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H.955

Representatives McCann of Montpelier, Arsenault of Williston, Burrows of West Windsor, Casey of Montpelier, Cina of Burlington, Cole of Hartford, Graning of Jericho, Harple of Glover, Headrick of Burlington, Holcombe of Norwich, Logan of Burlington, Masland of Thetford, McGill of Bridport, Minier of South Burlington, Priestley of Bradford, Rachelson of Burlington, Sibilia of Dover, Stone of Burlington, Tomlinson of Winooski, and White of Bethel move that the bill be amended by adding a reader assistance heading and three new sections to be Secs. 21b, 21c, and 21d to read as follows:

* * * Approved Independent Schools Eligible to Receive Public Tuition and
Education Quality Standards * * *

Sec. 21b. 16 V.S.A. § 165 is amended to read:

§ 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL OPPORTUNITIES; INDEPENDENT SCHOOL MEETING
EDUCATION QUALITY STANDARDS

(a) In order to carry out Vermont’s policy that all Vermont children will be afforded educational opportunities that are substantially equal in quality, each Vermont public school, including each career technical center, and each approved independent school that is eligible to receive public tuition shall meet the following education quality standards:

* * *

1 (2) The school, at least annually, reports student performance results to
2 community members in a format selected by the school board or governing
3 body of an approved independent school eligible to receive public tuition. In
4 the case of a regional career technical center, the community means the school
5 districts in the service region. The school report shall include:

6 (A) Information indicating progress toward meeting standards from
7 the most recent measure taken.

8 (B) [Repealed.]

9 (C) Information indicating progress toward meeting the goals of an
10 annual continuous improvement plan.

11 (D) Any other statistical information about the school or community
12 that the school board or governing body deems necessary to place student
13 performance results in context.

14 (E)–(G) [Repealed.]

15 (H) A description of how the school ensures that each student
16 receives appropriate career counseling and program information regarding
17 availability of education and apprenticeship program offerings at career
18 technical centers.

19 (I) [Repealed.]

1 education quality standards. The State Board shall then follow the procedure
2 of subsection (c) of this section.

3 (b) Annually, the Secretary shall determine whether students in each
4 Vermont public school and each approved independent school that is eligible
5 to receive public tuition are provided educational opportunities substantially
6 equal to those provided in other public and approved independent schools that
7 are eligible to receive public tuition. If the Secretary determines that a school
8 is not meeting the education quality standards listed in subsection (a) of this
9 section or that the school is making insufficient progress in improving student
10 performance in relation to the standards for student performance set forth in
11 subdivision 164(9) of this title, the Secretary shall describe in writing actions
12 that a district or governing body must take in order to meet either or both sets
13 of standards and shall provide technical assistance to the school. If the school
14 fails to meet the standards or make sufficient progress within two years
15 following the determination, the Secretary shall recommend to the State Board
16 one or more of the following actions:

17 (1) the Agency continue to provide technical assistance for one more
18 cycle of review;

19 (2) in the case of a public school, the State Board adjust supervisory
20 union boundaries or responsibilities of the superintendency pursuant to section
21 261 of this title;

1 (3) in the case of a public school, the Secretary assume administrative
2 control of an individual school, school district, or supervisory union, including
3 budgetary control to ensure sound financial practices, only to the extent
4 necessary to correct deficiencies;

5 (4) in the case of a public school, the State Board close an individual
6 school or schools and require that the school district pay tuition to another
7 public school or an approved independent school pursuant to chapter 21 of this
8 title; ~~or~~

9 (5) in the case of a public school, the State Board require two or more
10 school districts to consolidate their governance structures; or

11 (6) in the case of an approved independent school that is eligible to
12 receive public tuition, the State Board revoke the school's approval or
13 eligibility to receive public tuition.

