



To: Senate Finance Committee
From: Vermont School Boards Association, Vermont Superintendents Association, Vermont Association of School Business Officials, and Vermont Principals' Association
Re: Comments on Senate Draft of H.454
Date: May 12, 2025
Cc: Senate President Pro Tempore Philip Baruth, House Speaker Jill Krowinski, House Education Chair Peter Conlon, House Ways and Means Chair Emilie Kornheiser, Senate Education Chair Seth Bongartz

As the General Assembly continues its work on H.454, we write to raise significant concerns with changes made in the Senate's Draft 9.1. These Senate amendments weaken the bill's ability to meet the goals of equity, opportunity, and cost efficiency in Vermont's education system.

Below is a summary of the most pressing concerns:

1. Task Force Structure Politicized – Expertise and Transparency Eroded

The House version wisely proposed a subcommittee of the Commission on the Future of Public Education, composed of former superintendents, business managers, school board members, and other experienced professionals, to design new district boundaries. The new work can rely on existing public engagement that the Commission has built to date. The Senate replaces this with an entirely legislative Task Force of eight members, with no clear expertise requirements and vague public engagement commitments. This politicizes what should be a data- and experience-driven process.

2. Class Size Minimums Removed – Undermines Scale and Student Opportunity

Minimum class sizes help ensure that classrooms have enough students to support rich discussions, collaborative learning, and age-appropriate social interactions—all essential for effective instruction. Extremely small classes limit peer learning opportunities and make it difficult to justify the full range of resources and staffing needed for a high-quality educational experience. The Senate version removes class size minimums that were included in the House bill. These minimums, while difficult to implement, are one of the few meaningful tools Vermont has to address cost drivers tied to staffing. They also send a clear policy signal in support of achieving scale. Without them, the burden of tough decisions falls solely on volunteer school boards, without guidance, support, or shared responsibility from the state. Our Associations support a review of whether the class sizes in the House Bill are appropriate, but do not support the full removal of class size as a policy tool from H.454.

3. Tuition Policy Weakened – Public Dollars Diverted from Public Schools

The House bill supported the Governor's recommendation to restrict tuition payments to only those independent schools that serve as de facto public schools, specifically, those with 51% public tuition students. The Senate version drops that threshold to 25% of Vermont students and expands eligibility to independent schools within 25 miles of Vermont's border, increasing the number of schools Vermont sends public dollars to. This undermines public accountability, increases costs, and dilutes Vermont's ability to maintain coherence in its public education system.

4. Statewide Calendar Removed – Missed Opportunity for Cohesion

The House included language for a uniform statewide school calendar, a long-standing recommendation, and essential for CTE access and regional alignment. Currently, CTE centers that serve multiple sending districts have to operate around multiple calendars. At times, that means that some students have to attend CTE centers during their breaks or miss valuable instruction time. The Senate removed the language for a statewide calendar. This is a simple, achievable reform that would bring immediate systemwide benefits—its removal is a step backward.

5. Foundation Formula Piecemealed – Risk to Equity and Legality

The Senate has not presented a coherent alternative to the House's foundation formula. Instead, it appears to be selectively modifying components without modeling the full impact. This piecemeal approach lacks transparency and ignores the interconnected nature of weights and base amounts. Funding formulas must be based on evidence, not arbitrary policy preferences. Failure to follow sound processes opens Vermont up to potential legal challenges under *Brigham* and undermines public trust. The foundation formula should be a function of sound education policy, especially related to scale.

6. State Board Appointments – Missed Chance for Balance

The House proposed allowing the General Assembly to appoint two members to the State Board of Education, creating better balance and legislative oversight of an increasingly influential policymaking body. The Senate removed this provision without clear justification.

7. Independent CTE Funding – Unfair Carve Outs

New language has been added that allows for unconstrained payments to independent schools operating CTE programming. This unfairly requires sending districts to pay more than the education opportunity payments, draining resources from the public schools within that system.

Conclusion

The House version of H.454 offers a more coherent, equitable, and actionable approach to transforming Vermont's education system. The Senate's changes, by contrast, appear to prioritize political compromise over structural reform and may unintentionally preserve the very inefficiencies the bill was meant to address.

We strongly urge the Legislature to preserve the integrity of the House version of H.454 and resist Senate amendments that dilute its vision and effectiveness.

