

1 Introduced by
2 Referred to Committee on
3 Date:
4 Subject: Executive; National Forest Lands Board; Commission on Women;
5 Toxics Technical Advisory Board; Champion Land Transaction
6 Citizen Advisory Council; State Board of Education
7 Statement of purpose of bill as introduced: This bill proposes to amend
8 statutes relating to the State's boards and commissions.

9 An act relating to boards and commissions

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

11 * * * Repeal of National Forest Lands Board * * *

Commented [BW1]: Repeal proposed at SAC's 9/30/20 meeting.

12 Sec. 1. 1 V.S.A. § 554 is amended to read:

13 § 554. ~~NATIONAL FOREST LANDS~~

14 ~~The consent of the State of Vermont is hereby given to the acquisition by~~
15 ~~the United States, by purchase, gift, or condemnation with adequate~~
16 ~~compensation, of such lands in Vermont with the approval of a Board~~
17 ~~consisting of the Governor, Lieutenant Governor, Attorney General,~~
18 ~~Commissioner of Forests, Parks and Recreation, and Secretary of Agriculture,~~
19 ~~Food and Markets in the following towns: Bristol, Lincoln, Warren, Ripton,~~
20 ~~Granville, Hancock, Rochester, Pittsfield, Chittenden, Goshen, Middlebury,~~

1 ~~Salisbury, Leicester, Brandon, Mendon, Stockbridge, Winhall, Londonderry,~~
2 ~~Peru, Dorset, Danby, Landgrove, Weston, Wallingford, Mt. Holly, Mt. Tabor,~~
3 ~~Stratton, Wardsboro, Dover, Wilmington, Whitingham, Readsboro, Searsburg,~~
4 ~~Sunderland, Manchester, Woodford, Stamford, Jamaica, Bennington, Pownal,~~
5 ~~Shaftsbury, Arlington, and Killington, and the unorganized towns of~~
6 ~~Glastenbury and Somerset, which in the opinion of the federal government and~~
7 ~~the State may be needed for the establishment, consolidation, and extension of~~
8 ~~national forests in the State. Land in the Town of Rupert and the Town of~~
9 ~~Sandgate may be considered by the Board for classification within boundaries~~
10 ~~of areas of the State in which the United States may acquire lands as National~~
11 ~~Forest lands, provided that the legislative body of the town has voted to allow~~
12 ~~such consideration after having been advised to do so by a majority of town~~
13 ~~residents voting in an advisory referendum on the question. Such Board shall~~
14 ~~act on a specific parcel only after it has the written approval of the legislative~~
15 ~~body or selectboard members of the town or supervisors of an unorganized~~
16 ~~town or gore wherein such land, or a part thereof is located. [Repealed.]~~

17 Sec. 2. 1 V.S.A. § 555 is amended to read:

18 § 555. JURISDICTION OF UNITED STATES OVER NATIONAL
19 FORESTS

20 The United States shall have jurisdiction to make and enforce such laws,
21 rules, and regulations as the United States shall deem necessary for the

1 administration, protection, and management of ~~such~~ national forests in the
2 State.

3 Sec. 3. 1 V.S.A. § 556 is amended to read:

4 § 556. JURISDICTION OF STATE OVER NATIONAL FORESTS

5 In all other respects, the jurisdiction over persons and property within ~~such~~
6 the territory of national forests in the State shall not be affected nor changed by
7 reason of ~~such~~ the acquisition of title to such lands by the United States.

8 * * * Amendments to Vermont Commission on Women * * *

Commented [BW2]: Amendments proposed at SAC's
8/20/20 meeting.

9 Sec. 4. 3 V.S.A. chapter 70 is added to read:

10 CHAPTER 70. COMMISSION ON WOMEN

11 Sec. 5. 3 V.S.A. § 22 is redesignated and amended to read:

12 § ~~22~~ 5025. THE COMMISSION ON WOMEN

13 (a)(1) The Commission on Women is created as the successor to the
14 Governor's Commission on Women established by Executive Order No. 20-
15 86. The Commission shall be organized and have the duties and
16 responsibilities as provided in this section.

17 (2) The Commission shall be an independent agency of the government
18 of Vermont and shall not be subject to the control of any other department or
19 agency.

20 (3) Members of the Commission shall be drawn from throughout the
21 State and from diverse racial, ethnic, religious, age, sexual orientation, and

1 socioeconomic backgrounds and shall have had experience working toward the
2 improvement of the status of women in society.

3 (b) The Commission shall consist of 16 members, appointed as follows:

4 (1) Eight members shall be appointed by the Governor, ~~not more than~~
5 ~~four of whom shall be from one political party.~~

6 (2)(A) Eight members shall be appointed by the General Assembly, four
7 by the Senate Committee on Committees, and four by the Speaker of the
8 House.

9 (B) ~~Not~~ Each chamber may appoint not more than two appointees
10 ~~shall be members of the General Assembly legislators, and each appointing~~
11 ~~authority shall appoint not more than two members if a chamber appoints two~~
12 legislators, they shall not be from the same political party.

13 (c)(1) Not more than four legislators may serve on the Commission at one
14 time.

15 (2) The terms of members shall be four years. Appointments of
16 members to fill vacancies or expired terms shall be made by the authority that
17 made the initial appointment to the vacated or expired term.

18 (d)(1) Members of the Commission shall elect biennially by majority vote
19 the Chair of the Commission.

1 (2) Members of the Commission shall be entitled to receive per diem
2 compensation and reimbursement of expenses as permitted under 32 V.S.A.
3 § 1010, which shall be paid by the Commission.

4 (e) Nine members shall constitute a quorum of the Commission. Once a
5 quorum has been established, the vote of a majority of the members present at
6 the time of the vote shall be an act of the Commission.

7 (f) The Commission may appoint members to an advisory council to
8 provide information on the concerns of Vermont women and assist the
9 Commission in the fulfillment of its responsibilities. The Commission may
10 establish ad hoc committees or task forces to study and make recommendations
11 to the Commission. The chair of such committees or task forces shall be
12 appointed by the Chair of the Commission. The tenure of such committees or
13 task forces shall be determined by the nature of the study and the project
14 undertaken.

