

1 H.931

2 An act relating to miscellaneous changes in education law

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Approved Independent School Moratorium * * *

5 Sec. 1. 2023 Acts and Resolves No. 78, Sec. E.511.1, as amended by 2025

6 Acts and Resolves No. 72, Sec. 16, is amended to read:

7 Sec. E.511.1 MORATORIUM ON APPROVAL OF NEW APPROVED
8 INDEPENDENT SCHOOLS

9 (a) Notwithstanding any provision of law to the contrary, the State Board
10 of Education shall be prohibited from approving an application for initial
11 approval of an approved independent school until further direction by the
12 General Assembly.

13 (b) Notwithstanding subsection (a) of this section, a change in either tax
14 status or conversion to a nonprofit organization by a therapeutic approved
15 independent school, absent any other changes, shall not affect the approval
16 status of the school.

17 (c) Notwithstanding subsections (a) and (b) of this section, the moratorium
18 on approval of new approved independent schools shall not apply to changes in
19 ownership of therapeutic approved independent schools as that term is defined
20 in 16 V.S.A. § 828(d). If submission of an application for initial approval of
21 an approved independent school is required as the result of a change in

1 ownership of a therapeutic approved independent school, that at the time of the
2 change in ownership is approved by the State Board of Education pursuant to
3 16 V.S.A. § 166, and the school will remain a therapeutic approved
4 independent school after the change in ownership is complete, the moratorium
5 created pursuant to subsection (a) of this section shall not apply and the
6 Agency of Education and State Board of Education shall process the
7 application according to applicable State and federal law.

8 * * * Interstate Compact for Education * * *

9 Sec. 2. 16 V.S.A. chapter 35 is added to read:

10 CHAPTER 35. INTERSTATE COMPACT FOR EDUCATION

11 § 1501. PURPOSE AND POLICY—ARTICLE I

12 (a) It is the purpose of this compact to:

13 (1) Establish and maintain close cooperation and understanding among
14 executive, legislative, professional educational, and lay leadership on a
15 nationwide basis at the state and local levels.

16 (2) Provide a forum for the discussion, development, crystallization, and
17 recommendation of public policy alternatives in the field of education.

18 (3) Provide a clearinghouse of information on matters relating to
19 education problems and how they are being met in different places throughout
20 the nation, so that the executive and legislative branches of state government
21 and of local communities may have ready access to the experience and record

1 of the entire country, and so that both lay and professional groups in the field
2 of education may have additional avenues for the sharing of experience and the
3 interchange of ideas in the formation of public policy in education.

4 (4) Facilitate the improvement of state and local education systems so
5 that all of them will be able to meet adequate and desirable goals in a society
6 that requires continuous qualitative and quantitative advance in educational
7 opportunities, methods, and facilities.

8 (b) It is the policy of this compact to encourage and promote local and state
9 initiative in the development, maintenance, improvement, and administration
10 of education systems and institutions in a manner that will accord with the
11 needs and advantages of diversity among localities and states.

12 (c) The party states recognize that each of them has an interest in the
13 quality and quantity of education furnished in each of the other states, as well
14 as in the excellence of its own education systems and institutions, because of
15 the highly mobile character of individuals within the nation, and because the
16 products and services contributing to the health, welfare, and economic
17 advancement of each state are supplied in significant part by persons educated
18 in other states.

19 § 1502. STATE DEFINED—ARTICLE II

20 As used in this compact, “state” means a state, territory, or possession of the
21 United States, the District of Columbia, or the Commonwealth of Puerto Rico.