Side-by-Side Language and Our Position

Topic	H.454 As Passed House	H.454 Senate Draft 9.1	Associations' Position
Commission on Future of Public Education End Date	The Commission shall cease to exist on December 31, 2025 .	The Commission shall cease to exist on October 15, 2025 .	House Version
School District Boundaries: Members	Subcommittee of Commission composed of nine members (five former superintendents, business managers, school board member and four legislators) must determine most efficient number of school districts and proposed boundary lines .	School district boundary task force composed of eight legislators must determine the most efficient number of school districts and supervisory unions and proposed boundary lines .	House Version
School District Boundaries: Factors	(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	(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	House Version with more flexible district size minimums to support the rural areas of the state, based on district scale research.

	<p>career and technical education into the proposals. The proposed school district boundaries shall:</p> <p>(i) Increase equitable access to educational opportunity;</p> <p>(ii) maximize opportunities for modern, regional middle and high schools, with the least disruption to students;</p> <p>(iii) provide access to education for their resident students in grades kindergarten through 12;</p> <p>(iv) provide access to career and technical education (CTE) for all eligible students;</p> <p>(v) to the extent</p>	<p>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:</p> <p>(A) increase access to excellent educational opportunities for all students; (B) gain efficiencies and potential cost savings without harming educational opportunities or community connections;</p> <p>(c) maximize opportunities to support local elementary schools, central middle schools, and regional high schools, with the least disruption to students;</p> <p>(C) provide access</p>	
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	<p>practical, not separate towns within school districts as those boundaries exist on July 1, 2025;</p> <p>(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;</p> <p>(vii) to the extent practical, result in school districts with a minimum average daily membership of approximately 4,000 students; and</p> <p>(viii) to the extent practical, consider historic attendance patterns in geographic areas that do not operate public schools at all grade levels from kindergarten through grade 12.</p>	<p>to education for their resident students in grades kindergarten through 12;</p> <p>(D) provide access to career and technical education (CTE) for all grade-eligible students;</p> <p>(E) to the extent practical, not separate towns within school districts as those boundaries exist on July 1, 2025;</p> <p>(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</p> <p>(G) allow for the continuation of a tuitioning system that provides continued access to independent schools that have served geographic areas that do not operate public schools for the grades served by the independent schools.</p>	
Public Engagement	The district boundary subcommittee shall engage and coordinate with the Commission's public engagement subcommittee and the public	The Task Force shall maximize public input and feedback regarding the development of both the proposed new school district and supervisory union	Utilize existing community engagement structures from the Commission (House Version).

	<p>engagement consultant to maximize public input and feedback regarding the development of the proposed new school district boundaries.</p>	<p>boundaries, as well as the alternative consolidation process recommendations.</p>	
EQS/Class Size Standards	<p>The average class size minimum for kindergarten classes shall be 8 students. The average class size minimum for grades one through four shall be 15 students. The average class size minimum for grades five through 12 in all required content area classes shall be 18 students.</p> <p>Multiage classrooms for grades kindergarten through eight shall be limited to two grade levels per classroom.</p> <p>Prekindergarten, career and technical education, flexible pathways, terminal courses, advanced placement courses, courses that require specialized equipment, and driver's education classes shall be excluded from the class size minimum requirements in this subdivision. Small group services for the purpose of providing special education, supplemental or</p>	<p>Not applicable.</p>	<p>House Version or an adjusted House Version</p>

	<p>targeted academic intervention, or English learner instruction shall also be excluded from the class size minimum requirements in this subdivision. If a school board determines that it operates a school that 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 standards contained in this subdivision that may include consolidation or merger, the school board may ask the State Board of Education to grant it waiver from this subdivision (9). The State Board shall define what qualifies as geographic isolation in its rules adopted pursuant to subdivision (a)(3) of this section. The State Board's decision shall be final.</p>		
State Board of Education Rules; Report	<p>(a)(1) The State Board of Education shall initiate rulemaking to amend the Education Quality Standards rule 2000</p>		Maintain House Version

	<p>series::</p> <p>(A) 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</p> <p>(B) on or before July 1, 2027, to adopt standards for statewide proficiency-based graduation requirements based on standards adopted 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.</p> <p>(2) On or before August 1, 2026, the State Board of Education shall initiate rulemaking to amend the approved independent school rule 2200 series 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</p>	<p>(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, to ensure compliance with the requirements of 16 V.S.A. § 828 applicable to approved independent schools.</p>	
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	<p>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.</p> <p>(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.”</p>	<p>(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.”</p>	
Prohibition on School Closure and Transition to Paying Tuition	<p>Notwithstanding any provision of law to the contrary, a school district shall be prohibited from closing an existing public school and then providing for the education of its resident students</p>	Not applicable.	Maintain House Version

	<p>by paying tuition for its students to attend a public or approved independent school chosen by the parents of the district's students. If a school district that closes an existing public school is unable to provide for the education of its affected resident students in a different school or schools operated by the district, the school district shall provide for the education of its resident students by designating three or fewer public schools to serve as the public school or schools of the district. Notwithstanding any provision of law to the contrary, if designation is required pursuant to this section, the designation process contained in 16 V.S.A. § 827 shall apply to schools operating grades kindergarten through grade 12, or any subset of grades therein.</p>		
Tuition to Approved Schools	<p>(a) A school district shall not pay the tuition of a student except to:</p> <ul style="list-style-type: none"> (1) a public school, located in Vermont; (2) an approved 	<p>(a) A school district shall not pay the tuition of a student except to:</p> <ul style="list-style-type: none"> (1) a public school, located in Vermont; (2) an approved 	Maintain House Version (also supported by the Governor)

	<p>independent school, that:</p> <p>(A) is located in Vermont;</p> <p>(B) is approved under section 166 of this title on or before July 1, 2025;</p> <p>(C) 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</p> <p>(D) 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 the State Board to grant it a waiver from this subdivision (D), which decision shall be final; (3) an independent school meeting education quality standards;;</p> <p>(4) a tutorial program approved by the</p>	<p>independent school, that:</p> <p>(A) is located in Vermont;</p> <p>(B) is approved under section 166 of this title on or before July 1, 2025;</p> <p>(C) is located within either : (i) supervisory district that does not operate a public school for some or all grades as of July 1, 2024; or (ii) 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</p> <p>(D) 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;</p> <p>(3) a tutorial program approved by the State Board;</p> <p>(4) an approved education program,</p>	
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	<p>State Board,;</p> <p>(5) an approved education program, or;</p> <p>(6) a public school located in another state; or</p> <p>(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.</p>	<p>or;</p> <p>(5) 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;</p> <p>(6) an independent school located within 25 miles of the Vermont border in a bordering state or province that:</p> <p>(A) is approved under the laws of that state or province;</p> <p>(B) 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</p> <p>(C) complies with the reporting requirement under subsection 21 4010(c) of this title;</p> <p>or</p> <p>(7) a therapeutic approved independent school located in Vermont or another state or country that is approved under the</p>	
	<p>(b) payment of tuition on behalf of a person shall not be denied on account of age.</p> <p>(c) Unless otherwise</p>		

	<p>provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition 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.</p> <p>(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.</p>	<p>laws of that state or country.</p> <p>(b) Payment of tuition on behalf of a person shall not 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 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.</p> <p>(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</p>	
AOE; School Calendar, Graduation Requirements; Report	(a) Statewide graduation requirements. On or	(a) On or before January 1, 2026, the Agency of	Maintain House Version

	<p>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.</p> <p>(b) Statewide school calendar.</p> <p>(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 centers, that shall be in effect in the 2028–2029 academic year and after.</p> <p>(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.</p> <p>(c) Report. On or before December 1, 2025, the Agency of Education shall submit a written report and recommended legislative language,</p>	<p>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.</p> <p>(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:</p> <p>(1) In consultation with educators and administrators, a</p>	
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	<p>as applicable, to the House and Senate Committees on Education with the following:</p> <p>(1) In consultation with educators and administrators, a proposed implementation plan for statewide financial data and student information systems.</p> <p>(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.</p> <p>(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</p>	<p>proposed implementation plan for statewide financial data and student information systems.</p> <p>(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.</p> <p>(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</p>	
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	<p>school districts, including the merging of data systems, asset and liability transfers, and how to address collective bargaining agreements for both educators and staff.</p> <p>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.</p> <p>(4) In consultation with superintendents, directors of therapeutic independent schools, special education directors, and, in the opinion of the Agency, other experts,</p> <p>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.</p>	<p>agreements for both educators and staff.</p> <p>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.</p>	
State Board of Education; Appointment of Members; Term; Vacancy	Eight members, including the two student members, shall be appointed by the Governor with the advice and consent of the Senate. One	Maintains current law: all members appointed by the Governor.	Maintain House Version

	<p>member shall be appointed by the Speaker of the House and one member shall be appointed by the Senate Committee on Committees.</p>		
Tuition	<p>(a) Tuition for students shall be paid by the district in which the student is a resident. The district shall pay 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.</p>	<p>(a) Tuition for students shall be paid by the district in which the student is a resident. The district shall pay 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.</p> <p>AND</p> <p>(b) 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.</p>	Maintain House Version
Foundation Formula	Sections		Maintain House Version of

			Foundation Formula, but reconsider the use of Special Education Weights
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