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1 * * * Schools Eligible to Receive Public Tuition * * *

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

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

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

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

6 (2) an approved independent school; that:

7 (A) is located in Vermont;

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

9 2025;

10 (C) is located within either:

11 (i) a supervisory district that does not operate a public school for

12 some or all grades as of July 1, 2024; or

13 (ii) a supervisory union with one or more member school districts

14 that does not operate a public school for some or all grades as of July 1, 2024;

15 (D) had at least 25 percent of its Vermont resident student enrollment

16 composed of students attending on a district-funded tuition basis pursuant to

17 chapter 21 of this title during the 2023–2024 school year; and

18 (E) complies with the minimum class size requirements contained in

19 subdivision 165(a)(9) of this title and State Board rule; provided, however, that

20 if a school is unable to comply with the class size minimum standards due to

21 geographic isolation or a school has developed an implementation plan to meet

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1 the class size minimum requirements, the school may ask the State Board to
2 grant it a waiver from this subdivision (E), which decision shall be final;

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

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

5 (5) an approved education program, or;

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

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

12 (b) ~~nor shall payment~~ Payment of tuition on behalf of a person shall not be
13 denied on account of age.

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

18 (d) As used in this section, “therapeutic approved independent school”
19 means an approved independent school that limits enrollment for publicly
20 funded students residing in Vermont to students who are on an individualized
21 education program or plan under Section 504 of the Rehabilitation Act of

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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.

* * * Calculation of Tuition * * *

Sec. 27. 16 V.S.A. § 823 is amended to read:

§ 823. ~~ELEMENTARY~~ TUITION

(a) Tuition for elementary students shall be paid by the district in which the student is a resident. The district shall pay ~~the full tuition charged its students attending a public elementary school~~ to a receiving school for each resident student attending the receiving school an amount equal to the base amount contained in subdivision 4001(16) of this title multiplied by the sum of one and any weights applicable to the resident student under section 4010 of this title.

~~If a payment made to a public elementary school is three percent more or less than the calculated net cost per elementary pupil in the receiving school district for the year of attendance, the district shall be reimbursed, credited, or refunded pursuant to section 836 of this title. Notwithstanding the provisions of this subsection or of subsection 825(b) of this title, the boards of both the receiving and sending districts may enter into tuition agreements with terms differing from the provisions of those subsections, provided that the receiving district must offer identical terms to all sending districts, and further provided that the statutory provisions apply to any sending district that declines the offered terms.~~

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(b) ~~Unless the electorate of a school district authorizes payment of a higher amount at an annual or special meeting warned for the purpose, the tuition paid to an approved independent elementary school or an independent school meeting education quality standards shall not exceed the least of:~~

~~(1) the average announced tuition of Vermont union elementary schools for the year of attendance;~~

~~(2) the tuition charged by the approved independent school for the year of attendance; or~~

~~(3) the average per pupil tuition the district pays for its other resident elementary students in the year in which the student is enrolled in the approved independent school.~~ In addition to the tuition amount calculated in subsection

(a), a receiving school may charge, and a sending school district shall be required to pay, an additional fee in the amount of the product of the base amount and up to 0.05 for each student attending the receiving school in grades nine through 12 only if the electorate of a sending school district with at least one student attending the receiving school has voted to approve the additional district spending required by the fee charged pursuant to this subsection. For the purposes of this subsection, a receiving school shall not include an approved independent school in Vermont functioning as an approved area career and technical center.

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1 (c) Notwithstanding subsections (a) and (b) of this section, or any other
2 provision of law to the contrary, the district shall pay the full tuition charged its
3 students attending an approved independent school in Vermont functioning as
4 an approved area career and technical center.

5 Sec. 28. REPEALS

6 16 V.S.A. §§ 824 (high school tuition), 825 (maximum tuition rate;
7 calculated net cost per pupil defined), 826 (notice of tuition rates; special
8 education charges), and 836 (tuition overcharge or undercharge) are repealed
9 on July 1, 2029.

10 Sec. 45a. FOUNDATION FORMULA; JOINT FISCAL OFFICE; REPORT

11 (a) The Joint Fiscal Office shall contract with a contractor with expertise in
12 Vermont's education funding system to recommend updates to the cost-factor
13 foundation formula created by this act to move from special education weights
14 based on disability categories to a reliance on the provision of special
15 education services and to update any other weights determined to be
16 empirically necessary for an adequate and equitable education, taking into
17 account the cost savings generated by new, larger consolidated school districts.
18 Additionally, the contractor shall make recommendations regarding the
19 following:

20 (1) suitable geographic measures for determining sparsity within the
21 foundation formula;

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* * * Effective Dates * * *

Sec. 70. EFFECTIVE DATES

(1) Sec. 1 (findings; intent; plan);

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- 1 (2) Sec. 2 (Commission on the Future of Public Education);
- 2 (3) Sec. 3 (School District Redistricting Task Force);
- 3 (4) Sec. 4 (School District Voting Ward Working Group);
- 4 (5) Sec. 32 (Agency of Education transformation support);
- 5 (6) Sec. 33. (Agency of Education positions);
- 6 (7) Sec. 44 (transportation reimbursement guidelines);
- 7 (8) Sec. 45 (inflationary measures; prekindergarten; reports);
- 8 (9) Sec. 45a (foundation formula report);
- 9 (10) Sec. 45c (Education Fund Advisory Committee; delay);
- 10 (11) Sec. 53 (homestead exemption report);
- 11 (12) Sec. 61a (tax classification data; transition);
- 12 (13) Sec. 61b (property tax classifications implementation report);
- 13 (14) Sec. 61c (tax classifications intent)
- 14 (15) Sec. 63 (regional assessment district transition; progress report);
- 15 (16) Sec. 64 (RAD stakeholder working group);
- 16 (17) Sec. 65 (inadvertently removed language);
- 17 (18) Sec. 66 (minimum debt for tax sales);
- 18 (19) Sec. 68 (property tax credit late fee); and
- 19 (20) Sec. 69 (statewide adjustment correction).
- 20 (b) The following sections shall take effect on July 1, 2025:
- 21 (1) Sec. 5 (scale; intent);

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- 1 (2) Sec. 8 (SBE rules; report);
- 2 (3) Sec. 9 (AOE report; school calendar; graduation requirements);
- 3 (4) Sec. 10 (SBE rule review; appropriation);
- 4 (5) Sec. 14 (16 V.S.A. § 3443);
- 5 (6) Sec. 15 (School Construction Advisory Board sunset);
- 6 (7) Sec. 21 (16 V.S.A. § 828);
- 7 (8) Sec. 22 (tuition transition);
- 8 (9) Sec. 23 (state-level governance; intent);
- 9 (10) Sec. 24 (16 V.S.A. § 161);
- 10 (11) Sec. 25 (SBE appointments transition);
- 11 (12) Sec. 26 (16 V.S.A. § 162);
- 12 (13) Sec. 29 (special education report);
- 13 (14) Sec. 30 (AOE special education strategic plan);
- 14 (15) Sec. 31 (AOE position); and
- 15 (16) Sec. 67 (PVR hearing officer pay).

* * *

- 17 (f) The following sections shall take effect on July 1, 2028, provided that
- 18 the new school districts contemplated by this act have assumed responsibility
- 19 for the education of all resident students and that the expert tasked with
- 20 developing a cost-factor foundation formula has provided to the General

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Assembly the report pursuant to Sec. 45a to provide the General Assembly an opportunity to enact legislation in consideration of the report:

(1) Sec. 11 (school closure);

(2) In Sec. 27, 16 V.S.A. § 823(a) and (c);

(3) Sec. 28 (tuition repeals);

(4) Secs. 34–43 (transition to cost-factor foundation formula);

(5) Sec. 45b (educational opportunity payment transition);

(6) Secs. 46, 47, 49, and 50 (statewide education tax; supplemental district spending tax);

(7) Sec. 46a (supplemental district spending tax; cap; transition);

(8) Sec. 48a (tax rate transition);

(9) Secs. 51, 52, and 54–56 (property tax credit repeal; creation of homestead exemption); and

(10) Sec. 57 (Education Fund Advisory Committee; review of foundation formula).

(g) In Sec. 27, 16 V.S.A. § 823(b) shall take effect on July 1, 2028,

provided that the new school districts contemplated by this act have assumed responsibility for the education of all resident students and that the cost-factor foundation formula report required pursuant to Sec. 45a contains evidence that it costs more to educate students in grades nine through 12 but the General Assembly has failed to enact legislation to add a secondary student weight.

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- 1 (h) Sec. 62 (regional assessment districts) shall take effect on January 1,
- 2 2029.
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