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2025 Acts and Resolves No. 73 High-level Overview of Education Policy Sections 1-33

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Education Policy

Secs. 1-33

- ▶ Sec. 1. Findings; Intent; Plan (pgs. 1-6)
 - ▶ GA intent in 2026 session to enact updates to CTE and prek systems and enact new, larger school districts that would become operational on 7/1/2028
- ▶ Sec. 2. Commission on the Future of Public Education (pgs. 6-18)
 - ▶ Re-focused the charge of the Commission on the Future of Public Education:
 - ▶ recommendations for what roles, functions, or decisions should be a function of local control and what roles, functions, or decisions should be a function of control at the State level;
 - ▶ necessary updates to the roles and responsibilities of school district boards and the electorate, including amendments to 16 V.S.A. §§ 562 and 563;
 - ▶ a process for a community served by a school to have a voice in decisions regarding school closures and recommendations for what that process shall entail; and
 - ▶ a process for monitoring implementation of this act in a manner that is transparent and public facing
 - ▶ Final Findings and Recommendations

- ▶ Sec. 3. School District Redistricting Task Force (pgs. 18-24)
 - ▶ Created the School District Redistricting Task Force to recommend new school district boundaries and configurations to the General Assembly
 - ▶ Final Report--A Map for the Future: The Vermont Regional Education Partnership Model

- ▶ Sec. 4. School District Voting Ward Working Group (pgs. 24-27)
 - ▶ create voting district wards within the new school districts contemplated by Act 73, to ensure school board membership is apportioned in such a manner as to achieve substantially equal weighting of the votes of all voters in the choice of school board members
 - ▶ Recommendation re school board size are not linked to a specific deliverable date

► Sec. 6. Class Size Minimums (pgs. 27-31)

- Amended 16 V.S.A. § 165 (EQS) to include class size minimums, to take effect July 1, 2026
 - the average class size minimum for first-grade classes = 10 students
 - the average class size minimum for grades 2 through 5 = 12 students
 - the average class size minimum for grades 6 through 8 in all required content areas = 15 students
 - the average class size minimum for grades 9 through 12 in all required content area classes = 18 students
- Multiage classrooms for grades kindergarten through 8 shall be limited to 2 grade levels per classroom.
- Prekindergarten, kindergarten, career and technical education, flexible pathways, terminal courses, advanced placement courses, courses that require specialized equipment, and driver's education classes shall be excluded from the class size minimum requirements. Small group services for the purpose of providing special education, supplemental or targeted academic intervention, or English learner instruction shall also be excluded from the class size minimums.
- State Board may grant waiver if school is geographically isolated or is working on a compliance plan
- If a school is not meeting class size minimums over 3 consecutive years, Secretary may take actions allowed when a school is not meeting EQS, which requires 2 years of technical assistance first

- ▶ Sec. 7. Failure to Comply with EQS; State Board Action (pgs. 31-32)
 - ▶ Under 16 V.S.A. § 165(b), the Secretary determines that a school is not meeting EQS or is making insufficient progress in improving student performance, the Secretary is required to provide notice to the school, in writing, of the actions that a district must take to come into compliance AND provide technical assistance. If after two years of technical assistance the school still has not come into compliance, the Secretary is required to make a recommendation to the SBE on next steps.
 - ▶ Sec. 7 of Act 73 prevents the State Board from ordering school district or school consolidation if a for failure to comply with class size minimums IF the resulting consolidation would result in school construction costs in excess of the district's capital reserve account, until the GA establishes new school district boundaries and takes further action re the consequences for failure to meet EQS
- ▶ Sec. 8. State Board of Education; Rules; Report (pgs. 32-33)
 - ▶ Requires SBE to initiate rulemaking to update the EQS 2000 rules series to comply with:
 - ▶ Class size minimums, on or before August 1, 2026;
 - ▶ Statewide graduation requirements, on or before July 1, 2027, to take effect beginning in the 2027-2028 school year/class of 2031
 - ▶ Requires SBE to initiate rulemaking on or before August 1, 2026 to update the Independent School Program Approval 2200 series rules to require approved independent schools that are eligible to receive public tuition to comply with class size minimums
 - ▶ Requires a report to the Education Committees on before Dec. 1, 2025 with proposed standards for schools to be deemed “small by necessity” or “sparse by necessity”

- ▶ Sec. 9. Agency of Education; School Calendar; Graduation Requirements; Report (pgs. 33-35)
 - ▶ Requires AOE to recommend to the SBE, on or before January 1, 2026, statewide graduation standards
 - ▶ Requires AOE, on or before January 15, 2027, to develop/publish a statewide school calendar for the 28-29 school year on
 - ▶ Requires AOE to report to the Education Committees the following, on or before Dec. 1, 2025:
 - ▶ Proposed implementation plan for statewide financial data and student information systems
 - ▶ Recommendations for a school construction division within AOE
 - ▶ Progress report regarding the guidance that would be provided to the field regarding business processes and transactions that would need to occur to facilitate school district mergers, including merging of data systems, asset and liability transfers, how to address collective bargaining agreements for educators and staff
 - ▶ Recommendations for the need for cooperative education services and the oversight of therapeutic schools within the school governance framework at State and local levels

- ▶ Sec. 10. State Board of Education; Review of Rules; Appropriation (pg. 35)
 - ▶ Requires SBE to review each rule series it is responsible for and make a determination as to the continuing need for, appropriateness of, or need for updating of said rules. The Board shall submit a report to the Education Committees on or before December 1, 2026 with a recommendation for rules that are no longer needed and a plan to update rules that are still necessary, including the order in which the Board proposes to update the rules and any associated costs or staffing needs
- ▶ Secs. 12-20. State Aid to School Construction Program (pgs. 36-50)
 - ▶ Sec. 12. adds 16 V.S.A. § 3440. Statement of Policy
 - ▶ Sec. 13. adds 16 V.S.A. § 3442. State Aid for School Construction Program, administered by AOE, effective July 1, 2026
 - ▶ Sec. 14. adds 16 V.S.A. § 3443. State Aid for School Construction Advisory Board, effective July 1, 2025
 - ▶ Sec. 15. sunset of Advisory Board on July 1, 2035
 - ▶ Sec. 16. adds 16 V.S.A. § 3444. School Construction Aid Special Fund, effective July 1, 2026
 - ▶ Sec. 17. adds 16 V.S.A. § 3445. Approval and Funding of School Construction Projects, effective July 1, 2026
 - ▶ Sec. 18. adds 16 V.S.A. § 3446. Appeal (of State aid decisions), effective July 1, 2026
 - ▶ Sec. 19. transfers rulemaking authority of State aid for school construction from SBE to AOE
 - ▶ Sec. 20. repeal of current law regarding State aid for school construction

► Sec. 21. 16 V.S.A. § 828. Tuition to Approved Schools; Age; Appeal (pgs. 50-52)

- Amends the law that restricts public tuition payments for grades k-12 to certain educational programs, including public schools located in Vermont; independent schools that meet EQS; a tutorial program approved by the State Board; an approved education program; a public school located in another state; a therapeutic approved independent school located in Vermont or another state or country that is approved under its home laws; or
 - Approved independent schools that:
 - Are located in Vermont;
 - Approved under 16 V.S.A. § 166 on or before July 1, 2025;
 - Are located within either:
 - A supervisory district that does not operate a public school for some or all grades as of July 1, 2024; or
 - A supervisory union with one or more member school districts that do not operate a public school for some or all grades as of July 1, 2024;
 - Had at least 25% of its student enrollment composed of tuitioned students during the 23-24 school year; and
 - Comply with class size minimums under 16 V.S.A. § 165(a)(9)
 - Defines therapeutic approved independent school as, “an approved independent school that limits enrollment for publicly funded 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.”

► Sec. 22. Tuition Transition. (pg. 52): Allows students enrolled for the 24-25 school year or accepted for enrollment for the 25-26 school year by an approved independent school that does not meet the new requirements in Sec. 21 to continue to receive tuition until the student graduates from that school

- ▶ Secs. 24-26. State Board of Education appointing authorities (pgs. 53-56)
 - ▶ Sec. 24. 16 V.S.A. § 161. State Board of Education; Appointment of Members; Term; Vacancy
 - ▶ Amends the appointment authority for State Board of Education members
 - ▶ The Governor appoints 8 members, including 2 student members—as opposed to prior law which had the Governor responsible for all 10 appointments
 - ▶ The Speaker of the House appoints one member
 - ▶ The Senate Committee on Committees appoints one member
 - ▶ The appointing authority that made the initial appointment makes subsequent appointments to fill vacancies
 - ▶ Sec. 25. Transition Period Appointments; SBE
 - ▶ Speaker of the House makes the first appointment to a vacant or expired seat that occurs after July 1, 2025
 - ▶ Senate Committee on Committees makes the second appointment to a vacant or expired seat that occurs after July 1, 2025
 - ▶ Governor, with the advice and consent of the Senate, makes the 3rd and subsequent appointments to vacant or expired seats after July 1, 2025
 - ▶ Sec. 26. Removal of Board Members
 - ▶ Governor retains removal authority over all Board members, regardless of the original appointing authority
 - ▶ The appointing authority that made the initial appointment fills the vacancy created by the removal

- ▶ Sec. 27. 16 V.S.A. § 823. Tuition (pg. 56-58)
 - ▶ Contingently effective if/when the foundation formula takes effect*, tuition paid as follows:
 - ▶ “Base and weights follow the student:” District is required to pay to a receiving school for each resident student attending the receiving school an amount equal to the base amount contained in 16 V.S.A. § 4001(16) multiplied by the sum of one and any weights applicable to the resident student under 16 V.S.A. § 4010
 - ▶ In addition to the base and weights for each student, a receiving school may charge, an additional fee up to 5% of the base amount for each student attending the receiving school in grades 9-12 IF the receiving school has received approval from the SBE and the electorate of each school district with at least one student attending the receiving school has approved supplemental district spending, as defined in 32 V.S.A. § 5401, for the purpose of this additional fee and in an amount sufficient to cover the additional fee
 - ▶ Approved independent school in VT functioning as an approved area CTE center cannot charge additional fee
 - ▶ Receiving schools that elect and are eligible to charge the additional fee are required to charge the same fee for each student, they cannot charge different fees to different school districts
 - ▶ District is required to pay the full tuition charged its students attending an approved independent school in Vermont functioning as an approved area CTE center
- ▶ Sec. 28. Repeals (pg. 58): Repeals tuition statutes that will be unnecessary under foundation formula*
- ▶ Sec. 28a. State Board of Education; Tuition Fee Rules (pg. 59): Requires SBE, on or before July 1, 2027, to adopt rules to govern the approval process for a receiving school to charge an additional fee pursuant to 16 V.S.A. § 823, including a requirement for receiving schools to demonstrate the fee is necessary to educate the students the fee is being applied to and that fees will not be used to shift costs elsewhere within the school’s budget
- ▶ *Contingently effective on July 1, 2028, IF new school districts operational and cost-factor formula report is received by the GA, with an opportunity to enact legislation in consideration of the report (pg. 145-146)

- ▶ Sec. 29. State of Special Education Delivery; Agency of Education; Report (pgs. 59-64)
 - ▶ Requires AOE to submit a report to the Education Committees and money committees regarding the state of special education delivery in Vermont, including the factors contributing to growth in extraordinary special education reimbursement costs
 - ▶ Report: Current State of Special Education Delivery
- ▶ Sec. 30. Special Education Strategic Plan; Agency of Education (pgs. 64-65)
 - ▶ Requires AOE to develop a 3 year strategic plan for the delivery of special education services in Vermont
 - ▶ Agency of Education Special Education Strategic Plan
- ▶ Sec. 31. Position; Agency of Education (pg. 65): Establishes 1 new permanent, classified position within AOE in FY26 to support development and implementation of the 3 year strategic plan; \$150,000.00 appropriation
- ▶ Sec. 32. Agency of Education; Transformation; Appropriation (pg. 66)—\$2,865,000.00 from GF to AOE in FY26:
 - ▶ \$200,000.00 to support school boards transitioning to new governance models
 - ▶ \$562,500.00 for positions established in Sec. 33; and
 - ▶ \$2,102,500.00 for contracted services to support school districts with consolidation administrative activities
- ▶ Sec. 33. Education Transformation; Pool Positions (pgs. 66-67)
 - ▶ Authorizes 5 limited service classified positions from the position pool for AOE in FY26 to support education transformation work: Business Operations Support Specialist; Data Integration Support Specialist; Curriculum and EQS Integration Specialist; Learning and Teaching Integration Specialist; School Facilities Field Support Specialist