

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
19 any new employee or contractor who has the potential to have unsupervised
20 contact 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
18 in ownership of therapeutic approved independent schools as that term is
19 defined in 16 V.S.A. § 828(d). If submission of an application for initial
20 approval of an approved independent school is required as the result of a
21 change in ownership of a therapeutic approved independent school, that at the

1 ~~time of the change in ownership is approved by the State Board of Education~~
2 pursuant to 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 § 1502. 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
5 of 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
21 Steering Committee shall serve for terms of two years, except that members

1 ~~elect~~ed to the first Steering Committee of the Commission shall be elected as
2 follows: 16 for one year and 16 for two years. The Chairman, Vice Chairman,
3 and Treasurer of the Commission shall be members of the Steering Committee
4 and, anything in this subsection to the contrary notwithstanding, shall serve
5 during their continuance in these offices. Vacancies in the Steering Committee
6 shall not affect its authority to act, but the Commission at its next regularly
7 ensuing meeting following the occurrence of any vacancy shall fill it for the
8 unexpired term. No person shall serve more than two terms as a member of
9 the Steering Committee, provided that service for a partial term of one year or
10 less shall not 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
11 shall take effect until one year after the governor of the withdrawing state has
12 given notice in writing of the withdrawal to the governors of all other party
13 states. No withdrawal shall affect any liability already incurred by or
14 chargeable to a 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 purpose
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 is in a public school district, supervisory union, or board
8 of cooperative education services cooperative educational service area is
9 assigned to furnish to students direct instructional or other educational
10 services, as defined by rule of the Standards Board, or who is otherwise
11 subject to 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 ~~§ 604.01. (a) The board of directors of a BOCES CESA may apply for State, federal,~~

2 ~~or private grants, for which a BOCES CESA may be otherwise eligible, to~~
3 ~~obtain funds necessary to carry out the purpose for which the BOCES CESA is~~

4 ~~established. Nothing in this chapter is intended to create an entitlement to~~
5 ~~federal funds distributed by the Agency of Education to local education~~
6 ~~agencies.~~

7 § 605. FINANCING, BUDGETING, AND ACCOUNTING

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

13 (b) Treasurer.

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

17 (2) The treasurer may, subject to the direction of the board of directors,
18 receive and disburse all money belonging to the board without further

19 appropriation.
20
21

1 ~~(2) 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 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
9 liquidated within six months thereafter from monies subsequently credited to
10 said budget. The total principal, interest, and fees to be paid on such loan shall
11 not exceed the total amount of the authorized budget for the same length of
12 time.

13 § 606. ANNUAL REPORT; PUBLIC INFORMATION

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

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

1 ~~(2) audited financial statements and the independent auditor's report~~

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

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

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

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

8 and

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

11 § 607. EMPLOYMENT

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

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

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

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

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

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

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

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

14 Sec. 3. TRANSITION; REPORT

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

1 ~~cooperative educational service area shall hold an organizational meeting~~

2 pursuant to 16 V.S.A. § 603 on or before July 1, 2027.

3 (b) On or before July 1, 2028, the Secretary of Education shall review the
4 ~~boards of cooperative education services~~ cooperative educational service areas
5 as they exist, or are anticipated to exist, on that date. On or before November
6 1, 2028, the Secretary shall issue a written report to the General Assembly and
7 the State Board of Education with the following information and
8 recommendations:

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

12 (2) the number of supervisory unions that are not members of ~~boards of~~
13 ~~cooperative education services~~ cooperative educational service areas and
14 information on why such supervisory unions have not joined a ~~board of~~
15 ~~cooperative education services~~ cooperative educational service area; and

16 (3) recommendations for expansion of the membership and powers of
17 ~~boards of cooperative education services~~ cooperative educational service areas,
18 including recommendations for whether membership in such ~~board~~ a CESA
19 shall be mandatory.

