

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred House Bill No. 454  
3 entitled “An act relating to transforming Vermont’s education governance,  
4 quality, and finance systems” respectfully reports that it has considered the  
5 same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 \* \* \* Findings and Intent \* \* \*

8 Sec. 1. FINDINGS; INTENT; PLAN

9 (a) The General Assembly finds that:

10 (1) In 1997, the first piece of law the General Assembly enacted in  
11 response to the *Brigham* decision stated, “[t]he right to public education is  
12 integral to Vermont’s constitutional form of government and its guarantees of  
13 political and civil rights...[and] fundamental for the success of Vermont’s  
14 children in a rapidly-changing society and global marketplace as well as the  
15 State’s own economic and social prosperity.” 16 V.S.A. § 1.

16 (2) From the very first attempt at creating a basic frame of government,  
17 Vermont’s founders chose to include a right to public education, the only  
18 governmental service included in Vermont’s first Constitution of 1777.

19 (3) As the U.S. Supreme Court stated in *Brown v. Board of Education*,  
20 347 U.S. 483 (1954), “education is perhaps the most important function of

1 state and local governments...[i]t is required in the performance of our most  
2 basic public responsibilities...[i]t is the very foundation of good citizenship.”

3 (5) The most enduring legacy of *Brigham v. State*, 166 Vt. 246 (1997) is  
4 the State’s responsibility to ensure substantially equal educational  
5 opportunities for all Vermont students.

6 (6) The education system is still reeling from the effects of a global  
7 pandemic, yet the same challenges that have faced Vermont’s education  
8 system remain. Thirty to 40 years ago, Vermont educated more than 110,000  
9 students each year. Today, there are approximately 84,000 students in the  
10 public education system. Many schools have lost a significant number of  
11 students and, with them, the ability to offer robust services and programs at  
12 every school. Vermont’s youth need to be prepared for a rapidly evolving  
13 future.

14 (7) Vermonters deserve an exceptional educational system that is stable  
15 and predictable and where a student’s home address does not dictate the  
16 quality of education they receive. School district size and boundaries, school  
17 size, and class size are all influential factors in shaping the quality of  
18 instruction and overall student outcomes. The effectiveness of our schools  
19 depends on teacher quality, resource availability, and the unique strengths of  
20 local communities. Change in our educational system is needed. Systems are

1 made of people, so change must come carefully and thoughtfully, with  
2 meaningful engagement by all Vermonters.

3 (b) Intent; plan.

4 (1) To ensure each student is provided substantially equal educational  
5 opportunities that will prepare them to thrive in a 21st-century world, it is the  
6 intent of the General Assembly to work strategically, intentionally, and  
7 thoughtfully to ensure that each incremental change made to Vermont’s public  
8 education system provides strength and support to its only constitutionally  
9 required governmental service.

10 (2) It is further the intent of the General Assembly to:

11 (A) in the 2026 session, enact new, larger school district boundaries  
12 and begin the process to create voting wards within each school district to  
13 ensure school board membership is apportioned in such a manner as to achieve  
14 substantially equal weighting of the votes of all voters in the election of school  
15 board members;

16 (B) provide or enable the provision of the necessary staffing,  
17 resources, and support to the Agency of Education, the Secretary of State’s  
18 Office, town clerks, and other integral parties to the election system to hold the  
19 first school board member elections within the newly created school districts in  
20 November 2028; and

1           (C) provide or enable the provision of the necessary staffing,  
2           resources, and support to the Agency of Education, State Board of Education,  
3           and other integral parties to ensure that the necessary guidance and funding is  
4           in place to allow for a smooth and successful transition between the operation  
5           of Vermont’s current 119 school districts to the new, larger school districts,  
6           with new school districts assuming responsibility for the education of all  
7           resident students on July 1, 2029.

8                           \* \* \* Commission on the Future of Public Education \* \* \*

9           Sec. 2. 2024 Acts and Resolves No. 183, Sec. 1 is amended to read:

10           Sec. 1. THE COMMISSION ON THE FUTURE OF PUBLIC  
11                           EDUCATION; REPORTS

12           (a) Creation. There is hereby created the Commission on the Future of  
13           Public Education in Vermont. The right to education is fundamental for the  
14           success of Vermont’s children in a rapidly changing society and global  
15           marketplace as well as for the State’s own economic and social prosperity.  
16           The Commission shall study the provision of education in Vermont and make  
17           recommendations for a statewide vision for Vermont’s public education system  
18           to ensure that all students are afforded substantially equal educational  
19           opportunities in an efficient, sustainable, and stable education system. The  
20           Commission shall also make recommendations for the strategic policy changes

1 necessary to make Vermont’s educational vision a reality for all Vermont  
2 students.

3 (b) Membership. The Commission shall be composed of the following  
4 members and, to the extent possible, the members shall represent the State’s  
5 geographic, gender, racial, and ethnic diversity:

6 (1) Voting members. The following members shall be voting members  
7 of the Commission:

8 (A) the Secretary of Education or designee;

9 ~~(2)~~(B) the Chair of the State Board of Education or designee;

10 ~~(3)~~(C) the Tax Commissioner or designee;

11 ~~(4)~~(D) one current member of the House of Representatives, appointed  
12 by the Speaker of the House;

13 ~~(5)~~(E) one current member of the Senate, appointed by the Committee  
14 on Committees;

15 ~~(6)~~(F) one representative from the Vermont School Boards Association  
16 (VSBA), appointed by the VSBA Executive Director;

17 ~~(7)~~(G) one representative from the Vermont Principals’ Association  
18 (VPA), appointed by the VPA Executive Director;

19 ~~(8)~~(H) one representative from the Vermont Superintendents  
20 Association (VSA), appointed by the VSA Executive Director;

1           ~~(9)~~(I) one representative from the Vermont National Education  
2 Association (VTNEA), appointed by the VTNEA Executive Director;

3           ~~(10)~~(J) one representative from the Vermont Association of School  
4 Business Officials (VASBO) with experience in school construction projects,  
5 appointed by the President of VASBO;

6           ~~(11)~~(K) the Chair of the Census-Based Funding Advisory Group,  
7 created under 2018 Acts and Resolves No. 173;

8           ~~(12)~~(L) the Executive Director of the Vermont Rural Education  
9 Collaborative; and

10          ~~(13)~~(M) one representative from the Vermont Independent Schools  
11 Association (VISA), appointed by the President of VISA.

12          (2) Nonvoting members. The following members shall be nonvoting  
13 members of the Commission who shall be appointed on or before July 15,  
14 2025 and all of whom shall have extensive experience working within the  
15 Vermont public education system. Appointing authorities shall coordinate to  
16 ensure that, to the extent possible, each of the five nonvoting members  
17 represents a different geographic region of the State.

18          (A) Two members shall be appointed by the Speaker of the House,  
19 one of whom shall be a retired or former Vermont superintendent of a  
20 supervisory union with multiple member school districts and one of whom

1 shall be either a retired or former Vermont school business manager or a  
2 retired or former school board member.

3 (B) Two members shall be appointed by the Committee on  
4 Committees, one of whom shall be a retired or former Vermont superintendent  
5 and one of whom shall be a retired or former Vermont school business  
6 manager.

