

S.273

Introduced by Senators Gulick, Clarkson, Hardy, Vyhovsky, Watson and
White

Referred to Committee on

Date:

Subject: Education; maintenance of public schools; public funds; designation;
tuition; education finance; independent schools

Statement of purpose of bill as introduced: This bill proposes to (1) require a
school district that does not maintain an elementary school or a high school to
designate eligible schools to serve as the public school of the district; (2) repeal
the definition of approved independent school and the approved independent
school approval process, while maintaining the recognized independent school
enrollment process; (3) create a definition of therapeutic schools and make
amendments to special education independent school tuition provisions; (4)
make conforming changes throughout Title 16 regarding the school
designation process; and (5) make conforming changes throughout the
Vermont Statutes Annotated based on the repeal of the approved independent
school definition and approval process.

An act relating to the provision of State-funded education in school districts
that do not maintain an elementary school or a high school

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

2 * * * Elementary and High School Designation * * *

3 Sec. 1. 16 V.S.A. § 820 is added to read:

4 § 820. SCHOOLS ELIGIBLE FOR DESIGNATION

5 Under this chapter, a school district that does not maintain a school for the
6 grades for which it is organized to provide education shall designate up to three
7 schools to serve as the public school or schools of the district. A school
8 eligible for designation shall be:

9 (1) a public school in Vermont;

10 (2) a public school located outside Vermont in a different state; or

11 (3) an independent school recognized under section 166 of this title that
12 meets at least three of the following four criteria:

13 (A) The recognized independent school serves as a regional CTE
14 center as defined in section 1522 of this title.

15 (B) The recognized independent school was established through the
16 granting of a charter by the Vermont General Assembly.

17 (C) The recognized independent school qualified as a public school
18 under the definition of “public school” in effect on June 30, 1991, under
19 subdivision 11(a)(7) of this title.

1 (D) The recognized independent school is designated under section
2 1935 of this title as an employer of teachers within the meaning of chapter 55
3 of this title (State Teachers' Retirement System of Vermont).

4 Sec. 2. 16 V.S.A. § 821 is amended to read:

5 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY
6 SCHOOLS OR PAY TUITION TO DESIGNATED SCHOOLS

7 (a) Each school district shall maintain one or more approved schools within
8 the district in which elementary education for its resident students in
9 kindergarten through grade six is provided unless:

10 (1) the electorate authorizes the school board to provide for the
11 elementary education of the students by paying tuition ~~in accordance with law~~
12 ~~to one or more public~~ three or fewer elementary schools ~~in one or more school~~
13 ~~districts~~ that qualify for designation under section 820 of this title;

14 (2) the school district is organized to provide only high school education
15 for its students; or

16 (3) the General Assembly provides otherwise.

17 (b) [Repealed.]

18 (c) Notwithstanding subsection (a) of this section, without previous
19 authorization by the electorate, a school board in a district that operates an
20 elementary school may pay tuition for elementary students who reside near a
21 public elementary school in an adjacent district upon request of the student's

1 parent or guardian, if in the board's judgment the student's education can be
2 more conveniently furnished there due to geographic considerations. Within
3 30 days of following the board's decision, a parent or guardian who is
4 dissatisfied with the decision of the board under this subsection may request a
5 determination by the Secretary, who shall have authority to direct the school
6 board to pay all, some, or none of the student's tuition and whose decision
7 shall be final.

8 (d) ~~Notwithstanding subdivision (a)(1) of this section, the electorate of a~~
9 ~~school district that does not maintain an elementary school may grant general~~
10 ~~authority to the school board to pay tuition for an elementary student at an~~
11 ~~approved independent elementary school or an independent school meeting~~
12 ~~education quality standards pursuant to sections 823 and 828 of this chapter~~
13 ~~upon notice given by the student's parent or legal guardian before April 15 for~~
14 ~~the next academic year. [Repealed.]~~

15 Sec. 3. 16 V.S.A. § 822 is amended to read:

16 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
17 PAY TUITION TO DESIGNATED SCHOOLS

18 (a) Each school district shall maintain one or more approved high schools
19 in which high school education is provided for its resident students unless:

20 (1) the electorate authorizes the school board to close an existing high
21 school and to provide for the high school education of its students by paying

1 tuition to a ~~public~~ three or fewer high school, ~~an approved independent high~~
2 ~~school, or an independent school meeting education quality standards, to be~~
3 ~~selected by the parents or guardians of the student, within or outside the State~~
4 schools that qualify for designation under section 820 of this title; or

5 (2) the school district is organized to provide only elementary education
6 for its students.

7 (b) For purposes of this section, a school district that is organized to
8 provide kindergarten through grade 12 and maintains a program of education
9 for only the first eight years of compulsory school attendance shall be
10 obligated to pay tuition for its resident students for at least four additional
11 years.

12 (c)(1) A school district may both maintain a high school and furnish high
13 school education by paying tuition:

14 (A) ~~to~~ To a public school other than the designated school or schools
15 as in the judgment of the school board may best serve the interests of the
16 students; or. Judgment of the board shall be final in regard to the institution
17 the students may attend at public cost.

18 (B) ~~to an approved independent school or an independent school~~
19 ~~meeting education quality standards if the school board judges that a student~~
20 ~~has unique educational needs that cannot be served within the district or at a~~
21 ~~nearby public school. [Repealed.]~~

1 (2) ~~The judgment of the board shall be final in regard to the institution~~
2 ~~the students may attend at public cost. [Repealed.]~~

3 Sec. 4. 16 V.S.A. § 823 is amended to read:

4 § 823. ELEMENTARY TUITION

5 (a) Tuition for elementary students shall be paid by the district in which the
6 student is a resident. The district shall pay the full tuition charged its students
7 attending a ~~public~~ public designated elementary school. If a payment made to a
8 ~~public~~ public designated elementary school is three percent more or less than the
9 calculated net cost per elementary pupil in the receiving school district for the
10 year of attendance, the district shall be reimbursed, credited, or refunded
11 pursuant to section 836 of this title. Notwithstanding the provisions of this
12 subsection or of subsection 825(b) of this title, the boards or boards of trustees
13 of both the receiving and sending districts or schools may enter into tuition
14 agreements with terms differing from the provisions of those subsections,
15 provided that the receiving district or school must offer identical terms to all
16 sending districts, and further provided that the statutory provisions apply to
17 any sending district that declines the offered terms.

18 (b) ~~Unless the electorate of a school district authorizes payment of a higher~~
19 ~~amount at an annual or special meeting warned for the purpose, the tuition paid~~
20 ~~to an approved independent elementary school or an independent school~~
21 ~~meeting education quality standards shall not exceed the least of:~~

1 ~~(1) the average announced tuition of Vermont union elementary schools~~
2 ~~for the year of attendance;~~

3 ~~(2) the tuition charged by the approved independent school for the year~~
4 ~~of attendance; or~~

5 ~~(3) the average per pupil tuition the district pays for its other resident~~
6 ~~elementary students in the year in which the student is enrolled in the approved~~
7 ~~independent school. [Repealed.]~~

8 Sec. 5. 16 V.S.A. § 824 is amended to read:

9 § 824. HIGH SCHOOL TUITION

10 (a) Tuition for high school students shall be paid by the school district in
11 which the student is a resident.

12 (b) Except as otherwise provided for technical students in chapter 37 of this
13 title, the district shall pay the full tuition charged its students attending a ~~public~~
14 designated high school in Vermont or an adjoining state ~~or a public or~~
15 ~~approved independent school in Vermont functioning as an approved area~~
16 ~~career technical center, or an independent school meeting education quality~~
17 ~~standards;~~ provided:

18 (1) If a payment made to a ~~public~~ designated high school ~~or an~~
19 ~~independent school meeting education quality standards~~ is three percent more
20 or less than the calculated net cost per secondary pupil in the receiving school
21 district ~~or independent school~~ for the year of attendance, then the district ~~or~~

1 ~~school~~ shall be reimbursed, credited, or refunded pursuant to section 836 of
2 this title.

3 (2) Notwithstanding the provisions of this subsection or of subsection
4 825(b) of this title, the board or board of trustees of the ~~receiving public~~
5 designated school district, ~~public or approved independent school functioning~~
6 ~~as an area career technical center, or independent school meeting education~~
7 ~~quality standards~~ may enter into tuition agreements with the boards of sending
8 districts that have terms differing from the provisions of those subsections,
9 provided that the receiving district or school must offer identical terms to all
10 sending districts, and further provided that the statutory provisions apply to
11 any sending district that declines the offered terms.

12 (c) ~~The district shall pay an amount not to exceed the average announced~~
13 ~~tuition of Vermont union high schools for the year of attendance for its~~
14 ~~students enrolled in an approved independent school not functioning as a~~
15 ~~Vermont area career technical center, or any higher amount approved by the~~
16 ~~electorate at an annual or special meeting warned for that purpose. [Repealed.]~~

17 Sec. 6. 16 V.S.A. § 826 is amended to read:

18 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

19 (a) A school board, or the board of trustees of ~~an independent school~~
20 ~~meeting education quality standards~~, a school eligible for designation under
21 subdivision 820(3) of this title that proposes to increase tuition charges shall

1 notify the school board of the school district from which its nonresident
2 students come, and the Secretary, of the proposed increase on or before
3 January 15 in any year; such increases shall not become effective without the
4 notice and not until the following school year.

5 (b) A school board ~~or the board of trustees of an independent school~~
6 ~~meeting education quality standards~~ may establish a separate tuition for one or
7 more special education programs. No such tuition shall be established unless
8 the State Board has by rule defined the program as of a type that may be
9 funded by a separate tuition. Any such tuition shall be announced in
10 accordance with the provisions of subsection (a) of this section. The amount
11 of tuition shall reflect the net cost per pupil in the program. The announcement
12 of tuition shall describe the special education services included or excluded
13 from coverage. Tuition for part-time students shall be reduced proportionally.

14 (c) Excess special education costs incurred by a supervisory union in
15 providing special education services to a student beyond those covered by
16 tuition may be charged to the student's supervisory union for the district of
17 residence. However, only actual costs or actual proportionate costs attributable
18 to the student may be charged.

19 (d) The State Board shall adopt rules relating to the types of special
20 education programs that may establish tuition charges and relating to methods
21 and times of calculating excess charges.

1 Sec. 7. 16 V.S.A. § 827 is amended to read:

2 § 827. DESIGNATION OF A ~~PUBLIC-HIGH SCHOOL OR AN~~

3 ~~APPROVED INDEPENDENT HIGH SCHOOL~~ AS THE PUBLIC

4 ~~HIGH SCHOOL~~ OF A SCHOOL DISTRICT

5 (a) School designation.

6 (1) High school designation. A The school board of a school district not
7 maintaining an approved public high school ~~may~~ shall vote on such terms or
8 conditions as it deems appropriate, to designate three or fewer ~~approved~~
9 ~~independent or public high~~ schools eligible for designation under section 820
10 of this title as the public high school or schools of the district. The vote of the
11 school board shall occur at a school board meeting, held in accordance with the
12 Vermont Open Meeting Law.

13 (2) Elementary school designation. The school board of a school district
14 not maintaining an approved public elementary school shall vote on such terms
15 or conditions as it deems appropriate, to designate three or fewer schools
16 eligible for designation under section 820 of this title as the public elementary
17 school or schools of the district. The vote of the school board shall occur at a
18 school board meeting, held in accordance with the Vermont Open Meeting
19 Law.

20 (b) Tuition. Except as otherwise provided in this section, if the board of
21 trustees or the school board of a designated school votes to accept this

1 designation, the school shall be regarded as a public school for tuition purposes
2 under ~~subsection 824(b)~~ sections 823 and 824 of this title, and the sending
3 school district shall pay tuition only to that school, and to any other school
4 designated under this section, until such time as the sending school district or
5 the designated school votes to rescind the designation.

6 (c) Parent requests. A parent or legal guardian who is dissatisfied with the
7 instruction provided at a designated school or who cannot obtain for ~~his or her~~
8 the parent's or legal guardian's child the kind of course or instruction desired
9 there, or whose child can be better accommodated in ~~an approved independent~~
10 ~~or a public~~ elementary or public high school nearer ~~his or her~~ the child's home
11 during the next academic year, may request on or before April 15 that the
12 school board pay tuition to another ~~approved independent or public~~ elementary
13 or public high school selected by the parent or guardian.

14 (d) School board decision regarding parent requests. The school board may
15 pay tuition to another approved public elementary or public high school as
16 requested by the parent or legal guardian if in its judgment that will best serve
17 the interests of the student. Its decision shall be final in regard to the
18 institution the student may attend. If the board approves the parent's request,
19 the board shall pay tuition for the student in an amount not to exceed the least
20 of:

1 (1) The statewide average announced tuition of Vermont union high
2 schools.

3 (2) The per-pupil tuition the district pays to the designated school in the
4 year in which the student is enrolled in the nondesignated school. If the district
5 has designated more than one school pursuant to this section, then it shall be
6 the lowest per-pupil tuition paid to a designated school.

7 (3) The tuition charged by the approved nondesignated school in the
8 year in which the student is enrolled.

9 (e) ~~Notwithstanding any other provision of law to the contrary:~~

10 ~~(1) the school districts of Pawlet, Rupert, and Wells may designate a~~
11 ~~public high school located in New York as the public high school of the district~~
12 ~~pursuant to the provisions of this section;~~

13 ~~(2) unless otherwise directed by an affirmative vote of the school~~
14 ~~district, when the Wells Board approves parental requests to pay tuition to a~~
15 ~~nondesignated approved independent or public school, the Board shall pay~~
16 ~~tuition in an amount not to exceed the base education amount as determined~~
17 ~~under section 4011 of this title for the fiscal year in which tuition is being paid;~~
18 ~~and~~

19 ~~(3) unless otherwise directed by an affirmative vote of the school~~
20 ~~district, when the Strafford Board approves a parental request to pay tuition to~~
21 ~~a nondesignated approved independent or public school, the Board shall pay~~

1 ~~tuition to the nondesignated school pursuant to section 824 of this title for the~~
2 ~~year in which the student is enrolled; provided, however, that it shall not pay~~
3 ~~tuition in an amount that exceeds the tuition paid to the designated school for~~
4 ~~the same academic year. [Repealed.]~~

5 Sec. 8. 16 V.S.A. § 828 is amended to read:

6 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

7 (a) A school district shall not pay the tuition of a student except to:

8 (1) a public school located in Vermont;

9 (2) ~~an approved independent school that:~~

10 ~~(A) is located in Vermont;~~

11 ~~(B) is approved under section 166 of this title on or before July 1,~~

12 ~~2025;~~

13 ~~(C) is located within either:~~

14 ~~(i) a supervisory district that does not operate a public school for~~
15 ~~some or all grades as of July 1, 2024; or~~

16 ~~(ii) a supervisory union with one or more member school districts~~
17 ~~that does not operate a public school for some or all grades as of July 1, 2024;~~

18 ~~(D) had at least 25 percent of its student enrollment composed of~~
19 ~~students attending on a district funded tuition basis pursuant to chapter 21 of~~
20 ~~this title during the 2023–2024 school year; and~~

1 ~~(E) complies with the minimum class size requirements contained in~~
2 ~~subdivision 165(a)(9) of this title and State Board rule; provided, however, that~~
3 ~~if a school is unable to comply with the class size minimum standards due to~~
4 ~~geographic isolation or a school has developed an implementation plan to meet~~
5 ~~the class size minimum requirements, the school may ask the State Board to~~
6 ~~grant it a waiver from this subdivision (E), which decision shall be final a~~
7 ~~school eligible for designation under section 820 of this title;~~

8 ~~(3) an independent school meeting education quality standards;~~

9 [Repealed.]

10 (4) a tutorial program approved by the State Board;

11 (5) an approved education program;

12 (6) a public school located in another state; or

13 (7) a therapeutic approved independent school located in Vermont or
14 another state or country that is approved under the laws of that state or country.

15 (b) Payment of tuition on behalf of a person shall not be denied on account
16 of age.

17 (c) Unless otherwise provided, a person who is aggrieved by a decision of a
18 school board relating to eligibility for tuition payments, the amount of tuition
19 payable, or the school the person may attend, may appeal to the State Board
20 and its decision shall be final.

1 (d) ~~As used in this section, “therapeutic approved independent school”~~
2 ~~means an approved independent school that limits enrollment for publicly~~
3 ~~funded students residing in Vermont to students who are on an individualized~~
4 ~~education program or plan under Section 504 of the Rehabilitation Act of~~
5 ~~1973, 29 U.S.C. § 794, or who are enrolled pursuant to a written agreement~~
6 ~~between a local education agency and the school or pursuant to a court order.~~

7 [Repealed.]

8 Sec. 9. REPEAL

9 16 V.S.A. § 835 (tuitioning of elementary students in Lemington,
10 Bloomfield, Brunswick, Granby, Guildhall, and Maidstone) is repealed.

11 Sec. 10. 16 V.S.A. § 836 is amended to read:

12 § 836. TUITION OVERCHARGE OR UNDERCHARGE

13 (a) Annually, on or before November 1, the Secretary shall inform each
14 school board or board of trustees of a receiving public designated school, ~~each~~
15 ~~board of trustees of a receiving approved independent school for which the~~
16 ~~Secretary has calculated a net cost per pupil,~~ and each sending school district
17 in Vermont of the calculated net cost per elementary or secondary pupil in the
18 receiving schools. Each school board or board of trustees of a receiving school
19 shall then determine whether it overcharged or undercharged any sending
20 district for tuition charges and shall notify the district by December 15 of the
21 same year of the amount due or the amount to be refunded or credited.

1 (b) If the sending district has paid tuition charges in excess of three percent
2 of the calculated net cost per elementary or secondary pupil and is not sending
3 enough students to the receiving district to use the overcharge funds as credit
4 against tuition, the receiving district shall refund the overcharge money ~~by~~ on
5 or before July 31; provided, however, that the refund shall be in the amount
6 that exceeded a ~~three percent~~ three percent overcharge. Interest owed the
7 sending district on overcharge monies shall begin to accrue on December 1, at
8 the rate of one-half percent per month.

9 (c) If the receiving district has undercharged tuition in an amount three
10 percent or more than the calculated net cost per elementary or secondary pupil,
11 the sending district shall pay the receiving district an amount equal to the
12 amount of the undercharge that is between three percent and ten percent of the
13 net cost per pupil. If payment is not made ~~by~~ on or before July 31 of the year
14 following the year in which the undercharge was determined, interest owed the
15 receiving district on undercharge monies shall begin to accrue on August 1, at
16 the rate of one percent per month.

17 * * * Recognized Independent Schools * * *

18 Sec. 11. 16 V.S.A. § 11 is amended to read:

19 § 11. CLASSIFICATIONS AND DEFINITIONS

20 (a) As used in this title, unless the context otherwise clearly requires:

21 * * *

* * *

* * *

* * *

1 Sec. 12. 16 V.S.A. § 165 is amended to read:

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

5 * * *

6 (b) Annually, the Secretary shall determine whether students in each
7 Vermont public school are provided educational opportunities substantially
8 equal to those provided in other public schools. If the Secretary determines
9 that a school is not meeting the education quality standards listed in subsection
10 (a) of this section or that the school is making insufficient progress in
11 improving student performance in relation to the standards for student
12 performance set forth in subdivision 164(9) of this title, the Secretary shall
13 describe in writing actions that a district must take in order to meet either or
14 both sets of standards and shall provide technical assistance to the school. If
15 the school fails to meet the standards or make sufficient progress within two
16 years following the determination, the Secretary shall recommend to the State
17 Board one or more of the following actions:

18 (1) the Agency continue to provide technical assistance for one more
19 cycle of review;

20 (2) the State Board adjust supervisory union boundaries or
21 responsibilities of the superintendency pursuant to section 261 of this title;

(4) the State Board close an individual school or schools and require that the school district pay tuition to another public school or an approved independent school eligible for designation pursuant to chapter 21 of this title;

or

(f) In order to be designated ~~an~~ a recognized independent school meeting education quality standards, ~~an~~ a recognized independent school shall participate in the education quality standards process of subsection (b) of this section. ~~An~~ A recognized independent school shall receive technical assistance in accordance with the provisions of subsection (b), but shall not be subject to subdivisions (b)(2)–(4) of this section. The school shall be ~~an~~ a recognized independent school meeting education quality standards unless the State Board, after opportunity for hearing, finds that:

Sec. 13. 16 V.S.A. § 166 is amended to read:

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1 (a) Authority. An independent school may operate and provide elementary
2 education or secondary education if it is ~~either approved or~~ recognized as set
3 forth in this section.

4 (b) ~~Approved independent schools. On application, the State Board shall~~
5 ~~approve an independent school that offers elementary or secondary education~~
6 ~~if it finds, after opportunity for hearing, that the school provides a minimum~~
7 ~~course of study pursuant to section 906 of this title and that it substantially~~
8 ~~complies with all statutory requirements for approved independent schools and~~
9 ~~the Board's rules for approved independent schools. An independent school~~
10 ~~that intends to accept public tuition shall be approved by the State Board only~~
11 ~~on the condition that the school agrees, notwithstanding any provision of law~~
12 ~~to the contrary, to enroll any student who requires special education services~~
13 ~~and who is placed in or referred to the approved independent school as an~~
14 ~~appropriate placement and least restrictive environment for the student by the~~
15 ~~student's individualized education program team or by the local education~~
16 ~~agency; provided, however, that this requirement shall not apply to an~~
17 ~~independent school that limits enrollment to students who are on an~~
18 ~~individualized education program or a plan under Section 504 of the~~
19 ~~Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to~~
20 ~~a written agreement between the local education agency and the school. Except~~
21 ~~as provided in subdivision (6) of this subsection, the Board's rules must at~~

1 ~~minimum require that the school have the resources required to meet its stated~~
2 ~~objectives, including financial capacity, faculty who are qualified by training~~
3 ~~and experience in the areas in which they are assigned, and physical facilities~~
4 ~~and special services that are in accordance with any State or federal law or~~
5 ~~regulation. Approval may be granted without State Board evaluation in the~~
6 ~~case of any school accredited by a private, State, or regional agency recognized~~
7 ~~by the State Board for accrediting purposes, provided that the State Board shall~~
8 ~~determine that the school complies with all student enrollment provisions~~
9 ~~required by law.~~

10 ~~(1) On application, the State Board shall approve an independent school~~
11 ~~that offers kindergarten but no other graded education if it finds, after~~
12 ~~opportunity for hearing, that the school substantially complies with the Board's~~
13 ~~rules for approved independent kindergartens. The State Board may delegate to~~
14 ~~another State agency the authority to evaluate the safety and adequacy of the~~
15 ~~buildings in which kindergartens are conducted but shall consider all findings~~
16 ~~and recommendations of any such agency in making its approval decision.~~

17 ~~(2) Approvals under this subsection (b) shall be for a term established by~~
18 ~~rule of the Board but not greater than five years.~~

19 ~~(3) An approved independent school shall provide to the parent or~~
20 ~~guardian responsible for each of its students, prior to accepting any money for~~
21 ~~a student, an accurate statement in writing of its status under this section and a~~

1 ~~copy of this section. Failure to comply with this provision may create a~~
2 ~~permissible inference of false advertising in violation of 13 V.S.A. § 2005.~~

3 ~~(4) Each approved independent school shall provide to the Secretary on~~
4 ~~October 1 of each year the names, genders, dates of birth, and addresses of its~~
5 ~~enrolled students. Within seven days of the termination of a student's~~
6 ~~enrollment, the approved independent school shall notify the Secretary of the~~
7 ~~name and address of the student. The Secretary shall notify the appropriate~~
8 ~~school officials as provided in section 1126 of this title.~~

9 ~~(5) The State Board may revoke, suspend, or impose conditions upon the~~
10 ~~approval of an approved independent school, after having provided an~~
11 ~~opportunity for a hearing, for substantial failure to comply with the minimum~~
12 ~~course of study, for failure to demonstrate that the school has the resources~~
13 ~~required to meet its stated objectives, for failure to comply with statutory~~
14 ~~requirements or the Board's rules for approved independent schools, or for~~
15 ~~failure to report under subdivision (4) of this subsection (b). Upon that~~
16 ~~revocation or suspension, students required to attend school who are enrolled~~
17 ~~in that school shall become truant unless they enroll in a public school, an~~
18 ~~approved or recognized independent school, or a home study program.~~

19 ~~(6) This subdivision applies to an independent school located in Vermont~~
20 ~~that offers a distance learning program and that, because of its structure, does~~
21 ~~not meet some or all the rules of the State Board for approved independent~~

1 ~~schools. In order to be approved under this subdivision, a school shall meet the~~
2 ~~standards adopted by rule of the State Board for approved independent schools~~
3 ~~that can be applied to the applicant school and any other standards or rules~~
4 ~~adopted by the State Board regarding these types of schools. A school~~
5 ~~approved under this subdivision shall not be eligible to receive tuition~~
6 ~~payments from public school districts under chapter 21 of this title.~~

7 ~~(7) Approval for independent residential schools under this subsection is~~
8 ~~also contingent upon proof of the school's satisfactory completion of an annual~~
9 ~~fire safety inspection by the Department of Public Safety or its designee~~
10 ~~pursuant to 20 V.S.A. chapter 173, subchapter 2. A certificate executed by the~~
11 ~~inspecting entity, declaring satisfactory completion of the inspection and~~
12 ~~identifying the date by which a new inspection must occur, shall be posted at~~
13 ~~the school in a public location. The school shall provide a copy of the~~
14 ~~certificate to the Secretary of Education after each annual inspection. The~~
15 ~~school shall pay the actual cost of the inspection unless waived or reduced by~~
16 ~~the inspecting entity.~~

17 ~~(8)(A) If an approved independent school experiences any of the~~
18 ~~following financial reporting events during the period of its approved status,~~
19 ~~the school shall notify the Secretary of Education within five days after its~~
20 ~~knowledge of the event unless the failure is de minimis:~~

1 ~~(i) the school's failure to file its federal or State tax returns when~~
2 ~~due, after permissible extension periods have been taken into account;~~

3 ~~(ii) the school's failure to meet its payroll obligations as they are~~
4 ~~due or to pay federal or State payroll tax obligations as they are due;~~

5 ~~(iii) the school's failure to maintain required retirement~~
6 ~~contributions;~~

7 ~~(iv) the school's use of designated funds for nondesignated~~
8 ~~purposes;~~

9 ~~(v) the school's inability to fully comply with the financial terms~~
10 ~~of its secured installment debt obligations over a period of two consecutive~~
11 ~~months, including the school's failure to make interest or principal payments~~
12 ~~as they are due or to maintain any required financial ratios;~~

13 ~~(vi) the withdrawal or conditioning of the school's accreditation on~~
14 ~~financial grounds by a private, State, or regional agency recognized by the~~
15 ~~State Board for accrediting purposes; or~~

16 ~~(vii) the school's insolvency, as defined in 9 V.S.A. § 2286(a).~~

17 ~~(B)(i) If the Secretary reasonably believes that an approved~~
18 ~~independent school lacks financial capacity to meet its stated objectives during~~
19 ~~the period of its approved status, then the Secretary shall notify the school in~~
20 ~~writing of the reasons for this belief and permit the school a reasonable~~
21 ~~opportunity to respond.~~

1 ~~(ii) If the Secretary, after having provided the school a reasonable~~
2 ~~opportunity to respond, does not find that the school has satisfactorily~~
3 ~~responded or demonstrated its financial capacity, the Secretary may establish a~~
4 ~~review team that, with the consent of the school, includes a member of the~~
5 ~~Council of Independent Schools, to:~~

6 ~~(I) conduct a school visit to assess the school's financial~~
7 ~~capacity;~~

8 ~~(II) obtain from the school such financial documentation as the~~
9 ~~review team requires to perform its assessment; and~~

10 ~~(III) submit a report of its findings and recommendations to the~~
11 ~~State Board.~~

12 ~~(iii) If the State Board concludes that an approved independent~~
13 ~~school lacks financial capacity to meet its stated objectives during the period of~~
14 ~~its approved status, the State Board may take any action that is authorized by~~
15 ~~this section.~~

16 ~~(iv) In considering whether an independent school lacks financial~~
17 ~~capacity to meet its stated objectives during the period of its approved status~~
18 ~~and what actions the State Board should take if it makes this finding, the State~~
19 ~~Board may consult with, and draw on the analytical resources of, the Vermont~~
20 ~~Department of Financial Regulation.~~

1 ~~(C) Information provided by an independent school under this~~
2 ~~subsection that is not already in the public domain is exempt from public~~
3 ~~inspection and copying under the Public Records Act and shall be kept~~
4 ~~confidential.~~ [Repealed.]

5 (c) Recognized independent schools. Upon filing an enrollment notice, a
6 recognized independent school may provide elementary or secondary
7 education in Vermont. The enrollment notice shall be on a form provided by
8 the Secretary and shall be filed with the Secretary ~~no~~ not earlier than three
9 months before the beginning of the school year for the public schools in the
10 town in which the applicant proposes to locate.

11 (1) The enrollment notice shall contain the following information and
12 assurances:

13 (A) a statement that the school will be in session an amount of time
14 substantially equivalent to that required for public schools;

15 (B) a detailed description or outline of the minimum course of study
16 for each grade level the school offers and how the annual assessment of each
17 student will be performed; and

18 (C) assurances that:

19 (i) the school will prepare and maintain attendance records for
20 each student enrolled or regularly attending classes;

1 (ii) at least once each year, the school will assess each student's
2 progress, and will maintain records of that assessment, and present the result of
3 that assessment to each student's parent or guardian;

4 (iii) the school's educational program will include the minimum
5 course of study set forth in section 906 of this title;

6 (iv) the school will have teachers and materials sufficient to carry
7 out the school's educational program; and

8 (v) the school will meet such State and federal laws and
9 regulations concerning its physical facilities and health and safety matters as
10 are applicable to recognized independent schools.

11 (2) If the Secretary has information that creates significant doubt about
12 whether the school would be able to meet the requirements set forth in this
13 subsection, the Secretary may call a hearing. At the hearing, the school shall
14 establish that it can meet the requirements for recognized independent schools.
15 Failure to do so shall result in a finding by the Secretary that the school must
16 take specified action to come into compliance within a specified time frame or
17 the children enrolled must attend another recognized independent school, a
18 public school, ~~an approved independent school~~, or a home study program, or
19 be declared truant unless absent with legal excuse.

20 (3) A recognized independent school shall provide to each student's
21 parent or guardian a copy of its currently filed statement of objectives and a

1 copy of this section. The copy shall be provided when the student enrolls or
2 before September 1, whichever comes later. Failure to comply with this
3 subsection may create a permissible inference of false advertising in violation
4 of 13 V.S.A. § 2005.

5 (4) A recognized independent school shall renew its enrollment notice
6 annually. An independent school shall be recognized for a period not to
7 exceed five years by the Secretary without need for filing an annual enrollment
8 notice if:

9 (A) it is recognized by an organization approved by the State Board
10 for the purpose of recognizing such school; or

11 (B) it is accredited by a private, state, or regional agency approved by
12 the State Board for accrediting purposes; provided, however, nothing in this
13 subdivision (4) shall be construed to prohibit the Secretary from initiating a
14 hearing under this subsection (c).

15 (5) If the Secretary has information that creates significant doubt about
16 whether the school, once in operation, is meeting the requirements for
17 recognized independent schools, the Secretary may call a hearing. At the
18 hearing, the school shall establish that it has met the requirements for
19 recognized independent schools. Failure to do so shall result in a finding by
20 the Secretary that:

1 (A) the school may not be in operation for the remainder of the
2 school year and that the children are truant unless absent with legal excuse or
3 enrolled in a public school, ~~an independent school~~, another recognized
4 independent school, or a home study program; or

5 (B) the school must take specified action to come into compliance
6 within a specified time frame or the school will not be permitted to operate for
7 the remainder of the school year.

8 (6) Each recognized independent school shall provide to the Secretary
9 on October 1 of each year the names, genders, dates of birth, and addresses of
10 its enrolled students. Within seven days of following the termination of a
11 student's enrollment, the recognized independent school shall notify the
12 Secretary of the name and address of the student. The Secretary shall notify
13 the appropriate school officials as provided in section 1126 of this title.

14 (7) After the filing of the enrollment notice or at a hearing, if the school
15 is unable to comply with any specific requirements due to deep religious
16 conviction shared by an organized group, the Secretary may waive such
17 requirements if ~~he or she~~ the Secretary determines that the educational
18 purposes of this subsection are being or will be substantially met.

19 (d) Council of Independent Schools. A Council of Independent Schools is
20 created consisting of 11 members, ~~no fewer than three of whom shall be~~
21 ~~representatives of recognized independent schools~~. The Secretary shall

1 appoint nine members from within the independent schools' community. The
2 Secretary shall appoint two members from the public-at-large. Each member
3 shall serve for two years and may be reappointed for up to an additional two
4 terms. The Council shall adopt rules for its own operation. A chair shall be
5 elected by and from among the members. The duties of the Council shall
6 include advising the Secretary on policies and procedures with respect to
7 independent schools. No hearing shall be initiated under this section before the
8 State Board or by the Secretary until the recommendations of the Council have
9 been sought and received. The recommendations of the Council, including any
10 minority reports, shall be admissible at the hearing.

11 (e) Harassment, hazing, and bullying policies. The board of trustees of ~~an~~
12 ~~approved or a~~ recognized independent school operating in Vermont shall adopt
13 harassment, hazing, and bullying prevention policies; establish procedures for
14 dealing with harassment, hazing, and bullying of students; and provide notice
15 of these. The provisions of chapter 9, subchapter 5 of this title for public
16 schools shall apply to this subsection, except that the board shall follow its
17 own procedures for adopting policy.

18 (f) Tuition bills. ~~An approved independent~~ A school eligible for
19 designation under subdivision 820(3) of this title that accepts students for
20 whom the district of residence pays tuition under chapter 21 of this title shall
21 bill the sending district monthly for a State-placed student and shall not bill the

1 sending district for any month in which the State-placed student was not
2 enrolled.

3 (g) Tuition students; assessments. ~~An approved independent~~ A school
4 eligible for designation under subdivision 820(3) of this title that accepts
5 students for whom the district of residence pays tuition under chapter 21 of this
6 title shall use the assessment or assessments required under subdivision 164(9)
7 of this title to measure attainment of standards for student performance of
8 those students. In addition, the school shall provide data related to the
9 assessment or assessments as required by the Secretary.

10 * * * Conforming Changes to Title 16 * * *

11 Sec. 14. 16 V.S.A. § 253 is amended to read:

12 § 253. CONFIDENTIALITY OF RECORDS

13 * * *

14 (c) In accordance with 21 V.S.A. § 306, a board member, superintendent,
15 or headmaster shall not enter into on behalf of a supervisory union, school
16 district, or recognized ~~or approved~~ independent school a confidential
17 employment separation agreement that inhibits the disclosure to prospective
18 employers and responsible licensing entities of factual information about a
19 prospective employee's background that would lead a reasonable person to
20 conclude that the prospective employee has engaged in conduct jeopardizing
21 the safety of a minor. Notwithstanding any provision of law to the contrary

1 under 33 V.S.A. chapter 49, a board member, superintendent, or headmaster
2 and employees of a supervisory union, school district, or recognized ~~or~~
3 ~~approved~~ independent school shall provide factually correct information
4 concerning a former employee's employment record with the supervisory
5 union, school district, or recognized ~~or approved~~ independent school to a
6 prospective employer of that individual if requested by the prospective
7 employer. Nothing in this subsection shall permit the disclosure of
8 information that is prohibited from disclosure by subsection (b) of this section.

9 Notwithstanding any provision of law to the contrary, a person shall not be
10 subject to civil or criminal liability for disclosing information that is required
11 by this section to be disclosed if the person was acting in good faith. This
12 immunity from liability shall not apply when the information supplied by a
13 person is knowingly false or rendered with a malicious purpose.

14 Sec. 15. 16 V.S.A. § 255 is amended to read:

15 § 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;

16 CONTRACTORS

17 (a) Superintendents, headmasters of recognized ~~or approved~~ independent
18 schools, and their contractors shall request criminal record information for the
19 following:

20 * * *

1 (j) The board of trustees of a recognized or ~~an approved~~ independent school
2 shall request a criminal record check and a check of the Registries pursuant to
3 the provisions of this section prior to offering employment to a headmaster.

4 * * *

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

6 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

7 MAINTENANCE OF RECORDS

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

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

14 (B) the record no longer exists;

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

18 (D) as otherwise required by this chapter.

19 * * *

1 Sec. 17. 16 V.S.A. § 563a is amended to read:

2 § 563a. PREVENTION, IDENTIFICATION, AND REPORTING OF
3 CHILD SEXUAL ABUSE AND SEXUAL VIOLENCE

4 Each school board of a school district and governing body of ~~an approved~~
5 ~~or a~~ recognized independent school shall ensure that adults employed in the
6 schools within its jurisdiction receive orientation, information, or instruction
7 on the prevention, identification, and reporting of child sexual abuse, as
8 defined in 33 V.S.A. § 4912(8), and sexual violence. This shall include
9 information regarding the signs and symptoms of sexual abuse, sexual
10 violence, grooming processes, recognizing the dangers of child sexual abuse in
11 and close to the home, and other predatory behaviors of sex offenders. The
12 school board or governing body shall also provide opportunities for parents,
13 guardians, and other interested persons to receive the same information. The
14 Agencies of Education and of Human Services shall provide materials and
15 technical support to any school board or governing body that requests
16 assistance in implementing this section.

17 Sec. 18. 16 V.S.A. § 568 is amended to read:

18 § 568. SCHOOL BRANDING

19 (a) Definitions. As used in this section:

20 (1) "School" means a public school or ~~an~~ a recognized independent
21 school approved under section 166 of this title.

* * *

Sec. 19. 16 V.S.A. § 570 is amended to read:

§ 570. HARASSMENT, HAZING, AND BULLYING PREVENTION
POLICIES

* * *

(e) Definitions. ~~In~~ As used in this subchapter:

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

* * *

Sec. 20. 16 V.S.A. § 702 is amended to read:

§ 702. DEFINITIONS

As used in this chapter:

* * *

(4) “Member district” means a school district, which can be a union
school district, that is a member of a union elementary school district or a
union high school district for certain grades, prekindergarten through grade 12,
and is a distinct district organized to provide for the education of its resident
students for all other grades, whether by operating one or more schools or
paying tuition to a designated school or schools.

* * *

1 (13)(A) “Union school district” means a municipality formed under the
2 provisions of this chapter that is governed by a single publicly elected board
3 and that is responsible for the education of students residing in two or more
4 towns in the grades for which the district is organized by:

5 (i) operating a school or schools for all grades;

6 (ii) operating a school or schools for all students in one or more
7 grades and paying tuition to a designated school or schools for all students in
8 the remaining grade or grades; or

9 (iii) paying tuition to a designated school or schools for all grades.

10 * * *

11 Sec. 21. 16 V.S.A. § 708(c) is amended to read:

12 (c) Proposal to form union school district; report and proposed articles of
13 agreement. If a study committee determines that it is advisable to propose
14 formation of a union school district, then it shall prepare a report analyzing the
15 strengths and challenges of the current structures of all “necessary” and
16 “advisable” school districts and outlining the ways in which a union school
17 district promotes the State policy set forth in section 701 of this chapter. The
18 study committee shall also prepare proposed articles of agreement that, if
19 approved pursuant to the provisions of this chapter, shall serve as the operating
20 agreement for the new union school district. At a minimum, articles of
21 agreement shall state:

* * *

* * *

1 school district and elect initial members of the board) of this chapter to form
2 the union school district or in a subsequent warning to amend the articles
3 pursuant to this section, which the voters approved.

4 (b) The union school district board. The board of a union school district
5 may amend a specific condition or agreement in the district's articles of
6 agreement only if the condition or agreement was not set forth as a distinct
7 subsection in a warning required in subsection (a) of this section, but was
8 instead incorporated into the warning by reference pursuant subsection 712(e)
9 of this chapter (warning on vote to establish union school district and elect
10 initial members of the board), or if the original articles of agreement or voter-
11 approved amendments authorize the board to amend a specific condition or
12 agreement.

13 (c) Reduction of grades operated. Notwithstanding the provisions of
14 subsection (a) (union school district voters) of this section, the voters shall not
15 vote whether to reduce the grades that the union school district operates, and to
16 begin paying tuition to a designated school or school for those grades, unless
17 the State Board finds it is in the best interests of the State, the students, and the
18 districts involved and aligns with the policy set forth in section 701 of this title
19 and gives prior approval to the proposed amendment.

20 * * *

1 Sec. 23. 16 V.S.A. § 724 is amended to read:

2 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED
3 UNION SCHOOL DISTRICT

4 * * *

5 (d) Report, including a plan for withdrawal; decision not to prepare report.

6 (1) Report supporting withdrawal.

7 (A) If, after conducting the analysis required by subsection (c) of this
8 section, the withdrawal study committee votes to advance the withdrawal
9 process as further outlined in this section, then the committee shall prepare a
10 report, which it shall deliver electronically to the union district board and
11 which the superintendent shall publish on the district's website.

12 (B) At a minimum, the report shall include:

13 (i) the analysis conducted pursuant to subsection (c) of this
14 section, describing the ways in which the data and analysis:

15 (I) support withdrawal; and

16 (II) do not support the continuation of the union district in its
17 current configuration;

18 (ii) the proposed financial terms of withdrawal, including the
19 proposed ownership of buildings and other assets and the proposed
20 responsibility for financial and other contractual obligations, including debts;

1 (iii) a plan, including a detailed timeline, for the actions the
2 proposed new school district would take to ensure that, on a proposed
3 operational date, it could provide for the education of its students in
4 prekindergarten through grade 12 by operating all grades, tuitioning all grades
5 to a designated school or schools, or operating some grades and tuitioning the
6 remainder; to a designated school or schools in a manner that will meet
7 educational quality standards as required by section 165 of this title, and
8 including, if applicable, the process by which the proposed new school district
9 would explore formation of a new union school district with one or more other
10 school districts in the region and would integrate or condition any votes to
11 withdraw with votes on formation of a new union district; and

12 * * *

13 Sec. 24. 16 V.S.A. § 912 is amended to read:

14 § 912. STUDENT'S RIGHT OF REFUSAL; ANIMAL DISSECTION

15 (a) A student in a public elementary or secondary school or ~~an approved~~ a
16 recognized independent school shall have the right to be excused from
17 participating in any lesson, exercise, or assessment requiring the student to
18 dissect, vivisect, or otherwise harm or destroy an animal or any part of an
19 animal, or to observe any of these activities, as part of a course of instruction.

1 (b) Each school district and ~~approved~~ recognized independent school shall
2 adopt and implement policies regarding a student's right to be excused under
3 this section, which shall include:

4 * * *

5 Sec. 25. 16 V.S.A. § 944 is amended to read:

6 § 944. DUAL ENROLLMENT PROGRAM

7 (a) Program creation. There is created a statewide Dual Enrollment
8 Program to be a potential component of a student's flexible pathway. The
9 Program shall include college courses offered on the campus of an accredited
10 postsecondary institution and college courses offered by an accredited
11 postsecondary institution on the campus of a secondary school. The Program
12 may include online college courses or components.

13 (b) Students.