20 Sec. 5. 2024 Acts and Resolves No. 168, Sec. 4, as amended by 2025 Acts

21 ~~and Resolves No. 72, Sec. 7, is amended to read.~~

~~Sec. 4. BOCES CESA GRANT PROGRAM: APPROPRIATION~~

~~(a) There is established the Boards of Cooperative Education Services Cooperative Educational Service Area 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) cooperative educational service areas (CESAs) formed pursuant to 16 V.S.A. chapter 10 after July 1, 2024. Supervisory unions shall be eligible for a single \$10,000.00 grant after two or more boards vote to explore the advisability of forming a board of cooperative education services cooperative educational service area pursuant to 16 V.S.A. § 603(a). Grants may be used for start-up and formation costs, 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 CESA.~~

~~(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 Cooperative Educational Service Area 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.~~

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

2 § 261a. DUTIES OF SUPERVISORY UNION BOARD

3 * * *

4 (b) Virtual merger. In order to maximize the impact of available funding
5 and resources, and to reduce duplication of educational programs, personnel,
6 and services, whenever legally permissible, supervisory unions are encouraged
7 to reach agreements with other supervisory unions jointly to provide any
8 service or perform any duty under this section pursuant to section 267 of this
9 title, or to form ~~boards of cooperative education services~~ cooperative
10 educational service areas pursuant to chapter 10 of this title. Agreements
11 between supervisory unions are not subject to the waiver requirement of
12 subdivision (a)(8) of this section. Agreements shall include a cost-benefit
13 analysis outlining the projected financial savings or enhanced outcomes, or
14 both, that the parties expect to realize through shared services or programs.

15 * * *

16 Sec. 7. 16 V.S.A. § 1691a is amended to read:

17 § 1691a. DEFINITIONS

18 As used in this chapter:

19 (1) "Administrator" means an individual licensed under this chapter the
20 majority of whose employed time in a public school, school district,
21 ~~supervisory union, or board of cooperative education services~~ cooperative

1 ~~educational service area is assigned to developing and managing school~~
2 curriculum, evaluating and disciplining personnel, or supervising and
3 managing a public school system or public school program.

4 * * *

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

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

12 (20) "Teacher" means any licensed teacher, principal, supervisor,
13 superintendent, or any professional licensed by the Vermont Standards Board
14 for Professional Educators who is regularly employed, or otherwise contracted
15 if following retirement, for the full normal working time for the teacher's
16 position in a public day school or school district within the State, or in any
17 school or teacher-training institution located within the State, controlled by the
18 State Board of Education, and supported wholly by the State; or in certain
19 public independent schools designated for such purposes by the Board in
20 accordance with section 1935 of this title; or who is regularly employed by a
21 ~~board of cooperative education services~~ cooperative educational service area

1 ~~created in accordance with chapter 10 of this title. In all cases of doubt, the~~

2 Board shall determine whether any person is a teacher as defined in this
3 chapter. It does not mean a person who is teaching with an emergency license.

4 Sec. 9. 24 V.S.A. § 5051(10) is amended to read:

5 § 5051. DEFINITIONS

6 (10) "Employee" means the following persons employed on a regular
7 basis by a school district, by a supervisory union, or by a ~~board of cooperative~~
8 ~~education services~~ cooperative educational service area for not fewer than
9 1,040 hours in a year and for not fewer than 30 hours a week for the school
10 year, as defined in 16 V.S.A. § 1071, or for not fewer than 1,040 hours in a
11 year and for not fewer than 24 hours a week year-round; provided, however,
12 that if a person who was employed on a regular basis by a school district as
13 either a special education or transportation employee and who was transferred
14 to and is working in a supervisory union or a ~~board of cooperative education~~
15 ~~services~~ cooperative educational service area in the same capacity pursuant to
16 16 V.S.A. § 261a(a)(6) or (8)(E) and if that person is also employed on a
17 regular basis by a school district within the supervisory union, then the person
18 is an "employee" if these criteria are met by the combined hours worked for
19 the supervisory union and school district. The term also means persons
20 employed on a regular basis by a municipality other than a school district for
21 ~~not fewer than 1,040 hours in a year and for not fewer than 24 hours per week,~~

1 ~~including persons employed in a library at least one-half of whose operating~~

2 expenses are met by municipal funding:

3 * * *

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

5 § 1981. DEFINITIONS

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

7 * * *

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

17 (9) "Teachers' organization negotiations council" or "administrators'
18 organization negotiations council" means the body comprising representatives
19 designated by each teachers' organization or administrators' organization
20 ~~within a supervisory district, supervisory union, or board of cooperative~~

1 ~~education services cooperative educational service area to act as its~~

2 representative for professional negotiations.

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

4 § 1722. DEFINITIONS

5 As used in this chapter:

6 * * *

7 (18) "School board negotiations council" means, for a supervisory
8 district, its school board, and, for school districts within a supervisory union or
9 ~~board of cooperative education services~~ a cooperative educational service area,
10 the body comprising representative designated by each school board within
11 the supervisory union or ~~board of cooperative education services~~ supervisory
12 union board within a cooperative educational service area and by the
13 supervisory union board or ~~board of cooperative education services~~
14 cooperative educational service area to engage in collective bargaining with
15 their school employees' negotiations council.

16 (19) "School employees' negotiations council" means the body
17 comprising representatives designated by each exclusive bargaining agent
18 within a supervisory district, supervisory union, or ~~board of cooperative~~
19 ~~education services~~ cooperative educational service area to engage in collective
20 bargaining with its school board negotiations council.

21 * * *

1 ~~(21) "Municipal school employee" means an employee of a supervisory~~
2 ~~union, school district, or board of cooperative education services~~ cooperative
3 educational service area who is not otherwise subject to 16 V.S.A. chapter 57
4 (labor relations for teachers and administrators) and who is not otherwise
5 excluded pursuant to subdivision (12) of this section.

6 * * *

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

8 § 2101. DEFINITIONS

9 As used in this chapter:

10 * * *

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

Sec. 3. [Deleted.]

Sec. 4. [Deleted.]

Sec. 5. [Deleted.]

Sec. 6. [Deleted.]

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. [Deleted.]

Sec. 11. [Deleted.]

Sec. 12. [Deleted.]

* * * Class Size Minimums* * *

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

Sec. 7. FAILURE TO COMPLY WITH EDUCATION QUALITY

STANDARDS; STATE BOARD ACTION

(a) Notwithstanding 16 V.S.A. § 165(b)(4) and (5) and any other provision of law to the contrary, the State Board shall be prohibited from ordering school district consolidation or school consolidation if a school fails to comply with class size minimum education quality standards and the resulting consolidation would result in school construction costs in excess of the applicable district's capital reserve account until the General Assembly establishes new school district boundaries and takes further action regarding the consequences for failure to meet education quality standards.

(b) Notwithstanding 16 V.S.A. § 165(a)(9)(C) and (b), a school's failure to comply with the class size minimum requirements contained in 16 V.S.A. § 165(a)(9) shall not count towards the three consecutive school years of noncompliance that enables the Secretary to recommend action to the State Board until the State Board adopts updates to the Education Quality Standards rule 2000 series, Agency of Education, Education Quality Standards (22-000-

1 ~~003) to reflect the addition of class size minimums to the education quality~~
2 ~~standards, or July 1, 2027, whichever date shall come first.~~

3 * * * Background Checks * * *

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

5 § 254a. AGENCY OF EDUCATION EMPLOYEES

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

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

(c) A request made under subsection (b) of this section shall be
accompanied by a release signed by the applicant on a form provided by the
Vermont Crime Information Center, ~~a set of the applicant's fingerprints, and a~~
~~fee established by the Vermont Crime Information Center that shall reflect the~~
~~cost of obtaining the record from the FBI. The fee shall be paid by the~~
~~applicant~~ and a set of the applicant's fingerprints. The Agency shall pay the
fingerprinting fee required pursuant to 20 V.S.A. § 2062 and shall pay any fee
required by the FBI associated with a fingerprint-supported criminal record

~~check. The release form to be signed by the applicant shall include a statement~~
informing the applicant 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 (d) Upon completion of a criminal record check, the Vermont Crime
9 Information Center shall send to the Secretary a notice that no record exists or,
10 if a record exists, a copy of any criminal record. If a copy of a criminal record
11 is received, the Secretary shall forward it to the applicant and shall inform the
12 applicant in writing of:

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

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

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

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

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

15 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

16 MAINTENANCE OF RECORDS

17 (a)(1) Anyone required to request a criminal record check under this
18 subchapter about a person who previously has undergone a check, regardless
19 of whether the check was for student teaching, licensure, or employment
20 purposes, shall comply with that requirement by acquiring the results of the
21 ~~previous criminal record check unless.~~

*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 affect the approval status of the school.

(c) Notwithstanding subsections (a) and (b) of this section, the moratorium on approval of new approved independent schools shall not apply to changes in ownership of therapeutic approved independent schools as that term is defined in 16 V.S.A. § 828(d). If submission of an application for initial approval of an approved independent school is required as the result of a change in ownership of a therapeutic approved independent school that at the time of the change in ownership is approved by the State Board of Education pursuant to 16 V.S.A. § 166, and the school will remain a therapeutic approved independent school after the change in ownership is complete, the moratorium created pursuant to subsection (a) of this section shall not apply and the

Agency of Education and State Board of Education shall process the application according to applicable State and federal law.

