

H.454 Side by Side: As Passed by the House vs. Senate Education Proposal of Amendment

5.6.25

Beth St. James, Legislative Counsel

H.454 As Passed by the House	H.454 Senate Education Proposal of Amendment (5.2.25)
Sec. 1. FINDINGS; INTENT; PLAN [passage] (a) <u>The General Assembly finds that:</u> (1) <u>In 1997, the first piece of law the General Assembly enacted in response to the Brigham decision stated, “[t]he right to public education is integral to Vermont’s constitutional form of government and its guarantees of political and civil rights...[and] fundamental for the success of Vermont’s children in a rapidly-changing society and global marketplace as well as the State’s own economic and social prosperity.” 16 V.S.A. § 1.</u> (2) <u>From the very first attempt at creating a basic frame of government, Vermont’s founders chose to include a right to public education, the only governmental service included in Vermont’s first Constitution of 1777.</u> (3) <u>As the U.S. Supreme Court stated in Brown v. Board of Education, 347 U.S. 483 (1954), “education is perhaps the most important function of state and local governments...[i]t is required in the performance of our most basic public responsibilities...[i]t is the very foundation of good citizenship.”</u> (4) <u>The most enduring legacy of <i>Brigham v. State</i>, 166 Vt. 246 (1997) is the State’s responsibility to ensure substantially equal educational opportunities for all Vermont students.</u> (5) <u>The education system is still reeling from the effects of a global pandemic, yet the same challenges that have faced Vermont’s education system remain. Thirty to 40 years ago, Vermont educated more than 110,000 students each year. Today, there are approximately 84,000 students in the public education system. Many schools have lost a significant number of students and, with them, the ability to offer robust services</u>	Sec. 1. INTENT [passage]

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<u>and programs at every school. Vermont's youth need to be prepared for a rapidly evolving future.</u> <u>(6) Vermonters deserve an exceptional educational system that is stable and predictable and where a student's home address does not dictate the quality of education they receive. School district size and boundaries, school size, and class size are all influential factors in shaping the quality of instruction and overall student outcomes. The effectiveness of our schools depends on teacher quality, resource availability, and the unique strengths of local communities. Change in our educational system is needed. Systems are made of people, so change must come carefully and thoughtfully, with meaningful engagement by all Vermonters.</u> <u>(b) Intent; plan.</u> <u>(1) To ensure each student is provided substantially equal educational opportunities that will prepare them to thrive in a 21st-century world, it is the intent of the General Assembly to work strategically, intentionally, and thoughtfully to ensure that each incremental change made to Vermont's public education system provides strength and support to its only constitutionally required governmental service.</u> <u>(2) It is further the intent of the General Assembly to:</u> <u>(A) in the 2026 session:</u> <u>(i) enact new, larger school district boundaries that would be effective July 1, 2027;</u> <u>(ii) enact updates to career and technical education governance systems, both at the local and statewide levels, that are reflective of the larger public education governance transformation to new, larger school districts;</u>	<u>It is the intent of the General Assembly to:</u> <u>(1) work strategically, intentionally, and thoughtfully to ensure that each incremental change made to Vermont's public education system provides strength and support to its only constitutionally required governmental service;</u> <u>(2) ensure each student is provided substantially equal educational opportunities that will prepare them to thrive in a 21st-century world;</u> <u>(3) in the 2026 session:</u> <u>(A) enact updates to career and technical education governance systems, both at the local and statewide levels, that are reflective of the larger public education governance transformation;</u>

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<u>(iii) create a coordinated and coherent statewide strategy for career and technical education that is responsive to students and the State’s workforce needs and that provides opportunities for more integration between career and technical education and traditional high school work;</u> <u>(iv) enact student-centered updates to career and technical education funding within a foundation formula that does not create competition between sending schools and career and technical education programs for available funds; and</u> <u>(v) begin the process to create voting wards within each school district 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 election of school board members;</u> <u>(B) provide or enable the provision of the necessary staffing, resources, and support to the Agency of Education, the Secretary of State’s Office, town clerks, and other integral parties to the election system to hold the first school board member elections within the newly created school districts in a special election in March 2028; and</u> <u>(C) provide or enable the provision of the necessary staffing, resources, and support to the Agency of Education, State Board of Education, and other integral parties to ensure that the necessary guidance and funding is in place to allow for a smooth and successful transition between the operation of Vermont’s current 119 school districts to the new, larger school districts, with new school districts assuming responsibility for the education of all resident students on July 1, 2029.</u>	<u>(B) create a coordinated and coherent statewide strategy for career and technical education that is responsive to students and the State’s workforce needs and that provides opportunities for more integration between career and technical education and traditional high school work;</u> <u>(C) enact student-centered updates to career and technical education funding within a foundation formula that does not create competition between sending schools and career and technical education programs for available funds; and</u>

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	(D) enact updates to special education funding to move from a census block grant to a weight for special education within the foundation formula; and (4) while transitioning to a foundation formula and achieving scale, prioritize the following policy goals within the foundation formula and through education transformation: (A) expanding early childhood education; (B) increasing afterschool and summer programs in underserved communities; (C) ensuring every student benefits from essential arts, including music, fine arts, and world languages; (D) providing additional student access to mental health services; (E) extending and enriching college and career pathways, beginning in middle school and culminating in graduates being prepared to take on critical jobs in high-demand industries; (F) raising teacher salaries; and (G) ensuring that the funding provided by different weights actually benefits the students that qualify for weights.
Sec. 2. 2024 Acts and Resolves No. 183, Sec. 1 is amended to read: Sec. 1. THE COMMISSION ON THE FUTURE OF PUBLIC EDUCATION; REPORTS [passage] • Adds 9 nonvoting members to form the school district boundary subcommittee • In subdivision (3)(2)(A)(iv) requires consideration of a process for community input into elementary school closure decisions •	Sec. 2. 2024 Acts and Resolves No. 183, Sec. 1 is amended to read: Sec. 1. THE COMMISSION ON THE FUTURE OF PUBLIC EDUCATION; REPORTS [passage] • Removes the 9 nonvoting members • In subdivision (e)(2)(A)(iv) requires a process for community unput into school closure decisions

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• No similar provision • Allows for additional considerations • Final report due Dec. 1, 2025 • Commission ceases to exist on Dec. 31, 2025 • Subsection (j) creates the school district boundary subcommittee	• Amends subdivision (e)(2)(A)(v) to include an analysis of the impact of healthcare costs on the Education Fund, including recommendations for whether, and if so, what changes need to be made to contain costs (this language is taken directly from subdivision (e)(2)(D)(ix) which is struck in both versions) • Repeals subdivision (e)(2)(E) additional considerations. • Final report due Sept. 30, 2025 • Commission ceases to exist on Oct. 15, 2025 • Removes subsection (j), the school district boundary subcommittee
Analogous concept appears in Sec. 2, subdiv. (b)(2) and subsec. (j): <u>(b)(2) Nonvoting members. The following nine members shall be nonvoting members of the Commission who shall be appointed on or before July 15, 2025:</u> <u>(A) Nonlegislative members. There shall be five nonlegislative, nonvoting members, all of whom shall have extensive experience working within the Vermont public education system. Appointing authorities shall coordinate to ensure that, to the extent possible, each of the five nonvoting members represents a different geographic region of the State.</u> <u>(i) Two members, appointed by the Speaker of the House, one of whom shall be a retired or former Vermont superintendent of a supervisory union with multiple member school districts and one of whom shall be either a retired or former Vermont school business manager or a retired or former school board member.</u>	Sec. 3. SCHOOL DISTRICT BOUNDARY TASK FORCE; REPORT; MAPS [passage] <u>(b) Membership. The Task Force shall be composed of the following members:</u>

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<u>(ii) Two members, appointed by the Committee on Committees, one of whom shall be a retired or former Vermont superintendent and one of whom shall be a retired or former Vermont school business manager.</u> <u>(iii) One member, appointed by the Governor, who shall be a retired or former Vermont superintendent.</u> <u>(B) Legislative members. There shall be four legislative, nonvoting members.</u> <u>(i) Two current members of the House of Representatives, not all from the same political party or same school district, who shall be appointed by the Speaker of the House.</u> <u>(ii) Two current members of the Senate, not all from the same political party or same school district, who shall be appointed by the Committee on Committees.</u> <u>(j) School district boundary subcommittee. There is created a subcommittee of the Commission to be composed of the nine nonvoting members of the Commission that shall determine the most efficient number of school districts and proposed boundary lines, based on educational research; Vermont's geographic and cultural landscape; historic attendance patterns; the distribution of equalized grand list value per pupil; the provision of career and technical education; and a comprehensive analysis of school locations, conditions, and capacity.</u>	<u>(1) four current members of the House of Representatives, not all from the same political party nor from the same school district, who shall be appointed by the Speaker of the House; and</u> <u>(2) four current members of the Senate, not all from the same political party nor from the same school district, who shall be appointed by the Committee on Committees.</u> <u>(a) School District Boundary Task Force. There is created the School District Boundary Task Force that shall determine the most efficient number of school districts and supervisory unions and proposed boundary lines, based on educational research; Vermont's geographic and cultural landscape; historic attendance patterns; the distribution of equalized grand list value per pupil; the provision of career and technical education; and a comprehensive analysis of school locations, facility conditions, student capacity, and transportation infrastructure. The Task Force shall also make recommendations for an alternative process to encourage school district consolidation if the General Assembly fails to enact new school district boundaries not later than January 31, 2026.</u>

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(1) Duties of the district boundaries subcommittee. (A) The subcommittee shall recommend not more than three school district boundary proposals to the General Assembly and may consult with the Vermont Association of Career and Technical Education Directors regarding how to incorporate career and technical education into the proposals. The proposed school district boundaries shall: (i) increase equitable access to educational opportunity; (ii) maximize opportunities for modern, regional middle and high schools, with the least disruption to students; (iii) provide access to education for their resident students in grades kindergarten through 12; (iv) provide access to career and technical education (CTE) for all eligible students; (v) to the extent practical, not separate towns within school districts as those boundaries exist on July 1, 2025; (vi) to the extent practical, consider the availability of regional services for students, such as designated agencies, and how those services would integrate into the new proposed school district boundaries;	(c) Powers and duties. (1) Boundary proposal. The Task Force shall recommend not less than one school district and supervisory union boundary proposal to the General Assembly. All recommendations shall consider the use of supervisory unions and supervisory districts. In making its recommendations, the Task Force may also consider and make recommendations for the optimal location of schools, including CTE programs. The Task Force shall also consider and make recommendations for the governance models of the new proposed school districts, including how school board representation models shall be decided. The proposed school district boundaries and supervisory union boundaries shall: (A) increase access to excellent educational opportunities for all students; (B) gain efficiencies and potential cost savings without harming educational opportunities or community connections; (c) maximize opportunities to support local elementary schools, central middle schools, and regional high schools, with the least disruption to students; (C) provide access to education for their resident students in grades kindergarten through 12; (D) provide access to career and technical education (CTE) for all grade-eligible students; (E) to the extent practical, not separate towns within school districts as those boundaries exist on July 1, 2025; (F) to the extent practical, consider the availability of regional services for students, such as designated agencies, and how those services would integrate into the new proposed school district boundaries; and

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(2) Public engagement. <u>The district boundary subcommittee shall engage and coordinate with the Commission's public engagement subcommittee and the public engagement consultant to maximize public input and feedback regarding the development of the proposed new school district boundaries.</u> (3) Assistance. <u>The district boundary subcommittee shall have the assistance of the Agency of Digital Services, Vermont Center for Geographic Information, which may also retain the services of one or more independent third parties to provide facilitation and mediation services to the subcommittee.</u> (4) Report and maps. <u>On or before December 1, 2025, the district boundary subcommittee shall submit the following to the House and Senate Committees on Education, the House Committee on Government Operations and Military Affairs, the Senate Committee on Government Operations, the House Committee on Ways and Means, and the Senate Committee on Finance:</u>	<u>process recommended by the Task Force shall be designed to encourage local decisions and actions that:</u> <u>(A) provide high-quality, substantially equal educational opportunities statewide;</u> <u>(B) maximize operational efficiencies that result in education costs that parents, voters, and taxpayers can afford; and</u> <u>(C) promote transparency and accountability.</u> (d) Public engagement. <u>The Task Force shall maximize public input and feedback regarding the development of both the proposed new school district and supervisory union boundaries, as well as the alternative consolidation process recommendations.</u> (e) Assistance. <u>The Task Force shall have the administrative, technical, and legal assistance of the Office of Legislative Operations, the Office of Legislative Counsel, the Joint Fiscal Office, and the Agency of Digital Services, Vermont Center for Geographic Information. The Task Force may also retain the services of one or more independent third parties to provide contracted resources as the Task Force deems necessary.</u> (f) Report and map. <u>On or before December 15, 2025, the Task Force shall submit the following to the House and Senate Committees on Education, the House Committee on Government Operations and Military Affairs, the Senate Committee on Government Operation, the House Committee on Ways and Means, and the Senate Committee on Finance:</u>

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<u>(A) Report. The district boundary subcommittee shall submit a written report with the subcommittee's proposed new school district boundaries. The report shall detail how each proposed option meets the requirements of subdivision (1)(A) of this subsection (j).</u> <u>(B) Maps. The subcommittee shall also submit detailed maps for each school district boundary proposal, which, in addition to the school district boundaries themselves, shall include:</u> <u>(i) average daily membership for each proposed school district for the 2023–2024 school year;</u> <u>(ii) the member towns for each school district;</u> <u>(iii) the location of public schools and nontherapeutic approved independent schools that are eligible to receive public tuition as of July 1, 2025, and the grades operated by each of those schools;</u> <u>(iv) the five-year facility condition index score for each school;</u> <u>(v) PCB testing score for each school; and</u>	<u>(1) Report. The subcommittee shall submit a written report with a description of the proposed school district and supervisory union boundaries, the recommended governance models and representation considerations, and the alternative consolidation process. The report shall also include details regarding the policy decisions made to arrive at the proposed boundaries and alternative consolidation process, including an explanation of how the proposed boundaries meet the requirements of subdivisions (c)(1)(A)–(G) of this section and the alternative consolidation process meets the goals contained in subdivisions (c)(2)(A)–(C) of this section.</u> <u>(2) Map. The subcommittee shall also submit one, or if the committee is unable to reach a majority consensus, two, detailed maps for each school district and supervisory union boundary proposal, which, in addition to the boundaries themselves, shall include:</u> <u>(A) average daily membership for each proposed supervisory union or supervisory district, as applicable, for the 2023–2024 school year;</u> <u>(B) the member towns for each supervisory union or supervisory district, as applicable;</u> <u>(C) the location of public schools and nontherapeutic approved independent schools that are eligible to receive public tuition as of July 1, 2025, and the grades operated by each of those schools;</u> <u>(D) the five-year facility condition index score for each public school;</u>

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<u>(vi) 10-year change in enrollment between 2013 and 2023 for each school.</u>	<u>(E) 10-year change in enrollment between 2013 and 2023 for each school;</u> <u>(F) the transportation infrastructure within each supervisory union or supervisory district, as applicable; and</u> <u>(G) the grand list value within each proposed school district boundary.</u> <u>(g) Meetings.</u> <u>(1) The Office of Legislative Counsel shall call the first meeting of the Task Force to occur on or before July 15, 2025.</u> <u>(2) The Task Force shall select co-chairs from among its members at the first meeting, one a member of the House and the other a member of the Senate.</u> <u>(3) A majority of the membership shall constitute a quorum.</u> <u>(4) The Task Force shall cease to exist on January 31, 2026.</u> <u>(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, members of the Working Group shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 16 meetings. These payments shall be made from monies appropriated to the General Assembly.</u> <u>(i) Appropriation. The sum of \$100,000.00 is appropriated to the Office of Legislative Counsel from the General Fund in fiscal year 2026 to hire one or more consultants pursuant to subsection (e) of this section.</u>

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Sec. 2a. SCHOOL DISTRICT VOTING WARD TASK FORCE; REPORT; MAPS [passage]	<i>No similar provision.</i> The School District Boundary Task Force is required to make recommendations for the governance models of the new proposed school districts, including how school board representation models shall be decided
Sec. 3. SCALE; INTENT [7/1/25]	<i>No similar provision</i>
Sec. 4. 16 V.S.A. § 165 is amended to read: [7/1/26] § 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL OPPORTUNITIES; INDEPENDENT SCHOOL MEETING EDUCATION QUALITY STANDARDS (Class size minimums)	<i>No similar provision</i>
Sec. 5. FAILURE TO COMPLY WITH EDUCATION QUALITY STANDARDS; STATE BOARD ACTION [7/1/26]	<i>No similar provision</i>
Sec. 6. STATE BOARD OF EDUCATION; RULES; REPORT [7/1/25] (a) Rules. (1) <u>The State Board of Education shall initiate rulemaking to amend the Education Quality Standards rule 2000 series, Agency of Education, Education Quality Standards (22-000-003), pursuant to 3 V.S.A. chapter 25:</u> (A) <u>on or before August 1, 2026, to ensure compliance with the class size minimum standards set pursuant to 16 V.S.A. § 165(a)(9); and</u> (B) <u>on or before July 1, 2027, to adopt standards for statewide proficiency-based graduation requirements based on standards adopted</u>	Sec. 15. STATE BOARD OF EDUCATION; RULES; REPORT [7/1/25]

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by the State Board and recommendations from the Agency of Education, which shall take effect beginning in the 2027–2028 school year for the graduating class of 2031 and every graduating class thereafter. (2) On or before August 1, 2026, the State Board of Education shall initiate rulemaking to amend the approved independent school rule 2200 series, Agency of Education, Independent School Program Approval (22-000-004), pursuant to 3 V.S.A. chapter 25, to require approved independent schools that intend to accept public tuition to comply with the class size minimum standards set pursuant to 16 V.S.A. § 165(a)(9). The amendments shall also create a process for review by the State Board for failure to meet the class size minimum requirements and the corresponding actions the Board may take for such noncompliance; provided, however, that the Board shall provide an approved independent school a substantially similar opportunity to come into compliance with class size minimum standards that it would provide to a public school. (b) Report. On or before December 1, 2025, the State Board of Education shall submit a written report to the House and Senate Committees on Education with proposed standards for schools to be deemed “small by necessity.”	(a) Rules. On or before August 1, 2026, the State Board of Education shall initiate rulemaking to amend the approved independent school rule 2200 series, Agency of Education, Independent School Program Approval (22-000-004), pursuant to 3 V.S.A. chapter 25, to ensure compliance with the requirements of 16 V.S.A. § 828 applicable to approved independent schools. (b) Report. On or before December 1, 2025, the State Board of Education shall submit a written report to the House and Senate Committees on Education with proposed standards for schools to be deemed “small by necessity.”
Sec. 7. SCHOOL SIZE; INTENT [7/1/25]	<i>No similar provision</i>
Sec. 8. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO PAYING TUITION [7/1/25]	<i>No similar provision</i>
(School Construct) Sec. 9. 16 V.S.A. § 3440 is added to read: [7/1/26] § 3440. STATEMENT OF POLICY	(School Construct) Sec. 4. 16 V.S.A. § 3440 is added to read: [7/1/26] § 3440. STATEMENT OF POLICY

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<u>It is the intent of this chapter to encourage the efficient use of public funds to modernize school infrastructure in alignment with current educational needs. School construction projects supported by this chapter should be developed taking consideration of standards of quality for public schools under section 165 of this title and prioritizing cost, geographic accessibility, 21st century education facilities standards, statewide enrollment trends, and capacity and scale that support best educational practices. Further, it is the intent of this chapter to encourage the use of existing infrastructure to meet the needs of Vermont students. Joint construction projects between two or more school districts and consolidation of buildings within a district where feasible and educationally appropriate are encouraged.</u>	<u>It is the intent of this chapter to encourage the efficient use of public funds to modernize school infrastructure in alignment with current educational needs. School construction projects supported by this chapter should be developed taking consideration of standards of quality for public schools under section 165 of this title and prioritizing cost, geographic accessibility, 21st century education facilities standards, statewide enrollment trends, and capacity and scale that support best educational practices.</u>
Sec. 10. 16 V.S.A. § 3442 is added to read: <u>[7/1/26]</u> <u>§ 3442. STATE AID FOR SCHOOL CONSTRUCTION PROGRAM</u>	Sec. 5. 16 V.S.A. § 3442 is added to read: <u>[7/1/26]</u> <u>§ 3442. STATE AID FOR SCHOOL CONSTRUCTION PROGRAM</u> No changes
Sec. 11. 16 V.S.A. § 3443 is added to read: <u>[7/1/25]</u> <u>§ 3443. STATE AID FOR SCHOOL CONSTRUCTION ADVISORY BOARD</u>	Sec. 6. 16 V.S.A. § 3443 is added to read: <u>[7/1/25]</u> <u>§ 3443. STATE AID FOR SCHOOL CONSTRUCTION ADVISORY BOARD</u> No changes

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Sec. 12. PROSPECTIVE REPEAL OF STATE AID FOR SCHOOL CONSTRUCTION ADVISORY BOARD [7/1/25]	Sec. 7. PROSPECTIVE REPEAL OF STATE AID FOR SCHOOL CONSTRUCTION ADVISORY BOARD [7/1/25] No changes
Sec. 13. 16 V.S.A. § 3444 is added to read: [7/1/26] § 3444. SCHOOL CONSTRUCTION AID SPECIAL FUND	Sec. 8. 16 V.S.A. § 3444 is added to read: [7/1/26] § 3444. SCHOOL CONSTRUCTION AID SPECIAL FUND No changes
Sec. 14. 16 V.S.A. § 3445 is added to read: [7/1/26] § 3445. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION PROJECTS	Sec. 9. 16 V.S.A. § 3445 is added to read: [7/1/26] § 3445. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION PROJECTS No changes
Sec. 15. 16 V.S.A. § 3446 is added to read: [7/1/26] § 3446. APPEAL	Sec. 10. 16 V.S.A. § 3446 is added to read: [7/1/26] § 3446. APPEAL No changes
Sec. 16. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF RULES [7/1/26]	Sec. 11. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF RULES [7/1/26] No changes
Sec. 17. REPEALS [7/1/26]	Sec. 12. REPEALS [7/1/26]

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	No changes
Sec. 18. 16 V.S.A. § 828 is amended to read: <u>[7/1/25]</u> § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL (a) A school district shall not pay the tuition of a student except to: (1) a public school, <u>located in Vermont;</u> (2) an approved independent school; <u>that:</u> (A) <u>is located in Vermont;</u> (B) <u>is approved under section 166 of this title on or before July 1, 2025;</u> (C) <u>has at least 51 percent of its student enrollment composed of students attending on a district-funded tuition basis pursuant to chapter 21 of this title during the 2024–2025 school year; and</u> (D) <u>complies with the minimum class size requirements contained in subdivision 165(a)(9) of this title and State Board rule; provided, however, that if a school is unable to comply with the class size minimum standards due to geographic isolation or a school has developed an implementation plan to meet the class size minimum requirements, the school may ask</u>	Sec. 13. 16 V.S.A. § 828 is amended to read: <u>[7/1/25]</u> § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL (a) A school district shall not pay the tuition of a student except to: (1) a public school, <u>located in Vermont;</u> (2) an approved independent school, <u>an independent school meeting education quality standards, that:</u> (A) <u>is located in Vermont;</u> (B) <u>is approved under section 166 of this title on or before July 1, 2025;</u> (C) <u>is located within either :</u> (i) <u>supervisory district that does not operate a public school for some or all grades as of July 1, 2024; or</u> (ii) <u>a supervisory union with one or more member school districts that does not operate a public school for some or all grades as of July 1, 2024; and</u> (D) <u>had at least 25 percent of its Vermont resident student enrollment composed of students attending on a district-funded tuition basis pursuant to chapter 21 of this title during the 2023–2024 school year;</u>

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<u>the State Board to grant it a waiver from this subdivision (D), which decision shall be final;</u> <u>(3) an independent school meeting education quality standards;</u> (4) a tutorial program approved by the State Board; (5) an approved education program;or; (6) an independent school in another state or country approved under the laws of that state or country, that complies with the reporting requirement under subsection 4010(c) of this title, a public school located in another state; or (7) <u>a therapeutic approved independent school located in Vermont or another state or country that is approved under the laws of that state or country.</u> (b) nor shall payment <u>Payment</u> of tuition on behalf of a person <u>shall not</u> be denied on account of age. (c) Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition	(3) a tutorial program approved by the State Board; (4) an approved education program;or; (5) an independent school in another state or country approved under the laws of that state or country, that <u>a public school located within 25 miles of the Vermont border in a bordering state or province, provided that the school is approved under the laws of that state or province and complies with the reporting requirement under subsection 4010(c) of this title;</u> (6) <u>an independent school located within 25 miles of the Vermont border in a bordering state or province that:</u> (A) <u>is approved under the laws of that state or province;</u> (B) <u>had at least one or more Vermont resident students enrolled in grades nine through 12 on a district-funded tuition basis pursuant to this chapter during the 2023–2024 school year; and</u> (C) <u>complies with the reporting requirement under subsection 4010(c) of this title; or</u> (7) a therapeutic approved independent school located in Vermont or another state or country that is approved under the laws of that state or country. (b) nor shall payment <u>Payment</u> of tuition on behalf of a person <u>shall not</u> be denied on account of age. (c) Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition

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payments, the amount of tuition payable, or the school the person may attend, may appeal to the State Board and its decision shall be final. <u>(d) As used in this section, “therapeutic approved independent school” means 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.</u>	payments, the amount of tuition payable, or the school the person may attend, may appeal to the State Board and its decision shall be final. <u>(d) As used in this section, “therapeutic approved independent school” means 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.</u>
Sec. 19. TUITION TRANSITION [7/1/25]	Sec. 14. TUITION TRANSITION [7/1/25] No changes
Sec. 20. STATEWIDE COHESION; INTENT [7/1/25]	<i>No similar provision</i>
Sec. 21. AGENCY OF EDUCATION; SCHOOL CALENDAR; GRADUATION REQUIREMENTS; REPORT [7/1/25] <u>(a) Statewide graduation requirements. On or before January 1, 2026, the Agency of Education shall recommend to the State Board of Education standards for statewide proficiency-based graduation requirements based on standards adopted by the State Board.</u> <u>(b) Statewide school calendar.</u> <u>(1) On or before January 15, 2027, the Secretary of Education shall develop and publish a statewide calendar for the public schools of the State, including career and technical</u>	Sec. 17. AGENCY OF EDUCATION; REPORTS [7/1/25] <u>(a) On or before January 1, 2026, the Agency of Education shall submit a written report to the House and Senate Committees on Education and the State Board of Education with recommended standards for statewide proficiency-based graduation requirements based on standards adopted by the State Board.</u>

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<u>centers, that shall be in effect in the 2028–2029 academic year and after.</u> <u>(2) On or before January 15, 2027, the Secretary shall present to the House and Senate Committees on Education a list of the statutory amendments necessary to effect the intent of this subsection.</u> <u>(c) Report. On or before December 1, 2025, the Agency of Education shall submit a written report and recommended legislative language, as applicable, to the House and Senate Committees on Education with the following:</u> <u>(1) In consultation with educators and administrators, a proposed implementation plan for statewide financial data and student information systems.</u> <u>(2) Recommendations for a school construction division within the Agency of Education, including position descriptions and job duties for each position within the division, a detailed description of the assistance the division would provide to the field, and the overall role the Agency would play within a State aid to school construction program.</u> <u>(3) A progress report regarding the development of clear, unambiguous guidance that would be provided to school officials and school board members regarding the business processes and transactions that would need to occur to facilitate school district mergers into larger, consolidated school districts, including the merging of data systems, asset and liability transfers, and how to address collective bargaining agreements for both educators and staff. The report shall include a detailed description of how the Agency will provide support and consolidation assistance to the field in each of these areas and an estimate of the costs associated with such work.</u>	<u>(b) On or before December 1, 2025, the Agency of Education shall submit a written report and recommended legislative language, as applicable, to the House and Senate Committees on Education with the following:</u> <u>(1) In consultation with educators and administrators, a proposed implementation plan for statewide financial data and student information systems.</u> <u>(2) Recommendations for a school construction division within the Agency of Education, including position descriptions and job duties for each position within the division, a detailed description of the assistance the division would provide to the field, and the overall role the Agency would play within a State aid to school construction program.</u> <u>(3) A progress report regarding the development of clear, unambiguous guidance that would be provided to school officials and school board members regarding the business processes and transactions that would need to occur to facilitate school district mergers into larger, consolidated school districts, including the merging of data systems, asset and liability transfers, and how to address collective bargaining agreements for both educators and staff. The report shall include a detailed description of how the Agency will provide support and</u>

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<u>(4) In consultation with superintendents, directors of therapeutic independent schools, special education directors, and, in the opinion of the Agency, other experts, recommendations for the need for cooperative education services and the oversight of therapeutic schools within the school governance framework both at a State and local level.</u>	<u>consolidation assistance to the field in each of these areas and an estimate of the costs associated with such work.</u> <u>(4) An analysis of how education payments are allocated within school districts and what, if any, changes are necessary to ensure students who receive weights are actually benefiting from the additional funding associated with the applicable weights.</u> <u>(c) On or before December 1, 2026, the Agency of Education, in consultation with the Office of Workforce Strategy and Development, shall submit a written report with recommendations on how to increase flexible pathways opportunities for students in the commercial and nonprofit sectors.</u>
Sec. 22. STATE-LEVEL GOVERNANCE; INTENT [7/1/25]	<i>No similar provision</i>
Sec. 23. 16 V.S.A. § 161 is amended to read: [7/1/25] § 161. STATE BOARD OF EDUCATION; APPOINTMENT OF MEMBERS; TERM; VACANCY	<i>No similar provision</i>
Sec. 24. TRANSITION PERIOD APPOINTMENTS; STATE BOARD OF EDUCATION [7/1/25]	<i>No similar provision</i>
Sec. 25. 16 V.S.A. § 162 is amended to read: [7/1/25] § 162. REMOVAL OF BOARD MEMBERS	<i>No similar provision.</i>

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Sec. 26. STATE BOARD OF EDUCATION; REVIEW OF RULES; APPROPRIATION [7/1/25]	Sec. 16. STATE BOARD OF EDUCATION; REVIEW OF RULES; APPROPRIATION No changes
Sec. 27. 16 V.S.A. § 823 is amended to read: [contingently 7/1/29] § 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 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, for each resident student attending the receiving school. 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.	Sec. 21. 16 V.S.A. § 823 is amended to read: [7/1/27] § 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 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 for each resident student attending the receiving school. 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. <u>[Repealed.]</u>	(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 <u>Notwithstanding subsection (a) of this section, the district shall pay the full tuition charged its students attending an approved independent school in Vermont functioning as an approved area career technical center.</u>
Sec. 28. REPEALS [contingently 7/1/29]	Sec. 22. REPEALS; TUITION [7/1/25] No changes
Sec. 29. 16 V.S.A. § 4011 is amended to read: [passage] § 4011. EDUCATION PAYMENTS	<i>No similar provision</i> (language/concept is traveling in the budget)
Sec. 30. ADULT EDUCATION; FUNDING; REPORT [passage]	<i>No similar provision</i> (language/concept is traveling in the budget)

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Sec. 31. STATE OF SPECIAL EDUCATION DELIVERY; AGENCY OF EDUCATION; REPORT [7/1/25] (a) <u>On or before September 1, 2025, the Agency of Education shall submit a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance addressing the factors contributing to growth in extraordinary special education reimbursement costs. The report shall include detailed information regarding the current state of special education delivery in Vermont, including an update on the implementation of special education changes enacted pursuant to 2018 Acts and Resolves No. 173 (Act 173). The report shall include a description of the current state of support for students with disabilities in Vermont and recommended changes to structure, practice, and law with the goal of:</u> <u>(1) improving the delivery of special education services and managing the rising extraordinary special education costs as Vermont's special education finance system transitions from a census block grant to a weight for special education costs;</u> <u>(2) ensuring better, more inclusive services in the least restrictive environment in a way that makes efficient and effective use of limited resources while resulting in the best outcomes;</u> <u>(3) responding to the challenges of fully implementing Act 173 and the lessons learned from implementation efforts to date;</u> <u>(4) ensuring that the delivery of special education is responsive to student needs; and</u>	Sec. 18. STATE OF SPECIAL EDUCATION DELIVERY; AGENCY OF EDUCATION; REPORT [7/1/25] (a) <u>On or before September 1, 2025, the Agency of Education shall submit a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance addressing the factors contributing to growth in extraordinary special education reimbursement costs. The report shall include detailed information regarding the current state of special education delivery in Vermont, including an update on the implementation of special education changes enacted pursuant to 2018 Acts and Resolves No. 173 (Act 173). The report shall include a description of the current state of support for students with disabilities in Vermont and recommended changes to structure, practice, and law with the goal of:</u> <u>(1) improving the delivery of special education services and managing the rising extraordinary special education costs;</u> <u>(2) ensuring better, more inclusive services in the least restrictive environment in a way that makes efficient and effective use of limited resources while resulting in the best outcomes;</u> <u>(3) responding to the challenges of fully implementing Act 173 and the lessons learned from implementation efforts to date;</u> <u>(4) ensuring adequate staffing to deliver special education that is responsive to student needs;</u>

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<u>(5) addressing drivers of growth of extraordinary expenditures in special education.</u> <u>(b) The report shall include:</u> <u>(1) An analysis of the costs of and services provided for students with extraordinary needs in specialized settings, separated by school-district-operated specialized programs, independent nonprofit programs, and independent for-profit programs. The report shall include a geographic map with the location of all specialized programs within the State of Vermont, as well as the following information for each individual specialized program:</u> <u>(A) disability categories served;</u> <u>(B) grade levels served;</u> <u>(C) the number of students with IEPs and the average duration of time each student spent in the program over the last 10 years;</u> <u>(D) average cost per pupil, inclusive of extraordinary spending and any costs in excess of general tuition rates;</u> <u>(E) years of experience, training, and tenure of licensed special education staff;</u> <u>(F) a review of the findings of all investigations conducted by the Agency of Education; and</u> <u>(G) a review of the Agency's public assurance capabilities, with respect to special education programs in all settings, and an analysis of the effectiveness of current oversight or rule, and recommended changes if needed.</u>	<u>(5) addressing the root causes leading to the workforce shortage of special educators; and</u> <u>(6) addressing drivers of growth of extraordinary expenditures in special education.</u> <u>(b) The report shall include:</u> <u>(1) An analysis of the costs of and services provided for students with extraordinary needs in specialized settings, separated by school-district-operated specialized programs, independent nonprofit programs, and independent for-profit programs. The report shall include a geographic map with the location of all specialized programs within the State of Vermont, as well as the following information for each individual specialized program:</u> <u>(A) disability categories served;</u> <u>(B) grade levels served;</u> <u>(C) the number of students with IEPs and the average duration of time each student spent in the program over the last 10 years;</u> <u>(D) average cost per pupil, inclusive of extraordinary spending and any costs in excess of general tuition rates;</u> <u>(E) years of experience, training, and tenure of licensed special education staff;</u> <u>(F) a review of the findings of all investigations conducted by the Agency of Education; and</u> <u>(G) a review of the Agency's public assurance capabilities, with respect to special education programs in all settings, and an analysis of the effectiveness of current oversight or rule, and recommended changes if needed.</u>

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<u>(2) An evaluation of the state of implementation of Act 173, including examples of where implementation has been successful, where it has not, and why.</u> <u>(3) Identification of drivers of accelerating costs within the special education system.</u> <u>(4) Identification of barriers to the success of students with disabilities.</u> <u>(5) A description of how specialized programs for students with extraordinary needs operated by school districts, independent nonprofit schools, and independent for-profit schools are funded, with an analysis of the benefits and risks of each funding model.</u> <u>(6) An assessment of whether Vermont's current special education laws ensure equitable access for all students with disabilities to education alongside their peers in a way that is consistent with the Vermont education quality standards for public schools and the right to a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400–1482.</u> <u>(7) A review of the capacity of the Agency to support and guide school districts on the effective support of students with disabilities, as well as compliance with federal law, which shall include:</u> <u>(A) a review of final reports of investigations conducted by the Agency in school-district-operated specialized programs, independent nonprofit programs, and independent for-profit programs in the previous 10 years and an evaluation of what practices could reduce adverse findings in these settings;</u>	<u>(2) An evaluation of the state of implementation of Act 173, including examples of where implementation has been successful, where it has not, and why.</u> <u>(3) Identification of drivers of accelerating costs within the special education system.</u> <u>(4) Identification of barriers to the success of students with disabilities.</u> <u>(5) A description of how specialized programs for students with extraordinary needs operated by school districts, independent nonprofit schools, and independent for-profit schools are funded, with an analysis of the benefits and risks of each funding model.</u> <u>(6) An assessment of whether Vermont's current special education laws ensure equitable access for all students with disabilities to education alongside their peers in a way that is consistent with the Vermont education quality standards for public schools and the right to a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400–1482.</u> <u>(7) A review of the capacity of the Agency to support and guide school districts on the effective support of students with disabilities, as well as compliance with federal law, which shall include:</u> <u>(A) a review of final reports of investigations conducted by the Agency in school-district-operated specialized programs, independent nonprofit programs, and independent for-profit programs in the previous 10 years and an evaluation of what practices could reduce adverse findings in these settings;</u>

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<u>(B) an assessment of the ability of the State to ensure State resources are used in the most efficient and effective way possible to support the success of students with disabilities and their access to a free and appropriate public education;</u> <u>(C) a review of any pending and recent federal findings against the State or school districts, as well as progress on corrective actions;</u> <u>(D) a review of the Agency's staffing and capacity to review and conduct monitoring and visits to schools, especially independent settings;</u> <u>(E) a description of the process and status of reviews and approvals of approved independent schools that provide special education and therapeutic schools; and</u> <u>(F) recommendations for whether the Agency has capacity to ensure timely review of approved independent schools and provide sufficient oversight for specialized programs in nonprofit independent schools and for-profit independent schools.</u> <u>(8) Recommendations for needed capacity at the Agency to provide technical assistance and support to school districts in the provision of special education services.</u> <u>(9) An analysis of whether more strategic support for better primary first instruction and more successful implementation of Act 173 needs to be in place for a weighted funding model for special education to succeed, including a suggested transition timeline, with indicators, to be incorporated into the Agency's strategic plan.</u>	<u>(B) an assessment of the ability of the State to ensure State resources are used in the most efficient and effective way possible to support the success of students with disabilities and their access to a free and appropriate public education;</u> <u>(C) a review of any pending and recent federal findings against the State or school districts, as well as progress on corrective actions;</u> <u>(D) a review of the Agency's staffing and capacity to review and conduct monitoring and visits to schools;</u> <u>(E) a description of the process and status of reviews and approvals of approved independent schools that provide special education and therapeutic schools; and</u> <u>(F) recommendations for the oversight of therapeutic schools within the school governance framework both at a State and local level, including whether the Agency has capacity to ensure timely review of approved independent schools and provide sufficient oversight for specialized programs in nonprofit independent schools and for-profit independent schools.</u> <u>(8) Recommendations for needed capacity at the Agency to provide technical assistance and support to school districts in the provision of special education services.</u>

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<u>(10) If warranted, a review of options for changes to practice, structure, and law that ensure students with disabilities are provided access to quality education, in the least restrictive environment, in a cost-effective way that is consistent with State and federal law, which may include a review of the possible role of BOCES and the impact of larger districts on effective, high-quality support for students with disabilities.</u>	<u>(9) If warranted, a review of options for changes to practice, structure, and law that ensure students with disabilities are provided access to quality education, in the least restrictive environment, in a cost-effective way that is consistent with State and federal law, which may include a review of the possible role of BOCES and the impact of larger districts on effective, high-quality support for students with disabilities.</u>
Sec. 32. SPECIAL EDUCATION STRATEGIC PLAN; AGENCY OF EDUCATION [7/1/25] <u>(a) Strategic plan. In consultation with the State Advisory Panel on Special Education established under 16 V.S.A. § 2945, the Agency of Education shall develop a three-year strategic plan for the delivery of special education services in Vermont. The strategic plan shall include unambiguous measurable outcomes and a timeline for implementation. The strategic plan shall be informed by the analysis and findings of the report required of the Agency under Sec. 31 of this act and be designed to ensure successful implementation of 2018 Acts and Resolves No. 173 (Act 173) and provide the supports and processes that need to be in place for the transition to a weighted funding model for special education to succeed, including a suggested transition timeline, with benchmarks for success. The strategic plan shall also include contingency recommendations for special education funding in the event federal special education funding under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400–1482, is no longer available or transitions to a system that requires more planning and management on the part of the State to ensure funds are distributed equitably.</u>	Sec. 19. SPECIAL EDUCATION STRATEGIC PLAN; AGENCY OF EDUCATION [7/1/25] <u>(a) Strategic plan. In consultation with the State Advisory Panel on Special Education established under 16 V.S.A. § 2945, the Agency of Education shall develop a three-year strategic plan for the delivery of special education services in Vermont. The strategic plan shall include unambiguous measurable outcomes and a timeline for implementation. The strategic plan shall be informed by the analysis and findings of the report required of the Agency under Sec. 20 of this act and be designed to ensure successful implementation of 2018 Acts and Resolves No. 173 (Act 173). The strategic plan shall also include contingency recommendations for special education funding in the event federal special education funding under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400–1482, is no longer available or transitions to a system that requires more planning and management on the part of the State to ensure funds are distributed equitably.</u>

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<u>(b) Reports.</u> <u>(1) On or before December 1, 2025, the Agency shall submit the three-year strategic plan created pursuant to subsection (a) of this section to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance.</u> <u>(2) On or before December 1 of 2026, 2027, 2028, and 2029, the Agency shall submit a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance with a detailed update on the Agency's implementation of its strategic plan and any recommendations for legislative changes needed to ensure a successful transition to a weighted funding model and continued successful implementation of Act 173.</u>	<u>(b) Reports.</u> <u>(1) On or before December 1, 2025, the Agency shall submit the three-year strategic plan created pursuant to subsection (a) of this section to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance.</u> <u>(2) On or before December 1 of 2026, 2027, 2028, and 2029, the Agency shall submit a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance with a detailed update on the Agency's implementation of its strategic plan and any recommendations for legislative changes needed to ensure continued successful implementation of Act 173.</u>
Sec. 33. POSITION; AGENCY OF EDUCATION [7/1/25]	Sec. 20. POSITION; AGENCY OF EDUCATION [7/1/25] No changes