7 (C) One member shall be appointed by the Governor and shall be a  
8 retired or former Vermont superintendent.

9 (c) Steering group. On or before July 1, 2024, the Speaker of the House  
10 shall appoint two members of the Commission, the Committee on Committees  
11 shall appoint two members of the Commission, and the Governor shall appoint  
12 two members of the Commission to serve as members of a steering group. The  
13 steering group shall provide leadership to the Commission and shall work with  
14 a consultant or consultants to analyze the issues, challenges, and opportunities  
15 facing Vermont's public education system, as well as develop and propose a  
16 work plan to formalize the process through which the Commission shall seek  
17 to achieve its final recommendations. The formal work plan shall be approved  
18 by a majority of the Commission members. The steering group ~~shall form a~~  
19 ~~subcommittee of the Commission to address education finance topics in greater~~  
20 ~~depth and~~ may form one or more ~~additional~~ subcommittees of the Commission  
21 to address ~~other~~ key topics in greater depth, as necessary. ~~The steering group~~

1 ~~may appoint non-Commission members to the education finance~~  
2 ~~subcommittee. All other subcommittees shall be composed solely of~~  
3 ~~Commission members.~~

4 (d) Collaboration and information review.

5 (1) The Commission ~~shall~~ may seek input from and collaborate with key  
6 stakeholders, as directed by the steering group. At a minimum, the  
7 Commission shall consult with:

8 (A) the Department of Mental Health;

9 (B) the Department of Labor;

10 (C) the President of the University of Vermont or designee;

11 (D) the Chancellor of the Vermont State Colleges Corporation or  
12 designee;

13 (E) a representative from the Prekindergarten Education  
14 Implementation Committee;

15 (F) the Office of Racial Equity;

16 (G) a representative with expertise in the Community Schools model  
17 in Vermont;

18 (H) the Vermont Youth Council;

19 (I) the Commission on Public School Employee Health Benefits; and

20 (J) an organization committed to ensuring equal representation and  
21 educational equity.



1           (2) The Commission shall also review and take into consideration  
2 existing educational laws and policy, including legislative reports the  
3 Commission deems relevant to its work and, at a minimum, 2015 Acts and  
4 Resolves No. 46, 2018 Acts and Resolves No. 173, 2022 Acts and Resolves  
5 No. 127, and 2023 Acts and Resolves No. 76.

6           (e) Duties of the Commission. The Commission shall study Vermont’s  
7 public education system and make recommendations to ensure all students are  
8 afforded quality educational opportunities in an efficient, sustainable, and  
9 equitable education system that will enable students to achieve the highest  
10 academic outcomes. The result of the Commission’s work shall be a  
11 ~~recommendation for a statewide vision for Vermont’s public education system,~~  
12 ~~with recommendations for the policy changes necessary to make Vermont’s~~  
13 ~~educational vision a reality~~ recommendations for the State-level education  
14 governance system, including the roles and responsibilities of the Agency of  
15 Education and the State Board of Education. In creating and making its  
16 recommendations, the Commission shall engage in the following:

17           (1) Public engagement. The Commission shall conduct not fewer than  
18 14 public meetings to inform the work required under this section. At least one  
19 meeting of the Commission as a whole or a subcommittee of the Commission  
20 shall be held in each county. The Commission shall publish a draft of its final  
21 recommendations on or before October 1, 2025, solicit public feedback, and

1 incorporate such feedback into its final recommendations. When submitting its  
2 final recommendations to the General Assembly, the Commission shall include  
3 all public feedback received as an addendum to its final report. The public  
4 feedback process shall include:

5 (A) a minimum 30-day public comment period, during which time  
6 the Commission shall accept written comments from the public and  
7 stakeholders; and

8 (B) a public outreach plan that maximizes public engagement and  
9 includes notice of the availability of language assistance services when  
10 requested.

11 (2) Policy considerations. In developing its recommendations, the  
12 Commission shall consider and prioritize the following topics:

13 (A) Governance, resources, and administration. The Commission  
14 shall study and make recommendations regarding education governance at the  
15 State level, including the role of the Agency of Education in the provision of  
16 services and support for the education system. Recommendations under this  
17 subdivision (A) shall include, at a minimum, the following:

18 (i) whether changes need to be made to the structure of the  
19 Agency of Education, including whether it better serves the recommended  
20 education vision of the State as an agency or a department;

21 (ii) what are the staffing needs of the Agency of Education;

1 (iii) whether changes need to be made to the composition, role,  
2 and function of the State Board of Education to better serve the recommended  
3 education vision of the State; and

4 (iv) what roles, functions, or decisions should be a function of  
5 local control and what roles, functions, or decisions should be a function of  
6 control at the State level; ~~and~~

7 ~~(v) the effective integration of career and technical education in~~  
8 ~~the recommended education vision of the State.~~

9 (B) ~~Physical size and footprint of the education system. The~~  
10 ~~Commission shall study and make recommendations regarding how the unique~~  
11 ~~geographical and socioeconomic needs of different communities should factor~~  
12 ~~into the provision of education in Vermont, taking into account and building~~  
13 ~~upon the recommendations of the State Aid to School Construction Working~~  
14 ~~Group. Recommendations under this subdivision (B) shall include, at a~~  
15 ~~minimum, the following:~~

16 (i) ~~an analysis and recommendation for the most efficient and~~  
17 ~~effective number and location of school buildings, school districts, and~~  
18 ~~supervisory unions needed to achieve Vermont's vision for education,~~  
19 ~~provided that if there is a recommendation for any change, the~~  
20 ~~recommendation shall include an implementation plan;~~

1                   ~~(ii) an analysis of the capacity and ability to staff all public~~  
2                   ~~schools with a qualified workforce, driven by data on class size~~  
3                   ~~recommendations;~~

4                   ~~(iii) analysis of whether, and if so, how, collaboration with~~  
5                   ~~Vermont's postsecondary schools may support the development and retention~~  
6                   ~~of a qualified educator workforce;~~

7                   ~~(iv) an analysis of the current town tuition program and whether,~~  
8                   ~~and if so, what, changes are necessary to meet Vermont's vision for education,~~  
9                   ~~including the legal and financial impact of funding independent schools and~~  
10                  ~~other private institutions, including consideration of the following:~~

11                  ~~(I) the role designation, under 16 V.S.A. § 827, should play in~~  
12                  ~~the delivery of public education; and~~

13                  ~~(II) the financial impact to the Education Fund of public dollars~~  
14                  ~~being used in schools located outside Vermont; and~~

15                  ~~(v) an analysis of the current use of private therapeutic schools in~~  
16                  ~~the provision of special education services and whether, and if so, what,~~  
17                  ~~changes are necessary to meet Vermont's special education needs, including~~  
18                  ~~the legal and financial impact of funding private therapeutic schools.~~

19                  ~~[Repealed.]~~

20                  ~~(C) The role of public schools. The Commission shall study and~~  
21                  ~~make recommendations regarding the role public schools should play in both~~

1 ~~the provision of education and the social and emotional well-being of students.~~

2 ~~Recommendations under this subdivision (C) shall include, at a minimum, the~~  
3 ~~following:~~

