration of administrative control of the school back to the local school
10 board.

11 (ii) Should the Secretary's control of the school result in the
12 correction of the originally identified deficiencies within two years after the
13 Secretary assuming control, the Secretary shall either:

14 (I) continue to maintain control over the school for up to five
15 years; or

16 (II) conditionally return control of the school to the local school
17 board with a mutually agreed upon sustainability plan in place.

18 (iii) Should the Secretary return control of the school to the school
19 board due to failure to correct the identified deficiencies within two years after
20 the Secretary assuming control of the school, return of control to the school
21 board shall not be conditional and the school shall not be subject to actions

1 under this subsection (b) for the same deficiencies for a minimum of two years
2 from the date control was returned to the school board.

3 (iv) The superintendent shall cooperate with the requests of the
4 Secretary during any period the Secretary has assumed control of a school
5 pursuant to this subsection (b), but shall continue to report only to the school
6 board or boards within the superintendent's supervisory union in accordance
7 with the provisions of the superintendent's contract.

8 ~~(4)(D)~~ the The State Board shall close an individual school or schools
9 and require that the school district pay tuition to another public school or an
10 approved independent school pursuant to chapter 21 of this title; ~~or~~.

11 ~~(5)(E)~~ the The State Board shall require two or more school districts to
12 consolidate their governance structures.

13 (2) The Secretary shall not recommend action pursuant to this
14 subsection against a district for which three years of student performance data
15 for all tested subjects demonstrate, in aggregate, a higher average rate of
16 growth than the average rate of growth statewide if the action recommended is
17 justified primarily by student performance data.

18 (3) The Secretary shall not recommend action against a district pursuant
19 to this subsection if the basis of such action is the student performance data of
20 a demographic group for which no comparative data exists in at least three
21 separate and distinct school districts showing that the district for which the

1 action is considered has significantly and chronically underperformed when
2 compared to similar demographic groups in the State or when the comparative
3 samples are not statistically adequate to support the Secretary's conclusions
4 and accompanying recommendations.

5 (c) The State Board, after offering the school board an opportunity for a
6 hearing, shall either dismiss the Secretary's recommendation or order that one
7 or more of the actions listed in subsection (b) of this section be taken. The
8 action ordered by the State Board shall be the least intrusive consistent with the
9 need to provide students attending the school substantially equal educational
10 opportunities. A school board aggrieved by an order of the State Board may
11 appeal the order in accordance with the Rules of Civil Procedure.

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13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage.