

1 Introduced by Committee on Education

2 Date:

3 Subject: Education

4 Statement of purpose of bill as introduced: This bill proposes to make
5 miscellaneous amendments to education law, including (1) amendments to
6 2023 Acts and Resolves No. 29, An act relating to school safety; (2)
7 amendments to the list of postsecondary schools accredited to operate in
8 Vermont; (3) excluding contracts for the purchase of food made from a
9 nonprofit school food services account from the requirements of 16 V.S.A.
10 § 559 (public bids); (4) adding a section to the flexible pathways chapter in
11 Title 16 to codify the virtual learning pathway; (5) amendments to the BOCES
12 grant program; (6) a requirement for school districts to include military-related
13 options in career development and postsecondary planning resources as part of
14 the Flexible Pathways Initiative and a student’s personalized learning plan; (7)
15 amendments to the Secretary of Education search process; and (8) extending
16 the provision authorizing a beneficiary of the Vermont State Teachers’
17 Retirement System to resume service as an interim educator and continue to
18 receive a retirement allowance for that period.

19 An act relating to miscellaneous amendments to education law

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * School Safety * * *

3 Sec. 1. 2023 Acts and Resolves No. 29, Secs. 5 and 6 are amended to read:

4 Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;

5 IMPLEMENTATION

6 * * *

7 ~~(c) The Agency of Education shall establish guidelines necessary to collect~~
8 ~~the data required pursuant to 16 V.S.A. § 1485(e). Each supervisory union,~~
9 ~~supervisory district, and independent school using behavioral threat assessment~~
10 ~~teams as of July 1, 2023 shall comply with the data collection requirements~~
11 ~~under 16 V.S.A. § 1485(e) beginning in the 2023-2024 school year.~~

12 [Repealed.]

13 * * *

14 Sec. 6. EFFECTIVE DATES

15 * * *

16 (c) Sec. 2 (16 V.S.A. § 1480) shall take effect on July 1, ~~2024~~ 2025.

17 (d) Sec. 4 (16 V.S.A. § 1485) shall take effect on July 1, ~~2025~~ 2027.

18 * * * Postsecondary Schools Chartered in Vermont * * *

19 Sec. 2. 16 V.S.A. § 176(d) is amended to read:

20 (d) Exemptions. The following are exempt from the requirements of this
21 section except for the requirements of subdivision (c)(1)(C) of this section:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

* * *

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Champlain College, ~~College of St. Joseph, Goddard College, Green Mountain College,~~ Landmark College, ~~Marlboro College,~~ Middlebury College, ~~New England Culinary Institute,~~ Norwich University, Saint Michael’s College, SIT Graduate Institute, ~~Southern Vermont College,~~ Sterling College, Vermont College of Fine Arts, and Vermont Law and Graduate School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

* * *

* * * Nutrition Contracts and Public Bids * * *

Sec. 3. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

* * *

1 (e) Application of this section. Any contract entered into or purchase made
2 in violation of the provisions of this section shall be void; provided, however,
3 that:

4 (1) The provisions of this section shall not apply to contracts for the
5 purchase of books or other materials of instruction.

6 (2) A school board may name in the specifications and invitations for
7 bids under this section the particular make, kind, or brand of article or articles
8 to be purchased or contracted.

9 (3) Nothing in this section shall apply to emergency repairs.

10 (4) ~~Nothing in this section shall be construed to prohibit a school board~~
11 ~~from awarding a school nutrition contract after using any method of bidding or~~
12 ~~requests for proposals permitted under federal law for award of the contract.~~
13 ~~Notwithstanding the monetary amount in subsection (a) of this section for~~
14 ~~which a school board is required to advertise publicly or invite three or more~~
15 ~~bids or requests for proposal, a school board is required to publicly advertise or~~
16 ~~invite three or more bids or requests for proposal for purchases made from the~~
17 ~~nonprofit school food service account for purchases in excess of the federal~~
18 ~~simplified acquisition threshold when purchasing food or in excess of~~
19 ~~\$25,000.00 when purchasing nonfood items, unless a municipality sets a lower~~
20 ~~threshold for purchases from the nonprofit school food service account. The~~

1 provisions of this section shall not apply to contracts for the purchase of food
2 made from a nonprofit school food services account.

3 * * *

4 * * * Virtual Learning * * *

5 Sec. 4. 16 V.S.A. § 948 is added to read:

6 § 948. VIRTUAL LEARNING

7 (a) The Agency of Education shall maintain access to and oversight of a
8 virtual learning provider for the purpose of offering virtual learning
9 opportunities to Vermont students.

10 (b) A student may enroll in virtual learning if:

11 (1) the student is enrolled in a Vermont public school, including a
12 Vermont career technical center;

13 (2) virtual learning is determined to be an appropriate learning pathway
14 outlined in the student’s personalized learning plan; and

15 (3) the student’s learning experience occurs under the supervision of an
16 appropriately licensed educator and aligns with State expectations and
17 standards, as adopted by the Agency and the State Board of Education, as
18 applicable.

19 (c) A school district shall count a student enrolled in virtual learning in the
20 school district’s average daily membership, as defined in section 4001 of this
21 title, if the student meets all of the criteria in subsection (b) of this section.

1 Sec. 5. 16 V.S.A. § 942(13) is amended to read:

2 (13) “Virtual learning” means ~~learning in which the teacher and student~~
3 ~~communicate concurrently through real-time telecommunication.~~ “Virtual
4 ~~learning” also means online learning in which communication between the~~
5 ~~teacher and student does not occur concurrently and the student works~~
6 ~~according to his or her own schedule~~ an intentionally designed learning
7 environment for online teaching and learning using online design principles
8 and teachers trained in the delivery of online instruction. This instruction may
9 take place either in a self-paced environment or a real-time environment.

10 * * * BOCES Start-up Grant Program* * *

11 Sec. 6. 2024 Acts and Resolves No. 168, Sec. 4 is amended to read:

12 Sec. 4. BOCES GRANT PROGRAM; APPROPRIATION

13 (a) There is established the Boards of Cooperative Education Services
14 Start-up Grant Program, to be administered by the Agency of Education, from
15 funds appropriated for this purpose, to award grants to enable the formation of
16 boards of cooperative education services (BOCES) formed pursuant to
17 16 V.S.A. chapter 10 after July 1, 2024. BOCES Supervisory unions shall be
18 eligible for a single \$10,000.00 grant after ~~the Secretary of Education approves~~
19 ~~the applicant’s initial articles of agreement pursuant to 16 V.S.A. § 603(b)~~ two
20 or more boards vote to explore the advisability of forming a board of
21 cooperative education services pursuant to 16 V.S.A. § 603(a). Grants may be

1 used for start-up and formation costs ~~and may include reimbursement to~~
2 ~~member supervisory unions for costs incurred during the exploration and~~
3 ~~formation of the BOCES and articles of agreement, including the development~~
4 of proposed articles of agreement. Grants shall be awarded to only one
5 supervisory union within each group of supervisory unions exploring the
6 formation of a BOCES.

7 (b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the
8 sum of \$70,000.00 is appropriated from the Education Fund to the Agency of
9 Education in fiscal year 2025 to fund the Boards of Cooperative Education
10 Services Start-up Grant Program created in subsection (a) of this section.
11 Unexpended appropriations shall carry forward into the subsequent fiscal year
12 and remain available for use for this purpose.

13 * * * Military-related Postsecondary Opportunities * * *

14 Sec. 7. 16 V.S.A. § 941 is amended to read:

15 § 941. FLEXIBLE PATHWAYS INITIATIVE

16 (a) There is created within the Agency a Flexible Pathways Initiative:

17 (1) to encourage and support the creativity of school districts as they
18 develop and expand high-quality educational experiences that are an integral
19 part of secondary education in the evolving 21st ~~Century~~ century classroom;

1 (2) to promote opportunities for Vermont students to achieve
2 postsecondary readiness through high-quality educational experiences that
3 acknowledge individual goals, learning styles, and abilities; and

4 (3) to increase the rates of secondary school completion and
5 postsecondary continuation and retention in Vermont.

6 (b) The Secretary shall develop, publish, and regularly update guidance, in
7 the form of technical assistance, sharing of best practices and model
8 documents, legal interpretations, and other support designed to assist school
9 districts:

10 (1) ~~to~~ To identify and support secondary students who require additional
11 assistance to succeed in school and to identify ways in which individual
12 students would benefit from flexible pathways to graduation;

13 (2) ~~to~~ To work with every student in grade ~~7~~ seven through grade 12 in
14 an ongoing personalized learning planning process that:

15 (A) identifies the student’s emerging abilities, aptitude, and
16 disposition;

17 (B) includes participation by families and other engaged adults;

18 (C) guides decisions regarding course offerings and other high-
19 quality educational experiences; ~~and~~

20 (D) identifies career and postsecondary planning options using
21 resources provided pursuant to subdivision (4) of this subsection (b); and

1 (E) is documented by a personalized learning plan;

2 (3) ~~to~~ To create opportunities for secondary students to pursue flexible
3 pathways to graduation that:

4 (A) increase aspiration and encourage postsecondary continuation of
5 training and education;

6 (B) are an integral component of a student’s personalized learning
7 plan; and

8 (C) include:

9 (i) applied or work-based learning opportunities, including career
10 and career technical education and internships;

11 (ii) virtual learning and blended learning;

12 (iii) dual enrollment opportunities as set forth in section 944 of
13 this title;

14 (iv) early college programs as set forth in subsection 4011(e) of
15 this title; and

16 (v) [Repealed.]

