

1 H.931

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; moratorium on approved independent schools; therapeutic
5 approved independent schools; Interstate Compact for Education;
6 cooperative educational service areas; class size minimums; Agency
7 of Education background checks

8 Statement of purpose of bill as introduced: This bill proposes (1) to create an
9 exemption to the moratorium on approval of new approved independent school
10 initial applications when a currently therapeutic approved independent school
11 experiences a change in ownership; (2) that Vermont adopt and enter into the
12 Interstate Compact for Education; (3) to rename boards of cooperative
13 education services as cooperative educational service areas; (4) to exclude a
14 school's failure to comply with class size minimums as counting towards the
15 three consecutive years necessary for the Secretary to be able to recommend
16 action to the State Board until the State Board adopts updates to the Education
17 Quality Standards rules or July 1, 2027, whichever date comes first; and (5) to
18 require the Agency of Education to request criminal record information for any
19 new employee or contractor who has the potential to have unsupervised contact
20 with students.

1 An act relating to miscellaneous changes in education law

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

3 * * * Approved Independent School Moratorium * * *

4 Sec. 1. 2023 Acts and Resolves No. 78, Sec. E.511.1, as amended by 2025

5 Acts and Resolves No. 72, Sec. 16, is amended to read:

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

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

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

16 (c) Notwithstanding subsections (a) and (b) of this section, the moratorium
17 on approval of new approved independent schools shall not apply to changes in
18 ownership of therapeutic approved independent schools as that term is defined
19 in 16 V.S.A. § 828(d). If submission of an application for initial approval of
20 an approved independent school is required as the result of a change in
21 ownership of a therapeutic approved independent school, that at the time of the

1 change in ownership is approved by the State Board of Education pursuant to
2 16 V.S.A. § 166, and the school will remain a therapeutic approved
3 independent school after the change in ownership is complete, the moratorium
4 created pursuant to subsection (a) of this section shall not apply and the
5 Agency of Education and State Board of Education shall process the
6 application according to applicable State and federal law.

7 * * * Interstate Compact for Education * * *

8 Sec. 2. 16 V.S.A. chapter 35 is added to read:

9 CHAPTER 35. INTERSTATE COMPACT FOR EDUCATION

10 § 1501. PURPOSE AND POLICY—ARTICLE I

11 (a) It is the purpose of this compact to:

12 (1) Establish and maintain close cooperation and understanding among
13 executive, legislative, professional educational, and lay leadership on a
14 nationwide basis at the state and local levels.

15 (2) Provide a forum for the discussion, development, crystallization, and
16 recommendation of public policy alternatives in the field of education.

17 (3) Provide a clearinghouse of information on matters relating to
18 education problems and how they are being met in different places throughout
19 the nation, so that the executive and legislative branches of state government
20 and of local communities may have ready access to the experience and record
21 of the entire country, and so that both lay and professional groups in the field

1 of education may have additional avenues for the sharing of experience and the
2 interchange of ideas in the formation of public policy in education.

3 (4) Facilitate the improvement of state and local education systems so
4 that all of them will be able to meet adequate and desirable goals in a society
5 that requires continuous qualitative and quantitative advance in educational
6 opportunities, methods, and facilities.

7 (b) It is the policy of this compact to encourage and promote local and state
8 initiative in the development, maintenance, improvement, and administration
9 of education systems and institutions in a manner that will accord with the
10 needs and advantages of diversity among localities and states.

11 (c) The party states recognize that each of them has an interest in the
12 quality and quantity of education furnished in each of the other states, as well
13 as in the excellence of its own education systems and institutions, because of
14 the highly mobile character of individuals within the nation, and because the
15 products and services contributing to the health, welfare, and economic
16 advancement of each state are supplied in significant part by persons educated
17 in other states.

18 § 1502. STATE DEFINED—ARTICLE II

19 As used in this compact, “state” means a state, territory, or possession of the
20 United States, the District of Columbia, or the Commonwealth of Puerto Rico.

1 § 1503. THE COMMISSION—ARTICLE III

2 (a) The Education Commission of the States, hereinafter called “the
3 Commission,” is hereby established. The Commission shall consist of seven
4 members representing each party state. One of such members shall be the
5 governor; two shall be members of the state legislature selected by its
6 respective houses and serving in such manner as the legislature may determine;
7 and four shall be appointed by and serve at the pleasure of the governor, unless
8 the laws of the state otherwise provide. If the laws of a state prevent
9 legislators from serving on the Commission, six members shall be appointed
10 and serve at the pleasure of the governor, unless the laws of the state otherwise
11 provide. In addition to any other principles or requirements which a state may
12 establish for the appointment and service of its members of the Commission,
13 the guiding principle for the composition of the membership on the
14 Commission from each party state shall be that the members representing such
15 state shall, by virtue of their training, experience, knowledge, or affiliations, be
16 in a position collectively to reflect broadly the interests of the state
17 government, higher education, the state education system, local education, and
18 lay and professional, public and nonpublic educational leadership. Of those
19 appointees, one shall be the head of a state agency or institution, designated by
20 the governor, having responsibility for one or more programs of public
21 education. In addition to the members of the Commission representing the

1 party states, there may be not to exceed 10 nonvoting commissioners selected
2 by the Steering Committee for terms of one year. Such commissioners shall
3 represent leading national organizations of professional educators or persons
4 concerned with educational administration.

5 (b) The members of the Commission shall be entitled to one vote each on
6 the Commission. No action of the Commission shall be binding unless taken
7 at a meeting at which a majority of the total number of votes on the
8 Commission are cast in favor thereof. Action of the Commission shall be only
9 at a meeting at which a majority of the commissioners are present. The
10 Commission shall meet at least once a year. In its bylaws, and subject to such
11 directions and limitations as may be contained therein, the Commission may
12 delegate the exercise of any of its powers to the Steering Committee or the
13 Executive Director, except for the power to approve budgets or requests for
14 appropriations, the power to make policy recommendations pursuant to section
15 1504 of this chapter, and adoption of the annual report pursuant to subsection
16 (j) of this section.

17 (c) The Commission shall have a seal.

18 (d) The Commission shall elect annually, from among its members, a
19 chairman, who shall be a governor; a vice chairman; and a treasurer. The
20 Commission shall provide for the appointment of an Executive Director. Such
21 Executive Director shall serve at the pleasure of the Commission, and together

1 with the Treasurer and such other personnel as the Commission may deem
2 appropriate shall be bonded in such amount as the Commission shall
3 determine. The Executive Director shall be Secretary.

4 (e) Irrespective of the civil service, personnel, or other merit system laws of
5 any of the party states, the Executive Director, subject to the approval of the
6 Steering Committee, shall appoint, remove, or discharge such personnel as
7 may be necessary for the performance of the functions of the Commission and
8 shall fix the duties and compensation of such personnel. The Commission in
9 its bylaws shall provide for the personnel policies and programs of the
10 Commission.

11 (f) The Commission may borrow, accept, or contract for the services of
12 personnel from any party jurisdiction, the United States or any subdivision or
13 agency of the aforementioned governments, or from any agency of two or
14 more of the party jurisdictions or their subdivisions.

15 (g) The Commission may accept for any of its purposes and functions
16 under this Compact any and all donations and grants of money, equipment,
17 supplies, materials, and services, conditional or otherwise, from any state, the
18 United States, or any other governmental agency, or from any person, firm,
19 association, foundation or corporation, and may receive, utilize, and dispose of
20 the same. Any donation or grant accepted by the Commission pursuant to this
21 subsection or services borrowed pursuant to subsection (f) of this section shall

1 be reported in the annual report of the Commission. Such report shall include
2 the nature, amount, and conditions, if any, of the donation, grant, or services
3 borrowed, and the identity of the donor or lender.

4 (h) The Commission may establish and maintain such facilities as may be
5 necessary for the transacting of its business. The Commission may acquire,
6 hold, and convey real and personal property and any interest therein.

7 (i) The Commission shall adopt bylaws for the conduct of its business and
8 shall have the power to amend and rescind these bylaws. The Commission
9 shall publish its bylaws in convenient form and shall file a copy thereof and a
10 copy of any amendment thereto with the appropriate agency or officer in each
11 of the party states.

12 (j) The Commission annually shall make to the governor and legislature of
13 each party state a report covering the activities of the Commission for the
14 preceding year. The Commission may make such additional reports as it may
15 deem desirable.

16 § 1504. POWERS—ARTICLE IV

17 In addition to authority conferred on the Commission by other provisions of
18 the Compact, the Commission shall have authority to:

19 (1) Collect, correlate, analyze, and interpret information and data
20 concerning educational needs and resources.

1 (2) Encourage and foster research in all aspects of education, but with
2 special reference to the desirable scope of instruction, organization,
3 administration, and instructional methods and standards employed or suitable
4 for employment in public education systems.

5 (3) Develop proposals for adequate financing of education as a whole
6 and at each of its many levels.

7 (4) Conduct or participate in research of the types referred to in this
8 section in any instance where the Commission finds that such research is
9 necessary for the advancement of the purposes and policies of this Compact,
10 using fully the resources of national associations, regional compact
11 organizations for higher education, and other agencies and institutions, both
12 public and private.

13 (5) Formulate suggested policies and plans for the improvement of
14 public education as a whole, or for any segment thereof, and make
15 recommendations with respect thereto available to the appropriate
16 governmental units, agencies, and public officials.

17 (6) Do such other things as may be necessary or incidental to the
18 administration of any of its authority or functions pursuant to this Compact.

19 § 1505. COOPERATION WITH FEDERAL GOVERNMENT—ARTICLE V

20 (a) If the laws of the United States specifically so provide, or if
21 administrative provision is made therefore within the federal government, the

1 United States may be represented on the Commission by not to exceed 10
2 representatives. Any such representative or representatives of the United
3 States shall be appointed and serve in such manner as may be provided by or
4 pursuant to federal law, and may be drawn from any one or more branches of
5 the federal government, but no such representative shall have a vote on the
6 Commission.

7 (b) The Commission may provide information and make recommendations
8 to any executive or legislative agency or officer of the federal government
9 concerning the common education policies of the states, and may advise with
10 any such agencies or officers concerning any matter of mutual interest.

11 § 1506. COMMITTEES—ARTICLE VI

12 (a) To assist in the expeditious conduct of its business when the full
13 Commission is not meeting, the Commission shall elect a Steering Committee
14 of 32 members which, subject to the provisions of this Compact and consistent
15 with the policies of the Commission, shall be constituted and function as
16 provided in the bylaws of the Commission. One-fourth of the voting
17 membership of the Steering Committee shall consist of governors, one-fourth
18 shall consist of legislators, and the remainder shall consist of other members of
19 the Commission. A federal representative on the Commission may serve with
20 the Steering Committee, but without vote. The voting members of the Steering
21 Committee shall serve for terms of two years, except that members elected to

1 the first Steering Committee of the Commission shall be elected as follows: 16
2 for one year and 16 for two years. The Chairman, Vice Chairman, and
3 Treasurer of the Commission shall be members of the Steering Committee and,
4 anything in this subsection to the contrary notwithstanding, shall serve during
5 their continuance in these offices. Vacancies in the Steering Committee shall
6 not affect its authority to act, but the Commission at its next regularly ensuing
7 meeting following the occurrence of any vacancy shall fill it for the unexpired
8 term. No person shall serve more than two terms as a member of the Steering
9 Committee, provided that service for a partial term of one year or less shall not
10 be counted toward the two-term limitation.

11 (b) The Commission may establish advisory and technical committees
12 composed of state, local and federal officials, and private persons to advise it
13 with respect to any one or more of its functions. Any advisory or technical
14 committee may, on request of the states concerned, be established to consider
15 any matter of special concern to two or more of the party states.

16 (c) The Commission may establish such additional committees as its
17 bylaws may provide.

18 § 1507. FINANCE—ARTICLE VII

19 (a) The Commission shall advise the governor or designated officer or
20 officers of each party state of its budget and estimated expenditures for such
21 period as may be required by the laws of that party state. Each of the

1 Commission's budgets of estimated expenditures shall contain specific
2 recommendations of the amount or amounts to be appropriated by each of the
3 party states.

4 (b) The total amount of appropriation requests under any budget shall be
5 apportioned among the party states. In making such apportionment, the
6 Commission shall devise and employ a formula which takes equitable account
7 of the populations and per-capita income levels of the party states.

8 (c) The Commission shall not pledge the credit of any party states. The
9 Commission may meet any of its obligations in whole or in part with funds
10 available to it pursuant to subsection 1503(g) of this chapter of this Compact,
11 provided that the Commission takes specific action setting aside such funds
12 prior to incurring an obligation to be met in whole or in part in such manner.
13 Except where the Commission makes funds available to it pursuant to
14 subsection 1503(g) of this chapter thereof, the Commission shall not incur any
15 obligation prior to the allotment of funds by the party states adequate to meet
16 the same.

17 (d) The Commission shall keep accurate accounts of all receipts and
18 disbursements. The receipts and disbursements of the Commission shall be
19 subject to the audit and accounting procedures established by its bylaws.
20 However, all receipts and disbursements of funds handled by the Commission
21 shall be audited yearly by a qualified public accountant, and the report of the

1 audit shall be included in and become part of the annual reports of the
2 Commission.

3 (e) The accounts of the Commission shall be open at any reasonable time
4 for inspection by duly constituted officers of the party states and by any
5 persons authorized by the Commission.

6 (f) Nothing contained herein shall be construed to prevent Commission
7 compliance with laws relating to audit or inspection of accounts by or on
8 behalf of any government contributing to the support of the Commission.

9 § 1508. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL—

10 ARTICLE VIII

11 (a) This Compact shall have as eligible parties all states, territories, and
12 possessions of the United States, the District of Columbia, and the
13 Commonwealth of Puerto Rico. In respect of any such jurisdiction not having
14 a governor, the term “governor,” as used in this Compact, shall mean the
15 closest equivalent official of such jurisdiction.

16 (b) Any state or other eligible jurisdiction may enter into this Compact, and
17 it shall become binding thereon when it has adopted the same, provided that in
18 order to enter into initial effect, adoption by at least 10 eligible party
19 jurisdictions shall be required.

20 (c) Adoption of the Compact may be either by enactment thereof or by
21 adherence thereto by the governor; provided that in the absence of enactment,

1 adherence by the governor shall be sufficient to make his state a party only
2 until December 31, 1967. During any period when a state is participating in
3 this Compact through gubernatorial action, the governor shall appoint
4 those persons who, in addition to himself, shall serve as the members of the
5 Commission from his state, and shall provide to the Commission an equitable
6 share of the financial support of the Commission from any source available to
7 him.

8 (d) Except for a withdrawal effective on December 31, 1967, in accordance
9 with subsection (c) of this section, any party state may withdraw from this
10 Compact by enacting a statute repealing the same, but no such withdrawal shall
11 take effect until one year after the governor of the withdrawing state has given
12 notice in writing of the withdrawal to the governors of all other party states.
13 No withdrawal shall affect any liability already incurred by or chargeable to a
14 party state prior to the time of such withdrawal.

15 § 1509. AMENDMENTS TO THE COMPACT—ARTICLE IX

16 This Compact may be amended by a vote of two-thirds of the members of
17 the Commission present and voting when ratified by the legislatures of two-
18 thirds of the party states.

19 § 1510. CONSTRUCTION AND SEVERABILITY—ARTICLE X

20 This Compact shall be liberally construed so as to effectuate the purposes
21 thereof. The provisions of this Compact shall be severable and if any phrase,

1 clause, sentence, or provision of this Compact is declared to be contrary to the
2 constitution of any state or of the United States, or the application thereof to
3 any government, agency, person, or circumstance is held invalid, the validity
4 of the remainder of this Compact and the applicability thereof to any
5 government, agency, person, or circumstance shall not be affected thereby. If
6 this Compact shall be held contrary to the constitution of any state
7 participating therein, the Compact shall remain in full force and effect as to the
8 state affected as to all severable matters.

9 * * * Cooperative Educational Service Areas * * *

10 Sec. 3. 16 V.S.A. chapter 10 is amended to read:

11 CHAPTER 10. ~~BOARDS OF COOPERATIVE EDUCATION SERVICES~~

12 COOPERATIVE EDUCATIONAL SERVICE AREAS

13 § 601. POLICY

14 It is the policy of the State to allow and encourage supervisory unions to
15 create ~~boards of cooperative education services~~ cooperative educational service
16 areas to provide shared programs and services on a regional and statewide
17 level. Formation of a ~~board of cooperative education services~~ cooperative
18 educational service area shall be designed to build upon the geographically
19 focused cooperative regions used by Vermont superintendents as of July 1,
20 2024; maximize the impact of available dollars through collaborative funding;

1 reduce duplication of programs, personnel, and services; and contribute to
2 equalizing educational opportunities for all pupils.

3 § 602. DEFINITIONS

4 As used in this chapter:

5 (1) “Educator” means any:

6 (A) individual licensed under chapter 51 of this title, the majority of
7 whose employed time in a public school district, supervisory union, or ~~board of~~
8 ~~cooperative education services~~ cooperative educational service area is assigned
9 to furnish to students direct instructional or other educational services, as
10 defined by rule of the Standards Board, or who is otherwise subject to
11 licensing as determined by the Standards Board; or

12 * * *

13 § 603. CREATION OF ~~BOARD OF COOPERATIVE EDUCATION~~

14 ~~SERVICES~~ COOPERATIVE EDUCATIONAL SERVICE AREAS;
15 ORGANIZATION; SECRETARY APPROVAL

16 (a) Establishment of ~~boards of cooperative education services~~ cooperative
17 educational service areas. When the boards of two or more supervisory unions
18 vote to explore the advisability of entering into a written agreement to provide
19 shared programs and services, the interested boards shall meet and discuss the
20 terms of any such agreement. At this meeting or a subsequent meeting, the
21 participating boards may enter into a proposed agreement to form an

1 association of supervisory unions to deliver shared programs and services to
2 complement the educational programs of member supervisory unions in a cost-
3 effective manner. An association formed pursuant to this chapter shall be
4 known as a ~~board of cooperative education services (BOCES)~~ cooperative
5 educational service area (CESA) and shall be a body politic and corporate with
6 the powers and duties afforded them under this chapter.

7 (b) Articles of agreement. Agreements to form a ~~BOCES~~ CESA pursuant
8 to this chapter shall take the form of articles of agreement and shall serve as
9 the operating agreement for a ~~BOCES~~ CESA. Agreements shall include a
10 cost-benefit analysis outlining the projected financial savings or enhanced
11 outcomes, or both, that the parties expect to realize through shared services or
12 programs. No agreement or subsequent amendments shall take effect unless
13 approved by the member supervisory union boards and the Secretary of
14 Education. The Secretary shall approve articles of agreement if the Secretary
15 finds that the formation of the proposed ~~BOCES~~ CESA is in the best interests
16 of the State, the students, and the member supervisory unions and aligns with
17 the policy set forth in section 601 of this title, subject to the limitations of
18 subsection (d) of this section. At a minimum, the articles of agreement shall
19 state:

20 (1) the names of the participating supervisory unions;

21 (2) the mission, purpose, and focus of the ~~BOCES~~ CESA;

- 1 (3) the programs or services to be offered by the ~~BOCES~~ CESA;
- 2 (4) the financial terms and conditions of membership of the ~~BOCES~~
3 CESA, including any applicable membership fee;
- 4 (5) the service fees for member supervisory unions and the service fees
5 for nonmember supervisory unions, as applicable;
- 6 (6) the detailed procedure for the preparation and adoption of an annual
7 budget with carryforward provisions;
- 8 (7) the method of termination of the ~~BOCES~~ CESA and the withdrawal
9 of member supervisory unions, which shall include the apportionment of assets
10 and liabilities;
- 11 (8) the procedure for admitting new members and for amending the
12 articles of agreement;
- 13 (9) the powers and duties of the board of directors of the ~~BOCES~~ CESA
14 to operate and manage the association, including:
 - 15 (A) board meeting attendance requirements;
 - 16 (B) consequences for failure to attend a board meeting;
 - 17 (C) a conflict-of-interest policy; and
 - 18 (D) a policy regarding board member salaries or stipends; and
- 19 (10) any other matter not incompatible with law that the member
20 supervisory unions consider necessary to the formation of the ~~BOCES~~ CESA.