14 (1) A Vermont resident who has completed grade 10 but has not
15 received a high school diploma is eligible to participate in the Program if:

16 (A) the student:

17 (i) is enrolled in:

18 (I) a Vermont public school, including a Vermont career
19 technical center;

1 (II) a public school in another state or ~~an approved independent~~
2 ~~school~~ that is designated as the public secondary school for the student's
3 district of residence pursuant to section 827 of this title; or

4 (III) ~~an approved independent~~ a school in Vermont to which the
5 student's district of residence pays publicly funded tuition on behalf of the
6 student eligible for designation under subdivision 820(3) of this title that is
7 designated as the public secondary school for the student's district of residence
8 pursuant to section 827 of this title;

9 (ii) is a student in the Adult Diploma Program under subsection
10 945(a) of this title; or

11 (iii) is a home study student;

12 (B) dual enrollment is an element included within the student's
13 personalized learning plan; and

14 (C) the secondary school and the postsecondary institution have
15 determined that the student is sufficiently prepared to succeed in a dual
16 enrollment course, which can be determined in part by the assessment tool or
17 tools identified by the participating postsecondary institution.

18 * * *

19 Sec. 26. 16 V.S.A. § 946 is amended to read:

20 § 946. EARLY COLLEGE

21 * * *

1 (c) A student on whose behalf the Secretary makes a payment pursuant to
2 subsection (a) of this ~~subsection~~ section:

3 (1) shall be enrolled as a full-time student in the institution receiving the
4 payment for the academic year for which payment is made;

5 (2) shall not be enrolled concurrently in a secondary school operated by
6 the student's district of residence or to which the district pays tuition on the
7 student's behalf to a designated school or schools; and

8 (3) shall not be included in the average daily membership of any school
9 district for the academic year for which payment is made; provided, however,
10 that if more than five percent of the grade 12 students residing in a district
11 enroll in an early college program, then the district may include the number of
12 students in excess of five percent in its average daily membership; but further
13 provided that a student in grade 12 enrolled in a college program shall be
14 included in the percentage calculation only if, for the previous academic year,
15 the student was enrolled in a school maintained by the district or was a student
16 for whom the district paid tuition to a ~~public or approved independent~~
17 designated school.

18 * * *

19 Sec. 27. 16 V.S.A. § 1045(a) is amended to read:

20 (a) A driver education and training course, approved by the Agency of
21 Education and the Department of Motor Vehicles, shall be made available to

1 students whose parent or guardian is a resident of Vermont and who have
2 reached their 15th birthday and who are regularly enrolled in a public ~~or~~
3 ~~independent high school approved by the State Board.~~

4 Sec. 28. 16 V.S.A. § 1046 is amended to read:

5 § 1046. ARRANGEMENT

6 Subject to the approval of the Secretary, each superintendent shall arrange
7 for the establishment of a driver education and training course for all public
8 ~~and approved independent~~ schools located within ~~his or her~~ the
9 superintendent's jurisdiction that so request.

10 * * * Attendance and Discipline * * *

11 Sec. 29. 16 V.S.A. § 1071(e) is amended to read:

12 (e) Regional calendar. Before April 1 of each year, the superintendents of
13 ~~schools and the headmasters of public schools not managed by school boards~~
14 ~~in an area~~ a technical education service region shall meet, and by majority
15 vote, establish a uniform calendar within that area for the following school
16 year. The calendar shall include student attendance days, periods of vacation,
17 holidays, and teacher in-service education days and shall comply with
18 subsection (a) of this section. Unless permitted by the Secretary, no area
19 served by a regional career technical center shall be divided into two or more
20 calendar regions.

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1 shall include learning experiences that are the substantial equivalent of the
2 learning experiences required by the district of residence or the enrolling
3 school to obtain a high school diploma.

4 * * *

5 Sec. 31. 16 V.S.A. § 1075(b) is amended to read:

6 (b) The Secretary shall determine the legal residence of all State-placed
7 students pursuant to the provisions of this section. In all other cases, the
8 student's legal residence shall be determined by the school board of the district
9 in which the student is seeking enrollment or, if the student is seeking payment
10 of tuition to a designated school, the school board from which the student is
11 seeking tuition payment. If a student is denied enrollment at any stage, the
12 student and ~~his or her~~ the student's parent or guardian shall be notified in
13 writing, within 24 hours, of the provisions of this section. If the student is not
14 in attendance as a result of a preliminary decision by school officials and a
15 decision from the school board will not be available by the end of the second
16 school day after the request for enrollment is made, the Secretary may issue a
17 temporary order requiring enrollment. Any interested person or taxpayer who
18 is dissatisfied with the decision of the school board as to the student's legal
19 residence may appeal to the Secretary, who shall determine the student's legal
20 residence, and the decision of the Secretary shall be final. Pending appeal

1 under this subsection, the Secretary shall issue a temporary order requiring
2 enrollment.

3 Sec. 32. 16 V.S.A. § 1121 is amended to read:

4 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

5 A person having the control of a child between ~~the ages of~~ six and 16 years
6 of age shall cause the child to attend a public school, ~~an approved or a~~
7 recognized independent school, an approved education program, or a home
8 study program for the full number of days for which that school is held, unless
9 the child:

10 * * *

11 Sec. 33. 16 V.S.A. § 1127 is amended to read:

12 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

13 (a) The truant officer, upon receiving the notice provided in section 1126 of
14 this title, shall inquire into the cause of the nonattendance of the child. If ~~he or~~
15 ~~she~~ the truant officer finds that the child is absent without cause, the truant
16 officer shall give written notice to the person having the control of the child
17 that the child is absent from school without cause and shall also notify that
18 person to cause the child to attend school regularly thereafter.

19 (b) When, after receiving notice, a person fails, without legal excuse, to
20 cause a child to attend school as required by this chapter, ~~he or she~~ the person

1 shall be fined not more than \$1,000.00 pursuant to subsection (c) of this
2 section.

3 (c) The truant officer shall enter a complaint to the State's Attorney of the
4 county and shall provide a statement of the evidence upon which the complaint
5 is based. The State's Attorney shall prosecute the person. In the prosecution,
6 the complaint, information, or indictment shall be deemed sufficient if it states
7 that the respondent (naming the respondent) having the control of a child of
8 school age (naming the child) neglects to send that child to a public school or
9 ~~an approved or a~~ recognized independent school or a home study program as
10 required by law.

11 Sec. 34. 16 V.S.A. § 1161a is amended to read:

12 § 1161a. DISCIPLINE

13 (a) Each public and each ~~approved~~ recognized independent school shall
14 adopt and implement a comprehensive plan for responding to student
15 misbehavior. To the extent appropriate, the plan shall promote the positive
16 development of youths. The plan shall include:

17 * * *

18 (c) No person employed by or agent of a public or ~~approved~~ recognized
19 independent school shall inflict or cause to be inflicted corporal punishment
20 upon a student attending the school or the institution. However, this section
21 does not prohibit a person from using reasonable and necessary force:

* * *

Sec. 35. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

* * *

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school, ~~approved~~ recognized independent school, or prequalified private prekindergarten program who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

Sec. 36. 16 V.S.A. § 1163 is amended to read:

§ 1163. TRANSFER OF SUSPENSION OR EXPULSION TO OTHER
SCHOOLS

(a) If a student transfers from one Vermont public or recognized independent school to another, then upon application by the student and after a review of whether the school can provide the student with appropriate services, the new school may choose to continue a suspension or expulsion imposed by the original school.

(b) During a period of suspension or expulsion imposed under section 1162 of this title, a student, or parent or guardian, shall not be subject to the provisions of subchapter 3 of this chapter regarding compulsory attendance at

1 school, unless the conditions of the suspension or expulsion include
2 participation in a program in the school or an alternative program outside the
3 school. Further, nothing in this section shall prohibit a suspended or expelled
4 student from applying to a different Vermont public or recognized independent
5 school during the period of suspension or expulsion and attending if accepted.

6 (c) A school district that provides for the education of a suspended or
7 expelled student by paying tuition to a ~~public or approved independent~~
8 designated school may, at the discretion of the school board, provide for the
9 education of the student during the period of suspension or expulsion by
10 paying tuition to another public ~~or approved independent~~ school.

11 Sec. 37. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

12 Subchapter 2. School Food Programs

13 § 1261a. DEFINITIONS

14 As used in this subchapter:

15 (1) “Food programs” means provision of food to persons under
16 programs meeting standards for assistance under the National School Lunch
17 Act, 42 U.S.C. § 1751 et seq. and the Child Nutrition Act, 42 U.S.C. § 1771 et
18 seq., each as amended.

19 (2) “School board” means the governing body of a school district
20 responsible for the administration of a public school.

(4) “~~Approved~~ Eligible independent school” means an independent school physically located in Vermont ~~and approved,~~ recognized by the State Board of Education under section 166 of this title, ~~and eligible for designation under section 820 of this title.~~

§ 1262a. AWARD OF GRANTS

(B) eligible independent school boards schools that establish and operate food programs; and

§ 1264. FOOD PROGRAM

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1 amended, to each attending student who qualifies for those meals under these
2 acts every school day.

3 (B) In addition, each school board operating a public school shall
4 cause to operate within each school in the school district the same school
5 breakfast and school lunch program made available to students who qualify for
6 those meals under the Child Nutrition Act and the National School Lunch Act,
7 each as amended, for each attending student every school day at no charge. An
8 ~~approved~~ eligible independent school operating a school lunch and school
9 breakfast program made available to students who qualify for those meals
10 under the Child Nutrition Act and the National School Lunch Act, each as
11 amended, shall offer the same to each attending student every school day at no
12 charge in order to qualify for the universal meals supplement.

13 (C) In operating its school breakfast and lunch program, a school
14 district and an ~~approved~~ eligible independent school shall seek to achieve the
15 highest level of student participation, which may include any or all of the
16 following:

- 17 (i) providing breakfast meals that can be picked up by students;
18 (ii) making breakfast available to students in classrooms after the
19 start of the school day; and

1 (iii) for school districts, collaborating with the school's wellness
2 community advisory council, as established under subsection 136(e) of this
3 title, in planning school meals.

4 (D) A school district and an ~~approved~~ eligible independent school
5 shall count time spent by students consuming school meals during class as
6 instructional time.

7 * * *

8 § 1264a. LOCALLY PRODUCED FOODS

9 * * *

10 (e) As used in this section, "eligible entity" means:

11 (1) a supervisory union or supervisory district; or

12 (2) an ~~approved~~ eligible independent school, as defined by subdivision
13 1261a(4) of this title, operating a food program, as defined by subdivision
14 1261a(1) of this title, that also qualifies for the universal meals supplement
15 pursuant to section 4017 of this title.

16 Sec. 38. 16 V.S.A. § 4017 is amended to read:

17 § 4017. UNIVERSAL MEALS SUPPLEMENT

18 (a) ~~Definition~~ Definitions. For the purpose of this section,;

19 (1) "Eligible independent school" has the same meaning as that term has
20 in subdivision 1261a(4) of this title.

* * *

(1) From State funds appropriated to the Agency from the Education

(A) If the ~~approved~~ eligible independent school participates in the

(B) If the ~~approved~~ eligible independent school participates in the

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1 results of which shall be the number of meals the school shall be reimbursed
2 for.

3 (2) Second breakfasts, as allowed under 7 C.F.R. § 220.9(a), do not
4 qualify for reimbursement under this subsection.

5 (3) Students attending an ~~approved~~ eligible independent school on
6 public tuition shall include a prekindergarten child if the ~~approved~~ eligible
7 independent school also qualifies as a prequalified private provider and the
8 child's school district of residence pays tuition to the school pursuant to
9 section 829 of this title.

10 (4) An ~~approved~~ eligible independent school is eligible for the universal
11 meals supplement only if it operates a food program that makes available a
12 school lunch, as provided in the National School Lunch Act as amended, and a
13 school breakfast, as provided in the Child Nutrition Act as amended, to each
14 attending student who qualifies for those meals under these acts every school
15 day.

16 (5) Reimbursement from State funds shall be available only to ~~approved~~
17 eligible independent schools that maximize access to federal funds for the cost
18 of the school breakfast and lunch program by participating in the Community
19 Eligibility Provision under 7 C.F.R. § 245.9(f), or Provision 2 under 7 C.F.R. §
20 245.9(b), of these programs, or any other federal provision that in the opinion
21 of the Agency draws down the most possible federal funding for meals served

1 in that program. At the start of each school year, the Agency of Education may
2 require that a school food authority requesting the universal meals supplement
3 begin a new cycle of the relevant federal provision and group sites in a manner
4 the Agency determines will maximize the drawdown of federal funds.

5 * * *

6 Sec. 39. 16 V.S.A. § 1387 is amended to read:

7 § 1387. POSSESSION AND SELF-ADMINISTRATION OF EMERGENCY
8 MEDICATION

9 (a) Pursuant to the requirements of this section, each public and ~~approved~~
10 recognized independent school in the State shall permit students with life-
11 threatening allergies or with asthma to possess and self-administer emergency
12 medication at school, on school grounds, at school-sponsored activities, on
13 school-provided transportation, and during school-related programs.

14 * * *

15 (c) In each school year for which possession and self-administration of
16 emergency medication is requested, the student's parent or guardian shall
17 develop, in consultation with the school nurse or the designated health care
18 staff at ~~an approved~~ a recognized independent school, a plan of action
19 regarding responding to the student's life-threatening allergy or allergies or
20 asthma. The plan of action shall be based upon the written documentation
21 provided by the student's physician and shall include the name of each

1 emergency medication, the dosage, and the times and circumstances under
2 which the medication is to be taken. The written plan shall prominently state
3 that the medication is solely for the use of the student covered by the plan. The
4 parties developing the plan of action shall determine both to whom the plan, or
5 notification of the plan, shall be given and the person or persons responsible
6 for distribution or notification. The plan may include a requirement that the
7 student notify a school employee or agent after self-administering emergency
8 medication. The written plan shall become part of the student's health records
9 maintained by the school.

10 * * *

11 (e) Nothing in this section shall prohibit a public school district or ~~an~~
12 ~~approved~~ a recognized independent school from adopting school policies and
13 individual plans of action regarding the possession and self-administration of
14 emergency medication for medical conditions other than asthma and life-
15 threatening allergies.

16 Sec. 40. 16 V.S.A. § 1388 is amended to read:

17 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
18 EPINEPHRINE

19 (a) As used in this section:

20 * * *

* * *

* * *

* * *

* * *

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1 shall take when a student athlete suffers a concussion. The action plan shall
2 include policies on:

3 * * *

4 Sec. 42. 16 V.S.A. § 1432 is amended to read:

5 § 1432. MENSTRUAL PRODUCTS

6 (a) By enacting this statute, the General Assembly intends to ensure that all
7 students attending a public school ~~or an approved independent school~~ eligible
8 for designation under subdivision 820(3) of this title have access to menstrual
9 products at no cost and without having to request them.

10 (b)(1) A school district and ~~an approved independent~~ a school eligible for
11 designation under subdivision 820(3) of this title shall make menstrual
12 products available at no cost for each school within the district or under the
13 jurisdiction of the board of the independent school in:

14 (A) a majority of gender-neutral bathrooms and bathrooms
15 designated for female students that are generally used by students who are
16 eight years of age or older; and

17 (B) the school nurse's office.

18 (2) The school district or ~~independent~~ school eligible for designation
19 under subdivision 820(3) of this title, in consultation with the school nurse
20 who provides services to the school, shall determine which of the gender-

1 neutral bathrooms and bathrooms designated for female students to stock with
2 menstrual products and which brands to use.

3 (c) School districts and ~~approved independent~~ schools eligible for
4 designation under subdivision 820(3) of this title shall bear the cost of
5 supplying menstrual products and may seek grants or partner with a nonprofit
6 or community-based organization to fulfill this obligation.

7 Sec. 43. 16 V.S.A. chapter 33 is amended to read:

8 CHAPTER 33. FIRE AND EMERGENCY PREPAREDNESS DRILLS AND
9 SAFETY PATROLS

10 § 1480. EMERGENCY OPERATIONS PLANS

11 * * *

12 (b) Each ~~approved and~~ recognized independent school shall adopt and
13 maintain an all-hazards emergency operations plan consistent with the
14 requirements of subsection (a) of this section.

15 * * *

16 (d) The template maintained by the Vermont School Safety Center shall
17 include, at a minimum, hazard-specific provisions for:

18 * * *

19 (2) An athletic emergency action plan (AEAP) for all public or ~~approved~~
20 ~~and~~ recognized independent schools with an athletic department or organized
21 athletic program. The AEAP shall detail the steps to be taken in response to a

1 serious or life-threatening injury of a student participating in sports or other
2 athletic activities. The AEAP established by public and independent schools
3 pursuant to this subdivision shall be consistent with the athletic emergency
4 action plans policy established by the Vermont Principals' Association.

5 § 1481. FIRE AND EMERGENCY PREPAREDNESS DRILLS

6 * * *

7 (b) Each ~~approved or~~ recognized independent school or other educational
8 institution, other than a university or college, shall adopt a policy mandating
9 the school to conduct options-based response drills and fire drills in the fall and
10 spring of each academic year, consistent with the requirements of subsection
11 (a) of this section. The head of school shall report completion of the biannual
12 drills to the Agency of Education in a format approved by the Secretary.

13 * * *

14 § 1482. SAFETY PATROLS

15 (a) In the exercise of authorized control and supervision over students
16 attending schools and other educational institutions in this State, both public
17 and independent, the school board or other directing authority of a school or
18 institution may organize and supervise school safety patrols and the
19 appointment, with the permission of parents, of students as members for the
20 purpose of influencing and encouraging other students to refrain from crossing
21 public highways at points other than at regular crossings and for the purpose of

1 directing students not to cross highways at times when the presence of traffic
2 would make crossing unsafe.

3 (b) The school board or other directing authority shall obtain and keep in
4 force adequate accident insurance to protect students acting as safety patrols
5 during the performance of their services.

6 (c) The Commissioner of Public Safety shall, upon the request of a school
7 board or other directing authority of any public ~~or independent~~ educational
8 institution, assign an officer or officers of the State Police to assist the school
9 authorities to organize and supervise school safety patrols, advise and make
10 recommendations concerning the elimination of traffic hazards endangering
11 the safety of students, and otherwise assist in promoting safety education in the
12 schools of the State. Within the appropriation of the Department of Public
13 Safety, the Commissioner shall furnish any equipment, material, and supplies
14 that ~~he or she~~ the Commissioner deems necessary for the proper functioning of
15 ~~the~~ school safety patrols in public schools. Nothing in this section shall be
16 construed to authorize or permit any safety patrol member to direct vehicular
17 traffic.

18 * * *

19 § 1484. ACCESS CONTROL AND VISITOR MANAGEMENT POLICY

20 * * *

1 (b) Each ~~approved and~~ recognized independent school shall adopt a written
2 access control and visitor management policy consistent with the requirements
3 in subsection (a) of this section.

4 § 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

5 * * *

6 (b) Policy.

7 * * *

8 (3) Each school district and each ~~approved or~~ recognized independent
9 school shall develop, adopt, and ensure implementation of a policy and
10 procedures for use of behavioral threat assessment teams that is consistent with
11 and at least as comprehensive as the model policy and procedures developed
12 by the Secretary. Any school board or independent school that fails to adopt
13 such a policy shall be presumed to have adopted the most current model policy
14 published by the Secretary. Any superintendent or independent school that
15 fails to adopt such procedures shall be presumed to have adopted the most
16 current model procedures published by the Secretary.

17 * * *

18 (d) Training.

19 (1) Each supervisory union, supervisory district, and ~~approved or~~
20 recognized independent school shall ensure behavioral threat assessment team
21 members receive training at least annually in best practices of conducting

1 behavioral threat assessments, as well as bias training. The annual training
2 shall include the following topics:

3 * * *

4 (e) Data reporting and collection. Annually, each supervisory union,
5 supervisory district, and ~~approved or~~ recognized independent school shall
6 report data related to completion of and outcomes of all behavioral threat
7 assessments and manifestation determination reviews to the Agency in a
8 format approved by the Secretary. At a minimum, the annual report shall
9 include:

10 * * *

11 Sec. 44. 16 V.S.A. 1541a is amended to read:

12 § 1541a. RESPONSIBILITY OF LOCAL BOARDS IN SENDING
13 DISTRICTS

14 * * *

15 (b) A school district that maintains a secondary school shall provide the
16 names and addresses of enrolled students to the CTE center for its region for
17 the limited purpose of the CTE center providing information to students and
18 their parents about CTE center offerings. ~~An approved independent~~ A school
19 eligible for designation under subdivision 820(3) of this title shall provide to
20 the CTE center the names and addresses of enrolled secondary students for
21 whom it receives publicly funded tuition dollars under chapter 21 of this title.

1 Sec. 45. 16 V.S.A. § 2944(g) is amended to read:

2 (g) Any public school or ~~approved independent secondary~~ school eligible
3 for designation under subdivision 820(3) of this title receiving State education
4 funds shall allow an enrolled student to choose to participate in the graduation
5 ceremony and senior year activities of the student's peers if:

6 * * *

7 Sec. 46. 16 V.S.A. § 2962(e) is amended to read:

8 (e) ~~Under section 2973 of this title, a supervisory union, in its role as the~~
9 ~~local education agency, may place a student with an individualized education~~
10 ~~program under the Individuals with Disabilities Education Act, 20 U.S.C.~~
11 ~~chapter 33, with certain approved independent schools that accept public~~
12 ~~tuition. If the approved independent school is entitled to special education cost~~
13 ~~reimbursement under that section, it may bill the supervisory union for excess~~
14 ~~special education costs incurred by the independent school in providing special~~
15 ~~education services to that student beyond those covered by general tuition. If~~
16 ~~those costs for that student exceed the extraordinary expenditures threshold as~~
17 ~~defined in subdivision (a)(2) of this section, the supervisory union shall be~~
18 ~~entitled to extraordinary reimbursement under this section for that student as if~~
19 ~~it incurred those costs directly. [Repealed.]~~

20 Sec. 47. 16 V.S.A. § 2973 is amended to read:

21 § 2973. INDEPENDENT THERAPEUTIC SCHOOL TUITION CONTRACT

1 RATES

2 ~~(a)(1) Notwithstanding any provision of law to the contrary, an approved~~
3 ~~independent school that accepts public tuition shall enroll any student with an~~
4 ~~individualized education program who requires special education services and~~
5 ~~who is placed in the approved independent school as an appropriate placement~~
6 ~~and least restrictive environment for the student by the student's individualized~~
7 ~~education program team or by the local education agency (LEA); provided,~~
8 ~~however, that this requirement shall not apply to an independent school that~~
9 ~~limits enrollment to students who are on an individualized education program~~
10 ~~or a plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794,~~
11 ~~and who are enrolled pursuant to a written agreement between the LEA and the~~
12 ~~school.~~

13 ~~(2) In placing a student with an independent school under subdivision (1)~~
14 ~~of this subsection, the student's individualized education program team and the~~
15 ~~LEA shall comply with all applicable federal and State requirements.~~

16 ~~(3) An approved independent school is not required to demonstrate that it~~
17 ~~has the resources to serve every category of special education as defined under~~
18 ~~State Board of Education rules in order to be approved or retain its approval to~~
19 ~~receive public funding for general tuition.~~

1 ~~(4) The terms “special education services,” “LEA,” and “individualized~~
2 ~~education program” or “IEP” as used in this section shall have the same~~
3 ~~meanings as defined by State Board rules. [Repealed.]~~

4 (b)(1) The Secretary of Education shall establish minimum standards of
5 services for students receiving special education services in ~~independent~~
6 ~~therapeutic~~ schools in Vermont and may advise ~~independent~~ ~~therapeutic~~
7 schools as to the need for certain special education services in Vermont.

8 ~~(2)(A) The Secretary of Education shall set, after consultation with~~
9 ~~independent schools in Vermont, and based on the level of services provided~~
10 ~~by the schools, the maximum rates to be paid by the Agency and supervisory~~
11 ~~unions or school districts for tuition, room, and board for residential placement~~
12 ~~of students who require special education services. The amount charged by an~~
13 ~~independent school for tuition shall reflect the school’s actual or anticipated~~
14 ~~costs of providing special education services to the student and shall not~~
15 ~~exceed the maximum rates set by the Secretary, provided that the Secretary~~
16 ~~may permit charges in excess of these maximum rates where the Secretary~~
17 ~~deems warranted. [Repealed.]~~

18 ~~(B)(i) An approved independent school that enrolls a student under~~
19 ~~subdivision (a)(1) of this section may bill the responsible LEA for excess~~
20 ~~special education costs incurred by the independent school in providing special~~
21 ~~education services beyond those covered by general tuition. Reimbursement of~~

1 ~~these excess special education costs shall be based on the direct cost rates~~
2 ~~approved by the Secretary for services actually provided to the student~~
3 ~~consistent with the Agency of Education Technical Manual for special~~
4 ~~education cost accounting. The Agency of Education shall publish specific~~
5 ~~elements that must be included as part of an independent school's invoice for~~
6 ~~excess special education costs, and these elements shall be included in the~~
7 ~~written agreement required under subdivision (c)(2) of this section.~~

8 (ii) ~~In establishing the direct cost rates for reimbursement under~~
9 ~~this subdivision (B), the Secretary shall apply the principle of treating an~~
10 ~~approved independent school and a public school with parity in the amount of~~
11 ~~federal, State, and local contributions to cover the costs of providing special~~
12 ~~education services.~~

13 (iii) ~~An approved independent school that enrolls a student under~~
14 ~~subdivision (a)(1) of this section shall provide such documentation to the~~
15 ~~Secretary as the Secretary deems necessary in order to ensure that amounts~~
16 ~~payable under this subdivision (B) to the school are reasonable in relation to~~
17 ~~the special education services provided by the school. The Secretary may~~
18 ~~withhold, or direct an LEA to withhold, payment under this subdivision~~
19 ~~pending the Secretary's receipt of required documentation under this~~
20 ~~subdivision, or may withhold, or direct an LEA to withhold, an amount~~

1 ~~determined by the Secretary as not reasonable in relation to the special~~
2 ~~education services provided by the school. [Repealed.]~~

3 (C)(i) The Secretary shall set, after consultation with ~~independent~~
4 therapeutic schools in Vermont, the maximum ~~tuition~~ contract rates to be paid
5 by the Agency and supervisory unions or school districts to ~~independent~~
6 therapeutic schools that limit enrollment to students who are on an IEP or a
7 plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and
8 who are enrolled pursuant to a written agreement between the LEA and the
9 school. The maximum ~~tuition~~ contract rates shall be based on the level of
10 services provided by the school.

11 (ii) The ~~tuition~~ contract rates established by the Secretary under
12 this subdivision (C) shall be ~~no~~ not more than the costs that are reasonably
13 related to the level of services provided by the school and shall be set forth on
14 a form prescribed for that purpose by the Secretary of Education. The
15 Secretary shall determine the relationship between costs and the level of
16 services by using generally accepted accounting principles, such as those set
17 forth in the Handbook (II) for Financial Accounting of Vermont School
18 Systems.

19 (iii) After the Secretary approves a ~~tuition~~ contract rate for ~~an~~
20 ~~independent~~ a therapeutic school under this subdivision (C), the school shall

1 not exceed that ~~tuition~~ contract rate until such time as a new ~~tuition~~ contract
2 rate is approved by the Secretary.

3 (c)(1) ~~In order to be approved as an independent school eligible to receive~~
4 ~~State funding under subdivision (a)(1) of this section, the school shall~~
5 ~~demonstrate the ability to serve students with disabilities by:~~

6 (A) ~~demonstrating an understanding of special education~~
7 ~~requirements, including the:~~

8 (i) ~~provision of a free and appropriate public education in~~
9 ~~accordance with federal and State law;~~

10 (ii) ~~provision of education in the least restrictive environment in~~
11 ~~accordance with federal and State law;~~

12 (iii) ~~characteristics and educational needs associated with any of~~
13 ~~the categories of disability or suspected disability under federal and State law;~~
14 ~~and~~

15 (iv) ~~procedural safeguards and parental rights, including discipline~~
16 ~~procedures, specified in federal and State law;~~

17 (B) ~~committing to implementing the IEP of an enrolled student with~~
18 ~~special education needs, providing the required services, and appropriately~~
19 ~~documenting the services and the student's progress;~~

20 (C) ~~employing or contracting with staff who have the required~~
21 ~~licensure to provide special education services;~~

1 ~~(D) agreeing to communicate with the responsible LEA concerning:~~
2 ~~(i) the development of, and any changes to, the IEP;~~
3 ~~(ii) services provided under the IEP and recommendations for a~~
4 ~~change in the services provided;~~
5 ~~(iii) the student's progress;~~
6 ~~(iv) the maintenance of the student's enrollment in the independent~~
7 ~~school; and~~
8 ~~(v) the identification of students with suspected disabilities; and~~
9 ~~(E) committing to participate in dispute resolution as provided under~~
10 ~~federal and State law.~~

11 ~~(2) An approved independent school that enrolls a student requiring~~
12 ~~special education services who is placed with the school under subdivision~~
13 ~~(a)(1) of this section:~~

14 ~~(A) shall enter into a written agreement with the LEA committing to~~
15 ~~the requirements under subdivision (1) of this subsection (c); and~~

16 ~~(B) shall ensure that qualified school personnel attend planning~~
17 ~~meetings and IEP meetings for the student. [Repealed.]~~

18 ~~(d)(1) If a student is placed with an approved independent school under~~
19 ~~subsection (a) of this section and either the LEA and the school each certifies,~~
20 ~~or the hearing officer under subdivision (3) of this subsection certifies, to the~~
21 ~~Secretary of Education that the school is unable to provide required IEP~~

1 ~~services due to its inability to retain qualified staff, then the LEA shall make~~
2 ~~another placement that satisfies the federal requirements to provide the student~~
3 ~~with a free and appropriate public education in the least restrictive~~
4 ~~environment.~~

5 ~~(2) If the conditions in subdivision (1) of this subsection are satisfied:~~

6 ~~(A) the approved independent school shall not be subject to any~~
7 ~~disciplinary action or the revocation of its approved status by the State Board~~
8 ~~of Education due to its failure to enroll the student; and~~

9 ~~(B) no private right of action shall be created on the part of the~~
10 ~~student or his or her family members, or any other private party, to:~~

11 ~~(i) require the LEA to place the student with the approved~~
12 ~~independent school or the school to enroll the student; or~~

13 ~~(ii) hold the LEA or the approved independent school responsible~~
14 ~~for monetary damages due to the failure of the school to enroll the student or~~
15 ~~the necessity for the LEA to make an alternative placement.~~

16 ~~(3) If the LEA and approved independent school do not agree on whether~~
17 ~~the school is unable to retain qualified staff under subdivision (1) of this~~
18 ~~subsection, then the LEA and the school shall jointly contract with a hearing~~
19 ~~officer to conduct a hearing with the parties and make a determination, which~~
20 ~~shall be final. The cost for the hearing officer shall be split evenly between the~~
21 ~~two parties. [Repealed.]~~

1 (e) Neither a school district nor any State agency shall pay rates for tuition,
2 room, and board for students receiving special education in ~~independent~~
3 therapeutic schools outside Vermont that are in excess of allowable costs
4 approved by the authorized body in the state in which the ~~independent~~
5 therapeutic school is located, except in exceptional circumstances or for a child
6 who needs exceptional services, as approved by the Secretary.

7 (f) The State Board is authorized to enter into interstate compacts with
8 other states to regulate rates for tuition, room, and board for students receiving
9 special education in ~~independent~~ therapeutic schools.

10 Sec. 48. 16 V.S.A. § 3448f is amended to read:

11 § 3448f. ENERGY PERFORMANCE CONTRACTING;

12 AUTHORIZATION; STATE AID

13 (a) Definitions. As used in this section:

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

19 (2) “District” means a district ~~or independent school~~ eligible for
20 assistance under section 3447 of this title.

21 * * *

1 Sec. 49. 16 V.S.A. § 3455a is amended to read:

2 § 3455a. ~~COMPUTER-AIDED~~ COMPUTER-AIDED DESIGN

3 Whenever a school district ~~or independent school~~ makes final application
4 for construction aid pursuant to subdivision 3448(a)(5) of this title, the district
5 ~~or school~~ shall submit to the Secretary copies of site plans and building plans
6 either in computer-aided design (CAD) format, if used, or, if not, in the form
7 submitted by the architect or engineer to the school board or board of trustees.

8 Sec. 50. 16 V.S.A. § 4001 is amended to read:

9 § 4001. DEFINITIONS

10 As used in this chapter:

11 (1) “Average daily membership” of a school district or, if needed in
12 order to calculate the appropriate homestead tax rate, of the municipality as
13 defined in 32 V.S.A. § 5401(9), in any year means:

14 (A) The full-time equivalent enrollment of students, as defined by the
15 State Board by rule, who are legal residents of the district or municipality
16 attending a school owned and operated by the district, attending a public
17 school outside the district under section 822a of this title, or for whom the
18 district pays tuition to one or more ~~approved independent schools or public~~
19 designated schools outside the district during the annual census period. The
20 census period consists of the 11th day through the 30th day of the school year
21 in which school is actually in session.

1 (B) The full-time equivalent enrollment in the year before the last
2 census period, of any State-placed students as defined in subdivision 11(a)(28)
3 of this title. A school district that provides for the education of its students by
4 paying tuition to ~~an approved independent school or public~~ a designated school
5 outside the district shall not count a State-placed student for whom it is paying
6 tuition for purposes of determining average daily membership. A school
7 district that is receiving the full amount, as defined by the State Board by rule,
8 of the student's education costs under subsection 2950(a) of this title shall not
9 count the student for purposes of determining average daily membership. A
10 State-placed student who is counted in average daily membership shall be
11 counted as a student for the purposes of determining weighted student count.

12 (C) The full-time equivalent enrollment for each prekindergarten
13 child as follows: If a child is enrolled in 10 or more hours of prekindergarten
14 education per week or receives 10 or more hours of essential early education
15 services per week, the child shall be counted as one full-time equivalent pupil.
16 If a child is enrolled in six or more but fewer than 10 hours of prekindergarten
17 education per week or if a child receives fewer than 10 hours of essential early
18 education services per week, the child shall be counted as a percentage of one
19 full-time equivalent pupil, calculated as one multiplied by the number of hours
20 per week divided by ~~ten~~ 10. A child enrolled in prekindergarten education for
21 fewer than six hours per week shall not be included in the district's average

1 daily membership. There is no limit on the total number of children who may
2 be enrolled in prekindergarten education or who receive essential early
3 education services.

4 * * *

5 Sec. 51. 16 V.S.A. § 4010(c) is amended to read:

6 (c) Reporting on weighting categories to the Agency of Education. Each
7 school district shall annually report to the Agency of Education by a date
8 established by the Agency the information needed in order for the Agency to
9 compute the weighting categories under subsection (b) of this section for that
10 district. In order to fulfill this obligation, a school district that pays public
11 tuition on behalf of a resident student (sending district) to a public school in
12 another school district, ~~an approved independent~~ a school eligible for
13 designation under subdivision 820(3) of this title, or an out-of-state school
14 (each a receiving school) may request the receiving school to collect this
15 information on the sending district's resident student, and if requested, the
16 receiving school shall provide this information to the sending district in a
17 timely manner.

18 Sec. 52. 16 V.S.A. § 4010(c) is amended to read:

19 (c) Reporting on weighting categories to the Agency of Education. Each
20 school district shall annually report to the Agency of Education by a date
21 established by the Agency the information needed in order for the Agency to

1 compute the weighting categories under subsection (b) of this section for that
2 district. In order to fulfill this obligation, a school district that pays public
3 tuition on behalf of a resident student (sending district) to a public school in
4 another school district, ~~an approved independent~~ a school eligible for
5 designation under subdivision 820(3) of this title, or an out-of-state school
6 (each a receiving school) may request the receiving school to collect this
7 information on the sending district's resident student, and if requested, the
8 receiving school shall provide this information to the sending district in a
9 timely manner.

10 Sec. 53. 16 V.S.A. § 4012 is amended to read:

11 § 4012. STATE-PLACED STUDENTS

12 (a) A district that provides for the education of its students by paying
13 tuition to ~~an approved independent school or a public~~ a designated school
14 outside the district shall receive from the Secretary an amount equal to the
15 calculated net cost per pupil in the receiving school, as defined in section 825
16 of this title, prorated for the percentage of annual tuition billed for a State-
17 placed student. If the calculated net cost per pupil in a ~~receiving independent~~
18 ~~school or school located outside Vermont~~ designated school is not available,
19 the Secretary shall pay the tuition charged. A district shall not receive funds
20 under this section if all the student's education costs are fully paid under
21 subsection 2950(a) of this title.

* * *

Sec. 54. 18 V.S.A. § 1129 is amended to read:

§ 1129. IMMUNIZATION REGISTRY

* * *

(g) As used in this section, “administrator” means an individual licensed under 16 V.S.A. chapter 5, the majority of whose employed time in a public school, school district, or supervisory union is assigned to developing and managing school curriculum, evaluating and disciplining personnel, or supervising and managing a school system or school program.

“Administrator” also means an individual employed by ~~an approved or a~~ recognized independent school, the majority of whose assigned time is devoted to those duties.

Sec. 55. 18 V.S.A. § 1243 is amended to read:

§ 1243. TESTING OF DRINKING WATER

* * *

(e) Waiver.

* * *

(2) A school district, supervisory union, ~~independent school,~~ or child care provider that receives a waiver under this subsection shall be eligible for assistance from the State for the costs of remediation that has been

1 implemented or scheduled as a result of sampling conducted after April 22,
2 2019.

3 * * *

4 Sec. 56. 18 V.S.A. § 1781 is amended to read:

5 § 1781. DEFINITIONS

6 As used in this chapter:

7 * * *

8 (10) “School” means:

9 (A) A public school in Vermont, including a regional career technical
10 center and a comprehensive high school.

11 (B) ~~An approved independent school.~~ [Repealed.]

12 Sec. 57. 23 V.S.A. § 4 is amended to read:

13 § 4. DEFINITIONS

14 Except as may otherwise be provided by law, and unless the context
15 otherwise requires in statutes relating to motor vehicles and enforcement of the
16 law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the
17 following definitions shall apply:

18 * * *

19 (34)(A) “School bus” means any motor vehicle used to transport
20 children to or from school or in connection with school activities, except:

1 (i) Buses operated by common carriers who incidentally accept
2 school children as passengers.

3 (ii) Private motor vehicles used to carry members of the owner's
4 household. As used in this section, "private motor vehicle" means a vehicle
5 neither owned nor leased by a public school ~~or an approved independent~~
6 ~~school.~~

7 * * *

8 Sec. 58. 24 V.S.A. § 4947 is amended to read:

9 § 4947. HEALTH BENEFIT PLANS OFFERED TO ENTITIES

10 PROVIDING EDUCATIONAL SERVICES

11 * * *

12 (e) A health benefit association shall make all health benefit plans that it
13 offers available to ~~approved or~~ recognized independent schools ~~operating in~~
14 ~~Vermont~~ that are eligible for designation under 16 V.S.A. § 820. Participation
15 shall not create joint and several liability as a result of any act or omission of
16 any other school, municipality, or association. Schools that participate under
17 this section shall be provided with copies of the annual audit. ~~The provisions~~
18 ~~of 16 V.S.A. § 166 shall apply for purposes of determining whether a school~~
19 ~~qualifies as an "approved or recognized independent school."~~

1 Sec. 59. 28 V.S.A. § 120 is amended to read:

2 § 120. DEPARTMENT OF CORRECTIONS EDUCATION PROGRAM;
3 INDEPENDENT SCHOOL

4 * * *

5 (b) Applicability of education provisions. The education program shall be
6 approved by the State Board of Education as ~~an~~ a recognized independent
7 school under 16 V.S.A. § 166; and shall be coordinated with adult education,
8 special education, and career technical education.

9 * * *

10 (d) Curriculum. The education program shall offer a minimum course of
11 study, as defined in 16 V.S.A. § 906, and special education programs in
12 accordance with the program description used for recognized independent
13 school approval.

14 * * *

15 Sec. 60. 33 V.S.A. § 4913 is amended to read:

16 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL
17 ACTION

18 (a) A mandated reporter is any:

19 * * *

20 (2) individual who is employed by a school district or ~~an approved or a~~
21 recognized independent school, or who is contracted and paid by a school

1 district or ~~an approved or~~ a recognized independent school to provide student
2 services, including any:

3 (A) school superintendent;

4 (B) headmaster of ~~an approved or~~ a recognized independent school as
5 defined in 16 V.S.A. § 11;

6 * * *

7 Sec. 61. 33 V.S.A. § 5118 is amended to read:

8 § 5118. LIMITED EXCEPTION TO CONFIDENTIALITY OF RECORDS
9 OF JUVENILES MAINTAINED BY THE FAMILY DIVISION OF
10 THE SUPERIOR COURT

11 (a) As used in this section:

12 (1) “Delinquent act requiring notice” means conduct resulting in a
13 delinquency adjudication related to a listed crime as defined in 13 V.S.A.
14 § 5301(7).

15 (2) “Independent school” means ~~an approved or~~ a recognized
16 independent school under 16 V.S.A. § 166.

17 * * *

18 * * * Transition * * *

19 Sec. 62. TRANSITION

20 (a) A school district that does not maintain an elementary school or high
21 school and, as of June 30, 2026, paid tuition to the school of a family’s choice

1 under the provisions of 16 V.S.A. chapter 21 in effect at that time shall vote to
2 designate three or fewer eligible schools in accordance with this act on or
3 before July 1, 2029. The district shall begin paying tuition only to designated
4 schools in accordance with this act beginning with the first school year of
5 designation or the 2029–2030 school year, whichever comes first.

6 (b) A student enrolled for the 2025–2026 school year in or who has been
7 accepted for enrollment for the 2026–2027 school year by an approved
8 independent school and whose district of residence pays tuition pursuant to the
9 provisions of 16 V.S.A. chapter 21 in effect on June 30, 2026, shall continue to
10 be entitled to public tuition until such time as the student graduates from that
11 school.

12 (c) Under 16 V.S.A. § 562(7), school district voters may authorize a school
13 board to purchase buildings or sites for school purposes and to locate and erect
14 schoolhouses. Before the 2029–2030 school year, a school district may vote to
15 authorize a school board to purchase buildings or sites from an independent
16 school that the school district paid tuition to for 60 percent or more of its
17 students under the provisions of 16 V.S.A. chapter 21 in effect on June 30,
18 2026, in the 2025–2026 school year, for the purpose of opening a new public
19 elementary or high school within the district. Any new such public elementary
20 or high school shall meet all educational quality standards pursuant to 16

1 V.S.A. § 165 as well as all other laws and rules applicable to public schools,
2 including teacher licensing requirements under 16 V.S.A. chapter 51.

3 Sec. 63. INTERPRETATION

4 It is the intent of the General Assembly that the technical amendments and
5 conforming changes in this act shall not supersede substantive changes
6 contained in other bills enacted by the General Assembly in the current
7 biennium. To the extent provisions conflict, the substantive changes in other
8 acts shall take precedence over the technical changes in this act.

9 * * * Effective Dates * * *

10 Sec. 64. EFFECTIVE DATES

11 This act shall take effect on July 1, 2026, except that Sec. 12 (16 V.S.A.
12 § 165) shall take effect on July 2, 2026, and Sec. 52 (16 V.S.A. § 4010(c))
13 shall take effect upon the occurrence of the contingencies set forth in 2025
14 Acts and Resolves No. 73, Sec. 70(f).