** * * Interstate Compact for Education * * **

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

CHAPTER 35. INTERSTATE COMPACT FOR EDUCATION

§ 1501. PURPOSE AND POLICY—ARTICLE I

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

(1) establish and maintain close cooperation and understanding among executive, legislative, professional educational, and lay leadership on a nationwide basis at the state and local levels;

(2) provide a forum for the discussion, development, crystallization, and recommendation of public policy alternatives in the field of education;

(3) provide a clearinghouse of information on matters relating to education problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education;

(4) facilitate the improvement of state and local education systems so that all of them will be able to meet adequate and desirable goals in a society

that requires continuous qualitative and quantitative advance in educational opportunities, methods, and facilities.

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

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

§ 1502. STATE DEFINED—ARTICLE II

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

§ 1503. THE COMMISSION—ARTICLE III

(a) The Education Commission of the States, hereinafter called “the Commission,” is hereby established. The Commission shall consist of seven members representing each party state. One of such members shall be the

governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge, or affiliations, be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, and lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party states, there may be not to exceed 10 nonvoting commissioners selected by the Steering Committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

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

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, who shall be a governor; a vice chairman; and a treasurer. The Commission shall provide for the appointment of an Executive Director. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The Executive Director shall be Secretary.

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

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

(g) The Commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation or corporation, and may receive, utilize, and dispose of the same. Any donation or grant accepted by the Commission pursuant to this subsection or services borrowed pursuant to subsection (f) of this section shall be reported in the annual report of the Commission. Such report shall include the nature, amount, and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

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

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

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

§ 1504. POWERS—ARTICLE IV

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

(1) collect, correlate, analyze, and interpret information and data concerning educational needs and resources;

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

(3) develop proposals for adequate financing of education as a whole and at each of its many levels;

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

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

(6) do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

§ 1505. COOPERATION WITH FEDERAL GOVERNMENT—ARTICLE V

(a) If the laws of the United States specifically so provide, or if administrative provision is made therefore within the federal government, the United States may be represented on the Commission by not to exceed 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or

pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the Commission.

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

§ 1506. COMMITTEES—ARTICLE VI

(a) To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a Steering Committee of 32 members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the Steering Committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the Commission. A federal representative on the Commission may serve with the Steering Committee, but without vote. The voting members of the Steering Committee shall serve for terms of two years, except that members elected to the first Steering Committee of the Commission shall be elected as follows: 16 for one year and 16 for two years. The Chairman, Vice Chairman, and Treasurer of the Commission shall be members of the Steering Committee

and, anything in this subsection to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the Steering Committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the Steering Committee, provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

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

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

§ 1507. FINANCE—ARTICLE VII

(a) The Commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

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

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

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

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

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

§ 1508. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL—

ARTICLE VIII

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

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

(c) Adoption of the Compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only

until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his state, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

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

§ 1509. AMENDMENTS TO THE COMPACT—ARTICLE IX

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

§ 1510. CONSTRUCTION AND SEVERABILITY—ARTICLE X

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the

constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the Compact shall remain in full force and effect as to the state affected as to all severable matters.

** * * Background Checks * * **

Sec. 3. 16 V.S.A. § 254a is added to read:

§ 254a. AGENCY OF EDUCATION EMPLOYEES

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

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

(c) A request made under subsection (b) of this section shall be accompanied by a release signed by the applicant on a form provided by the Vermont Crime Information Center and a set of the applicant's fingerprints. The Agency shall pay the fingerprinting fee required pursuant to 20 V.S.A.

§ 2062 and shall pay any fee required by the FBI associated with a fingerprint-supported criminal record check. The release form to be signed by the applicant shall include a statement informing the applicant of:

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

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

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

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

(2) the Secretary of Education's policy regarding maintenance and destruction of records and the applicant's right to request that the record or

notice be maintained for purposes of using it to comply with future criminal record check requests made pursuant to section 256 of this title.

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

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

Sec. 4. 16 V.S.A. § 256 is amended to read:

§ 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

MAINTENANCE OF RECORDS

(a)(1) Anyone required to request a criminal record check under this subchapter about a person who previously has undergone a check, regardless of whether the check was for student teaching, licensure, or employment

purposes, shall comply with that requirement by acquiring the results of the previous criminal record check unless:

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

(B) the record no longer exists;

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

(D) as otherwise required by this chapter.