1 (c) Board of directors. A ~~BOCES~~ CESA shall be managed by a board of
2 directors, which shall be composed of one person appointed annually by each
3 member supervisory union board. Appointed persons shall be members of a
4 member supervisory union board or the superintendent or designee of the
5 member supervisory union. Each member of the ~~BOCES~~ CESA board of
6 directors shall be entitled to a vote. No member of the board of directors of a
7 ~~BOCES~~ CESA shall serve as a member of a board of directors or as an officer
8 or employee of any related for-profit or nonprofit organization. The board of
9 directors shall elect a chair from its members and provide for such other
10 officers as it may determine are necessary. The board of directors may also
11 establish subcommittees and create board policies and procedures as it may
12 determine are necessary. The board of directors shall meet not fewer than four
13 times annually. Each member of the board of directors shall provide updates
14 on the activities of the ~~BOCES~~ CESA on a quarterly basis to the member's
15 appointing supervisory union board at an open board meeting.

16 (d) Number of ~~BOCESs~~ CESAs. There shall be not more than seven
17 ~~BOCESs~~ CESAs statewide. Supervisory unions shall not be a member of
18 more than one ~~BOCES~~ CESA but may seek services as a nonmember from
19 other ~~BOCESs~~ CESAs.

20 § 604. POWERS OF ~~BOARDS OF COOPERATIVE EDUCATION~~

21 SERVICES COOPERATIVE EDUCATIONAL SERVICE AREAS

1 (a) In addition to any other powers granted by law, a ~~BOCES~~ CESA shall
2 have the power to provide educational programs, services, facilities, and
3 professional and other staff that, in its discretion, best serve the needs of its
4 members. A ~~BOCES~~ CESA shall follow all applicable State and federal laws
5 in its provision of services, including Section 504 of the Rehabilitation Act of
6 1973, 29 U.S.C. § 794, and the Individuals with Disabilities Education Act,
7 20 U.S.C. §§ 1400–1482.

8 (b) A ~~BOCES~~ CESA may employ an executive director who shall serve
9 under the general direction of the board and who shall be responsible for the
10 care and supervision of the ~~BOCES~~ CESA. The board shall annually evaluate
11 the executive director’s performance and effectiveness in implementing the
12 programs, policies, and goals of the ~~BOCES~~ CESA. The executive director
13 shall not serve as a board member, officer, or employee of any related for-
14 profit or nonprofit organization.

15 (c) A ~~BOCES~~ CESA shall be a body politic and corporate and shall have
16 standing to sue and be sued to the same extent as a school district. A ~~BOCES~~
17 CESA may enter into contracts for the purchase of supplies, materials, and
18 services and for the purchase or leasing of land, buildings, and equipment as
19 considered necessary by the board of directors. Section 559 of this title shall
20 apply to the procurement of services or items with costs that exceed

1 \$40,000.00, as well as high-cost construction contracts, as defined by
2 subsection 559(b) of this title.

3 (d) The board of directors of a ~~BOCES~~ CESA may apply for State, federal,
4 or private grants, for which a ~~BOCES~~ CESA may be otherwise eligible, to
5 obtain funds necessary to carry out the purpose for which the ~~BOCES~~ CESA is
6 established. Nothing in this chapter is intended to create an entitlement to
7 federal funds distributed by the Agency of Education to local education
8 agencies.

9 § 605. FINANCING, BUDGETING, AND ACCOUNTING

10 (a) Education cooperative fund. A ~~BOCES~~ CESA shall establish and
11 manage a fund to be known as an education cooperative fund. All monies
12 contributed by the member school districts and all grants or gifts from the
13 federal government, State government, charitable foundations, private
14 corporations, or any other source shall be deposited into the fund.

15 (b) Treasurer.

16 (1) A ~~BOCES~~ CESA shall appoint a treasurer who may be a treasurer of
17 a member school district and who shall be sworn in before entering the duties
18 of the office.

19 (2) The treasurer may, subject to the direction of the board of directors,
20 receive and disburse all money belonging to the board without further
21 appropriation.

1 (3) The treasurer shall keep financial records of cash receipts and
2 disbursements and shall make those records available to the board of directors
3 upon request.

4 (4) The board of directors shall ensure that its blanket bond covers a
5 newly appointed treasurer before the treasurer enters upon the duties of the
6 office. In lieu of a blanket bond, a ~~BOCES~~ CESA may choose to provide
7 suitable crime insurance coverage. The board of directors may pay reasonable
8 compensation to the treasurer for services rendered and shall evaluate the
9 treasurer's performance annually.

10 (c) Financial accounting system. A ~~BOCES~~ CESA shall use the uniform
11 chart of accounts and financial reporting requirements used by supervisory
12 unions as its financial accounting system.

13 (d) Audit. Annually, a ~~BOCES~~ CESA shall cause an independent audit to
14 be made of its financial statements consistent with generally accepted
15 governmental auditing standards and shall discuss and vote to accept the audit
16 report at an open meeting of the board. The board shall transmit a copy of
17 each audit to the boards of its member supervisory unions.