4 ~~(i) how public education in Vermont should be delivered;~~

5 ~~(ii) whether Vermont’s vision for public education shall include~~  
6 ~~the provision of wraparound supports and collocation of services;~~

7 ~~(iii) whether, and if so, how, collaboration with Vermont’s~~  
8 ~~postsecondary schools may support and strengthen the delivery of public~~  
9 ~~education; and~~

10 ~~(iv) what the consequences are for the Commission’s~~  
11 ~~recommendations regarding the role of public schools and other service~~  
12 ~~providers, including what the role of public schools means for staffing,~~  
13 ~~funding, and any other affected system, with the goal of most efficiently~~  
14 ~~utilizing State funds and services and maximizing federal funding. [Repealed.]~~

15 ~~(D) Education finance system. The Commission shall explore the~~  
16 ~~efficacy and potential equity gains of changes to the education finance system,~~  
17 ~~including weighted educational opportunity payments as a method to fund~~  
18 ~~public education. The Commission’s recommendations shall be intended to~~  
19 ~~result in an education funding system designed to afford substantially equal~~  
20 ~~access to a quality basic education for all Vermont students in accordance with~~

1 ~~State v. Brigham, 166 Vt. 246 (1997). Recommendations under this~~  
2 ~~subdivision (D) shall include, at a minimum, the following:~~

3 ~~(i) allowable uses for the Education Fund that shall ensure~~  
4 ~~sustainable and equitable use of State funds;~~

5 ~~(ii) the method for setting tax rates to sustain allowable uses of the~~  
6 ~~Education Fund;~~

7 ~~(iii) whether, and if so, what, alternative funding models would~~  
8 ~~create a more affordable, sustainable, and equitable education finance system~~  
9 ~~in Vermont, including the consideration of a statutory, formal base amount of~~  
10 ~~per pupil education spending and whether school districts should be allowed to~~  
11 ~~spend above the base amount;~~

12 ~~(iv) adjustments to the excess spending threshold, including~~  
13 ~~recommendations that target specific types of spending;~~

14 ~~(v) the implementation of education spending caps on different~~  
15 ~~services, including administrative and support services and categorical aid;~~

16 ~~(vi) how to strengthen the understanding and connection between~~  
17 ~~school budget votes and property tax bills;~~

18 ~~(vii) adjustments to the property tax credit thresholds to better~~  
19 ~~match need to the benefit;~~

1                   ~~(viii) a system for ongoing monitoring of the Education Fund and~~  
2 ~~Vermont’s education finance system, to include consideration of a standing~~  
3 ~~Education Fund advisory committee;~~

4                   ~~(ix) an analysis of the impact of healthcare health care costs on the~~  
5 ~~Education Fund, including recommendations for whether, and if so, what,~~  
6 ~~changes need to be made to contain costs; and~~

7                   ~~(x) implementation details for any recommended changes to the~~  
8 ~~education funding system. [Repealed.]~~

9                   (E) Additional considerations. The Commission may consider any  
10 other topic, factor, or issue that it deems relevant to its work and  
11 recommendations.

12                   (f) Reports. The Commission shall prepare and submit to the General  
13 Assembly the following:

14                   (1) a formal, written work plan, which shall include a communication  
15 plan to maximize public engagement, on or before September 15, 2024;

16                   (2) a written report containing its preliminary findings and  
17 recommendations, including short-term cost containment considerations for the  
18 2025 legislative session, on or before December 15, 2024; and

19                   (3) a written report containing its final findings and recommendations  
20 ~~for a statewide vision for Vermont’s public education system and the policy~~  
21 ~~changes necessary to make that educational vision a reality based on its~~

1 analysis of the State-level governance topics contained in subdivision (e)(2)(A)  
2 of this section, on or before December 1, 2025;~~and~~

3 ~~(4) proposed legislative language to advance any recommendations for~~  
4 ~~the education funding system on or before December 15, 2025.~~

5 (g) Assistance. The Agency of Education shall contract with one or more  
6 independent consultants or facilitators to provide technical and legal assistance  
7 to the Commission for the work required under this section. For the purposes  
8 of scheduling meetings and providing administrative assistance, the  
9 Commission shall have the assistance of the Agency of Education. The  
10 Agency shall also provide the educational and financial data necessary to  
11 facilitate the work of the Commission. School districts shall comply with  
12 requests from the Agency to assist in data collections.

13 (h) Meetings.

14 (1) The Secretary of Education shall call the first meeting of the  
15 Commission to occur on or before July 15, 2024.

16 (2) The Speaker of the House and the President Pro Tempore shall  
17 jointly select a Commission chair.

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

19 (4) Meetings shall be conducted in accordance with Vermont's Open  
20 Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

21 (5) The Commission shall cease to exist on December 31, 2025.



1 (i) Compensation and reimbursement. Members of the Commission shall  
2 be entitled to per diem compensation and reimbursement of expenses as  
3 permitted under 32 V.S.A. § 1010 for not more than 30 meetings, including  
4 subcommittee meetings. These payments shall be made from monies  
5 appropriated to the Agency of Education.

6 (j) School district boundary subcommittee. There is created a  
7 subcommittee of the Commission to be composed of the five nonvoting  
8 members of the Commission that shall determine the most efficient number of  
9 school districts and proposed boundary lines, based on educational research;  
10 Vermont’s geographic and cultural landscape; historic attendance patterns; and  
11 a comprehensive analysis of school locations, conditions, and capacity.

12 (1) Duties of the district boundaries subcommittee.

13 (A) The subcommittee shall recommend not more than three school  
14 district boundary proposals to the General Assembly. The proposed school  
15 district boundaries shall:

16 (i) increase equitable access to educational opportunity;

17 (ii) maximize opportunities for modern, regional middle and high  
18 schools, with the least disruption to students;

19 (iii) provide access to education for their resident students in  
20 grades kindergarten through 12;

1                    (iv) provide access to career and technical education (CTE) for all  
2 eligible students;

3                    (v) to the extent practical, not separate towns within school  
4 districts as those boundaries exist on July 1, 2025;

5                    (vi) to the extent practical, consider the availability of regional  
6 services for students, such as designated agencies, and how those services  
7 would integrate into the new proposed school district boundaries;

8                    (vii) to the extent practical, result in school districts with a  
9 minimum average daily membership of approximately 4,000 students; and

10                   (viii) to the extent practical, consider historic attendance patterns  
11 in geographic areas that do not operate public schools at all grade levels from  
12 kindergarten through grade 12.

13                   (B) The subcommittee may consider and make recommendations for  
14 the optimal location of schools, including CTE programs, to meet the  
15 requirements contained in subdivision (A) of this subdivision (1).

16                   (C) The subcommittee shall provide regular updates to the  
17 Commission regarding its work.

18                   (D) The subcommittee shall have the sole authority to determine the  
19 contents of the report and maps required under subdivision (4) of this  
20 subsection (j). The Commission may provide its own comments to the

1 subcommittee and the relevant committees of jurisdiction, either as an  
2 addendum to the report of the subcommittee or as a separate report.

