

1 Sec. A. 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 (a) In order to carry out Vermont’s policy that all Vermont children will be afforded
6 educational opportunities that are substantially equal in quality, each Vermont public
7 school, including each career technical center, shall meet the following education quality
8 standards:

9 * * *

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

14 (A) Class size standards.

15 (i) The average class size minimum for kindergarten classes in all content
16 areas shall be 12 students.

17 (ii) The average class size minimum for grades one through four in all
18 content areas shall be 15 students.

19 (iii) The average class size minimum for grades five through eight in all
20 content areas shall be 18 students.

21 (iv) The average class size minimum for grades nine through 12 in all
22 content areas shall be 20 students.

1 (v) Multiage classrooms for grades kindergarten through eight shall be
2 limited to two grade levels per classroom.

3 (vi) Classes providing career technical education, special education,
4 academic support, flexible pathways, services to English learners, and driver's education
5 shall be excluded from the class size minimum requirements in this subdivision.

6 (B) Waivers. If a school board determines that it operates a school that is
7 unable to comply with the class size minimum standards due to geographic isolation, the
8 school board may ask the State Board of Education to grant it waiver from this
9 subdivision (9). The State Board shall define what qualifies as geographic isolation in its
10 rules adopted pursuant to subdivision (a)(3) of this section. The State Board's decision
11 shall be final.

12 (C) State Board action. If the Secretary determines that a school is not meeting
13 the class size minimum standards set forth in this subdivision (9) over the course of two
14 consecutive school years, the Secretary shall recommend to the State Board one or more
15 of the actions listed in subsection (b) of this section, regardless of whether the school is
16 meeting all other education quality standards. The State Board shall then follow the
17 procedure of subsection (c) of this section.

18 (b) Annually, the Secretary shall determine whether students in each Vermont public
19 school are provided educational opportunities substantially equal to those provided in
20 other public schools. If the Secretary determines that a school is not meeting the
21 education quality standards listed in subsection (a) of this section or that the school is
22 making insufficient progress in improving student performance in relation to the
23 standards for student performance set forth in subdivision 164(9) of this title, ~~he or she~~

1 the Secretary shall describe in writing actions that a district must take in order to meet
2 either or both sets of standards and shall provide technical assistance to the school. If the
3 school fails to meet the standards or make sufficient progress within two years of
4 following the determination, the Secretary shall recommend to the State Board one or
5 more of the following actions:

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

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

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

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

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

18 (c) The State Board, after offering the school board an opportunity for a hearing, shall
19 either dismiss the Secretary's recommendation or order that one or more of the actions
20 listed in subsection (b) of this section be taken. The action ordered by the State Board
21 shall be the least intrusive consistent with the need to provide students attending the
22 school substantially equal educational opportunities. A school board aggrieved by an

1 order of the State Board may appeal the order in accordance with the Rules of Civil
2 Procedure.

3 * * *

4 (e) If the Secretary determines at any time that the failure of a school to meet the
5 education quality standards listed in subsection (a) of this section is severe or pervasive,
6 potentially results in physical or emotional harm to students or significant deprivation of
7 equal education opportunities, and the school has either unreasonably refused to remedy
8 the problem or its efforts have proved ineffective, ~~he or she~~ the Secretary may
9 recommend to the State Board one or more of the actions listed in subsection (b) of this
10 section. The State Board shall then follow the procedure of subsection (c) of this section.

11 * * *

12 (g) In addition to the education quality standards provided in subsection (a) of this
13 section, each Vermont school district shall meet the school district quality standards
14 adopted by rule of the Agency of Education regarding the business, facilities
15 management, and governance practices of school districts. These standards shall include
16 a process for school district quality reviews to be conducted by the Agency of Education.
17 Annually, the Secretary shall publish metrics regarding the outcomes of school district
18 quality reviews.

19 **Sec. B. FAILURE TO COMPLY WITH EDUCATION QUALITY STANDARDS;**

20 **STATE BOARD ACTION**

21 Notwithstanding 16 V.S.A. § 165(b)(4) and (5) and any other provision of law to the
22 contrary, the State Board shall be prohibited from ordering school district consolidation
23 or school consolidation if a school fails to comply with class size minimum education

1 quality standards until the General Assembly establishes new school district boundaries
2 and takes further action regarding the consequences for failure to meet education quality
3 standards.

4 Sec. C. STATE BOARD OF EDUCATION; RULES; REPORT

5 (a) Rules.

6 (1) On or before July 1, 2026, the State Board of Education shall initiate
7 rulemaking to amend the Education Quality Standards rule 2000 series, Agency of
8 Education, Education Quality Standards (22-000-003), pursuant to 3 V.S.A. chapter 25,
9 to ensure compliance with the class size minimum standards set pursuant to 16 V.S.A.
10 § 165(a)(9).