18 (e) Annual statement. Annually, a ~~BOCES~~ CESA shall prepare financial
19 statements, including:

20 (1) a statement of net assets; and

21 (2) a statement of revenues, expenditures, and changes in net assets.

1 (f) Budget. A The board of ~~cooperative education services~~ a CESA shall
2 adopt a budget prior to the beginning of the fiscal year for which the budget is
3 adopted.

4 (g) Loans. A ~~BOCES~~ CESA may, upon approval of its members, negotiate
5 or contract with any person, corporation, association, or company for a loan
6 not to exceed the difference between the anticipated revenues for the current
7 fiscal year for the budget of the ~~BOCES~~ CESA and the amount credited to date
8 to said budget in order to pay current obligations. Such loan shall be liquidated
9 within six months thereafter from monies subsequently credited to said budget.
10 The total principal, interest, and fees to be paid on such loan shall not exceed
11 the total amount of the authorized budget for the same length of time.

12 § 606. ANNUAL REPORT; PUBLIC INFORMATION

13 (a) The board of a ~~BOCES~~ CESA shall prepare an annual report concerning
14 the affairs of the ~~BOCES~~ CESA and have it printed and distributed to the
15 boards of the member supervisory unions. The annual report shall include, at a
16 minimum:

17 (1) information on the programs and services offered by the ~~BOCES~~
18 CESA, including information on the cost-effectiveness of such programs and
19 services and progress made towards achieving the objectives and purposes set
20 forth in the articles of agreement; and

21 (2) audited financial statements and the independent auditor's report.

1 (b) A ~~BOCES~~ CESA shall maintain an internet website that makes the
2 following information available to the public at no cost:

3 (1) a list of the members of the board of directors of the ~~BOCES~~ CESA;

4 (2) copies of approved minutes of open meetings held by the board of
5 the ~~BOCES~~ CESA;

6 (3) a copy of the articles of agreement and any subsequent amendments;

7 and

8 (4) a copy of the annual report required under subsection (a) of this
9 section.

10 § 607. EMPLOYMENT

11 (a) A ~~BOCES~~ CESA shall be considered to be a public employer and may
12 employ personnel, including educators, to carry out the purposes and functions
13 of the board. Annually, the board of a ~~BOCES~~ CESA shall conduct an area
14 survey of the salaries of the educators and staff employed by the ~~BOCES~~'s
15 CESA's member supervisory unions and school districts.

16 (b) No person shall be eligible for employment by a ~~BOCES~~ CESA as an
17 educator unless the person is appropriately licensed by the Standards Board for
18 Professional Educators pursuant to chapter 51 of this title.

19 (c) A person employed by a ~~BOCES~~ CESA as an educator shall be a
20 participant in the Vermont State Teachers' Retirement System pursuant to
21 chapter 55 of this title.

1 (d) A person who is employed by a ~~BOCES~~ CESA and who is not educator
2 shall be a participant in the Vermont Municipal Employees' Retirement
3 System pursuant to 24 V.S.A. chapter 125.

4 (e) Educators employed by a ~~BOCES~~ CESA shall be entitled to organize
5 pursuant to chapter 57 of this title.

6 (f) Employees employed by a ~~BOCES~~ CESA and who are not educators
7 shall be entitled to organize pursuant to 21 V.S.A. chapter 22.

8 (g) Educators and employees who are employed by a ~~BOCES~~ CESA shall
9 be provided health care benefits pursuant to chapter 61 of this title.

10 Sec. 4. 2024 Acts and Resolves No. 168, Sec. 3 is amended to read:

11 Sec. 3. TRANSITION; REPORT

12 (a) On or before July 1, 2026, each supervisory union board shall consider
13 and vote on the desirability of establishing a ~~board of cooperative education~~
14 ~~services~~ cooperative educational service area pursuant to 16 V.S.A. chapter 10.
15 There shall be not more than seven ~~boards of cooperative education services~~
16 cooperative educational service areas established statewide. Supervisory union
17 boards that vote to establish a ~~board of cooperative education services~~
18 cooperative educational service area shall hold an organizational meeting
19 pursuant to 16 V.S.A. § 603 on or before July 1, 2027.

20 (b) On or before July 1, 2028, the Secretary of Education shall review the
21 ~~boards of cooperative education services~~ cooperative educational service areas

1 as they exist, or are anticipated to exist, on that date. On or before November
2 1, 2028, the Secretary shall issue a written report to the General Assembly and
3 the State Board of Education with the following information and
4 recommendations:

5 (1) the number of ~~boards of cooperative education services~~ cooperative
6 educational service areas in existence on July 1, 2028, including the names of
7 member supervisory unions and services provided;

8 (2) the number of supervisory unions that are not members of ~~boards of~~
9 ~~cooperative education services~~ cooperative educational service areas and
10 information on why such supervisory unions have not joined a ~~board of~~
11 ~~cooperative education services~~ cooperative educational service area; and

12 (3) recommendations for expansion of the membership and powers of
13 ~~boards of cooperative education services~~ cooperative educational service areas,
14 including recommendations for whether membership in ~~such boards~~ a CESA
15 shall be mandatory.