3 (2) Public engagement. The district boundary subcommittee shall  
4 engage and coordinate with the Commission’s public engagement  
5 subcommittee and the public engagement consultant to maximize public input  
6 and feedback regarding the development of the proposed new school district  
7 boundaries.

8 (3) Assistance. The district boundary subcommittee shall have the  
9 assistance of the Agency of Digital Services, Vermont Center for Geographic  
10 Information, which may also retain the services of one or more independent  
11 third parties to provide facilitation and mediation services to the subcommittee.

12 (4) Report and maps. On or before December 1, 2025, the district  
13 boundary subcommittee shall submit the following to the House and Senate  
14 Committees on Education, the House Committee on Government Operations  
15 and Military Affairs, the Senate Committee on Government Operation, the  
16 House Committee on Ways and Means, and the Senate Committee on Finance:

17 (A) Report. The district boundary subcommittee shall submit a  
18 written report with the subcommittee’s proposed new school district  
19 boundaries. The report shall detail how each proposed option meets the  
20 requirements of subdivision (1)(A) of this subsection (j).

1           (B) Maps. The subcommittee shall also submit detailed maps for  
2           each school district boundary proposal, which, in addition to the school district  
3           boundaries themselves, shall include:

4                   (i) average daily membership for each proposed school district for  
5           the 2023–2024 school year;

6                   (ii) the member towns for each school district;

7                   (iii) the location of public schools and nontherapeutic approved  
8           independent schools that are eligible to receive public tuition as of July 1,  
9           2025, and the grades operated by each of those schools;

10                   (iv) the five-year facility condition index score for each school;

11                   (v) PCB testing score for each school; and

12                   (vi) 10-year change in enrollment between 2013 and 2023 for each  
13           school.

14                                   \* \* \* Scale \* \* \*

15           Sec. 3. SCALE; INTENT

16                   It is the intent of the General Assembly to transform education in Vermont  
17           by leveraging attainable and research-based scale to increase equity of  
18           opportunity and promote efficiency and affordability.

19           Sec. 4. 16 V.S.A. § 165 is amended to read:

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

1 EDUCATION QUALITY STANDARDS

2 (a) In order to carry out Vermont’s policy that all Vermont children will be  
3 afforded educational opportunities that are substantially equal in quality, each  
4 Vermont public school, including each career technical center, shall meet the  
5 following education quality standards:

6 \* \* \*

7 (9) The school complies with average class size minimum standards;  
8 provided, however, that when class size minimums apply to content areas, an  
9 individual class may be smaller than the minimum average. As used in this  
10 subdivision, “content area” means a group of courses within a specific  
11 licensing endorsement area.

12 (A) Class size standards.

13 (i) The average class size minimum for kindergarten classes shall  
14 be 12 students.

15 (ii) The average class size minimum for grades one through four  
16 shall be 15 students.

17 (iii) The average class size minimum for grades five through 12 in  
18 all required content area classes shall be 18 students.

19 (iv) Multiage classrooms for grades kindergarten through eight  
20 shall be limited to two grade levels per classroom.

1                   (v) Career and technical education, flexible pathways, terminal  
2                   courses, advanced placement courses, courses that require specialized  
3                   equipment, and driver’s education classes shall be excluded from the class size  
4                   minimum requirements in this subdivision (9). Small group services for the  
5                   purpose of providing special education, supplemental or targeted academic  
6                   intervention, or English learner instruction shall also be excluded from the  
7                   class size minimum requirements in this subdivision (9).

8                   (vi) Class sizes shall not exceed the maximum occupancy limits  
9                   established by local and State fire codes, including egress and safety  
10                  requirements.

11                  (B) Waivers. If a school board determines that it operates a school  
12                  that is unable to comply with the class size minimum standards due to  
13                  geographic isolation, or a school has developed an implementation plan to  
14                  meet the standards contained in this subdivision (9) that may include  
15                  consolidation or merger, the school board may ask the State Board of  
16                  Education to grant it waiver from this subdivision (9). The State Board shall  
17                  define what qualifies as geographic isolation in its rules adopted pursuant to  
18                  subdivision (a)(3) of this section. The State Board’s decision shall be final.

19                  (C) State Board action. If the Secretary determines that a school is  
20                  not meeting the class size minimum standards set forth in this subdivision (9)  
21                  over the course of two consecutive school years, the Secretary shall

1 recommend to the State Board one or more of the actions listed in subsection  
2 (b) of this section, regardless of whether the school is meeting all other  
3 education quality standards. The State Board shall then follow the procedure  
4 of subsection (c) of this section.

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

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

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

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

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

7           (5) the State Board require two or more school districts to consolidate  
8 their governance structures.

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

16    \* \* \*

17           (e) If the Secretary determines at any time that the failure of a school to  
18 meet the education quality standards listed in subsection (a) of this section is  
19 severe or pervasive, potentially results in physical or emotional harm to  
20 students or significant deprivation of equal education opportunities, and the  
21 school has either unreasonably refused to remedy the problem or its efforts



1 have proved ineffective, ~~he or she~~ the Secretary may recommend to the State  
2 Board one or more of the actions listed in subsection (b) of this section. The  
3 State Board shall then follow the procedure of subsection (c) of this section.

4 \* \* \*

5 (g) In addition to the education quality standards provided in subsection (a)  
6 of this section, each Vermont school district shall meet the school district  
7 quality standards adopted by rule of the Agency of Education regarding the  
8 business, facilities management, and governance practices of school districts.  
9 These standards shall include a process for school district quality reviews to be  
10 conducted by the Agency of Education. Annually, the Secretary shall publish  
11 metrics regarding the outcomes of school district quality reviews.

12 Sec. 5. FAILURE TO COMPLY WITH EDUCATION QUALITY

13 STANDARDS; STATE BOARD ACTION

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

1       Sec. 6. STATE BOARD OF EDUCATION; RULES; REPORT

2           (a) Rules.

3           (1) The State Board of Education shall initiate rulemaking to amend the  
4           Education Quality Standards rule 2000 series, Agency of Education, Education  
5           Quality Standards (22-000-003), pursuant to 3 V.S.A. chapter 25:

6           (A) on or before August 1, 2026, to ensure compliance with the class  
7           size minimum standards set pursuant to 16 V.S.A. § 165(a)(9); and

8           (B) On or before July 1, 2027, to adopt standards for statewide  
9           proficiency-based graduation requirements based on standards adopted by the  
10          State Board and recommendations from the Agency of Education.

11          (2) On or before August 1, 2026, the State Board of Education shall  
12          initiate rulemaking to amend the approved independent school rule 2200 series,  
13          Agency of Education, Independent School Program Approval (22-000-004),  
14          pursuant to 3 V.S.A. chapter 25, to require approved independent schools that  
15          intend to accept public tuition to comply with the class size minimum  
16          standards set pursuant to 16 V.S.A. § 165(a)(9). The amendments shall also  
17          create a process for review by the State Board for failure to meet the class size  
18          minimum requirements and the corresponding actions the Board may take for  
19          such noncompliance; provided, however, that the Board shall provide an  
20          approved independent school a substantially similar opportunity to come into

1 compliance with class size minimum standards that it would provide to a  
2 public school.

3 (b) Report. On or before December 1, 2025, the State Board of Education  
4 shall submit a written report to the House and Senate Committees on  
5 Education with proposed standards for schools to be deemed “small by  
6 necessity.”

7 Sec. 7. SCHOOL SIZE; INTENT

8 (a) It is the intent of the General Assembly to encourage the efficient use of  
9 public funds to modernize school infrastructure to deliver identified 21st  
10 century educational goals.

11 (b) It is further the intent of the General Assembly that each public school  
12 operating grades six through 12, or some subset of those grades, shall have a  
13 minimum average daily membership of at least 450 students, at least in part by  
14 providing a robust State aid for school construction program that is driven by  
15 standards for quality for public schools, geographic accessibility, statewide  
16 enrollment trends, and capacity and scale that support substantially equal  
17 educational opportunities for all Vermont students.

18 Sec. 8. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO  
19 PAYING TUITION

20 Notwithstanding any provision of law to the contrary, a school district shall  
21 be prohibited from closing an existing public school and then providing for the

1 education of its resident students by paying tuition for its students to attend a  
2 public or approved independent school chosen by the parents of the district's  
3 students. If a school district that closes an existing public school is unable to  
4 provide for the education of its affected resident students in a different school  
5 or schools operated by the district, the school district shall provide for the  
6 education of its resident students by designating three or fewer public schools  
7 to serve as the public school or schools of the district, in accordance with the  
8 process contained in 16 V.S.A. § 827.

9 Sec. 9. 16 V.S.A. § 3440 is added to read:

10 § 3440. STATEMENT OF POLICY

11 It is the intent of this chapter to encourage the efficient use of public funds  
12 to modernize school infrastructure in alignment with current educational needs.  
13 School construction projects supported by this chapter should be developed  
14 taking consideration of standards of quality for public schools under section  
15 165 of this title and prioritizing cost, geographic accessibility, 21st century  
16 education facilities standards, statewide enrollment trends, and capacity and  
17 scale that support best educational practices. Further, it is the intent of this  
18 chapter to encourage the use of existing infrastructure to meet the needs of  
19 Vermont students. Joint construction projects between two or more school  
20 districts and consolidation of buildings within a district where feasible and  
21 educationally appropriate are encouraged.

1 Sec. 10. 16 V.S.A. § 3442 is added to read:

2 § 3442. STATE AID FOR SCHOOL CONSTRUCTION PROGRAM

3 The Agency of Education shall be responsible for implementing the State  
4 Aid for School Construction Program according to the provisions of this  
5 chapter. The Agency shall be responsible for:

6 (1) reviewing all preliminary applications for State school construction  
7 aid and issuing an approval or denial in accordance with section 3445 of this  
8 chapter;

9 (2) adopting rules pursuant to 3 V.S.A. chapter 25 pertaining to school  
10 construction and capital outlay, including rules to specify a point prioritization  
11 methodology and a bonus incentive structure aligned with the legislative intent  
12 expressed in section 3440 of this title;

13 (3) including as part of its budget submitted to the Governor pursuant to  
14 subdivision 212(21) of this title its annual school construction funding request;

15 (4) developing a prequalification and review process for project delivery  
16 consultants and architecture and engineering firms specializing in  
17 prekindergarten through grade 12 school design, renovation, or construction  
18 and maintaining a list of such prequalified firms and consultants;

19 (5) providing technical assistance and guidance to school districts and  
20 supervisory unions on all phases of school capital projects;

1           (6) providing technical advice and assistance, training, and education to  
2           school districts, supervisory unions, general contractors, subcontractors,  
3           construction or project managers, designers, and other vendors in the planning,  
4           maintenance, and establishment of school facility space;

5           (7) maintaining a current list of school construction projects that have  
6           received preliminary approval, projects that have received final approval, and  
7           the priority points awarded to each project;

8           (8) collecting, maintaining, and making publicly available quarterly  
9           progress reports of all ongoing school construction projects that shall include,  
10           at a minimum, the costs of the project and the time schedule of the project;

11           (9) recommending policies and procedures designed to reduce  
12           borrowing for school construction programs at both State and local levels;

13           (10) conducting a needs survey at least every five years to ascertain the  
14           capital construction, reconstruction, maintenance, and other capital needs for  
15           all public schools and maintaining such data in a publicly accessible format;

16           (11) developing a formal enrollment projection model or using  
17           projection models already available;

18           (12) encouraging school districts and supervisory unions to investigate  
19           opportunities for the maximum utilization of space in and around the district or  
20           supervisory union;

1           (13) collecting and maintaining a clearinghouse of prototypical school  
2           plans, as appropriate, that may be consulted by eligible applicants;

3           (14) retaining the services of consultants, as necessary, to effectuate the  
4           roles and responsibilities listed within this section; and

5           (15) notwithstanding 2 V.S.A. § 20(d), annually on or before December  
6           15, submitting a written report to the General Assembly regarding the status  
7           and implementation of the State Aid for School Construction Program,  
8           including the data required to be collected pursuant to this section.

9           Sec. 11. 16 V.S.A. § 3443 is added to read:

10          § 3443. STATE AID FOR SCHOOL CONSTRUCTION ADVISORY

11                   BOARD

12          (a) Creation. There is hereby created the State Aid for School Construction  
13          Advisory Board, which shall advise the Agency on the implementation of the  
14          State Aid for School Construction Program in accordance with the provisions  
15          of this chapter, including the adoption of rules, setting of statewide priorities,  
16          criteria for project approval, and recommendations for project approval and  
17          prioritization.

18          (b) Membership.

19                  (1) Composition. The Board shall be composed of the following eight  
20          members:

21                   (A) four members who shall serve as ex officio members:

1                   (i) the State Treasurer or designee;

2                   (ii) the Commissioner of Buildings and General Services or  
3 designee;

4                   (iii) the Executive Director of the Vermont Bond Bank or  
5 designee; and

6                   (iv) the Chair of the State Board of Education or designee; and

7                   (B) four members, none of whom shall be a current member of the  
8 General Assembly, who shall serve four-year terms as follows:

9                   (i) two members, appointed by the Speaker of the House, each of  
10 whom shall have expertise in education or construction, real estate, or finance  
11 and one of whom shall represent a supervisory union; and

12                   (ii) two members, appointed by the Committee on Committees,  
13 each of whom shall have expertise in education or construction, real estate, or  
14 finance and one of whom shall be an educator.

15                   (2) Members with four-year terms.

16                   (A) A member with a term limit shall serve a term of four years and  
17 until a successor is appointed. A term shall begin on January 1 of the year of  
18 appointment and run through December 31 of the last year of the term. Terms  
19 of these members shall be staggered so that not all terms expire at the same  
20 time.



1           (B) A vacancy created before the expiration of a term shall be filled  
2           in the same manner as the original appointment for the unexpired portion of the  
3           term.

4           (C) A member with a term limit shall not serve more than two  
5           consecutive terms. A member appointed to fill a vacancy created before the  
6           expiration of a term shall not be deemed to have served a term for the purpose  
7           of this subdivision (C).

8           (c) Duties. The Board shall advise the Agency on the implementation of  
9           the State Aid for School Construction Program in accordance with the  
10          provisions of this chapter, including:

11           (1) rules pertaining to school construction and capital outlay;

12           (2) project priorities;

13           (3) proposed legislation the Board deems desirable or necessary related  
14          to the State Aid for School Construction Program, the provisions of this  
15          chapter, and any related laws;

16           (4) policies and procedures designed to reduce borrowing for school  
17          construction programs at both State and local levels;

18           (5) development of a formal enrollment projection model or the  
19          consideration of using projection models already available;

1           (6) processes and procedures necessary to apply for, receive, administer,  
2           and comply with the conditions and requirements of any grant, gift,  
3           appropriation of property, services, or monies;

4           (7) the collection and maintenance of a clearinghouse of prototypical  
5           school plans that may be consulted by eligible applicants and recommended  
6           incentives to utilize such prototypes;

7           (8) the determination of eligible cost components of projects for funding  
8           or reimbursement, including partial or full eligibility for project components  
9           for which the benefit is shared between the school and other municipal and  
10          community entities;

11          (9) development of a long-term vision for a statewide capital plan in  
12          accordance with needs and projected funding;

13          (10) collection and maintenance of data on all public school facilities in  
14          the State, including information on size, usage, enrollment, available facility  
15          space, and maintenance;

16          (11) advising districts on the use of a needs survey to ascertain the  
17          capital construction, reconstruction, maintenance, and other capital needs for  
18          schools across the State; and

19          (12) encouraging school districts and supervisory unions to investigate  
20          opportunities for the maximum utilization of space in and around the district or  
21          supervisory union.

1        (d) Meetings.

2            (1) The State Treasurer shall call the first meeting of the Board to occur  
3 on or before January 1, 2026.

4            (2) The Board shall select a chair from among its members.

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

6            (4) The Board shall meet not more than six times per year.

7        (e) Assistance. The Board shall have the administrative, technical, and  
8 legal assistance of the Agency of Education.

9        (f) Compensation and reimbursement. Members of the Board shall be  
10 entitled to per diem compensation and reimbursement of expenses as permitted  
11 under 32 V.S.A. § 1010 for not more than six meetings per year.

12        Sec. 12. PROSPECTIVE REPEAL OF STATE AID FOR SCHOOL

13            CONSTRUCTION ADVISORY BOARD

14        16 V.S.A. § 3443 (State Aid for School Construction Advisory Board) is  
15 repealed on July 1, 2035.

16        Sec. 13. 16 V.S.A. § 3444 is added to read:

17        § 3444. SCHOOL CONSTRUCTION AID SPECIAL FUND

18        (a) Creation. There is created the School Construction Aid Special Fund,  
19 to be administered by the Agency of Education. Monies in the Fund shall be  
20 used for the purposes of:

1           (1) awarding aid to school construction projects under section 3445 of  
2 this title;

3           (2) awarding grants through the Facilities Master Plan Grant Program  
4 established in section 3441 of this title;

5           (3) funding administrative costs of the State Aid for School  
6 Construction Program; and

7           (4) awarding emergency aid under section 3445 of this title.

8           (b) Funds. The Fund shall consist of:

9           (1) any amounts transferred or appropriated to it by the General  
10 Assembly; and

11           (2) any interest earned by the Fund.

12           Sec. 14. 16 V.S.A. § 3445 is added to read:

13           § 3445. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION  
14 PROJECTS

15           (a) Construction aid.

16           (1) Preliminary application for construction aid. A school district  
17 eligible for assistance under section 3447 of this title that intends to construct  
18 or purchase a new school, or make extensive additions or alterations to its  
19 existing school, and desires to avail itself of State school construction aid shall  
20 submit a written preliminary application to the Secretary. A preliminary

1 application shall include information required by the Agency by rule and shall  
2 specify the need for and purpose of the project.

3 (2) Approval of preliminary application.

4 (A) When reviewing a preliminary application for approval, the  
5 Secretary shall consider:

6 (i) regional educational opportunities and needs, including school  
7 building capacities across school district boundaries, and available  
8 infrastructure in neighboring communities;

9 (ii) economic efficiencies;

10 (iii) the suitability of an existing school building to continue to  
11 meet educational needs; and

12 (iv) statewide educational initiatives.

13 (B) The Secretary may approve a preliminary application if:

14 (i)(I) the project or part of the project fulfills a need occasioned  
15 by:

16 (aa) conditions that threaten the health or safety of students  
17 or employees;

18 (bb) facilities that are inadequate to provide programs  
19 required by State or federal law or regulation;

20 (cc) excessive energy use resulting from the design of a  
21 building or reliance on fossil fuels or electric space heat; or

1                    (dd) deterioration of an existing building; or

2                    (II) the project results in consolidation of two or more school  
3 buildings and will serve the educational needs of students in a more cost-  
4 effective and educationally appropriate manner as compared to individual  
5 projects constructed separately;

6                    (ii) the need addressed by the project cannot reasonably be met by  
7 another means;

8                    (iii) the proposed type, kind, quality, size, and estimated cost of  
9 the project are suitable for the proposed curriculum and meet all legal  
10 standards;

11                    (iv) the applicant achieves the level of “proficiency” in the school  
12 district quality standards regarding facilities management adopted by rule by  
13 the Agency; and

14                    (v) the applicant has completed a facilities master planning  
15 process that:

16                    (I) engages robust community involvement;

17                    (II) considers regional solutions;

18                    (III) evaluates environmental contaminants; and

19                    (IV) produces a facilities master plan that unites the applicant’s  
20 vision statement, educational needs, enrollment projections, renovation needs,  
21 and construction projects.

1           (3) Priorities. Following approval of a preliminary application and  
2           provided that the district has voted funds or authorized a bond for the total  
3           estimated cost of a project, the Agency, with the advice of the State Aid for  
4           School Construction Advisory Board, shall assign points to the project as  
5           prescribed by rule of the Agency so that the project can be placed on a priority  
6           list based on the number of points received.

7           (4) Request for legislative appropriation. The Agency shall submit its  
8           annual school construction funding request to the Governor as part of its  
9           budget pursuant to subdivision 212(21) of this title. Following submission of  
10           the Governor’s recommended budget to the General Assembly pursuant to  
11           32 V.S.A. § 306, the House Committee on Education and the Senate  
12           Committee on Education shall recommend a total school construction  
13           appropriation for the next fiscal year to the General Assembly.

14           (5) Final approval for construction aid.

15           (A) Unless approved by the Secretary for good cause in advance of  
16           commencement of construction, a school district shall not begin construction  
17           before the Secretary approves a final application. A school district may submit  
18           a written final application to the Secretary at any time following approval of a  
19           preliminary application.