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

** * **

** * * Intercollegiate Sexual Harm Prevention Council * * **

Sec. 5. 16 V.S.A. § 183 is amended to read:

§ 183. INTERCOLLEGIATE SEXUAL HARM PREVENTION COUNCIL

(a) Creation. There is created the Intercollegiate Sexual Harm Prevention Council to ~~create a coordinated~~ advance best practices for prevention of and

response to campus sexual harm across institutions of higher learning in Vermont.

(b) Membership.

(†) The Council shall be composed of the following members:

~~(A)(1) a Title IX coordinator and a campus-based sexual harm prevention/education coordinator from an institution of higher learning, appointed by the Chancellor of the Vermont State Colleges or designee from each postsecondary school chartered in Vermont with a physical campus located within Vermont;~~

~~(B)(2) a Title IX coordinator and a campus-based sexual harm prevention/education coordinator from an institution of higher learning, appointed by the President of the University of Vermont a peer educator or advocate appointed by the Vice Provost for Student Affairs of the University of Vermont;~~

~~(C)(3) a Title IX coordinator and a campus-based sexual harm prevention/education coordinator from an institution of higher learning, appointed by the President of the Association of Vermont Independent Colleges the Executive Director of the Network Against Domestic and Sexual Violence or designee;~~

~~(D)(4) two community-based sexual violence advocates, appointed by the Network Against Domestic and Sexual Violence the Program Coordinator of the Vermont Forensic Nursing Program or designee; and~~

~~(E)(5) two law enforcement or public safety representatives with experience responding to and investigating campus sexual violence, appointed by the Commissioner of Public Safety; the Commissioner of Public Safety or designee.~~

~~(F) three college students, at least one of whom has lived experience as a sexual violence survivor and one who represents a campus-based racial justice organization, appointed by the Center for Crime Victim Services;~~

~~(G) a person with expertise in sexual violence responses within the lesbian, gay, bisexual, transgender, and queer community, appointed by the Center for Crime Victim Services;~~

~~(H) a sexual assault nurse examiner, appointed by the Network Against Domestic and Sexual Violence;~~

~~(I) a prosecutor with experience in prosecuting sexual violence cases from either the Department of State's Attorneys and Sheriffs or the Office of the Attorney General, appointed by the Attorney General; and~~

~~(J) an attorney with experience in sexual violence cases, appointed by the Defender General.~~

~~(2) To ensure a council that is reflective of Vermont's college campuses, appointing authorities shall consider diversity when making appointments to the Council.~~

(c) Duties. The Council shall:

~~(1) review the recommendations from the Report of the Vermont Campus Sexual Harm Task Force and develop prevention solutions to sexual harm based on those recommendations; [Repealed.]~~

~~(2) implement interdisciplinary planning and information sharing to support sexual violence prevention programs on every college campus in Vermont; [Repealed.]~~

~~(3) undertake an annual review of trends in aggregate data collected by institutions of higher learning regarding sexual violence on college campuses in Vermont; [Repealed.]~~

~~(4) identify and share information about effective practices on regarding sexual violence prevention and response, sexual health education, and strategies for mitigating sexual harm and secondary impacts of sexual harm on college campuses in Vermont;~~

~~(5) identify share information about campus-wide activities, publications, and services that promote a campus culture of respect to support the prevention of sexual harm; and~~

~~(6) recommend statutory protections to the General Assembly not later than November 1, 2021 to ensure that survivors of sexual harm are not punished for reporting an incident of sexual violence due to alcohol, drug use, or other minor conduct violations occurring at or around the time of an assault; and [Repealed.]~~

~~(7) create or promote annual share information about training opportunities addressing prevention and sexual assault response processes open to representatives from all Vermont postsecondary schools for college populations.~~

~~(d) Assistance.—The Council shall have the administrative and technical assistance of the Network Against Domestic and Sexual Violence. [Repealed.]~~

~~(e) Report.—On or before December 1, 2022 and annually thereafter, the Council shall submit a written report to the General Assembly with a summary of activities and any recommendations for legislative action. [Repealed.]~~

~~(f) Meetings.~~

~~(1) The Network Against Domestic and Sexual Violence shall call the first meeting of the Council to occur on or before July 15, 2021 November 15, 2026.~~

~~(2) The Council shall select ~~a chair~~ co-chairs from among its members at the first meeting, with one chair representing a public postsecondary school and one chair representing a private postsecondary school.~~

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

(4) The Council shall meet ~~quarterly~~ twice per year.

(5) ~~Members who are not otherwise compensated by the member's employer for attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Network Against Domestic and Sexual Violence for such purposes~~ The co-chairs shall provide the Council with administrative support.

(6) The Council may invite or consult other community representatives as it deems appropriate.

** * * Hazing, Harassment, and Bullying Advisory Council * * **

Sec. 6. 16 V.S.A. § 570 is amended to read:

*§ 570. HARASSMENT, HAZING, AND BULLYING PREVENTION
POLICIES*

** * **

(d) Duties of the Secretary. The Secretary shall:

(1) ~~develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and~~

(2) ~~establish an Advisory Council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The Council shall report annually in January to the State~~

~~Board and the House and Senate Committees on Education. The Council shall include:~~

~~(A) the Executive Director of the Vermont Principals' Association or designee;~~

~~(B) the Executive Director of the Vermont School Boards Association or designee;~~

~~(C) the Executive Director of the Vermont Superintendents Association or designee;~~

~~(D) the President of the Vermont National Education Association or designee;~~

~~(E) the Executive Director of the Vermont Human Rights Commission or designee;~~

~~(F) the Executive Director of the Vermont Independent Schools Association or designee; and~~

~~(G) other members selected by the Secretary, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment; and~~

~~(3) provide the Advisory Council with administrative support.~~

~~(e) Advisory Council on Harassment, Hazing, and Bullying Prevention in Schools.~~

(1) Membership. The Advisory Council shall be composed of the following members:

(A) the Executive Director of the Vermont Principals' Association or designee;

(B) the Executive Director of the Vermont School Boards Association or designee;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the President of the Vermont-National Education Association or designee;

(E) the Executive Director of the Vermont Human Rights Commission or designee;

(F) the Executive Director of the Vermont Independent Schools Association or designee;

(G) two members who serve as designated employees under the hazing, harassment, and bullying prevention policy, appointed by the Secretary of Education;

(H) a member, appointed by the Vermont Educational Equity Collective;

(I) a school social worker, appointed by the National Association of Social Workers-Vermont Chapter;

(J) a member, appointed by the Vermont Coalition for Disability

Rights;

(K) a student member, appointed by the Vermont Student Anti-Racism

Network;

(L) a student member, appointed by Outright Vermont;

(M) a member, appointed by the Office of Racial Equity;

(N) a member, appointed by the Commission on Women;

(O) a member, appointed by the Vermont Network Against Domestic
and Sexual Violence; and

(P) a parent or caregiver member, appointed by the Vermont Family
Network.

(2) Duties. The Advisory Council shall:

(A) meet at least four and not more than 12 times per year;

(B) review and advise on coordination of school and statewide
activities relating to the prevention of and response to harassment, hazing, and
bullying;

(C) review the model harassment, hazing, and bullying prevention
policies developed by the Secretary every three years, beginning in 2026, and
recommend updates to the policies as necessary;

(D) review and advise on resources on harassment, hazing, and
bullying prevention and response for school professionals;

(E) annually solicit input from students, parents, and schools on harassment, hazing, and bullying; and

(F) notwithstanding 2 V.S.A. § 20(d), annually on or before January 15, submit a written report to House and Senate Committees on Education, which shall hold a joint legislative hearing each legislative session to review the report. The Advisory Council shall also submit the report to the State Board of Education at the same time.

(3) Compensation and reimbursement. Members of the Advisory Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 12 meetings of the Advisory Council per year from funds appropriated to the Agency of Education.

(e)(f) Definitions. In this subchapter:

(1) “Educational institution” and “school” mean a public school or an approved or recognized independent school as defined in section 11 of this title.

(2) “Organization,” “pledging,” and “student” have the same meanings as in section 570i of this title.

(3) “Harassment,” “hazing,” and “bullying” have the same meanings as in subdivisions 11(a)(26), (30), and (32) of this title.

(4) “School board” means the board of directors or other governing body of an educational institution when referring to an independent school.

Sec. 7. APPROPRIATION

The sum of \$21,000.00 is appropriated from the General Fund to the Agency of Education in fiscal year 2027 for per diem compensation and reimbursement of expenses for the Advisory Council on Harassment, Hazing, and Bullying Prevention as authorized pursuant to 16 V.S.A. § 570(e)(3).

** * * Energy Performance Contracting * * **

Sec. 8. 16 V.S.A. § 3448f(a)(1) is amended to read:

(1) “Cost-saving measure” means any facility improvement, repair, addition, or alteration or any equipment, fixture, or furnishing to be constructed or installed in any facility that is designed to reduce energy consumption and operating costs or to increase the operating efficiency of facilities for their appointed functions, that is cost effective, and that is further defined by State Board rule.

** * * Effective Date * * **

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2026.