

1 H.955

2 Representative McCann of Montpelier moves that the report of the
3 Committee on Ways and Means be amended by adding a reader assistance
4 heading and three new sections to be Secs. 21b, 21c, and 21d to read as
5 follows:

6 * * * Approved Independent Schools Eligible to Receive Public Tuition and
7 Education Quality Standards * * *

8 Sec. 21b. 16 V.S.A. § 165 is amended to read:

9 § 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL
10 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING
11 EDUCATION QUALITY STANDARDS

12 (a) In order to carry out Vermont’s policy that all Vermont children will be
13 afforded educational opportunities that are substantially equal in quality, each
14 Vermont public school, including each career technical center, and each
15 approved independent school that is eligible to receive public tuition shall meet
16 the following education quality standards:

17 * * *

18 (2) The school, at least annually, reports student performance results to
19 community members in a format selected by the school board or governing
20 body of an approved independent school eligible to receive public tuition. In

1 the case of a regional career technical center, the community means the school
2 districts in the service region. The school report shall include:

3 (A) Information indicating progress toward meeting standards from
4 the most recent measure taken.

5 (B) [Repealed.]

6 (C) Information indicating progress toward meeting the goals of an
7 annual continuous improvement plan.

8 (D) Any other statistical information about the school or community
9 that the school board or governing body deems necessary to place student
10 performance results in context.

11 (E)–(G) [Repealed.]

12 (H) A description of how the school ensures that each student
13 receives appropriate career counseling and program information regarding
14 availability of education and apprenticeship program offerings at career
15 technical centers.

16 (I) [Repealed.]

17 (J) If the school is a secondary school, information and supporting
18 data presented in a manner designed to protect student confidentiality on the
19 dropout and graduation rates.

20 (K) Data provided by the Secretary that enable a comparison with
21 other schools, or school districts if school level data are not available, for cost-

1 effectiveness. The Secretary shall establish which data are to be included
2 pursuant to this subdivision and, notwithstanding that the other elements of the
3 report are to be presented in a format selected by the school board or governing
4 body, shall develop a common format to be used by each school in presenting
5 the data to community members. The Secretary shall provide the most recent
6 data available to each school ~~no later than~~ on or before October 1 of each year.
7 Data to be presented include student-to-teacher ratio, administrator-to-student
8 ratio, administrator-to-teacher ratio, and cost per pupil.

9 * * *

10 (4) The school shall provide for and the staff shall use needs-based
11 professional development designed to improve the quality of education
12 provided to the students and directly connected to standards for student
13 performance established by the State Board and any other educational
14 performance goals established by the school board or governing body.

15 * * *

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

21 * * *

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

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

18 (b) Annually, the Secretary shall determine whether students in each
19 Vermont public school and each approved independent school that is eligible
20 to receive public tuition are provided educational opportunities substantially
21 equal to those provided in other public and approved independent schools that

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

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

13 (2) in the case of a public school, the State Board adjust supervisory
14 union boundaries or responsibilities of the superintendency pursuant to section
15 261 of this title;

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

20 (4) in the case of a public school, the State Board close an individual
21 school or schools and require that the school district pay tuition to another

1 public school or an approved independent school pursuant to chapter 21 of this
2 title; ~~or~~

3 (5) in the case of a public school, the State Board require two or more
4 school districts to consolidate their governance structures; or

5 (6) in the case of an approved independent school that is eligible to
6 receive public tuition, the State Board revoke the school's approval or
7 eligibility to receive public tuition.

8 (c) The State Board, after offering the school board or governing body of
9 an approved independent school that is eligible to receive public tuition an
10 opportunity for a hearing, shall either dismiss the Secretary's recommendation
11 or order that one or more of the actions listed in subsection (b) of this section
12 be taken, as applicable. The action ordered by the State Board shall be the
13 least intrusive consistent with the need to provide students attending the school
14 substantially equal educational opportunities. A school board or governing
15 body aggrieved by an order of the State Board may appeal the order in
16 accordance with the Rules of Civil Procedure.

17 (d) Nothing in this section shall be construed to entitle any student to
18 educational programs or services identical to those received by students in the
19 same or any other school district or approved independent school that is
20 eligible to receive public tuition. Further, nothing in this section shall create a
21 private right of action.

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

10 ~~(f) In order to be designated an independent school meeting education~~
11 ~~quality standards, an independent school shall participate in the education~~
12 ~~quality standards process of subsection (b) of this section. An independent~~
13 ~~school shall receive technical assistance in accordance with the provisions of~~
14 ~~subsection (b), but shall not be subject to subdivisions (b)(2)-(4) of this~~
15 ~~section. The school shall be an independent school meeting education quality~~
16 ~~standards unless the State Board, after opportunity for hearing, finds that:~~

17 ~~(1) the school has discontinued its participation in the education quality~~
18 ~~standards process; or~~

19 ~~(2) two or more years following a determination that the school is not~~
20 ~~meeting the education quality standards or that the school is making~~
21 ~~insufficient progress in improving student performance, the school fails to~~

1 ~~meet the standards or make sufficient progress toward meeting the standards.~~

2 [Repealed.]

3 * * *

4 Sec. 21c. 16 V.S.A. § 828 is amended to read:

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

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

7 (1) a public school located in Vermont;

8 (2) an approved independent school that:

9 (A) is located in Vermont;

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

11 2025;

12 (C) is located within either:

13 (i) a supervisory district that does not operate a public school for
14 some or all grades as of July 1, 2024; or

15 (ii) a supervisory union with one or more member school districts
16 that does not operate a public school for some or all grades as of July 1, 2024;

17 (D) had at least 25 percent of its student enrollment composed of
18 students attending on a district-funded tuition basis pursuant to chapter 21 of
19 this title during the 2023–2024 school year; and

20 (E) ~~complies with the minimum class size requirements contained in~~
21 ~~subdivision 165(a)(9) of this title and State Board rule; provided, however, that~~

1 ~~if a school is unable to comply with the class size minimum standards due to~~
2 ~~geographic isolation or a school has developed an implementation plan to meet~~
3 ~~the class size minimum requirements, the school may ask the State Board to~~
4 ~~grant it a waiver from this subdivision (E), which decision shall be final meets~~
5 ~~the education quality standards listed in subsection 165(b) of this chapter and~~
6 ~~the State Board's education quality standard rules contained in Agency of~~
7 ~~Education, State Board Rule 2000 Education Quality Standards (CVR 22-000-~~
8 ~~003);~~

9 (3) ~~an independent school meeting education quality standards;~~

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

11 (5) an approved education program;

12 (6) a public school located in another state; or

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

15 * * *

16 Sec. 21d. STATE BOARD OF EDUCATION; RULEMAKING

17 The State Board of Education shall, unless extended by the Legislative
18 Committee on Administrative Rules, adopt updates to Agency of Education,
19 State Board Rule 2000 Education Quality Standards (CVR 22-000-003),
20 pursuant to 3 V.S.A. § 843 on or before March 31, 2027, to require approved

- 1 independent schools that are eligible to receive public tuition to meet education
- 2 quality standards as required pursuant to 16 V.S.A. § 165(a).