

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

9 * * * Commission on the Future of Public Education * * *

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

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

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 [Repealed.]~~

12 (f) Reports and proposed legislation. The Commission shall prepare and
13 submit to the General 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, and a comprehensive analysis of
11 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 for the education of their resident students by
20 operating kindergarten through grade 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; and

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

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

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

15 (D) The subcommittee shall have the sole authority to determine the
16 contents of the report and maps required under subdivision (4) of this
17 subsection (j). The Commission may provide its own comments to the
18 subcommittee and the relevant committees of jurisdiction, either as an
19 addendum to the report of the subcommittee or as a separate report.

20 (2) Public engagement. The district boundary subcommittee shall
21 engage and coordinate with the Commission's public engagement

1 subcommittee and the public engagement consultant to maximize public input
2 and feedback regarding the development of the proposed new school district
3 boundaries.

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

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

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

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

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

- 1 (ii) the member towns for each school district;
2 (iii) the location of public schools and the grades operated by each
3 of those schools;
4 (iv) the five-year facility condition index score for each school;
5 (v) PCB testing score for each school; and
6 (vi) 10-year change in enrollment between 2013 and 2023 for each
7 school.

8 * * * Scale * * *

9 Sec. 3. SCALE; INTENT

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

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

14 § 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL
15 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING
16 EDUCATION QUALITY STANDARDS

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

21 * * *

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

6 (A) Class size standards.

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

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

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

13 (iv) The average class size minimum for grades nine through 12 in
14 all required content area classes shall be 20 students.

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

17 (vi) Career and technical education, flexible pathways, terminal
18 courses, advanced placement courses, courses that require specialized
19 equipment, and driver’s education classes shall be excluded from the class size
20 minimum requirements in this subdivision (9). Small group services for the
21 purpose of providing special education, supplemental or targeted academic

1 intervention, or English learner instruction shall also be excluded from the
2 class size minimum requirements in this subdivision (9).

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

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

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

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

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

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

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

(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 pursuant to chapter 21 of this title; or

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

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

* * *

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

* * *

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

Sec. 5. FAILURE TO COMPLY WITH EDUCATION QUALITY

STANDARDS; STATE BOARD ACTION

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

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

(a) Rules.

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

4 (A) on or before January 1, 2027, to ensure compliance with the class
5 size minimum standards set pursuant to 16 V.S.A. § 165(a)(9); and

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

9 (2) On or before January 1, 2027, the State Board of Education shall
10 initiate rulemaking to amend the approved independent school rule 2200 series,
11 Agency of Education, Independent School Program Approval (22-000-004),
12 pursuant to 3 V.S.A. chapter 25, to require approved independent schools that
13 intend to accept public tuition to comply with the class size minimum
14 standards set pursuant to 16 V.S.A. § 165(a)(9). The amendments shall also
15 create a waiver process and a process for review by the State Board for failure
16 to meet the class size minimum requirements and the corresponding actions the
17 Board may take for such compliance.

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

1 Sec. 7. SCHOOL SIZE; INTENT

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

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

12 Sec. 8. SCHOOL BOARD AUTHORITY TO CLOSE A SCHOOL

13 (a) Notwithstanding any provision of law to the contrary, the school board
14 of a school district shall have the sole authority to close a public school;
15 provided, however, that the State Board may close an individual school or
16 schools pursuant to 16 V.S.A. § 165(b) and (c) for failure to meet education
17 quality standards.

18 (b) The authority granted to a school board in subsection (a) of this section
19 shall supersede any conflicting charter provision, municipal ordinance,
20 municipal bylaw, article of agreement, or article of incorporation adopted or
21 enacted prior to July 1, 2025.

1 Sec. 9. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO
2 PAYING TUITION

3 Notwithstanding any provision of law to the contrary, a school district shall
4 be prohibited from closing an existing public school and then providing for the
5 education of its resident students by paying tuition for its students to attend a
6 public or approved independent school chosen by the parents of the district's
7 students. If a school district that closes an existing public school is unable to
8 provide for the education of its affected resident students in a different school
9 or schools operated by the district, the school district shall provide for the
10 education of its resident students by designating three or fewer of the public
11 schools to serve as the public school or schools of the district, in accordance
12 with the process contained in 16 V.S.A. § 827.

13 Sec. 10. 16 V.S.A. § 828 is amended to read:

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

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

16 (1) a public school; located in Vermont;

17 (2) an approved independent school; that:

18 (A) is located in Vermont;

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

20 2025;

1 (D) has at least 51 percent of its student enrollment composed of
2 students attending on a district-funded tuition basis pursuant to chapter 21 of
3 this title as of July 1, 2025; and

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

10 (3) an independent school meeting education quality standards;

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

12 (5) an approved education program, or;

13 (6) an independent school in another state or country approved under the
14 laws of that state or country, that complies with the reporting requirement
15 under subsection 4010(c) of this title; a public school located in another state;
16 or

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

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

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

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

11 Sec. 11. TUITION TRANSITION

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

18 * * * Statewide Cohesion * * *

19 Sec. 12. STATEWIDE COHESION; INTENT

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

1 Sec. 13. AGENCY OF EDUCATION; SCHOOL CALENDAR;

2 GRADUATION REQUIREMENTS; REPORT

3 (a) Statewide graduation requirements. On or before January 1, 2026, the
4 Agency of Education shall recommend to the State Board of Education
5 standards for statewide proficiency based graduation requirements based on
6 standards adopted by the State Board.

7 (b) Statewide school calendar.

