

1 Sec. 1. 16 V.S.A. § 563 is amended to read:

2 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

3 The school board of a school district, in addition to other duties and  
4 authority specifically assigned by law:

5 \* \* \*

6 (33) Shall establish policies and procedures for assigning each resident  
7 student to a school in grades kindergarten through 12, as applicable, that is  
8 either operated by the district or designated by the district pursuant to section  
9 827 of this title.

10 Sec. 2. 16 V.S.A. § 827 is amended to read:

11 § 827. DESIGNATION OF A PUBLIC ~~HIGH SCHOOL OR AN~~

12 ~~APPROVED INDEPENDENT HIGH SCHOOL AS THE PUBLIC~~  
13 ~~HIGH SCHOOL OF A SCHOOL DISTRICT~~

14 (a) Designation.

15 (1) A school district board not maintaining an approved public high  
16 school may vote on such terms or conditions as it deems appropriate, to  
17 designate three or fewer an eligible approved independent or public high  
18 schools school or schools as the public high school or schools of the district to  
19 provide education for its resident students by contracting with an eligible  
20 school pursuant to this section.

21 (2) A school is eligible for designation if:

1           (A) the school is a public school located in Vermont or outside of  
2 Vermont in a different state; or

3           (B) the school is approved under 16 V.S.A. § 166 of this title, is  
4 eligible to receive public tuition under 16 V.S.A. § 828, and meets at least  
5 three of the following four criteria:

6           (i) the school serves as a regional CTE center as defined in 16  
7 V.S.A. § 1522 as of July 1, 2025;

8           (ii) the school was established through the granting of a charter by  
9 the Vermont General Assembly;

10           (iii) the school is qualified as a public school under the definition  
11 of “public school” in effect on June 30, 1991, under 16 V.S.A. § 11(a)(7); or

12           (iv) the school is designated under 16 V.S.A. § 1935 of this title as an  
13 employer of teachers within the meaning of Title 16, chapter 55 (State  
14 Teachers’ Retirement System of Vermont).

15           (3) A school district may operate its own public school or schools and  
16 also designate an eligible school or schools pursuant to this section.

17           (4) There is no limit to the number of eligible schools a school board  
18 may designate pursuant to this section.

19           (b) ~~Except as otherwise provided in this section, if~~ Designation contract. If  
20 the board of trustees or the school board of a designated school votes to accept  
21 this designation, ~~the school shall be regarded as a public school for tuition~~

1 ~~purposes under subsection 824(b) of this title, and the sending school district~~  
2 ~~shall pay tuition only to that school, and to any other school designated under~~  
3 ~~this section, until such time as the sending school district or the designated~~  
4 ~~school votes to rescind the designation the district and the designated school~~  
5 shall enter into a contract in accordance with this section.

6 (1) All contracts. The contract between a sending school district and a  
7 receiving public school district or approved independent school shall:

8 (A) specify the duration of the contract;

9 (B) contain any other provisions the parties deem necessary;

10 (C) be ratified by a majority vote of each of the governing bodies  
11 party to the contract;

12 (D) be filed with the Secretary of Education; and

13 (E) satisfy any additional requirements established pursuant to this  
14 section, as applicable.

15 (2) Approved independent schools. If the designated school is an  
16 approved independent school, the contract shall, in addition to satisfying the  
17 requirements contained in subdivision (1) of this subsection, require the  
18 receiving approved independent school to, at a minimum:

19 (A) notwithstanding any provision of law to the contrary, enroll any  
20 student sent by the sending district who requires special education services;

1           (B) provide the sending district with an attendance report for students  
2           attending the receiving school pursuant to the designation contract, at an  
3           interval determined by and in a format approved by the Agency;

4           (C) provide the sending district with a report of the academic  
5           progress of students attending the receiving school pursuant to the designation  
6           contract at an interval determined by and in a format approved by the Agency;

7           (D) provide the sending district with a report of any enrollment  
8           change for students, including withdrawals;

9           (E) comply with the provisions of sections 1161a and 1162 of this  
10          title, as well as notify the school board of the sending district at least 24 hours  
11          prior to suspending or expelling a student attending the receiving school;

12          (F) adopt and implement policies and procedures to comply with the  
13          Vermont Public Accommodations Act, 9 V.S.A. chapter 139, and the Vermont  
14          Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6;

15          (G) refrain from using an admissions process for students attending  
16          pursuant to a designation contract that includes mandatory interviews,  
17          academic entrance exams, academic history, mandatory campus visits, or  
18          consideration of ability to pay for any costs or fees, provided that the school  
19          may request proof of a student’s most recently completed grade;

20          (H) provide the results of all State-mandated assessments of students  
21          on public tuition to the Agency of Education, which shall publish the results on

1 its website in a manner consistent with the publication of the same results for  
2 public school students;

3 (I) refrain from charging students an application fee, an academic fee,  
4 or any fees for academic materials; and

5 (J) attest on or before August 1 of each year to compliance with the  
6 requirements of this subdivision (b)(2), all other statutory requirements for  
7 approved independent schools, and the Board’s rules for approved independent  
8 schools, on a form created by the Agency, including documentation of the  
9 following:

10 (i) a statement of nondiscrimination, posted on the school’s  
11 website and included in the school’s application materials, that is consistent  
12 with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, and the  
13 Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6;

14 (ii) an assurance, signed by the head of school, that the school  
15 complies with the Vermont Public Accommodations Act in all aspects of the  
16 school’s admissions and operations; and

17 (iii) an assurance, signed by the head of school, that no public  
18 funds were used to subsidize the tuition of private payer students.

19 ~~(c) A parent or legal guardian who is dissatisfied with the instruction~~  
20 ~~provided at a designated school or who cannot obtain for his or her child the~~  
21 ~~kind of course or instruction desired there, or whose child can be better~~

1 ~~accommodated in an approved independent or public high school nearer his or~~  
2 ~~her home during the next academic year, may request on or before April 15~~  
3 ~~that the school board pay tuition to another approved independent or public~~  
4 ~~high school selected by the parent or guardian. [Repealed.]~~

5 (d) ~~The school board may pay tuition to another approved high school as~~  
6 ~~requested by the parent or legal guardian if in its judgment that will best serve~~  
7 ~~the interests of the student. Its decision shall be final in regard to the institution~~  
8 ~~the student may attend. If the board approves the parent's request, the board~~  
9 ~~shall pay tuition for the student in an amount not to exceed the least of:~~

10 (1) ~~The statewide average announced tuition of Vermont union high~~  
11 ~~schools.~~

12 (2) ~~The per-pupil tuition the district pays to the designated school in the~~  
13 ~~year in which the student is enrolled in the nondesignated school. If the district~~  
14 ~~has designated more than one school pursuant to this section, then it shall be~~  
15 ~~the lowest per-pupil tuition paid to a designated school.~~

16 (3) ~~The tuition charged by the approved nondesignated school in the year~~  
17 ~~in which the student is enrolled. [Repealed.]~~

18 (e) ~~Notwithstanding any other provision of law to the contrary:~~

19 (1) ~~the school districts of Pawlet, Rupert, and Wells may designate a~~  
20 ~~public high school located in New York as the public high school of the district~~  
21 ~~pursuant to the provisions of this section;~~

1           ~~(2) unless otherwise directed by an affirmative vote of the school district,~~  
2           ~~when the Wells Board approves parental requests to pay tuition to a~~  
3           ~~nondesignated approved independent or public school, the Board shall pay~~  
4           ~~tuition in an amount not to exceed the base education amount as determined~~  
5           ~~under section 4011 of this title for the fiscal year in which tuition is being paid;~~  
6           ~~and~~

7           ~~(3) unless otherwise directed by an affirmative vote of the school district,~~  
8           ~~when the Strafford Board approves a parental request to pay tuition to a~~  
9           ~~nondesignated approved independent or public school, the Board shall pay~~  
10           ~~tuition to the nondesignated school pursuant to section 824 of this title for the~~  
11           ~~year in which the student is enrolled; provided, however, that it shall not pay~~  
12           ~~tuition in an amount that exceeds the tuition paid to the designated school for~~  
13           ~~the same academic year. [Repealed.]~~

14           Sec. 3. 16 V.S.A. § 564 is added to read:

15           § 564. SCHOOL CLOSURE

16           (a) A school district that seeks to close a district operated public school and  
17           instead designate an approved independent school, pursuant to section 827 of  
18           this title, to educate the resident students that would be affected by the school  
19           closure shall seek approval from the State Board before taking any such action.

20           (b) The State Board shall approve a school board's decision to close a  
21           public school and educate its affected resident students by designating an

- 1 approved independent school pursuant to section 827 of this title if the State
- 2 Board finds, after an opportunity for a hearing, that closing the school in
- 3 question would not create a public school desert.