

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 480
3 entitled “An act relating to miscellaneous amendments to education law”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * School Safety * * *

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

9 Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;

10 IMPLEMENTATION

11 * * *

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

17 [Repealed.]

18 * * *

19 Sec. 6. EFFECTIVE DATES

20 * * *

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

1 (d) Sec. 4 (16 V.S.A. § 1485) shall take effect on July 1, 2025, except that
2 subsection (e) shall take effect on July 1, 2027.

3 Sec. 2. 16 V.S.A. § 1485 is amended to read:

4 § 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

5 * * *

6 (b) Policy.

7 * * *

8 (3) Each school district and each approved or recognized independent
9 school shall develop, adopt, and ensure implementation of a policy and
10 procedures for use of behavioral threat assessment teams that is consistent with
11 and at least as comprehensive as the model policy and procedures developed
12 by the Secretary. Any ~~school board~~ school district or independent school that
13 fails to adopt such a policy or procedures shall be presumed to have adopted
14 the most current model policy and procedures published by the Secretary.

15 * * *

16 * * * Postsecondary Schools Chartered in Vermont * * *

17 Sec. 3. 16 V.S.A. § 176(d) is amended to read:

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

20 * * *

(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. 4. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

* * *

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

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

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

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

7 (4) ~~Nothing in this section shall be construed to prohibit a school board~~
8 ~~from awarding a school nutrition contract after using any method of bidding or~~
9 ~~requests for proposals permitted under federal law for award of the contract.~~
10 ~~Notwithstanding the monetary amount in subsection (a) of this section for~~
11 ~~which a school board is required to advertise publicly or invite three or more~~
12 ~~bids or requests for proposal, a school board is required to publicly advertise or~~
13 ~~invite three or more bids or requests for proposal for purchases made from the~~
14 ~~nonprofit school food service account for purchases in excess of the federal~~
15 ~~simplified acquisition threshold when purchasing food or in excess of~~
16 ~~\$25,000.00 when purchasing nonfood items, unless a municipality sets a lower~~
17 ~~threshold for purchases from the nonprofit school food service account. The~~
18 ~~provisions of this section shall not apply to contracts for the purchase of food~~
19 ~~made from a nonprofit school food services account.~~

20 * * *

* * * Virtual Learning * * *

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

§ 948. VIRTUAL LEARNING

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

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

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

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

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

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

Sec. 6. 16 V.S.A. § 942(13) is amended to read:

(13) "Virtual learning" means ~~learning in which the teacher and student communicate concurrently through real time telecommunication.~~ "Virtual

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

7 * * * BOCES Start-up Grant Program* * *

8 Sec. 7. 2024 Acts and Resolves No. 168, Sec. 4 is amended to read:

9 Sec. 4. BOCES GRANT PROGRAM; APPROPRIATION

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

1 of proposed articles of agreement. Grants shall be awarded to only one
2 supervisory union within each group of supervisory unions exploring the
3 formation of a BOCES.

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

10 * * * Military-related Postsecondary Opportunities * * *

11 Sec. 8. 16 V.S.A. § 941 is amended to read:

12 § 941. FLEXIBLE PATHWAYS INITIATIVE

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

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

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

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

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

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

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

10 (A) identifies the student's emerging abilities, aptitude, and
11 disposition;

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

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

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

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

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

20 (A) increase aspiration and encourage postsecondary continuation of
21 training and education;

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

(C) include:

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

(ii) virtual learning and blended learning;

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

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

(v) [Repealed.]

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

(4) ~~to~~ To provide students, beginning ~~no~~ not later than in grade 7 seven, with career development and postsecondary planning resources to ensure that they are able to take full advantage of the opportunities available within the flexible pathways to graduation and to achieve their career and postsecondary education and training goals. Resources provided pursuant to this subdivision shall include information regarding the admissions process and requirements necessary to proceed with any and all military-related opportunities.

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

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

7 * * * Secretary of Education Search * * *

8 Sec. 9. 3 V.S.A. § 2702 is amended to read:

9 § 2702. SECRETARY OF EDUCATION

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

14 (1) The State Board shall begin a national search process not later than
15 60 days after public notification of the resignation of a Secretary of Education.

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

19 (b) The Secretary shall report directly to the Governor and shall be a
20 member of the Governor's Cabinet.

1 (c) At the time of appointment, the Secretary shall have expertise in
2 education management and policy and demonstrated leadership and
3 management abilities.

4 * * * Supplemental Reading Instruction * * *

5 Sec. 10. 16 V.S.A. § 2903 is amended to read:

6 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING
7 INSTRUCTION

8 (a) Statement of policy. The ability to read is critical to success in learning.
9 Children who fail to read by the end of the first grade will likely fall further
10 behind in school. The personal and economic costs of reading failure are
11 enormous both while the student remains in school and long afterward. All
12 students need to receive systematic and explicit evidence-based reading
13 instruction in the early grades from a teacher who is skilled in teaching the
14 foundational components of reading, including phonemic awareness, phonics,
15 fluency, vocabulary, and comprehension. Students who require intensive
16 supplemental instruction tailored to the unique difficulties encountered shall be
17 provided those additional supports by an appropriately trained education
18 professional.