20           (B) The Secretary may approve a final application for a project  
21           provided that:

- 1                   (i) the project has received preliminary approval;
- 2                   (ii) the district has voted funds or authorized a bond for the total  
3 estimated cost of the project;
- 4                   (iii) the district has made arrangements for project construction  
5 supervision by persons competent in the building trades;
- 6                   (iv) the district has provided for construction financing of the  
7 project during a period prescribed by the Agency;
- 8                   (v) the project has otherwise met the requirements of this chapter;
- 9                   (vi) if the proposed project includes a playground, the project  
10 includes a requirement that the design and construction of playground  
11 equipment follow the guidelines set forth in the U.S. Consumer Product Safety  
12 Commission Handbook for Public Playground Safety; and
- 13                   (vii) if the total estimated cost of the proposed project is less than  
14 \$50,000.00, no performance bond or irrevocable letter of credit shall be  
15 required.
- 16                   (C) The Secretary may provide that a grant for a high school project  
17 is conditioned upon the agreement of the recipient to provide high school  
18 instruction for any high school pupil living in an area prescribed by the Agency  
19 who may elect to attend the school.



1           (D) A district may begin construction upon receipt of final approval.  
2           However, a district shall not be reimbursed for debt incurred due to borrowing  
3           of funds in anticipation of aid under this section.

4           (6) Award of construction aid.

5           (A) The base amount of an award shall be 20 percent of the eligible  
6           debt service cost of a project. Projects are eligible for additional bonus  
7           incentives as specified in rule for up to an additional 20 percent of the eligible  
8           debt service cost.

9           (B) As used in subdivision (A) of this subdivision (6), “eligible debt  
10           service cost” of a project means the product of the lifetime cost of the bond  
11           authorized for the project and the ratio of the approved cost of a project to the  
12           total cost of the project.

13           (b) Emergency aid. Notwithstanding any other provision of this section,  
14           the Secretary may grant aid for a project the Secretary deems to be an  
15           emergency in the amount of 30 percent of eligible project costs, up to a  
16           maximum eligible total project cost of \$300,000.00.

17           Sec. 15. 16 V.S.A. § 3446 is added to read:

18           § 3446. APPEAL

19           Any municipal corporation as defined in section 3447 of this title aggrieved  
20           by an order, allocation, or award of the Agency of Education may, within 30  
21           days, appeal to the Superior Court in the county in which the project is located.

1       Sec. 16. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF  
2                   RULES

3           (a) The statutory authority to adopt rules by the State Board of Education  
4           pertaining to school construction and capital outlay adopted under 16 V.S.A.  
5           § 3448(e) and 3 V.S.A. chapter 25 is transferred from the State Board of  
6           Education to the Agency of Education.

7           (b) All rules pertaining to school construction and capital outlay adopted by  
8           the State Board of Education under 3 V.S.A. chapter 25 prior to July 1, 2026  
9           shall be deemed the rules of the Agency of Education and remain in effect until  
10          amended or repealed by the Agency of Education pursuant to 3 V.S.A. chapter  
11          25.

12          (c) The Agency of Education shall provide notice of the transfer to the  
13          Secretary of State and the Legislative Committee on Administrative Rules in  
14          accordance with 3 V.S.A. § 848(d)(2).

15       Sec. 17. REPEALS

16          (a) 16 V.S.A. § 3448 (approval of funding of school construction projects;  
17          renewable energy) is repealed on July 1 2026.

18          (b) 16 V.S.A. § 3448a (appeal) is repealed on July 1, 2026.

19       Sec. 18. 16 V.S.A. § 828 is amended to read:

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

21          (a) A school district shall not pay the tuition of a student except to;

- 1           (1) a public school; located in Vermont;
- 2           (2) an approved independent school; that:
- 3                 (A) is located in Vermont;
- 4                 (B) is approved under section 166 of this title on or before July 1,
- 5           2025;
- 6                 (C) has at least 51 percent of its student enrollment composed of
- 7           students attending on a district-funded tuition basis pursuant to chapter 21 of
- 8           this title as of July 1, 2025; and
- 9                 (D) complies with the minimum class size requirements contained in
- 10           subdivision 165(a)(9) of this title and State Board rule; provided, however, that
- 11           if a school is unable to comply with the class size minimum standards due to
- 12           geographic isolation or a school has developed an implementation plan to meet
- 13           the class size minimum requirements, the school may ask the State Board to
- 14           grant it a waiver from this subdivision (D), which decision shall be final;
- 15           (3) an independent school meeting education quality standards;
- 16           (4) a tutorial program approved by the State Board;
- 17           (5) an approved education program; or;
- 18           (6) an independent school in another state or country approved under the
- 19           laws of that state or country, that complies with the reporting requirement
- 20           under subsection 4010(e) of this title; a public school located in another state;
- 21           or

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

3           **(b) ~~nor shall payment~~ Payment of tuition on behalf of a person shall not be**  
4           denied on account of age.

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

9           **(d)** As used in this section, “therapeutic approved independent school”  
10           means an approved independent school that limits enrollment for publicly  
11           funded students residing in Vermont to students who are on an individualized  
12           education program or plan under Section 504 of the Rehabilitation Act of  
13           1973, 29 U.S.C. § 794, or who are enrolled pursuant to a written agreement  
14           between a local education agency and the school or pursuant to a court order.

15           Sec. 19. TUITION TRANSITION

16           A school district that pays tuition pursuant to the provisions of 16 V.S.A.  
17           chapter 21 in effect on June 30, 2025 shall continue to pay tuition on behalf of  
18           a resident student enrolled for the 2024–2025 school year in or who has been  
19           accepted for enrollment for the 2025–2026 school year by an approved  
20           independent school subject to the provisions of 16 V.S.A. § 828 in effect on  
21           June 30, 2025, until such time as the student graduates from that school.

1 \* \* \* Statewide Cohesion \* \* \*

2 Sec. 20. STATEWIDE COHESION; INTENT

3 It is the intent of the General Assembly to consolidate structures and  
4 systems that are foundational to the administration of education.

5 Sec. 21. AGENCY OF EDUCATION; SCHOOL CALENDAR;  
6 GRADUATION REQUIREMENTS; REPORT

7 (a) Statewide graduation requirements. On or before January 1, 2026, the  
8 Agency of Education shall recommend to the State Board of Education  
9 standards for statewide proficiency-based graduation requirements based on  
10 standards adopted by the State Board.

11 (b) Statewide school calendar.

12 (1) On or before January 15, 2027, the Secretary of Education shall  
13 develop and publish a statewide calendar for the public schools of the State,  
14 including career and technical centers, that shall be in effect in the  
15 2028–2029 academic year and after.

16 (2) On or before January 15, 2027, the Secretary shall present to the  
17 House and Senate Committees on Education a list of the statutory amendments  
18 necessary to effect the intent of this subsection.

19 (c) Report. On or before December 1, 2025, the Agency of Education shall  
20 submit a written report and recommended legislative language, as applicable,  
21 to the House and Senate Committees on Education with the following:

1           (1) In consultation with educators and administrators, a proposed  
2           implementation plan for statewide financial data and student information  
3           systems.

4           (2) Recommendations for a school construction division within the  
5           Agency of Education, including position descriptions and job duties for each  
6           position within the division, a detailed description of the assistance the division  
7           would provide to the field, and the overall role the Agency would play within a  
8           State aid to school construction program.