17 (vi) adult education and secondary credential opportunities as set
18 forth in section 945 of this title; ~~and~~.

19 (4) ~~to~~ To provide students, beginning ~~no~~ not later than in grade 7 seven,
20 with career development and postsecondary planning resources to ensure that
21 they are able to take full advantage of the opportunities available within the

1 flexible pathways to graduation and to achieve their career and postsecondary
2 education and training goals. Resources provided pursuant to this subdivision
3 shall include information regarding the admissions process and requirements
4 necessary to proceed with any and all military-related opportunities.

5 (c) Nothing in this subchapter shall be construed as discouraging or
6 limiting the authority of any school district to develop or continue to provide
7 educational opportunities for its students that are otherwise permitted,
8 including the provision of Advanced Placement courses.

9 (d) An individual entitlement or private right of action shall not arise from
10 creation of a personalized learning plan.

11 * * * Secretary of Education Search * * *

12 Sec. 8. 3 V.S.A. § 2702 is amended to read:

13 § 2702. SECRETARY OF EDUCATION

14 (a) With the advice and consent of the Senate, the Governor shall appoint a
15 Secretary of Education from among ~~no~~ not fewer than three candidates
16 proposed by the State Board of Education. The Secretary shall serve at the
17 pleasure of the Governor.

18 (1) The State Board shall begin a robust national search process not later
19 than 60 days after public notification of the resignation of a Secretary of
20 Education.

1 (2) The State Board may request from the Agency of Education the
2 funds necessary to utilize outside resources for the search process required
3 pursuant to this subsection.

4 (b) The Secretary shall report directly to the Governor and shall be a
5 member of the Governor’s Cabinet.

6 (c) At the time of appointment, the Secretary shall have expertise in
7 education management and policy demonstrated leadership and management
8 abilities.

9 *** Retirement Allowance for Interim Educators ***

10 Sec. 9. 2022 Acts and Resolves No. 173, Sec. 1 is amended to read:

11 Sec. 1. FY 2023; RESTORATION OF SERVICE; VERMONT STATE
12 TEACHERS’ RETIREMENT SYSTEM

13 (a) Authority. Notwithstanding 16 V.S.A. § 1939 or any other provision of
14 law, in fiscal year 2023, a beneficiary who retired from the System as a
15 Group A or a Group C member may resume service, as that term is defined in
16 16 V.S.A. § 1931, to serve as an interim school educator for a period not to
17 exceed one school year and receive the beneficiary’s retirement allowance for
18 the entire period that service is resumed, provided that:

19 (1) the beneficiary has received a retirement allowance for six months or
20 more immediately preceding the resumption of service;

1 (2) the employer of the beneficiary is subject to the assessment set forth
2 in 16 V.S.A. § 1944d on behalf of the beneficiary and remits payment to the
3 Benefits Fund; and

4 (3) the employer of the beneficiary remits payment to the Vermont
5 Teachers' Retirement Fund, established in 16 V.S.A. § 1944, in an amount
6 equal to the contribution rate established for members of the beneficiary's
7 group for any period that service is resumed.

8 (b) Period of service. A person who resumes service under subsection (a)
9 of this section shall not make any contributions to the System during the
10 person's period of service and shall not be entitled to a retirement allowance
11 separately computed for the period that service was resumed.

12 (c) Employment certification. Each superintendent who hires an interim
13 school educator pursuant to subsection (a) of this section shall certify to the
14 Board that the district exhausted all reasonable options to employ a qualified
15 active educator prior to employing a beneficiary as an interim school educator.

16 (d) Renewal.

17 (1) In fiscal years 2024 ~~and 2025~~ through 2027, the State Treasurer is
18 authorized to grant not more than ~~two~~ four renewals for a one-fiscal-year
19 period to the authority described in subsection (a) of this section. The State
20 Treasurer shall make the determination to renew the authority not earlier than
21 ~~June~~ May 1 but not later than ~~June 30~~ May 31 in each fiscal year and shall

1 notify the House Committee on Government Operations and Military Affairs
2 and Senate ~~Committees~~ Committee on Government Operations of the
3 determination.

4 (2) ~~In the event the State Treasurer makes a determination to renew the~~
5 ~~authority pursuant to subdivision (1) of this subsection, a beneficiary may only~~
6 ~~resume service during each one-year renewal period if service is performed in~~
7 ~~a different interim school educator position. [Repealed.]~~

8 (e) Repeal. This section shall be repealed on June 30, 2026 **2028**.

9 * * * Effective Dates * * *

10 Sec. 10. EFFECTIVE DATES

11 This act shall take effect on passage, except that Sec. 7 (military-related
12 postsecondary opportunities) shall take effect on July 1, 2025.