16 Sec. 5. 2024 Acts and Resolves No. 168, Sec. 4, as amended by 2025 Acts and
17 Resolves No. 72, Sec. 7, is amended to read:

18 Sec. 4. ~~BOCES~~ CESA GRANT PROGRAM; APPROPRIATION

19 (a) There is established the ~~Boards of Cooperative Education Services~~
20 Cooperative Educational Service Area Start-up Grant Program, to be
21 administered by the Agency of Education, from funds appropriated for this

1 purpose, to award grants to enable the formation of ~~boards of cooperative~~
2 ~~education services (BOCES)~~ cooperative educational service areas (CESAs)
3 formed pursuant to 16 V.S.A. chapter 10 after July 1, 2024. Supervisory
4 unions shall be eligible for a single \$10,000.00 grant after two or more boards
5 vote to explore the advisability of forming a ~~board of cooperative education~~
6 ~~services~~ cooperative educational service area pursuant to 16 V.S.A. § 603(a).
7 Grants may be used for start-up and formation costs, including the
8 development of proposed articles of agreement. Grants shall be awarded to
9 only one supervisory union within each group of supervisory unions exploring
10 the formation of a ~~BOCES~~ CESA.

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

18 Sec. 6. 16 V.S.A. § 261a is amended to read:

19 § 261a. DUTIES OF SUPERVISORY UNION BOARD

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(10) “Teacher” means an individual licensed under this chapter the majority of whose employed time in a public school district, supervisory union, or ~~board of cooperative education services~~ cooperative educational service area is assigned to furnish to students direct instructional or other educational services, as defined by rule of the Standards Board, or who is otherwise subject to licensing as determined by the Standards Board.

Sec. 8. 16 V.S.A. § 1931(20) is amended to read:

(20) “Teacher” means any licensed teacher, principal, supervisor, superintendent, or any professional licensed by the Vermont Standards Board for Professional Educators who is regularly employed, or otherwise contracted if following retirement, for the full normal working time for the teacher’s position in a public day school or school district within the State, or in any school or teacher-training institution located within the State, controlled by the State Board of Education, and supported wholly by the State; or in certain public independent schools designated for such purposes by the Board in accordance with section 1935 of this title; or who is regularly employed by a ~~board of cooperative education services~~ cooperative educational service area created in accordance with chapter 10 of this title. In all cases of doubt, the Board shall determine whether any person is a teacher as defined in this chapter. It does not mean a person who is teaching with an emergency license.

1 Sec. 10. 16 V.S.A. § 1981 is amended to read:

2 § 1981. DEFINITIONS

3 As used in this chapter unless the context requires otherwise:

4 * * *

5 (8) “School board negotiations council” means, for a supervisory
6 district, its school board, and, for school districts within a supervisory union or
7 ~~board of cooperative education services~~ a cooperative educational service area,
8 the body comprising representatives designated by each school board within
9 the supervisory union or ~~board of cooperative education services~~ supervisory
10 union board within each cooperative educational service area and by the
11 supervisory union board or board of a cooperative educational service
12 area to engage in professional negotiations with a teachers’
13 or administrators’ organization.

14 (9) “Teachers’ organization negotiations council” or “administrators’
15 organization negotiations council” means the body comprising representatives
16 designated by each teachers’ organization or administrators’ organization
17 within a supervisory district, supervisory union, or ~~board of cooperative~~
18 ~~education services~~ cooperative educational service area to act as its
19 representative for professional negotiations.

20 Sec. 11. 21 V.S.A. § 1722 is amended to read:

21 § 1722. DEFINITIONS

1 As used in this chapter:

2 * * *

3 (18) “School board negotiations council” means, for a supervisory
4 district, its school board, and, for school districts within a supervisory union or
5 ~~board of cooperative education services~~ a cooperative educational service area,
6 the body comprising representatives designated by each school board within
7 the supervisory union or ~~board of cooperative education services~~ supervisory
8 union board within a cooperative educational service area and by the
9 supervisory union board or ~~board of cooperative education services~~
10 cooperative educational service area to engage in collective bargaining with
11 their school employees’ negotiations council.

12 (19) “School employees’ negotiations council” means the body
13 comprising representatives designated by each exclusive bargaining agent
14 within a supervisory district, supervisory union, or ~~board of cooperative~~
15 ~~education services~~ cooperative educational service area to engage in collective
16 bargaining with its school board negotiations council.

17 * * *

18 (21) “Municipal school employee” means an employee of a supervisory
19 union, school district, or ~~board of cooperative education services~~ cooperative
20 educational service area who is not otherwise subject to 16 V.S.A. chapter 57

1 (labor relations for teachers and administrators) and who is not otherwise
2 excluded pursuant to subdivision (12) of this section.

3 * * *

4 Sec. 12. 16 V.S.A. § 2101 is amended to read:

5 § 2101. DEFINITIONS

6 As used in this chapter:

7 * * *

8 (3) “School employer” means a supervisory union or school district as
9 those terms are defined in section 11 of this title, or a ~~board of cooperative~~
10 ~~education services~~ cooperative educational service area formed pursuant to
11 chapter 10 of this title.