14 (c) The State Board, after offering the school board or governing body of
15 an approved independent school that is eligible to receive public tuition an
16 opportunity for a hearing, shall either dismiss the Secretary's recommendation
17 or order that one or more of the actions listed in subsection (b) of this section
18 be taken, as applicable. The action ordered by the State Board shall be the
19 least intrusive consistent with the need to provide students attending the school
20 substantially equal educational opportunities. A school board or governing

1 body aggrieved by an order of the State Board may appeal the order in
2 accordance with the Rules of Civil Procedure.

3 (d) Nothing in this section shall be construed to entitle any student to
4 educational programs or services identical to those received by students in the
5 same or any other school district or approved independent school that is
6 eligible to receive public tuition. Further, nothing in this section shall create a
7 private right of action.

8 (e) If the Secretary determines at any time that the failure of a school to
9 meet the education quality standards listed in subsection (a) of this section is
10 severe or pervasive, potentially results in physical or emotional harm to
11 students or significant deprivation of equal education opportunities, and the
12 school has either unreasonably refused to remedy the problem or its efforts
13 have proved ineffective, the Secretary may recommend to the State Board one
14 or more of the actions listed in subsection (b) of this section, as applicable.
15 The State Board shall then follow the procedure of subsection (c) of this
16 section.

17 (f) ~~In order to be designated an independent school meeting education~~
18 ~~quality standards, an independent school shall participate in the education~~
19 ~~quality standards process of subsection (b) of this section. An independent~~
20 ~~school shall receive technical assistance in accordance with the provisions of~~
21 ~~subsection (b), but shall not be subject to subdivisions (b)(2)-(4) of this~~

1 ~~section. The school shall be an independent school meeting education quality~~
2 ~~standards unless the State Board, after opportunity for hearing, finds that:~~

3 ~~(1) the school has discontinued its participation in the education quality~~
4 ~~standards process; or~~

5 ~~(2) two or more years following a determination that the school is not~~
6 ~~meeting the education quality standards or that the school is making~~
7 ~~insufficient progress in improving student performance, the school fails to~~
8 ~~meet the standards or make sufficient progress toward meeting the standards.~~

9 [Repealed.]

10 * * *

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

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

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

14 (1) a public school located in Vermont;

15 (2) an approved independent school that:

16 (A) is located in Vermont;

17 (B) is approved under section 166 of this title on or before July 1,
18 2025;

19 (C) is located within either:

20 (i) a supervisory district that does not operate a public school for
21 some or all grades as of July 1, 2024; or

1 (ii) a supervisory union with one or more member school districts
2 that does not operate a public school for some or all grades as of July 1, 2024;

3 (D) had at least 25 percent of its student enrollment composed of
4 students attending on a district-funded tuition basis pursuant to chapter 21 of
5 this title during the 2023–2024 school year; and

6 (E) ~~complies with the minimum class size requirements contained in~~
7 ~~subdivision 165(a)(9) of this title and State Board rule; provided, however, that~~
8 ~~if a school is unable to comply with the class size minimum standards due to~~
9 ~~geographic isolation or a school has developed an implementation plan to meet~~
10 ~~the class size minimum requirements, the school may ask the State Board to~~
11 ~~grant it a waiver from this subdivision (E), which decision shall be final meets~~
12 ~~the education quality standards listed in subsection 165(b) of this chapter and~~
13 ~~the State Board’s education quality standard rules contained in Agency of~~
14 ~~Education, State Board Rule 2000 Education Quality Standards (CVR 22-000-~~
15 ~~003);~~

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

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

18 (5) an approved education program;

19 (6) a public school located in another state; or

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

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Sec. 21d. STATE BOARD OF EDUCATION; RULEMAKING

The State Board of Education shall, unless extended by the Legislative Committee on Administrative Rules, adopt updates to Agency of Education, State Board Rule 2000 Education Quality Standards (CVR 22-000-003), pursuant to 3 V.S.A. § 843 on or before March 31, 2027, to require approved independent schools that are eligible to receive public tuition to meet education quality standards as required pursuant to 16 V.S.A. § 165(a),.