1 § 1503. THE COMMISSION—ARTICLE III

2 (a) The Education Commission of the States, hereinafter called “the
3 Commission,” is hereby established. The Commission shall consist of seven
4 members representing each party state. One of such members shall be the
5 governor; two shall be members of the state legislature selected by its
6 respective houses and serving in such manner as the legislature may determine;
7 and four shall be appointed by and serve at the pleasure of the governor, unless
8 the laws of the state otherwise provide. If the laws of a state prevent
9 legislators from serving on the Commission, six members shall be appointed
10 and serve at the pleasure of the governor, unless the laws of the state otherwise
11 provide. In addition to any other principles or requirements which a state may
12 establish for the appointment and service of its members of the Commission,
13 the guiding principle for the composition of the membership on the
14 Commission from each party state shall be that the members representing such
15 state shall, by virtue of their training, experience, knowledge, or affiliations, be
16 in a position collectively to reflect broadly the interests of the state
17 government, higher education, the state education system, local education, and
18 lay and professional, public and nonpublic educational leadership. Of those
19 appointees, one shall be the head of a state agency or institution, designated by
20 the governor, having responsibility for one or more programs of public
21 education. In addition to the members of the Commission representing the

1 party states, there may be not to exceed 10 nonvoting commissioners selected
2 by the Steering Committee for terms of one year. Such commissioners shall
3 represent leading national organizations of professional educators or persons
4 concerned with educational administration.

5 (b) The members of the Commission shall be entitled to one vote each on
6 the Commission. No action of the Commission shall be binding unless taken
7 at a meeting at which a majority of the total number of votes on the
8 Commission are cast in favor thereof. Action of the Commission shall be only
9 at a meeting at which a majority of the commissioners are present. The
10 Commission shall meet at least once a year. In its bylaws, and subject to such
11 directions and limitations as may be contained therein, the Commission may
12 delegate the exercise of any of its powers to the Steering Committee or the
13 Executive Director, except for the power to approve budgets or requests for
14 appropriations, the power to make policy recommendations pursuant to section
15 1504 of this chapter, and adoption of the annual report pursuant to subsection
16 (j) of this section.

17 (c) The Commission shall have a seal.

18 (d) The Commission shall elect annually, from among its members, a
19 chairman, who shall be a governor; a vice chairman; and a treasurer. The
20 Commission shall provide for the appointment of an Executive Director. Such
21 Executive Director shall serve at the pleasure of the Commission, and together

1 with the Treasurer and such other personnel as the Commission may deem
2 appropriate shall be bonded in such amount as the Commission shall
3 determine. The Executive Director shall be Secretary.

4 (e) Irrespective of the civil service, personnel, or other merit system laws of
5 any of the party states, the Executive Director, subject to the approval of the
6 Steering Committee, shall appoint, remove, or discharge such personnel as
7 may be necessary for the performance of the functions of the Commission and
8 shall fix the duties and compensation of such personnel. The Commission in
9 its bylaws shall provide for the personnel policies and programs of the
10 Commission.

11 (f) The Commission may borrow, accept, or contract for the services of
12 personnel from any party jurisdiction, the United States or any subdivision or
13 agency of the aforementioned governments, or from any agency of two or
14 more of the party jurisdictions or their subdivisions.

15 (g) The Commission may accept for any of its purposes and functions
16 under this Compact any and all donations and grants of money, equipment,
17 supplies, materials, and services, conditional or otherwise, from any state, the
18 United States, or any other governmental agency, or from any person, firm,
19 association, foundation or corporation, and may receive, utilize, and dispose of
20 the same. Any donation or grant accepted by the Commission pursuant to this
21 subsection or services borrowed pursuant to subsection (f) of this section shall

1 be reported in the annual report of the Commission. Such report shall include
2 the nature, amount, and conditions, if any, of the donation, grant, or services
3 borrowed, and the identity of the donor or lender.

4 (h) The Commission may establish and maintain such facilities as may be
5 necessary for the transacting of its business. The Commission may acquire,
6 hold, and convey real and personal property and any interest therein.

7 (i) The Commission shall adopt bylaws for the conduct of its business and
8 shall have the power to amend and rescind these bylaws. The Commission
9 shall publish its bylaws in convenient form and shall file a copy thereof and a
10 copy of any amendment thereto with the appropriate agency or officer in each
11 of the party states.

12 (j) The Commission annually shall make to the governor and legislature of
13 each party state a report covering the activities of the Commission for the
14 preceding year. The Commission may make such additional reports as it may
15 deem desirable.

16 § 1504. POWERS—ARTICLE IV

17 In addition to authority conferred on the Commission by other provisions of
18 the Compact, the Commission shall have authority to:

19 (1) Collect, correlate, analyze, and interpret information and data
20 concerning educational needs and resources.

1 (2) Encourage and foster research in all aspects of education, but with
2 special reference to the desirable scope of instruction, organization,
3 administration, and instructional methods and standards employed or suitable
4 for employment in public education systems.

5 (3) Develop proposals for adequate financing of education as a whole
6 and at each of its many levels.

7 (4) Conduct or participate in research of the types referred to in this
8 section in any instance where the Commission finds that such research is
9 necessary for the advancement of the purposes and policies of this Compact,
10 using fully the resources of national associations, regional compact
11 organizations for higher education, and other agencies and institutions, both
12 public and private.

13 (5) Formulate suggested policies and plans for the improvement of
14 public education as a whole, or for any segment thereof, and make
15 recommendations with respect thereto available to the appropriate
16 governmental units, agencies, and public officials.

17 (6) Do such other things as may be necessary or incidental to the
18 administration of any of its authority or functions pursuant to this Compact.

19 § 1505. COOPERATION WITH FEDERAL GOVERNMENT—ARTICLE V

20 (a) If the laws of the United States specifically so provide, or if
21 administrative provision is made therefore within the federal government, the

1 United States may be represented on the Commission by not to exceed 10
2 representatives. Any such representative or representatives of the United
3 States shall be appointed and serve in such manner as may be provided by or
4 pursuant to federal law, and may be drawn from any one or more branches of
5 the federal government, but no such representative shall have a vote on the
6 Commission.

7 (b) The Commission may provide information and make recommendations
8 to any executive or legislative agency or officer of the federal government
9 concerning the common education policies of the states, and may advise with
10 any such agencies or officers concerning any matter of mutual interest.

11 § 1506. COMMITTEES—ARTICLE VI

12 (a) To assist in the expeditious conduct of its business when the full
13 Commission is not meeting, the Commission shall elect a Steering Committee
14 of 32 members which, subject to the provisions of this Compact and consistent
15 with the policies of the Commission, shall be constituted and function as
16 provided in the bylaws of the Commission. One-fourth of the voting
17 membership of the Steering Committee shall consist of governors, one-fourth
18 shall consist of legislators, and the remainder shall consist of other members of
19 the Commission. A federal representative on the Commission may serve with
20 the Steering Committee, but without vote. The voting members of the Steering
21 Committee shall serve for terms of two years, except that members elected to

1 the first Steering Committee of the Commission shall be elected as follows: 16
2 for one year and 16 for two years. The Chairman, Vice Chairman, and
3 Treasurer of the Commission shall be members of the Steering Committee and,
4 anything in this subsection to the contrary notwithstanding, shall serve during
5 their continuance in these offices. Vacancies in the Steering Committee shall
6 not affect its authority to act, but the Commission at its next regularly ensuing
7 meeting following the occurrence of any vacancy shall fill it for the unexpired
8 term. No person shall serve more than two terms as a member of the Steering
9 Committee, provided that service for a partial term of one year or less shall not
10 be counted toward the two-term limitation.

11 (b) The Commission may establish advisory and technical committees
12 composed of state, local and federal officials, and private persons to advise it
13 with respect to any one or more of its functions. Any advisory or technical
14 committee may, on request of the states concerned, be established to consider
15 any matter of special concern to two or more of the party states.

16 (c) The Commission may establish such additional committees as its
17 bylaws may provide.

18 § 1507. FINANCE—ARTICLE VII

19 (a) The Commission shall advise the governor or designated officer or
20 officers of each party state of its budget and estimated expenditures for such
21 period as may be required by the laws of that party state. Each of the

1 Commission's budgets of estimated expenditures shall contain specific
2 recommendations of the amount or amounts to be appropriated by each of the
3 party states.

4 (b) The total amount of appropriation requests under any budget shall be
5 apportioned among the party states. In making such apportionment, the
6 Commission shall devise and employ a formula which takes equitable account
7 of the populations and per-capita income levels of the party states.

8 (c) The Commission shall not pledge the credit of any party states. The
9 Commission may meet any of its obligations in whole or in part with funds
10 available to it pursuant to subsection 1503(g) of this chapter of this Compact,
11 provided that the Commission takes specific action setting aside such funds
12 prior to incurring an obligation to be met in whole or in part in such manner.
13 Except where the Commission makes funds available to it pursuant to
14 subsection 1503(g) of this chapter thereof, the Commission shall not incur any
15 obligation prior to the allotment of funds by the party states adequate to meet
16 the same.

17 (d) The Commission shall keep accurate accounts of all receipts and
18 disbursements. The receipts and disbursements of the Commission shall be
19 subject to the audit and accounting procedures established by its bylaws.
20 However, all receipts and disbursements of funds handled by the Commission
21 shall be audited yearly by a qualified public accountant, and the report of the

1 audit shall be included in and become part of the annual reports of the
2 Commission.

3 (e) The accounts of the Commission shall be open at any reasonable time
4 for inspection by duly constituted officers of the party states and by any
5 persons authorized by the Commission.

6 (f) Nothing contained herein shall be construed to prevent Commission
7 compliance with laws relating to audit or inspection of accounts by or on
8 behalf of any government contributing to the support of the Commission.

9 § 1508. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL—

10 ARTICLE VIII

11 (a) This Compact shall have as eligible parties all states, territories, and
12 possessions of the United States, the District of Columbia, and the
13 Commonwealth of Puerto Rico. In respect of any such jurisdiction not having
14 a governor, the term “governor,” as used in this Compact, shall mean the
15 closest equivalent official of such jurisdiction.

16 (b) Any state or other eligible jurisdiction may enter into this Compact, and
17 it shall become binding thereon when it has adopted the same, provided that in
18 order to enter into initial effect, adoption by at least 10 eligible party
19 jurisdictions shall be required.

20 (c) Adoption of the Compact may be either by enactment thereof or by
21 adherence thereto by the governor; provided that in the absence of enactment,

1 adherence by the governor shall be sufficient to make his state a party only
2 until December 31, 1967. During any period when a state is participating in
3 this Compact through gubernatorial action, the governor shall appoint
4 those persons who, in addition to himself, shall serve as the members of the
5 Commission from his state, and shall provide to the Commission an equitable
6 share of the financial support of the Commission from any source available to
7 him.

8 (d) Except for a withdrawal effective on December 31, 1967, in accordance
9 with subsection (c) of this section, any party state may withdraw from this
10 Compact by enacting a statute repealing the same, but no such withdrawal shall
11 take effect until one year after the governor of the withdrawing state has given
12 notice in writing of the withdrawal to the governors of all other party states.
13 No withdrawal shall affect any liability already incurred by or chargeable to a
14 party state prior to the time of such withdrawal.

15 § 1509. AMENDMENTS TO THE COMPACT—ARTICLE IX

16 This Compact may be amended by a vote of two-thirds of the members of
17 the Commission present and voting when ratified by the legislatures of two-
18 thirds of the party states.

19 § 1510. CONSTRUCTION AND SEVERABILITY—ARTICLE X

20 This Compact shall be liberally construed so as to effectuate the purposes
21 thereof. The provisions of this Compact shall be severable and if any phrase,

1 clause, sentence, or provision of this Compact is declared to be contrary to the
2 constitution of any state or of the United States, or the application thereof to
3 any government, agency, person, or circumstance is held invalid, the validity
4 of the remainder of this Compact and the applicability thereof to any
5 government, agency, person, or circumstance shall not be affected thereby. If
6 this Compact shall be held contrary to the constitution of any state
7 participating therein, the Compact shall remain in full force and effect as to the
8 state affected as to all severable matters.

9 Sec. 3. [Deleted.]

10 Sec. 4. [Deleted.]

11 Sec. 5. [Deleted.]

12 Sec. 6. [Deleted.]

13 Sec. 7. [Deleted.]

14 Sec. 8. [Deleted.]

15 Sec. 9. [Deleted.]

16 Sec. 10. [Deleted.]

17 Sec. 11. [Deleted.]

18 Sec. 12. [Deleted.]

* * * Background Checks * * *

Sec. 14. 16 V.S.A. § 254a is added to read:

§ 254a. AGENCY OF EDUCATION EMPLOYEES

(a) The Agency of Education shall request criminal record information for a person the Secretary of Education is prepared to recommend for any full-time, part-time, or temporary employment or contractual relationship with the Agency if such person will have or has the potential to have unsupervised contact with students (the applicant).

(b) After signing a user agreement, the Secretary shall make a request for criminal records directly to the Vermont Crime Information Center.

(c) A request made under subsection (b) of this section shall be accompanied by a release signed by the applicant on a form provided by the Vermont Crime Information Center and a set of the applicant's fingerprints. The Agency shall pay the fingerprinting fee required pursuant to 20 V.S.A. § 2062 and shall pay any fee required by the FBI associated with a fingerprint-supported criminal record check. The release form to be signed by the applicant shall include a statement informing the applicant of:

(1) the right to challenge the accuracy of the record by appealing to the Vermont Crime Information Center pursuant to rules adopted by the Commissioner of Public Safety; and

1 (2) the Secretary of Education’s policy regarding maintenance and
2 destruction of records and the applicant’s right to request that the record or
3 notice be maintained for purposes of using it to comply with future criminal
4 record check requests made pursuant to section 256 of this title.

5 (d) Upon completion of a criminal record check, the Vermont Crime
6 Information Center shall send to the Secretary a notice that no record exists or,
7 if a record exists, a copy of any criminal record. If a copy of a criminal record
8 is received, the Secretary shall forward it to the applicant and shall inform the
9 applicant in writing of:

10 (1) the right to challenge the accuracy of the record by appealing to the
11 Vermont Crime Information Center pursuant to rules adopted by the
12 Commissioner of Public Safety; and

13 (2) the Secretary of Education’s policy regarding maintenance and
14 destruction of records and the applicant’s right to request that the record or
15 notice be maintained for purposes of using it to comply with future criminal
16 record check requests made pursuant to section 256 of this title.

17 (e) The Secretary shall request and obtain information from the Child
18 Protection Registry maintained by the Department for Children and Families
19 and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry
20 maintained by the Department of Disabilities, Aging, and Independent Living
21 (collectively, the Registries) for any applicant for whom a criminal record

1 check is required under subsection (a) of this section. The Departments for
2 Children and Families and of Disabilities, Aging, and Independent Living shall
3 adopt rules in accordance with 3 V.S.A. chapter 25 governing the process for
4 obtaining information from the Registries and for disseminating and
5 maintaining records of that information under this subsection.

6 (f) An applicant convicted of a sex offense that requires registration
7 pursuant to 13 V.S.A. chapter 167, subchapter 3 shall not be eligible for
8 employment with the Agency.

9 Sec. 15. 16 V.S.A. § 256 is amended to read:

10 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

11 MAINTENANCE OF RECORDS

12 (a)(1) Anyone required to request a criminal record check under this
13 subchapter about a person who previously has undergone a check, regardless
14 of whether the check was for student teaching, licensure, or employment
15 purposes, shall comply with that requirement by acquiring the results of the
16 previous criminal record check unless:

17 (A) the person refuses to authorize release of the information;

18 (B) the record no longer exists;

19 (C) since the record check, there has been a period of one year or
20 more during which the person has not worked for a Vermont school district, ~~or~~

1 a recognized or an approved independent school, or the Agency of Education;

2 or

3 (D) as otherwise required by this chapter.

4 (2) Anyone required to request a criminal record check under this
5 subchapter about a person who has previously undergone a check may request
6 a name and date of birth or fingerprint-supported recheck of the criminal
7 record at any time during the course of the record subject's employment in the
8 capacity for which the original check was required. Rechecking criminal
9 records may be accomplished through a subscription service.

10 * * *

11 * * * Effective Date * * *

12 Sec. 16. EFFECTIVE DATE

13 This act shall take effect on July 1, 2026.