19 * * *

20 (c) Reading instruction. A public school or approved independent school
21 that is eligible to receive public tuition that offers instruction in grades

1 kindergarten, one, two, or three shall provide systematic and explicit evidence-
2 based reading instruction to all students. In addition, ~~such~~ for students in
3 grades kindergarten through 12, public schools and approved independent
4 schools that are eligible to receive public tuition shall provide supplemental
5 reading instruction to any enrolled student whose reading proficiency falls
6 significantly below proficiency standards for the student's grade level or
7 whose reading proficiency prevents progress in school. Schools shall provide
8 support and information to ~~the~~ parents and legal guardians ~~of such students~~
9 ~~regarding the student's current level of reading proficiency, which shall be~~
10 ~~based on valid and reliable assessments.~~

11 * * * Vermont National Guard Tuition Benefit Program * * *

12 Sec. 11. 16 V.S.A. § 2857 is amended to read:

13 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

14 (a) Program creation. The Vermont National Guard Tuition Benefit
15 Program (Program) is created, under which a member of the Vermont National
16 Guard (member) who meets the eligibility requirements in subsection (c) of
17 this section is entitled to the following tuition benefit for up to full-time
18 attendance:

19 (1) For courses at any Vermont State College institution or the
20 University of Vermont and State Agricultural College (UVM), the benefit shall
21 be the in-state residence tuition rate for the relevant institution.

1 (2) For courses at any eligible Vermont private postsecondary
2 institution, the benefit shall be the in-state tuition rate charged by UVM.

3 (3) For courses at an eligible training institution offering nondegree,
4 certificate training, or continuing education programs, the benefit shall be the
5 lower of the institution's standard tuition or the in-state tuition rate charged by
6 UVM.

7 (4) For courses at a non-Vermont approved postsecondary education
8 institution approved for federal Title IV funding where the degree program is
9 not available in Vermont, the benefit shall be the in-state tuition rate charged
10 by UVM.

11 (b) Tuition benefit.

12 (1) The tuition benefit provided under the Program shall be paid on
13 behalf of the member by the Vermont Student Assistance Corporation
14 (VSAC), subject to the appropriation of funds by the General Assembly
15 specifically for this purpose. An eligible Vermont postsecondary institution
16 that accepts or receives the tuition benefit on behalf of a member shall charge
17 the member the tuition rate for an in-state student. The amount of tuition for a
18 member who attends an educational institution under the Program on less than
19 a full-time basis shall be reduced to reflect the member's course load in a
20 manner determined by VSAC under subdivision (f)(1) of this section.

1 (2) The tuition benefit shall be conditioned upon the member's
2 executing a promissory note obligating the member to repay the member's
3 tuition benefit, in whole or in part, if the member fails to complete the period
4 of Vermont National Guard service required in subsection (d) of this section,
5 or if the member's benefit is terminated pursuant to subdivision (e)(1) of this
6 section. If the member is pursuing a graduate degree under the Program, the
7 member shall agree in the promissory note to, upon receipt of the graduate
8 degree and until the individual's service commitment under subsection (d) of
9 this section is satisfied, be employed full time in Vermont or, if unemployed,
10 be actively seeking full-time employment in Vermont.

11 (c) Eligibility.

12 (1) To be eligible for the Program, an individual, whether a resident or
13 nonresident, shall satisfy all of the following requirements:

14 (A) be an active member of the Vermont National Guard;

15 (B) have successfully completed basic training;

16 (C) be enrolled at UVM, a Vermont State College, or any other
17 college or university located in Vermont in a program that leads to an
18 undergraduate certificate ~~or~~, a baccalaureate degree, or a graduate degree, or at
19 an eligible training institution in a program that leads to a certificate or other
20 credential recognized by VSAC;

1 (D) have not previously earned an undergraduate bachelor's degree
2 that was funded under the Program or any other State funding source
3 designated exclusively for members of the Vermont National Guard;

4 (E) continually demonstrate satisfactory academic progress as
5 determined by criteria established by the Vermont National Guard and VSAC,
6 in consultation with the educational institution at which the individual is
7 enrolled under the Program;

8 (F) have used available post-September 11, 2001 tuition benefits and
9 other federally funded military tuition assistance; provided, however, that this
10 subdivision shall not apply to:

11 (i) tuition benefits and other federally funded military tuition
12 assistance for which the individual has not yet earned the full amount of the
13 benefit or tuition;

14 (ii) Montgomery GI Bill benefits;

15 (iii) post-September 11, 2001 educational program housing
16 allowances;

17 (iv) federal educational entitlements;

18 (v) National Guard scholarship grants;

19 (vi) loans under section 2856 of this title; and

20 (vii) other nontuition benefits; and

1 (G) have submitted a statement of good standing to VSAC signed by
2 the individual's commanding officer within 30 days prior to the beginning of
3 each semester.

4 (2) An individual may receive more than one undergraduate certificate
5 or other credential recognized by VSAC under the Program, provided that the
6 cost of all certificates and credentials received by the individual under the
7 Program does not exceed the full-time in-state tuition rate charged by UVM for
8 completion of an undergraduate baccalaureate degree.

9 (3) Notwithstanding subdivision (c)(1)(D) of this section, an individual
10 may pursue a graduate degree under the Program even if the individual has
11 received an undergraduate baccalaureate degree under the Program.

12 (d) Service commitment.

13 (1) For each full academic year of attendance under the Program, a
14 member shall be required to serve two years in the Vermont National Guard in
15 order to receive the full tuition benefit under the Program.

16 (2) If a member's service with the Vermont National Guard terminates
17 before the member fulfills this two-year service commitment, other than for
18 good cause as determined by the Vermont National Guard, the individual shall
19 reimburse VSAC a pro rata portion of the tuition paid under the Program
20 pursuant to the terms of an interest-free reimbursement promissory note signed
21 by the individual at the time of entering the Program.

1 (3) For members participating in the Program on a less than full-time
2 basis, the member's service commitment shall be at the rate of one month of
3 Vermont National Guard service commitment for each credit hour, not to
4 exceed 12 months of service commitment for a single semester.

5 (e) Termination of tuition benefit.

6 (1) The Office of the Vermont Adjutant and Inspector General may
7 terminate the tuition benefit provided an individual under the Program if:

8 (A) the individual's commanding officer revokes the statement of
9 good standing submitted pursuant to subdivision (c)(7) of this section as a
10 result of an investigation or disciplinary action that occurred after the statement
11 of good standing was issued;

12 (B) the individual is dismissed from the educational institution in
13 which the individual is enrolled under the Program for academic or
14 disciplinary reasons; ~~or~~

15 (C) the individual withdraws without good cause from the
16 educational institution in which the individual is enrolled under the Program;
17 or

18 (D) the individual has earned a graduate degree under the Program
19 and fails to satisfy the work requirement contained in subdivision (b)(2) of this
20 section.

1 (2) If an individual’s tuition benefit is terminated pursuant to
2 subdivision (1) of this subsection, the individual shall reimburse VSAC for the
3 tuition paid under the Program, pursuant to the terms of an interest-free
4 reimbursement promissory note signed by the individual at the time of entering
5 the Program; shall be responsible on a pro rata basis for the remaining tuition
6 cost for the current semester or any courses in which the individual is currently
7 enrolled; and shall be ineligible to receive future tuition benefits under the
8 Program.

9 (3) If an individual is dismissed for academic or disciplinary reasons
10 from any postsecondary educational institution before receiving tuition
11 benefits under the Program, the Office of the Adjutant and Inspector General
12 may make a determination regarding the individual’s eligibility to receive
13 tuition benefits under the Program.

14 (f) Adoption of policies, procedures, and guidelines.

15 (1) VSAC, in consultation with the Office of the Adjutant and Inspector
16 General, shall adopt policies, procedures, and guidelines necessary to
17 implement the provisions of this section, which shall include eligibility,
18 application, and acceptance requirements; proration of service requirements
19 for academic semesters or attendance periods shorter than one year; data
20 sharing guidelines; and the criteria for determining “good cause” as used in
21 subdivisions (d)(2) and (e)(1)(C) of this section.

1 (2) Each educational institution participating in the Program shall adopt
2 policies and procedures for the enrollment of members under the Program.
3 These policies and procedures shall be consistent with the policies, procedures,
4 and guidelines adopted by VSAC under subdivision (1) of this subsection.

5 (g) Reports.

6 (1) On or before November 1 of each year, the President, Chancellor, or
7 equivalent position of each educational institution that participated in the
8 Program during the immediately preceding school year shall report to the
9 Vermont National Guard and VSAC regarding the number of members
10 enrolled at its institution during that school year who received tuition benefits
11 under the Program and, to the extent available, the courses or program in
12 which the members were enrolled.

13 (2) On or before January 15 of each year, the Vermont National Guard
14 and VSAC shall report these data and other relevant performance factors,
15 including information pertaining to the achievement of the goals of this
16 entitlement program and the costs of the Program to date, to the Governor, the
17 House and Senate Committees on Education, and the House Committees on
18 Appropriations and on General, Housing, and Military Affairs. The provisions
19 of 2 V.S.A. § 20(d), expiration of reports, shall not apply to the reports to be
20 made under this subsection.

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* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 8 (military-related
postsecondary opportunities) shall take effect on July 1, 2025.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE