

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     § 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  
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 elected 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 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 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 ~~\$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  
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 representatives 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.]*



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:

