

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 when class size minimums apply to content areas, an individual class may
12 be smaller than the minimum average. As used in this subdivision, “content area” means
13 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 shall be 12
16 students.

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

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

21 (iv) The average class size minimum for grades nine through 12 in all
22 required content area classes 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) Career and technical education, flexible pathways, terminal courses,
4 advanced placement courses, courses that require specialized equipment, and driver's
5 education classes shall be excluded from the class size minimum requirements in this
6 subdivision. Small group services for the purpose of providing special education,
7 supplemental or targeted academic intervention, or English learner instruction shall also
8 be excluded from the class size minimum requirements in this subdivision.

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

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

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

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

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

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

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

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

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

1 (c) The State Board, after offering the school board an opportunity for a hearing, shall
2 either dismiss the Secretary's recommendation or order that one or more of the actions
3 listed in subsection (b) of this section be taken. The action ordered by the State Board
4 shall be the least intrusive consistent with the need to provide students attending the
5 school substantially equal educational opportunities. A school board aggrieved by an
6 order of the State Board may appeal the order in accordance with the Rules of Civil
7 Procedure.

8 * * *

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

16 * * *

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

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

2 **STATE BOARD ACTION**

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

9 **Sec. C. STATE BOARD OF EDUCATION; RULES; REPORT**

10 (a) Rules.

11 (1) On or before July 1, 2026, the State Board of Education shall initiate
12 rulemaking to amend the Education Quality Standards rule 2000 series, Agency of
13 Education, Education Quality Standards (22-000-003), pursuant to 3 V.S.A. chapter 25,
14 to ensure compliance with the class size minimum standards set pursuant to 16 V.S.A.
15 § 165(a)(9).