12 * * * Class Size Minimums * * *

13 Sec. 13. 2025 Acts and Resolves No. 73, Sec. 7 is amended to read:

14 Sec. 7. FAILURE TO COMPLY WITH EDUCATION QUALITY

15 STANDARDS; STATE BOARD ACTION

16 (a) Notwithstanding 16 V.S.A. § 165(b)(4) and (5) and any other provision
17 of law to the contrary, the State Board shall be prohibited from ordering school
18 district consolidation or school consolidation if a school fails to comply with
19 class size minimum education quality standards and the resulting consolidation
20 would result in school construction costs in excess of the applicable district’s
21 capital reserve account until the General Assembly establishes new school

1 district boundaries and takes further action regarding the consequences for
2 failure to meet education quality standards.

3 (b) Notwithstanding 16 V.S.A. § 165(a)(9)(C) and (b), a school's failure to
4 comply with the class size minimum requirements contained in 16 V.S.A.
5 § 165(a)(9) shall not count towards the three consecutive school years of
6 noncompliance that enables the Secretary to recommend action to the State
7 Board until the State Board adopts updates to the Education Quality Standards
8 rule 2000 series, Agency of Education, Education Quality Standards (22-000-
9 003) to reflect the addition of class size minimums to the education quality
10 standards, or July 1, 2027, whichever date shall come first.

11 * * * Background Checks * * *

12 Sec. 14. 16 V.S.A. § 254a is added to read:

13 § 254a. AGENCY OF EDUCATION EMPLOYEES

14 (a) The Agency of Education shall request criminal record information for
15 a person the Secretary of Education is prepared to recommend for any full-
16 time, part-time, or temporary employment or contractual relationship with the
17 Agency if such person will have or has the potential to have unsupervised
18 contact with students (the applicant).

19 (b) After signing a user agreement, the Secretary shall make a request for
20 criminal records directly to the Vermont Crime Information Center.

1 (c) A request made under subsection (b) of this section shall be
2 accompanied by a release signed by the applicant on a form provided by the
3 Vermont Crime Information Center, a set of the applicant's fingerprints, and a
4 fee established by the Vermont Crime Information Center that shall reflect the
5 cost of obtaining the record from the FBI. The fee shall be paid by the
6 applicant. The release form to be signed by the applicant shall include a
7 statement informing the applicant of:

8 (1) the right to challenge the accuracy of the record by appealing to the
9 Vermont Crime Information Center pursuant to rules adopted by the
10 Commissioner of Public Safety; and

11 (2) the Secretary of Education's policy regarding maintenance and
12 destruction of records and the applicant's right to request that the record or
13 notice be maintained for purposes of using it to comply with future criminal
14 record check requests made pursuant to section 256 of this title.

15 (d) Upon completion of a criminal record check, the Vermont Crime
16 Information Center shall send to the Secretary a notice that no record exists or,
17 if a record exists, a copy of any criminal record. If a copy of a criminal record
18 is received, the Secretary shall forward it to the applicant and shall inform the
19 applicant in writing of:

1 (1) the right to challenge the accuracy of the record by appealing to the
2 Vermont Crime Information Center pursuant to rules adopted by the
3 Commissioner of Public Safety; and

4 (2) the Secretary of Education's policy regarding maintenance and
5 destruction of records and the applicant's right to request that the record or
6 notice be maintained for purposes of using it to comply with future criminal
7 record check requests made pursuant to section 256 of this title.

8 (e) The Secretary shall request and obtain information from the Child
9 Protection Registry maintained by the Department for Children and Families
10 and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry
11 maintained by the Department of Disabilities, Aging, and Independent Living
12 (collectively, the Registries) for any applicant for whom a criminal record
13 check is required under subsection (a) of this section. The Departments for
14 Children and Families and of Disabilities, Aging, and Independent Living shall
15 adopt rules in accordance with 3 V.S.A. chapter 25 governing the process for
16 obtaining information from the Registries and for disseminating and
17 maintaining records of that information under this subsection.

18 (f) An applicant convicted of a sex offense that requires registration
19 pursuant to 13 V.S.A. chapter 167, subchapter 3 shall not be eligible for
20 employment with the Agency.

1 Sec. 15. 16 V.S.A. § 256 is amended to read:

2 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

3 MAINTENANCE OF RECORDS

4 (a)(1) Anyone required to request a criminal record check under this
5 subchapter about a person who previously has undergone a check, regardless
6 of whether the check was for student teaching, licensure, or employment
7 purposes, shall comply with that requirement by acquiring the results of the
8 previous criminal record check unless:

9 (A) the person refuses to authorize release of the information;

10 (B) the record no longer exists;

11 (C) since the record check, there has been a period of one year or
12 more during which the person has not worked for a Vermont school district, ~~or~~
13 a recognized or an approved independent school, or the Agency of Education;
14 or

15 (D) as otherwise required by this chapter.

16 (2) Anyone required to request a criminal record check under this
17 subchapter about a person who has previously undergone a check may request
18 a name and date of birth or fingerprint-supported recheck of the criminal
19 record at any time during the course of the record subject's employment in the
20 capacity for which the original check was required. Rechecking criminal
21 records may be accomplished through a subscription service.

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* * * Effective Date * * *

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Sec. 16. EFFECTIVE DATE

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This act shall take effect on July 1, 2026.