8 (1) On or before January 15, 2027, the Secretary of Education shall
9 develop and publish a statewide calendar for the public schools of the State,
10 including career and technical centers, that shall be in effect in the
11 2028–2029 academic year and after.

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

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

18 (1) In consultation with educators and administrators, recommendations
19 for proposed statewide financial data and student information systems,
20 including a detailed implementation plan for the statewide systems to be

1 operational for use in fiscal year 2029 and the costs associated with
2 procurement and implementation.

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

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

17 (4) In consultation with superintendents, directors of therapeutic
18 independent schools, special education directors, and, in the opinion of the
19 Agency, other experts, recommendations for the need for cooperative
20 education services and the oversight of therapeutic schools within the school
21 governance framework both at a state and local level.

* * * State-Level Governance * * *

Sec. 14. STATE-LEVEL GOVERNANCE; INTENT

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

Sec. 15. 16 V.S.A. § 161 is amended to read:

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF

MEMBERS; TERM; VACANCY

(a) The State Board shall consist of ~~ten~~ 11 members. Two of the members shall be secondary students, one of whom shall be a full member and the other of whom shall be a junior member who may not vote. ~~All~~ Student members shall be appointed by the Governor with the advice and consent of the Senate. In the appointment of the nonstudent members, priority shall be given to the selection of persons with a demonstrated commitment to ensuring quality education for Vermont students. To the extent possible, the members shall represent the State's geographic, gender, racial, and ethnic diversity. The Secretary shall serve on the State Board as a nonvoting member. The remaining eight voting members shall require the advice and consent of the Senate and shall be appointed as follows:

1 (1) one member shall be a public school central office administrator,
2 appointed by the Vermont Superintendents Association;

3 (2) one member shall be a public school administrator, appointed by the
4 Vermont Principals' Association;

5 (3) one member shall be a public school board member, appointed by
6 the Vermont School Boards Association;

7 (4) one member shall be a public school teacher, appointed by the
8 Vermont National Education Association;

9 (5) one member shall be an independent school administrator or teacher,
10 appointed by the Vermont Independent Schools Association; and

11 (6) three members shall be at large, appointed as follows:

12 (A) one member, appointed by the Governor;

13 (B) one member, appointed by the Speaker of the House; and

14 (C) one member, appointed by the Senate Committee on Committees.

15 (b)(1) Upon the expiration of the respective terms of those members of the
16 Board previously appointed, excluding the student members, the ~~Governor~~
17 appointing authority that made the initial appointment to the expired term
18 shall, biennially in the month of February with the advice and consent of the
19 Senate, appoint members for terms of six years. The terms shall begin March
20 1 of the year in which the appointments are made. A member serving a term of
21 six years shall not be eligible for reappointment for successive terms.

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

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

7 (4) Annually, using an application process that is open and accessible to
8 all eligible students, the Governor shall appoint a Vermont secondary school
9 student who will continue to be a secondary student for at least two years
10 following taking office, to serve on the State Board for two years, beginning on
11 July 1 of the year of appointment. The student member shall not vote during
12 the first year and shall be a full and voting member during the second year of
13 ~~his or her~~ the student's term.

14 Sec. 16. TRANSITION PERIOD APPOINTMENTS; STATE BOARD OF
15 EDUCATION

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

18 (b) On or before September 1, 2025, the Vermont National Education
19 Association shall appoint one public school teacher member.

20 (c) Beginning on July 1, 2025, as terms of currently serving members
21 expire, appointments of successors shall be made in accordance with the

1 qualifications, considerations, and appointment authority required under 16

2 V.S.A. § 161 and shall be made in the following order:

3 (1) For the terms expiring on February 28, 2027, one appointment shall
4 be made by the Vermont Superintendents Association, one appointment shall
5 be made by the Vermont Principals' Association, and one appointment shall be
6 made by the Vermont School Boards Association.

7 (2) For the term expiring on February 28, 2028, one appointment shall
8 be made by the Vermont Independent Schools Association.

9 (3) For the term expiring on February 28, 2029, one at large
10 appointment shall be made by the Governor.

11 (4) For the term expiring on June 30, 2030, one appointment shall be
12 made by the Speaker of the House.

13 (5) For the term expiring on February 28, 2031, one appointment shall
14 be made by the Senate Committee on Committees.

15 (d) After each appointing authority has made its initial transition period
16 appointments under this section, all appointments shall be made by the
17 appointing authority that made the initial appointment to the vacated or expired
18 term in accordance with 16 V.S.A. § 161.

19 Sec. 17. STATE BOARD OF EDUCATION; REVIEW OF RULES;

20 APPROPRIATION

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

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

* * * Effective Dates * * *

Sec. 18. EFFECTIVE DATES

(a) This section, Sec. 1 (general findings and intent), and Sec. 2
(Commission on the Future of Public Education) shall take effect on passage.

(b) Secs. 3 (scale; intent), 6 (SBE rules; class size minimums), 7 (school size intent), 8 (school closure), 11 (statewide cohesion; intent), 12 (Agency of Education; report), 13 (state-level governance; intent), 14 (SBE appointments), and 15 (SBE appointment transition), shall take effect on July 1, 2025.

1 (c) Secs. 4 (class size minimums), 5 (failure to comply with class size
2 minimums), 9 (16 V.S.A. § 828), and 10 (tuition transition) shall take effect
3 on July 1, 2026.

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11 (Committee vote: _____)

12

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Representative _____

14

FOR THE COMMITTEE