9           (3) A progress report regarding the development of clear, unambiguous  
10           guidance that would be provided to school officials and school board members  
11           regarding the business processes and transactions that would need to occur to  
12           facilitate school district mergers into larger, consolidated school districts,  
13           including the merging of data systems, asset and liability transfers, and how to  
14           address collective bargaining agreements for both educators and staff. The  
15           report shall include a detailed description of how the Agency will provide  
16           support and consolidation assistance to the field in each of these areas and an  
17           estimate of the costs associated with such work.

18           (4) In consultation with superintendents, directors of therapeutic  
19           independent schools, special education directors, and, in the opinion of the  
20           Agency, other experts, recommendations for the need for cooperative

1 education services and the oversight of therapeutic schools within the school  
2 governance framework both at a state and local level.

3 \* \* \* State-Level Governance \* \* \*

4 Sec. 22. STATE-LEVEL GOVERNANCE; INTENT

5 It is the intent of the General Assembly to ensure that the State Board of  
6 Education is the independent, transparent, and public facing body for public  
7 education and to ensure the Board maintains its ability provide an important  
8 outlet for the public to engage in the rulemaking process and regularly provide  
9 public comment regarding the state of Vermont’s education system.

10 Sec. 23. 16 V.S.A. § 161 is amended to read:

11 § 161. STATE BOARD OF EDUCATION; APPOINTMENT OF  
12 MEMBERS; TERM; VACANCY

13 The State Board shall consist of ~~ten~~ 10 members. Two of the members shall  
14 be secondary students, one of whom shall be a full member and the other of  
15 whom shall be a junior member who may not vote. ~~All~~ Eight members shall  
16 be appointed by the Governor with the advice and consent of the Senate. One  
17 member shall be appointed by the Speaker of the House and one member shall  
18 be appointed by the Senate Committee on Committees. In the appointment of  
19 the nonstudent members, priority shall be given to the selection of persons with  
20 a demonstrated commitment to ensuring quality education for Vermont  
21 students. To the extent possible, the members shall represent the State’s

1 geographic, gender, racial, and ethnic diversity. The Secretary shall serve on  
2 the State Board as a nonvoting member.

3 (1) Upon the expiration of the respective terms of those members of the  
4 Board previously appointed, excluding the student members, the ~~Governor~~  
5 appointing authority that made the initial appointment to the expired term  
6 shall, biennially in the month of February with the advice and consent of the  
7 Senate, as applicable, appoint members for terms of six years. The terms shall  
8 begin March 1 of the year in which the appointments are made. A member  
9 serving a term of six years shall not be eligible for reappointment for  
10 successive terms.

11 (2) In the event of any vacancy occurring in the membership of the  
12 Board, the ~~Governor~~ appointing authority that made the initial appointment to  
13 the vacated term shall fill the vacancy with a qualified person whose  
14 appointment shall be for the unexpired portion of the term.

15 (3) Biennially, the Board shall choose a member of the Board to be its  
16 chair.

17 (4) Annually, using an application process that is open and accessible to  
18 all eligible students, the Governor shall appoint a Vermont secondary school  
19 student who will continue to be a secondary student for at least two years  
20 following taking office, to serve on the State Board for two years, beginning on  
21 July 1 of the year of appointment. The student member shall not vote during



1 the first year and shall be a full and voting member during the second year of  
2 ~~his or her~~ the student's term.

3 Sec. 24. TRANSITION PERIOD APPOINTMENTS; STATE BOARD OF  
4 EDUCATION

5 (a) Members currently serving on the State Board of Education may  
6 continue to serve for the duration of the term to which they were appointed.

7 (b) Beginning on July 1, 2025, as terms of currently serving members  
8 expire, appointments of successors shall be made in accordance with the  
9 considerations and appointment authority contained in 16 V.S.A. § 161.

10 (1) The Speaker of the House shall make the first appointment to a  
11 vacant or expired seat that occurs after July 1, 2025 and shall make any  
12 subsequent appointments to fill the vacated or expired term for that same seat  
13 after the initial transition period appointment.

14 (2) The Senate Committee on Committees shall make the second  
15 appointment to a vacant or expired seat that occurs after July 1, 2025 and shall  
16 make any subsequent appointments to fill the vacated or expired term for that  
17 same seat after the initial transition period appointment.

18 (3) The Governor shall make the third appointment, with the advice and  
19 consent of the Senate, to a vacant or expired seat that occurs after July 1, 2025  
20 and shall make any subsequent appointments to fill the vacated or expired term  
21 for that same seat after the initial transition period appointment.

1        (c) Once the first three appointments after July 1, 2025 are made in  
2        accordance with subsection (b) of this section, the Governor shall make all  
3        subsequent appointments for the remaining five non-student seats, with the  
4        advice and consent of the Senate, in accordance with 16 V.S.A. § 161.

5        Sec. 25. 16 V.S.A. § 162 is amended to read:

6        § 162. REMOVAL OF BOARD MEMBERS

7        After notice and hearing, the Governor may remove a member of the State  
8        Board for incompetency, failure to discharge ~~his or her~~ the member's duties,  
9        malfeasance, illegal acts, or other cause inimical to the welfare of the public  
10       schools; and in case of such removal, ~~he or she~~ the appointing authority that  
11       made the initial appointment shall appoint a person to fill the unexpired term.

12       Sec. 26. STATE BOARD OF EDUCATION; REVIEW OF RULES;

13                    APPROPRIATION

14        (a) The State Board of Education shall review each rule series the State  
15        Board is responsible for and make a determination as to the continuing need  
16        for, appropriateness of, or need for updating of said rules. On or before  
17        December 1, 2026, the State Board of Education shall submit a written report  
18        to the House and Senate Committees on Education with its recommendation  
19        for rules that are no longer needed and a plan to update rules that are still  
20        necessary, including the order in which the Board proposes to update the rules  
21        and any associated costs or staffing needs.

1       (b) The sum of \$200,000.00 is appropriated from the General Fund to the  
2       Agency of Education in fiscal year 2026 to provide the State Board of  
3       Education with the staffing and resources necessary to review and update the  
4       Board’s rules.

5                               \* \* \* Effective Dates \* \* \*

6       Sec. 27. EFFECTIVE DATES

7       (a) This section and Secs. 1 (findings; intent; plan) and 2 (Commission on  
8       the Future of Public Education) shall take effect on passage.

9       (b) Secs. 3 (scale; intent), 6 (SBE rules; report), 7 (school size; intent), 8  
10       (school closure), 11 (16 V.S.A. § 3443), 12 (school construction advisory  
11       board sunset), 18 (18 V.S.A. § 828), 19 (tuition transition), 20 (statewide  
12       cohesion; intent), 21 (AOE report; school calendar; graduation requirements),  
13       22 (state-level governance; intent), 23 (16 V.S.A. § 161), 24 (SBE  
14       appointments transition), 25 (16 V.S.A. § 162), and 26 (SBE rule review;  
15       appropriation) shall take effect on July 1, 2025.

16       (c) Secs. 4 (class size minimums), 5 (failure to comply with class size  
17       minimums), 9 (school construction policy), 10 (16 V.S.A. § 3442), 13 (16  
18       V.S.A. § 3444), 14 (16 V.S.A. § 3445), 15 (16 V.S.A. § 3446), 16 (transfer of  
19       rulemaking authority), and 17 (repeals) shall take effect on July 1, 2026.

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE