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TO THE HOUSE OF REPRESENTATIVES:

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

* * * Findings and Intent * * *

Sec. 1. FINDINGS; INTENT [passage]

The General Assembly finds that:

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

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

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

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1 local governments...it is required in the performance of our most basic public
2 responsibilities...it 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. 30 to 40 years ago, Vermont educated approximately 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) Vermont’s children have faced an extraordinary amount of change
15 over the last few years. In its work to ensure that each student is provided
16 substantially equal educational opportunities that will prepare them to thrive in
17 a 21st century world, the Legislature must work with intention and ensure that
18 each incremental change it makes provides strength and support to its only
19 Constitutionally required government service.

20 (8) Vermonters deserve an exceptional educational system that is stable,
21 predictable, and where a student’s home address does not dictate the quality of

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education they receive. School district size and boundaries, school size, and class size are all influential factors in shaping the quality of instruction and overall student outcomes. The effectiveness of our schools depends on teacher quality, resource availability, and the unique strengths of local communities. Change in our educational system is needed. Systems are made of people so change must come carefully and thoughtfully, with meaningful engagement by all Vermonters.

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

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

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

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

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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;

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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

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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~~

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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.

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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

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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;

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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;~~

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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~~

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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~~

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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;~~

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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~~

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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.

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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;

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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

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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;

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- 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 [7/1/25]

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: [7/1/26]

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 * * *

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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 12 in
12 all required content area classes shall be 18 students.

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

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

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

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

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

19 (b) Annually, the Secretary shall determine whether students in each
20 Vermont public school are provided educational opportunities substantially
21 equal to those provided in other public schools. If the Secretary determines

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1 that a school is not meeting the education quality standards listed in subsection
2 (a) of this section or that the school is making insufficient progress in
3 improving student performance in relation to the standards for student
4 performance set forth in subdivision 164(9) of this title, ~~he or she~~ the Secretary
5 shall describe in writing actions that a district must take in order to meet either
6 or both sets of standards and shall provide technical assistance to the school. If
7 the school fails to meet the standards or make sufficient progress within two
8 years ~~of~~ following the determination, the Secretary shall recommend to the
9 State Board one or more of the following actions:

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

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

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

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

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

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

8 * * *

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

17 * * *

18 (g) In addition to the education quality standards provided in subsection (a)
19 of this section, each Vermont school district shall meet the school district
20 quality standards adopted by rule of the Agency of Education regarding the
21 business, facilities management, and governance practices of school districts.

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1 These standards shall include a process for school district quality reviews to be
2 conducted by the Agency of Education. Annually, the Secretary shall publish
3 metrics regarding the outcomes of school district quality reviews.

4 Sec. 5. FAILURE TO COMPLY WITH EDUCATION QUALITY

5 STANDARDS; STATE BOARD ACTION [7/1/26]

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

14 Sec. 6. STATE BOARD OF EDUCATION; RULES; REPORT [7/1/25]

15 (a) Rules.

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

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

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

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

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

20 Sec. 7. SCHOOL SIZE; INTENT [7/1/25]

new from draft 5.1

effective dates

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

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

11 Sec. 8. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO
12 PAYING TUITION [7/1/25]

13 Notwithstanding any provision of law to the contrary, a school district shall
14 be prohibited from closing an existing public school and then providing for the
15 education of its resident students by paying tuition for its students to attend a
16 public or approved independent school chosen by the parents of the district's
17 students. If a school district that closes an existing public school is unable to
18 provide for the education of its affected resident students in a different school
19 or schools operated by the district, the school district shall provide for the
20 education of its resident students by designating three or fewer of the public

new from draft 5.1

effective dates

1 schools to serve as the public school or schools of the district, in accordance
2 with the process contained in 16 V.S.A. § 827.

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

4 § 3440. STATEMENT OF POLICY [7/1/26]

5 It is the intent of this chapter to encourage the efficient use of public funds
6 to modernize school infrastructure in alignment with current educational needs.
7 School construction projects supported by this chapter should be developed
8 taking consideration of standards of quality for public schools under section
9 165 of this title and prioritizing cost, geographic accessibility, 21st century
10 education facilities standards, statewide enrollment trends, and capacity and
11 scale that support best educational practices. Further, it is the intent of this
12 chapter to encourage the use of existing infrastructure to meet the needs of
13 Vermont students. Joint construction projects between two or more school
14 districts and consolidation of buildings within a district where feasible and
15 educationally appropriate are encouraged.

16 Sec. 10. 16 V.S.A. § 3442 is added to read: [7/1/26]

17 § 3442. STATE AID FOR SCHOOL CONSTRUCTION PROGRAM

18 The Agency of Education shall be responsible for implementing the State
19 Aid for School Construction Program according to the provisions of this
20 chapter. The Agency shall be responsible for:

new from draft 5.1

effective dates

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

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

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

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

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

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

new from draft 5.1

effective dates

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

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

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

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

12 (11) developing a formal enrollment projection model or using
13 projection models already available;

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

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

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

new from draft 5.1

effective dates

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

5 Sec. 11. 16 V.S.A. § 3443 is added to read: 7/1/25

6 § 3443. STATE AID FOR SCHOOL CONSTRUCTION ADVISORY

7 BOARD

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

14 (b) Membership.

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

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

18 (i) the State Treasurer or designee;

19 (ii) the Commissioner of Buildings and General Services or
20 designee;

new from draft 5.1

effective dates

1 (iii) the Executive Director of the Vermont Bond Bank or
2 designee; and

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

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

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

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

12 (2) Members with four-year terms.

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

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

new from draft 5.1

effective dates

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

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

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

9 (2) project priorities;

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

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

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

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

new from draft 5.1

effective dates

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

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

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

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

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

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

19 (d) Meetings.

20 (1) The State Treasurer shall call the first meeting of the Board to occur
21 on or before August 15, 2025.

new from draft 5.1

effective dates

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

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

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

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

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

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

10 CONSTRUCTION ADVISORY BOARD [7/1/25]

11 16 V.S.A. § 3443 (State Aid for School Construction Advisory Board) is
12 repealed on July 1, 2035.

13 Sec. 13. 16 V.S.A. § 3444 is added to read: [7/1/26]

14 § 3444. SCHOOL CONSTRUCTION AID SPECIAL FUND

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

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

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

new from draft 5.1

effective dates

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

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

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

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

7 (2) any interest earned by the Fund.

8 Sec. 14. 16 V.S.A. § 3445 is added to read: **[7/1/26]**

9 § 3445. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
10 PROJECTS

11 (a) Construction aid.

12 (1) Preliminary application for construction aid. A school district
13 eligible for assistance under section 3447 of this title that intends to construct
14 or purchase a new school, or make extensive additions or alterations to its
15 existing school, and desires to avail itself of State school construction aid shall
16 submit a written preliminary application to the Secretary. A preliminary
17 application shall include information required by the Agency by rule and shall
18 specify the need for and purpose of the project.

19 (2) Approval of preliminary application.

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

new from draft 5.1

effective dates

1 (i) regional educational opportunities and needs, including school
2 building capacities across school district boundaries, and available
3 infrastructure in neighboring communities;

4 (ii) economic efficiencies;

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

7 (iv) statewide educational initiatives.

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

9 (i)(I) the project or part of the project fulfills a need occasioned
10 by:

11 (aa) conditions that threaten the health or safety of students
12 or employees;

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

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

17 (dd) deterioration of an existing building; or

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

new from draft 5.1

effective dates

1 (ii) the need addressed by the project cannot reasonably be met by
2 another means;

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

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

9 (v) the applicant has completed a facilities master planning
10 process that:

11 (I) engages robust community involvement;

12 (II) considers regional solutions;

13 (III) evaluates environmental contaminants; and

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

17 (3) Priorities. Following approval of a preliminary application and
18 provided that the district has voted funds or authorized a bond for the total
19 estimated cost of a project, the Agency, with the advice of the State Aid for
20 School Construction Advisory Board, shall assign points to the project as

new from draft 5.1

effective dates

1 prescribed by rule of the Agency so that the project can be placed on a priority
2 list based on the number of points received.

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

10 (5) Final approval for construction aid.

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

16 (B) The Secretary may approve a final application for a project
17 provided that:

18 (i) the project has received preliminary approval;

19 (ii) the district has voted funds or authorized a bond for the total
20 estimated cost of the project;

new from draft 5.1

effective dates

1 (iii) the district has made arrangements for project construction
2 supervision by persons competent in the building trades;

3 (iv) the district has provided for construction financing of the
4 project during a period prescribed by the Agency;

5 (v) the project has otherwise met the requirements of this chapter;

6 (vi) if the proposed project includes a playground, the project
7 includes a requirement that the design and construction of playground
8 equipment follow the guidelines set forth in the U.S. Consumer Product Safety
9 Commission Handbook for Public Playground Safety; and

10 (vii) if the total estimated cost of the proposed project is less than
11 \$50,000.00, no performance bond or irrevocable letter of credit shall be
12 required.

13 (C) The Secretary may provide that a grant for a high school project
14 is conditioned upon the agreement of the recipient to provide high school
15 instruction for any high school pupil living in an area prescribed by the Agency
16 who may elect to attend the school.

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

20 (6) Award of construction aid.

new from draft 5.1

effective dates

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

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

9 (b) Emergency aid. Notwithstanding any other provision of this section,
10 the Secretary may grant aid pursuant to subdivision (a)(6) of this section for a
11 project the Secretary deems to be an emergency, up to a maximum total project
12 cost of \$100,000.00.

13 Sec. 15. 16 V.S.A. § 3446 is added to read: **[7/1/26]**

14 § 3446. APPEAL

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

18 Sec. 16. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF
19 RULES **[7/1/26]**

20 (a) The statutory authority to adopt rules by the State Board of Education
21 pertaining to school construction and capital outlay adopted under 16 V.S.A.

new from draft 5.1

effective dates

1 § 3448(e) and 3 V.S.A. chapter 25 is transferred from the State Board of
2 Education to the Agency of Education.

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

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

11 Sec. 17. REPEALS 7/1/26

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

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

15 Sec. 18. 16 V.S.A. § 828 is amended to read: 7/1/25

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

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

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

19 (2) an approved independent school; that:

20 (A) is located in Vermont;

new from draft 5.1

effective dates

1 (B) is approved under section 166 of this title on or before July 1,
2 2025;

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

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

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

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

14 (5) an approved education program; or;

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

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

effective dates

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

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

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

Sec. 20. STATEWIDE COHESION; INTENT [7/1/25]

new from draft 5.1

effective dates

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

3 Sec. 21. AGENCY OF EDUCATION; SCHOOL CALENDAR;

4 GRADUATION REQUIREMENTS; REPORT [7/1/25]

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

9 (b) Statewide school calendar.

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

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

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

20 (1) In consultation with educators and administrators, recommendations
21 for proposed statewide financial data and student information systems,

new from draft 5.1

effective dates

1 including a detailed implementation plan for the statewide systems to be
2 operational for use in fiscal year 2029 and the costs associated with
3 procurement and implementation.

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

new from draft 5.1

effective dates

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

* * * State-Level Governance * * *

Sec. 22. STATE-LEVEL GOVERNANCE; INTENT [7/1/25]

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

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF

MEMBERS; TERM; VACANCY [7/1/25]

The State Board shall consist of ~~ten~~ 10 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~~ Eight members shall be appointed by the Governor with the advice and consent of the Senate. One member shall be appointed by the Speaker of the House and one member shall be appointed by the Senate Committee on Committees. 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

new from draft 5.1

effective dates

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

new from draft 5.1

effective dates

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

Sec. 24. TRANSITION PERIOD APPOINTMENTS; STATE BOARD OF

EDUCATION [7/1/25]

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

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

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

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

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

new from draft 5.1

effective dates

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 seven seats, with the advice and
4 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 [7/1/25]**

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 Governor shall appoint a
11 person to fill the unexpired term; provided, however, that the original
12 appointing authority for the seat associated with the member that was removed
13 by the Governor shall make subsequent appointments to fill the seat in
14 accordance with section 161 of this title upon completion of the unexpired
15 term.

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

17 APPROPRIATION [7/1/25]

18 (a) The State Board of Education shall review each rule series the State
19 Board is responsible for and make a determination as to the continuing need
20 for, appropriateness of, or need for updating of said rules. On or before
21 December 1, 2026, the State Board of Education shall submit a written report

new from draft 5.1

effective dates

1 to the House and Senate Committees on Education with its recommendation
2 for rules that are no longer needed and a plan to update rules that are still
3 necessary, including the order in which the Board proposes to update the rules
4 and any associated costs or staffing needs.

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

9 * * * Effective Dates * * *

10 Sec. 27. EFFECTIVE DATES [passage]

11 (a) shall take effect on passage.

12 (b) shall take effect on July 1, 2025.

13 (c) shall take effect on July 1, 2026.

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20
21 (Committee vote: _____)

new from draft 5.1

effective dates

1

2

Representative _____

3

FOR THE COMMITTEE