15 (g) The Commission shall conduct studies of matters concerning women,
16 and in furtherance of that responsibility may:

17 (1) review Vermont statutes with regard to sex discrimination and other
18 matters affecting the status of women;

19 (2) educate and inform business, education, State and local
20 governments, and the general public about the nature and scope of sex
21 discrimination and other matters affecting the status of women in Vermont;

1 (3) serve as a liaison and clearinghouse between government, private
2 interest groups, and the general public concerned with services for women,
3 and, in this regard, may publish a periodic newsletter to provide information to
4 these constituencies;

5 (4) promote consideration of qualified women for all levels of
6 government positions.

7 (h) The powers of the Commission shall include the following:

8 (1) to conduct research and study of issues affecting the status of women
9 in Vermont;

10 (2) to advise and consult with the Executive and Legislative branches of
11 State government on policies affecting the status of women in Vermont;

12 (3) to maintain an office and hire employees as necessary to carry out its
13 duties;

14 (4) to acquire on a contractual or other basis such necessary legal,
15 technical, or research expertise and support services as it may require for the
16 discharge of its duties;

17 (5) to publish periodic reports documenting the legal, economic, social,
18 and political status, and other concerns of women in Vermont;

19 (6) to utilize such voluntary and uncompensated services of private
20 individuals, agencies, and organizations as may, from time to time, be offered
21 and needed;

1 (7) to accept and solicit funds, including any gifts, donations, grants, or
2 bequests or any federal funds, for any Commission-related purposes.

3 (i)(1) No part of any funds appropriated to the Commission by the General
4 Assembly shall, in the absence of express authorization by the General
5 Assembly, be used directly or indirectly for legislative or administrative
6 advocacy. The Commission shall review and amend as necessary all existing
7 contracts and grants to ensure compliance with this subsection.

8 (2) As used in this subsection, legislative or administrative advocacy
9 means employment of a lobbyist as defined in 2 V.S.A. chapter 11, or
10 employment, establishment, or maintenance of a lobbyist position whose
11 primary function is to influence legislators or State officials with respect to
12 pending legislation or rules.

13 Sec. 6. REDESIGNATION AND CODIFICATION OF COMMISSION ON
14 WOMEN; CONFORMING REVISIONS

15 (a) 3 V.S.A. § 5025 (Commission on Women), as redesignated and
16 amended in this act, shall be codified in 3 V.S.A. chapter 70 (Commission on
17 Women), as added by this act.

18 (b) The Office of Legislative Counsel is directed to revise accordingly in
19 the Vermont Statutes Annotated any cross-references to the Commission on
20 Women as redesignated and codified in this act.

Commented [BW3]: SAC recommendation: Gov Ops
Committees should determine whether to maintain this
current law prohibition.

* * * Repeal of Toxics Technical Advisory Board * * *

Commented [BW4]: Repeal proposed at SAC's 9/30/20 meeting.

Sec. 7. 3 V.S.A. § 2873 is amended to read:

§ 2873. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

(a) The Department of Environmental Conservation is created within the Agency of Natural Resources. The Department is the successor to and continuation of the Department of Water Resources and Environmental Engineering, and shall administer the Water Resources Programs contained in Title 10; air pollution control and abatement as provided in 10 V.S.A. chapter 23; and waste disposal as provided in 10 V.S.A. chapter 159.

(b) The Department may perform design and construction supervision services for major maintenance and capital construction projects for the Agency and all of its components.

(c) [Repealed.]

(d) Nothing in this section shall prevent the Commissioner of Labor from exercising his or her authority to regulate public buildings.

(e) ~~There is created within the Department of Environmental Conservation a Division of Pollution Prevention, which shall carry out nonregulatory functions of the Department under 10 V.S.A. chapter 159, subchapter 2, in providing technical assistance and coordinating State efforts to bring about a decrease, within the State, in the use of toxics and the generation of hazardous wastes. The Office shall:~~

1 ~~(1) review toxics use reduction and hazardous waste reduction plans~~
2 ~~submitted by generators of hazardous wastes and by large users of toxic~~
3 ~~materials, as defined in 10 V.S.A. chapter 159, subchapter 2;~~

4 ~~(2) provide technical assistance to industry in its plan development, plan~~
5 ~~revisions, and plan improvement under 10 V.S.A. chapter 159, subchapter 2;~~

6 ~~(3) provide, direct, and manage on site technical assistance under that~~
7 ~~chapter;~~

8 ~~(4) provide staff support to the Toxics Technical Advisory Board, and~~
9 ~~implement authorized and recommended programs;~~

10 ~~(5) sponsor, in conjunction with the Toxics Technical Advisory Board,~~
11 ~~industry specific conferences, workshops, and seminars on toxics use~~
12 ~~reduction and hazardous waste reduction, in order to enhance information~~
13 ~~exchange and technology transfer;~~

14 ~~(6) develop and maintain a technical library and information~~
15 ~~clearinghouse, and promote information dissemination to businesses that~~
16 ~~generate hazardous wastes or use toxic substances;~~

17 ~~(7) develop and distribute a newsletter and other information materials~~
18 ~~for business and industry, to assist in planning for toxics use reduction and~~
19 ~~reduction in the generation of hazardous waste;~~

20 ~~(8) maintain data and information systems on toxics use and hazardous~~
21 ~~waste reduction as specified in 10 V.S.A. chapter 159, subchapter 2, and use~~

1 ~~these systems to develop methods to measure the success of programs to~~
2 ~~reduce toxics use and the generation of hazardous waste;~~

3 ~~(9) coordinate ongoing technical assistance on these matters, within the~~
4 ~~Agency and throughout State government;~~

5 ~~(10) work with other State agencies to evaluate, develop, and promote~~
6 ~~pollution prevention strategies;~~

7 ~~(11) work with other State agencies to improve data and reporting~~
8 ~~systems with respect to toxics releases;~~

9 ~~(12) work with other State agencies to develop pilot programs that~~
10 ~~encourage toxics use reduction, multimedia source reduction, and reductions in~~
11 ~~the generation of hazardous waste;~~

12 ~~(13) review and comment on environmental regulatory programs and~~
13 ~~proposed rules, to assure that these programs provide incentives, rather than~~
14 ~~disincentives, to pollution prevention. [Repealed.]~~

15 ~~(f) There is created the Toxics Technical Advisory Board, which is~~
16 ~~attached to the Division of Pollution Prevention.~~

17 ~~(1) The Board shall consist of at least five members appointed by the~~
18 ~~Governor, representing the various geographic areas of the State and with~~
19 ~~expertise in professional disciplines such as occupational health and safety,~~
20 ~~industrial hygiene, engineering, chemistry, manufacturing, business, ecology,~~

1 ~~and environmental protection. Members shall be selected from business and~~
2 ~~industry groups that are to be served by technical assistance.~~

3 ~~(2) The Board shall advise the Office of Pollution Prevention on the~~
4 ~~creation and administration of a Technical Assistance Program designed to~~
5 ~~provide guidance, advice, and technical assistance to generators of hazardous~~
6 ~~waste and users of toxics.~~

7 ~~(3) The Board shall serve as liaison with industry, business, trade~~
8 ~~associations, and educational institutions, and shall assemble volunteer teams~~
9 ~~to perform on-site technical assistance and other forms of assistance to~~
10 ~~complement programs of the office of pollution prevention.~~

11 ~~(4) The Board shall establish and administer an award program for~~
12 ~~excellence in toxics use reduction and the reduction in the generation of~~
13 ~~hazardous waste. [Repealed.]~~

14 (g) There is created within the Department of Environmental Conservation
15 the Small Business Technical and Environmental Compliance Assistance
16 Program. This Program shall include each element specified in section 507(a)
17 of the federal Clean Air Act (42 U.S.C. § 7401 et seq.) and shall also be
18 authorized to assist small businesses in similar fashion with regard to their
19 obligations under all other environmental legislation administered by the
20 Department.

21 (h) [Repealed.]

* * * Repeal of Champion Land Transaction Citizen Advisory Council * * *

Commented [BW5]: Repeal proposed at SAC's 9/30/20 meeting (following DFPR testimony) and affirmed at SAC's 10/21/20 meeting (following DFW testimony)

Sec. 8. 10 V.S.A. chapter 156 is amended to read:

CHAPTER 156. ~~CHAMPION LAND TRANSACTION CITIZEN~~
~~ADVISORY COUNCIL~~ [Repealed.]

§ 6407. ~~COUNCIL CREATED~~

~~A Citizen Advisory Council is created to assist in implementing the provisions of the Champion land transaction in the northeastern region of Vermont authorized by the 1999 session of the General Assembly. [Repealed.]~~

§ 6408. ~~FUNCTIONS~~

~~(a) The Council shall function as a forum to hear and attempt to resolve concerns involving the so-called Champion lands that are brought to the attention of the Council regarding ongoing use and management of State lands, collaboration with the U.S. Fish and Wildlife Service, and public access to the public and privately held lands. With respect to the public lands and the role of the Agency of Natural Resources, these matters may include public access, the recreation access plan, snowmobiling, motorized, mechanical and equestrian access, private roads, temporary restrictions, federal ownership, timber harvesting, land conservation, water classification, economic development, and camp leases. The Council has no authority to discuss or comment on interests obtained by a private owner who purchases a portion of~~

1 ~~the property, including timber harvesting and forest management interests~~
2 ~~obtained.~~

3 ~~(b) The Council shall also function as a source of information to persons~~
4 ~~interested in learning about the transaction including its legal conditions, or~~
5 ~~about the ongoing use and management of the land. [Repealed.]~~

6 § 6409. MEMBERS; ORGANIZATION

7 ~~(a) The Council shall consist of 11 voting members appointed by the~~
8 ~~Governor as follows:~~

9 ~~(1) six persons residing in the northeastern region of the State, made up~~
10 ~~of one representative each of the logging industry, another private business~~
11 ~~interest in Essex County, a local hunting and fishing group, the Vermont~~
12 ~~Association of Snow Travelers, camp leaseholders of former Champion land,~~
13 ~~and an elected official of municipal government in Essex County, each with a~~
14 ~~three year term except that initial terms shall be staggered, to be appointed by~~
15 ~~the Governor from a list of three nominees for each position submitted jointly~~
16 ~~by the members of the State legislative delegation of Essex County;~~

17 ~~(2) one person representing the new private ownership of a portion of~~
18 ~~the former Champion land;~~

19 ~~(3) the Secretary of the Vermont Agency of Natural Resources or his or~~
20 ~~her designee from within the Agency;~~

21 ~~(4) one person representing the U.S. Fish and Wildlife Service;~~

1 educational services in Vermont; advise the General Assembly, the Governor,
2 and the Secretary of Education on high priority educational policies and issues
3 as they arise; and act in accordance with Legislative mandates, including the
4 adoption of rules and executing special assignments. In addition to other
5 specified duties, the Board shall:

6 (1) Establish such advisory commissions as in the judgment of the
7 Board will be of assistance to it in carrying out its duties. Advisory
8 commission members shall serve with or without compensation at the
9 discretion of the Board but shall receive actual expenses incurred in pursuance
10 of their duties.

11 (2) Have the authority to enter into agreements with school districts,
12 municipalities, states, the United States, foundations, agencies, or individuals
13 for service, educational programs, or research projects.

14 (3) Examine and determine all appeals that by law are made to it and
15 prescribe rules of practice governing the appeals process, not inconsistent with
16 law.

17 (4) ~~Review and comment on an Agency budget prepared by the~~
18 ~~Secretary for the Governor.~~ [Repealed.]

19 (5) [Repealed.]

1 (6) ~~Adopt rules governing the attendance and records of attendance of~~
2 ~~all students and the deportment of students attending public schools.~~

3 [Repealed.]

4 (7) Adopt rules pursuant to 3 V.S.A. chapter 25 as necessary or
5 appropriate ~~for the execution of its powers and duties and of the powers and~~
6 ~~duties of all persons under its supervision and control~~ to carry out the powers
7 and duties of the Board as directed by the General Assembly, within the
8 limitations of legislative intent, including rules concerning:

9 (A) the operation and administration of the State Board of
10 Education;

11 (B) educational quality standards;

12 (C) independent school program approval, including:

13 (i) approval of distance learning schools;

14 (ii) post-secondary schools; and

15 (iii) private kindergarten approval;

16 (D) special education, including special education finance and
17 census-based funding;

18 (E) school accountability system based on student achievement;

19 (F) supervisory union and school district organization; and

20 (G) proposals for alternative structures under 2015 Acts and Resolves

21 No. 46.

1 (8) Review and comment on rules proposed by the Agency of Education
2 prior to prefiling the proposed rules with the Interagency Committee on
3 Administrative Rules under 3 V.S.A. § 837.

4 (9) ~~Implement~~ Develop and continually update standards for student
5 performance in appropriate content areas and at appropriate intervals in the
6 continuum from ~~kindergarten~~ prekindergarten to grade 12 and methods of
7 assessment to determine attainment of the standards for student performance.
8 The standards shall be rigorous, challenging, and designed to prepare students
9 to participate in and contribute to the democratic process and to compete in the
10 global marketplace. The standards shall include a standard for reading level
11 proficiency for students completing grade three.

12 (10) [Repealed.]

13 (11) ~~If deemed advisable, determine educational standards for admission~~
14 ~~to and graduation from the public schools.~~ [Repealed.]

15 (12) [Repealed.]

16 (13) ~~Be the State Board for the program of adult education and literacy~~
17 ~~and perform all the duties and powers prescribed by law pertaining to adult~~
18 ~~education and literacy and to act as the State approval agency for educational~~
19 ~~institutions conducting programs of adult education and literacy.~~ [Repealed.]

20 (14) ~~Adopt rules for approval of independent schools.~~ [Repealed.]

1 (15) ~~Establish criteria governing the establishment of a system for the~~
2 ~~receipt, deposit, accounting, and disbursement of all funds by supervisory~~
3 ~~unions and school districts. [Repealed.]~~

4 (16) ~~In cooperation with the Secretary, ensure that the Agency develops~~
5 ~~information, plans, and assistance to aid in making technology and~~
6 ~~telecommunications available and coordinated in all school districts. The State~~
7 ~~Board shall develop guidelines for distribution of federal, State, or private~~
8 ~~funds designated for the development or expansion of distance learning~~
9 ~~technologies. The guidelines shall encourage, consistent with any terms or~~
10 ~~conditions established by the funding source, collaboration between schools~~
11 ~~and school districts to realize economic and educational efficiencies.~~
12 ~~[Repealed.]~~

13 (17) ~~Report annually on the condition of education statewide and on a~~
14 ~~supervisory union and school district basis. The report shall include~~
15 ~~information on attainment of standards for student performance adopted under~~
16 ~~subdivision (9) of this section, number and types of complaints of hazing,~~
17 ~~harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title~~
18 ~~and responses to the complaints, financial resources and expenditures, and~~
19 ~~community social indicators. The report shall be organized and presented in a~~
20 ~~way that is easily understandable by the general public and that enables each~~
21 ~~school, school district, and supervisory union to determine its strengths and~~

1 ~~weaknesses. To the extent consistent with State and federal privacy laws and~~
2 ~~regulations, data on hazing, harassment, or bullying incidents shall be~~
3 ~~disaggregated by incident type, including disaggregation by ethnic groups,~~
4 ~~racial groups, religious groups, gender, sexual orientation, gender identity,~~
5 ~~disability status, and English language learner status. The Secretary shall use~~
6 ~~the information in the report to determine whether students in each school,~~
7 ~~school district, and supervisory union are provided educational opportunities~~
8 ~~substantially equal to those provided in other schools, school districts, and~~
9 ~~supervisory unions pursuant to subsection 165(b) of this title. [Repealed.]~~

10 (18) ~~Ensure that Vermont's students, including students enrolled in~~
11 ~~secondary career technical education, have access to a substantially equal~~
12 ~~educational opportunity by developing a system to evaluate the equalizing~~
13 ~~effects of Vermont's education finance system and education quality standards~~
14 ~~under section 165 of this title. [Repealed.]~~

15 (19) [Repealed.]

16 (20) ~~Pursuant to section 806g of this title, constitute the State Council~~
17 ~~for the Interstate Compact on Educational Opportunity for Military Children~~
18 ~~and appoint to the Council a Compact Commissioner and Military Family~~
19 ~~Education Liaison, who may be the same person. The Board may appoint~~
20 ~~additional members. [Repealed.]~~

1 (21) Report annually to the Governor and the General Assembly on the
2 ~~progress the Board has made on the development of education policy for the~~
3 State current condition and future prospects of education in Vermont.

4 Sec. 10. 16 V.S.A. § 212 is amended to read:

5 § 212. SECRETARY'S DUTIES GENERALLY

6 The Secretary shall ~~execute those policies~~ adopt rules pursuant to 3 V.S.A.
7 chapter 25 necessary to execute the powers and responsibilities given to the
8 Secretary under this title or otherwise required or authorized by State or federal
9 law and as directed by the General Assembly, except that the Secretary shall
10 not adopt rules in areas reserved to the State Board of Education under
11 section 164 of this title, implement rules adopted by the Secretary and the State
12 Board in the legal exercise of its their powers, and shall:

13 * * *

14 (23) Make rules governing the attendance and records of attendance of
15 all students and the deportment of students attending public schools.

16 (24) Establish criteria governing the establishment of a system for the
17 receipt, deposit, accounting, and disbursement of all funds by supervisory
18 unions and school districts.

19 (25) Provide guidance to school districts to make technology and
20 telecommunications available and coordinated in all school districts, including
21 guidelines for the distribution of federal, State, and private funds designated

1 for the development or expansion of distance learning technologies. The
2 guidelines shall encourage, consistent with any terms or conditions established
3 by the funding source, collaboration between schools and among school
4 districts to realize economic and educational efficiencies.

5 (26) Report annually on the condition of education statewide and on a
6 supervisory union and school district basis. The report shall include
7 information on attainment of standards for student performance adopted under
8 subdivision 164(9) of this title, number and types of complaints of hazing,
9 harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title.
10 The report shall also include information on the and responses to the
11 complaints, financial resources and expenditures, and community social
12 indicators. The report shall be organized and presented in a way that is easily
13 understandable by the general public and that enables each school, school
14 district, and supervisory union to determine its strengths and weaknesses. To
15 the extent consistent with State and federal privacy laws and regulations, data
16 on hazing, harassment, or bullying incidents shall be disaggregated by incident
17 type, including disaggregation by ethnic groups, racial groups, religious
18 groups, gender, sexual orientation, gender identity, disability status, and
19 English language learner status. The Secretary shall use the information in the
20 report to determine whether students in each school, school district, and
21 supervisory union are provided educational opportunities substantially equal to

1 those provided in other schools, school districts, and supervisory unions
2 pursuant to subsection 165(b) of this title.

3 (27) Ensure that Vermont’s students, including students enrolled in
4 secondary career technical education, have access to a substantially equal
5 educational opportunity by developing a system to evaluate the equalizing
6 effects of Vermont’s education finance system and education quality standards
7 under section 165 of this title.

8 (28) Be responsible for the program of adult education and literacy and
9 perform all the duties and powers prescribed by law pertaining to adult
10 education and literacy and to act as the State approval agency for educational
11 institutions conducting programs of adult education and literacy.

12 (29) Submit proposed rules to the State Board for review and comment
13 prior to prefiling them with the Interagency Committee on Administrative
14 Rules under 3 V.S.A. § 837 within a time frame that accommodates the State
15 Board’s review of the proposed rules and the Secretary’s ability to respond to
16 the State Board’s comments.

17 * * * Conforming Changes to Law in 16 V.S.A. chapter 3

18 (State Board of Education) * * *

19 Sec. 11. 16 V.S.A. § 167 is amended to read:

20 § 167. HIGH SCHOOL EQUIVALENCE CERTIFICATE

1 The ~~State Board~~ Secretary is authorized to grant high school equivalency
2 certificates to any person who has not been graduated from a high school on
3 the basis of credits earned in the U.S. Armed Forces, credits earned in
4 approved schools for adults, or satisfactory scores obtained on approved
5 examinations.

6 Sec. 12. 16 V.S.A. § 175 is amended to read:

7 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS;

8 CLOSING

9 (a) When an institution of higher education, whether or not chartered in this
10 State, proposes to discontinue the regular course of instruction, either
11 permanently or for a temporary period other than a customary vacation period,
12 the institution shall:

13 (1) promptly inform the ~~State Board~~ Secretary;

14 (2) prepare the academic record of each current and former student in a
15 form satisfactory to the ~~State Board~~ Secretary and including interpretive
16 information required by the ~~Board~~ Secretary; and

17 (3) deliver the records to a person designated by the ~~State Board~~
18 Secretary to act as permanent repository for the institution's records, together
19 with the reasonable cost of entering and maintaining the records.

20 * * *

1 (d) When an institution of higher education is unable or unwilling to
2 comply substantially with the record preparation and delivery requirements of
3 subsection (a) of this section, the ~~State Board~~ Secretary shall bring an action in
4 Superior Court to compel compliance with this section, and may in a proper
5 case obtain temporary custody of the records.

6 (e) When an institution of higher education is unable or unwilling to
7 comply with the requirements of subsection (a) of this section, the ~~State Board~~
8 Secretary may expend State funds necessary to ensure the proper storage and
9 availability of the institution's records. The Attorney General shall then seek
10 recovery under this subsection, in the name of the State, of all of the State's
11 incurred costs and expenses, including attorney's fees, arising from the failure
12 to comply. Claims under this subsection shall be a lien on all the property of a
13 defaulting institution, until all claims under this subsection are satisfied. The
14 lien shall take effect from the date of filing notice thereof in the records of the
15 town or towns where property of the defaulting institution is located.

16 (f) The State Board shall adopt rules under this section for its proper
17 administration. The rules may include provisions for preparing and
18 maintaining transferred records. Persons acting as a repository of records are
19 bound only by maintenance provisions to which they agreed before receiving
20 transferred records.

21 * * *

1 Sec. 13. 16 V.S.A. § 176 is amended to read:

2 § 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

3 * * *

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

6 * * *

7 (4) Postsecondary schools that are accredited. The following
8 postsecondary institutions are accredited, meet the criteria for exempt status,
9 and are authorized to operate educational programs beyond secondary
10 education, including programs leading to a degree or certificate: Bennington
11 College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green~~
12 ~~Mountain College~~, Landmark College, Marlboro College, Middlebury College,
13 New England Culinary Institute, Norwich University, Saint Michael's College,
14 SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont
15 College of Fine Arts, and Vermont Law School. This authorization is provided
16 solely to the extent necessary to ensure institutional compliance with federal
17 financial aid-related regulations, and it does not affect, rescind, or supersede
18 any preexisting authorizations, charters, or other forms of recognition or
19 authorization.

20 * * *

1 (e) Issuance. On proper application, the State Board shall issue a certificate
2 of approval or a certificate of degree-granting authority, or both, to an
3 applicant whose goals, objectives, programs, and resources, including
4 personnel, curriculum, finances, and facilities, are found by the State Board to
5 be in accordance with its rules for approval of postsecondary schools and
6 adequate and appropriate for the stated purpose and for the protection of
7 students and the public interest. The certificate shall be for a term not
8 exceeding five years. The certificate may be subject to conditions, terms, or
9 limitations.

10 * * *

11 Sec. 14. 16 V.S.A. § 214 is added to read:

12 § 214. STATE COUNCIL FOR THE INTERSTATE COMPACT ON

13 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

14 Pursuant to section 806g of this title, the Agency shall constitute the State
15 Council for the Interstate Compact on Educational Opportunity for Military
16 Children and appoint to the Council a Compact Commissioner and Military
17 Family Education Liaison, who may be the same person. The Secretary may
18 appoint additional members.

1 Sec. 15. STATE BOARD OF EDUCATION RULES; AGENCY OF
2 EDUCATION

3 (a) Except for the State Board of Education rules referenced in subsection
4 (b) of this section, the rules of the State Board of Education in effect on the
5 effective date of this act shall constitute the rules of the Agency of Education
6 until amended or repealed, and all references in those rules to the State Board
7 of Education and the Commissioner of Education shall be deemed to refer to
8 the Secretary of Education and all references to the Department of Education
9 shall be deemed to refer to the Agency of Education.

10 (b) The following rules shall continue to be the rules of the State Board of
11 Education:

12 (1) Series 1200—State Board of Education;

13 (2) Series 1320—Special Education Finance and Census-based Funding;

14 (3) Series 2000—Educational Quality Standards;

15 (4) Series 2200—Independent School Program Approval, including:

16 (A) 2231—Approval of Distance Learning Schools;

17 (B) 2240—Post-secondary Schools; and

18 (C) 2270—Private Kindergarten Approval;

19 (5) Series 2360—Special Education;

20 (6) Series 2500—School Accountability System Based on Student

21 Achievement;

(8) Series 3400—Proposals for Alternative Structures under Act 46.

* * *

§ 133. SUPERVISOR; COMPREHENSIVE HEALTH EDUCATION

* * *

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS

* * *

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1 incurred in connection with their duties relating to wellness and comprehensive
2 health programs. The Council shall assist the Agency to plan, coordinate, and
3 encourage wellness and comprehensive health programs in the public schools.

4 * * *

5 Sec. 18. 16 V.S.A. § 242 is amended to read:

6 § 242. DUTIES OF SUPERINTENDENTS

7 The superintendent shall be the chief executive officer for the supervisory
8 union board and for each school board within the supervisory union, and shall:

9 * * *

10 (4)(A) Provide data and information required by the Secretary and by
11 using a format approved by the Secretary to:

12 (i) Report budgetary data for the subsequent school year and fiscal
13 year.

14 (ii) Report all financial operations within the supervisory union to
15 the Secretary ~~and State Board~~ for the preceding school year on or before
16 August 15 of each year.

17 (iii) Report all financial operations for each member school
18 district to the Secretary ~~and State Board~~ for the preceding school year on or
19 before August 15 of each year.

20 * * *

1 Sec. 19. 16 V.S.A. § 244 is amended to read:

2 § 244. DUTIES OF PRINCIPALS

3 * * *

4 (b) Without the approval of the ~~State Board~~ Secretary, secondary school
5 principals shall not be charged with supervisory responsibility outside the
6 secondary school.

7 Sec. 20. 16 V.S.A. § 256 is amended to read:

8 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;
9 MAINTENANCE OF RECORDS

10 * * *

11 (d) The ~~State Board~~ Secretary may adopt rules regarding maintenance of
12 records.

13 Sec. 21. 16 V.S.A. § 261a is amended to read:

14 § 261a. DUTIES OF SUPERVISORY UNION BOARD

15 (a) Duties. The board of each supervisory union shall:

16 * * *

17 (4) In accordance with criteria established by the ~~State Board~~ Secretary,
18 establish and implement a plan for receiving and disbursing federal and State
19 funds distributed by the Agency of Education, including funds awarded under
20 P.L. 89-10, the Elementary and Secondary Education Act of 1965 as amended.

21 * * *

* * *

§ 471. APPLICATION OF OTHER LAWS

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* * *

Sec. 23. 16 V.S.A. § 551 is amended to read:

§ 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

Unless otherwise specifically provided in statute with respect to a class of school district or in a municipal charter, the laws of this title, the laws pertaining to municipal corporations, and the rules of the State Board and the Agency shall apply to all school districts.

Sec. 24. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

* * *

(b) High-cost construction contracts. When a school construction contract exceeds \$500,000.00:

(1) The ~~State Board~~ Secretary shall establish, in consultation with the Commissioner of Buildings and General Services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The Department of Buildings and General Services, upon notice by the Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

* * *

1 (d) Construction management. The school board may contract for the
2 service of construction management to assist in a school construction project.
3 The ~~State Board~~ Secretary, in consultation with the Commissioner of Buildings
4 and General Services and other knowledgeable sources, shall adopt rules
5 defining the term “construction management” and specifying the nature of
6 bidding requirements under construction management services in order to
7 assist school boards to comply with the public bidding requirements of this
8 section.

9 * * *

10 (f) Waivers. The ~~State Board~~ Secretary shall by rule adopt standards
11 governing the authority of the Secretary to grant individual waivers to the
12 provisions of this section. The rules, at minimum, shall require the school
13 board seeking the waiver to demonstrate to the Secretary that it is unable to
14 comply with the bidding procedure through no fault of its own, and that it has
15 proposed an alternative method of minimizing costs through a fair and public
16 process.

17 (g) Violations. The ~~State Board~~ Secretary may deny State aid for school
18 construction and for debt service on a project that proceeds in violation of this
19 section.

1 Sec. 25. 16 V.S.A. § 563 is amended to read:

2 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

3 The school board of a school district, in addition to other duties and
4 authority specifically assigned by law:

5 * * *

6 (8) Shall establish and maintain a system for receipt, deposit,
7 disbursement, accounting, control, and reporting procedures that meets the
8 criteria established by the ~~State Board~~ Secretary pursuant to subdivision
9 ~~164(15)~~ 212(24) of this title and that ensures that all payments are lawful and
10 in accordance with a budget adopted or amended by the school board. The
11 school board may authorize a subcommittee, the superintendent of schools, or
12 a designated employee of the school board to examine claims against the
13 district for school expenses and draw orders for the payment of those claims.
14 Such orders shall state definitely the purpose for which they are drawn and
15 shall serve as full authority to the treasurer to make such payments. It shall be
16 lawful for a school board to submit to its treasurer a certified copy of those
17 portions of the board minutes, properly signed by the clerk and chair, or a
18 majority of the board, showing to whom, and for what purpose each payment is
19 to be made by the treasurer, and such certified copy shall serve as full authority
20 to the treasurer to make the payments as thus approved.

21 * * *

1 (21) Shall have the authority to engage in short-term borrowing to cover
2 the costs of those portions of projects approved by the ~~State Board~~ Secretary
3 and that will be reimbursed by the ~~State Board~~ Secretary under sections 3447-
4 3456 of this title but which payments will be delayed. However, the board
5 shall borrow under this subdivision only amounts that it would receive if the
6 ~~State Board~~ Secretary could fund its obligation and may borrow no earlier than
7 the time it would have received the funds. The State shall not pay for costs of
8 borrowing funds under this subdivision.

9 * * *

10 (24) Shall adopt a policy that, in accordance with rules adopted by the
11 ~~State Board of Education~~ Secretary, will integrate home study students into its
12 schools through enrollment in courses, participation in cocurricular and
13 extracurricular activities, and use of facilities.

14 (25) Shall, if it is a school board of a school district that maintains a
15 secondary school, upon request, award a high school diploma to any Vermont
16 resident who served in the military in World War II, the Korean War, or during
17 the Vietnam era, was honorably separated from active federal military service,
18 and does not hold a high school diploma. The ~~State Board~~ Secretary shall
19 develop and make available an application form for veterans who wish to
20 request a high school diploma.

21 * * *

1 Sec. 26. 16 V.S.A. § 570 is amended to read:

2 § 570. HARASSMENT, HAZING, AND BULLYING PREVENTION
3 POLICIES

4 * * *

5 (d) Duties of the Secretary. The Secretary shall:

6 * * *

7 (2) establish an Advisory Council to review and coordinate school and
8 statewide activities relating to the prevention of and response to harassment,
9 hazing, and bullying. The Council shall report annually in January to the ~~State~~
10 ~~Board~~ Secretary and the House and Senate Committees on Education. The
11 Council shall include:

12 * * *

13 Sec. 27. 16 V.S.A. § 701a is amended to read:

14 § 701a. APPLICATION OF OTHER LAWS

15 * * *

16 (b) The provisions of general law relating to the administration and
17 maintenance of schools, to school meetings and voting at the meetings, to
18 grand lists, to the raising and expending of school money, to money
19 apportioned by the ~~State Board~~ Secretary, to sharing in other State or federal
20 aid, to the election, appointments, powers, duties, and liabilities of school
21 officers, to secondary and elementary instruction, to transportation, board, and

1 attendance of students, to textbooks and appliances, and to all other matters
2 pertaining to schools in a town school district, unless inconsistent with this act
3 or otherwise provided for in this subchapter, shall apply to schools maintained,
4 similar school officers, and all matters pertaining to schools of the union
5 school district.

6 Sec. 28. 16 V.S.A. § 829 is amended to read:

7 § 829. PREKINDERGARTEN EDUCATION

8 * * *

9 (c) Prequalification. Pursuant to rules jointly developed and overseen by
10 the Secretaries of Education and of Human Services and adopted by the ~~State~~
11 ~~Board~~ Secretary of Education pursuant to 3 V.S.A. chapter 25, the Agencies
12 jointly may determine that a private or public provider of prekindergarten
13 education is qualified for purposes of this section and include the provider in a
14 publicly accessible database of prequalified providers. At a minimum, the
15 rules shall define the process by which a provider applies for and maintains
16 prequalification status, shall identify the minimum quality standards for
17 prequalification, and shall include the following requirements:

18 * * *

19 (e) Rules. The Secretary of Education and the Commissioner for Children
20 and Families shall jointly develop and agree to rules ~~and present them to the~~

1 ~~State Board~~ for adoption by the Secretary of Education under 3 V.S.A.

2 chapter 25 as follows:

3 * * *

4 Sec. 29. 16 V.S.A. § 1045 is amended to read:

5 § 1045. DRIVER TRAINING COURSE

6 (a) A driver education and training course, approved by the Agency of
7 Education and the Department of Motor Vehicles shall be made available to
8 students whose parent or guardian is a resident of Vermont and who have
9 reached their 15th birthday and who are regularly enrolled in a public or
10 independent high school approved by the ~~State Board~~ Secretary of Education.

11 (b) After June 30, 1984, all driver education courses shall include a course
12 of instruction, approved by the ~~State Board~~ Secretary and the council on the
13 effects of alcohol and drugs on driving.

14 * * *

15 Sec. 30. 16 V.S.A. § 1071 is amended to read:

16 § 1071. SCHOOL YEAR AND SCHOOL DAY

17 * * *

18 (b) Hours of operation. Within the minimum set by the ~~State Board~~
19 Secretary, the school board shall fix the number of hours that shall constitute a
20 school day, subject to change upon the order of the ~~State Board~~ Secretary.

1 (c) Unanticipated closings. When a public school is closed for cause
2 beyond the control of the school board, it may petition the ~~State Board~~
3 Secretary for a waiver of the requirements of this section. The petition shall be
4 filed with the ~~State Board~~ Secretary within 10 days of each occurrence and not
5 later than June 15 of the school year involved; ~~and the State Board shall act on~~
6 ~~the petition at its next meeting. If the petition is approved and a waiver~~
7 ~~granted, the school district shall be deemed to have satisfied the requirements~~
8 ~~of this section. If the State Board fails to act at that meeting, the petition shall~~
9 ~~be deemed to have been approved and the waiver granted.~~

10 * * *

11 (g) Upon application of one or more school districts, after approval by the
12 voters of each such district, the ~~State Board~~ Secretary may grant a waiver of
13 the requirements of subsection (a) of this section if it is satisfied that equivalent
14 educational programming will be maintained or improved. The waiver may be
15 granted for any purpose, including the conservation of energy.

16 Sec. 31. 16 V.S.A. § 1162 is amended to read:

17 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

18 (a) A superintendent or principal may, pursuant to policies adopted by the
19 school board that are consistent with ~~State Board~~ Agency rules, suspend a
20 student for up to 10 school days or, with the approval of the board of the

1 school district, expel a student for up to the remainder of the school year or up
2 to 90 school days, whichever is longer, for misconduct:

3 * * *

4 Sec. 32. 16 V.S.A. § 1165 is amended to read:

5 § 1165. ALCOHOL AND DRUG ABUSE

6 (a) The ~~State Board~~ Secretary, in consultation with local school boards, the
7 alcohol and drug division, the law enforcement authorities, and the juvenile
8 court system shall formulate a general policy for the education, discipline, and
9 referral for rehabilitation of students who are involved with alcohol or drug
10 abuse on school property or at school functions.

11 (b) The ~~State Board~~ Secretary shall adopt rules for all school districts that
12 include standards consistent with due process of law for discipline, suspension,
13 or dismissal of students and recommended procedures for education and for
14 referral for treatment and rehabilitation.

15 (c) Each school district shall adopt its own policy consistent with the ~~State~~
16 ~~Board's~~ Agency rules setting forth: recommended procedures for education;
17 referral for treatment, counseling, and rehabilitation; and standards consistent
18 with due process of law for discipline, suspension, or dismissal of students in
19 accordance with section 1162 of this title. Nothing in this section is intended
20 to mandate local school districts to employ counselors for treatment or
21 rehabilitation.

* * *

Sec. 33. 16 V.S.A. § 1224 is amended to read:

§ 1224. REPORTS

The superintendent shall include in his or her annual report to the school board of each district data regarding the students in the district who have been transported or boarded under the provisions of this chapter and the associated expenses. Annually, at a time fixed by the ~~State Board~~ Secretary, the superintendent shall report to the ~~Board~~ Secretary regarding the students transported or boarded under the provisions of this chapter and the associated expenses.

Sec. 34. 16 V.S.A. § 1262b is amended to read:

§ 1262b. RULES

The ~~State Board~~ Secretary shall adopt rules governing grants under section 1262a of this title. The rules shall provide for grants from State funds in accordance with federal guidelines for food programs. The ~~State Board~~ Secretary may adopt other rules that are necessary to carry out the provisions of this subchapter.

Sec. 35. 16 V.S.A. § 1321 is amended to read:

§ 1321. FORM AND CONTENTS OF REGISTER

~~With the approval of the State Board, the~~ The Secretary shall prescribe the content of school registers used to keep records of student enrollment and daily

1 attendance and to obtain statistical and other information from teachers and
2 school officers. Schools shall maintain an electronic system for recording
3 enrollment and attendance

4 Sec. 36. 16 V.S.A. § 1388 is amended to read:

5 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
6 EPINEPHRINE AUTO-INJECTORS

7 (a) As used in this section:

8 (1) “Designated personnel” means a school employee, agent, or
9 volunteer who has been authorized by the school administrator to provide and
10 administer epinephrine auto-injectors under this section and who has
11 completed the training required by ~~State Board~~ Agency policy.

12 * * *

13 (f) On or before January 1, 2014, the ~~State Board~~ Secretary, in consultation
14 with the Department of Health, shall adopt policies for managing students with
15 life-threatening allergies and other individuals with life-threatening allergies
16 who may be present at a school. The policies shall:

17 * * *

18 (5) require each school to make publicly available protocols and
19 procedures developed in accordance with the policies adopted by the ~~State~~
20 ~~Board~~ Secretary under this section.

1 Sec. 37. 16 V.S.A. § 1522 is amended to read:

2 § 1522. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (10) “CTE tuition” means the amount calculated by subtracting from
6 total regional technical CTE center costs all expenditures from State and
7 federal grants except for incentive grants, adult education grants, or other State
8 grants as defined by ~~State Board~~ Agency rule, then dividing the result by the
9 sum of the actual number of full-time equivalent out-of-state students and the
10 average of the full-time equivalent Vermont students for the three prior years.

11 * * *

12 Sec. 38. 16 V.S.A. § 1531 is amended to read:

13 § 1531. RESPONSIBILITY OF ~~STATE BOARD~~ SECRETARY OF
14 EDUCATION

15 ~~(a)~~ The ~~State Board~~ Secretary has overall responsibility for the
16 effectiveness of career technical education. This requires the ~~Board~~ Secretary
17 to collect suitable information and to take appropriate steps within its legal,
18 financial, and personnel resources to ensure that:

19 * * *

20 ~~(b) In order to provide regional career technical education services~~
21 ~~efficiently, the State Board shall designate a service region for each career~~

1 ~~technical center. However, the Board may designate a service region for two~~
2 ~~or more comprehensive high schools if that region is not served by a career~~
3 ~~technical center.~~

4 ~~(e) For a school district that is geographically isolated from a Vermont~~
5 ~~career technical center, the State Board may approve a career technical center~~
6 ~~in another state as the career technical center that district students may attend.~~
7 ~~In this case, the school district shall receive transportation assistance pursuant~~
8 ~~to section 1563 of this title and tuition assistance pursuant to section 1561(e) of~~
9 ~~this title. Any student who is a resident in the Windham Southwest~~
10 ~~Supervisory Union and who is enrolled at public expense in the Charles H.~~
11 ~~McCann Technical School or the Franklin County Technical School shall be~~
12 ~~considered to be attending an approved career technical center in another state~~
13 ~~pursuant to this subsection, and, if the student is from a school district eligible~~
14 ~~for a small schools support grant pursuant to section 4015 of this title, the~~
15 ~~student's full time equivalency shall be computed according to time attending~~
16 ~~the school.~~

17 Sec. 39. 16 V.S.A. § 1531a is added to read:

18 § 1531a. RESPONSIBILITY OF STATE BOARD

19 (a) In order to provide regional career technical education services
20 efficiently, the State Board shall designate a service region for each career
21 technical center. However, the Board may designate a service region for two

1 or more comprehensive high schools if that region is not served by a career
2 technical center.

3 (b) For a school district that is geographically isolated from a Vermont
4 career technical center, the State Board may approve a career technical center
5 in another state as the career technical center that district students may attend.
6 In this case, the school district shall receive transportation assistance pursuant
7 to section 1563 of this title and tuition assistance pursuant to section 1561(c) of
8 this title. Any student who is a resident in the Windham Southwest
9 Supervisory Union and who is enrolled at public expense in the Charles H.
10 McCann Technical School or the Franklin County Technical School shall be
11 considered to be attending an approved career technical center in another state
12 pursuant to this subsection, and, if the student is from a school district eligible
13 for a small schools support grant pursuant to section 4015 of this title, the
14 student's full-time equivalency shall be computed according to time attending
15 the school.

16 Sec. 40. 16 V.S.A. § 1532 is amended to read:

17 § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

18 (a) The ~~State Board~~ Secretary shall adopt by rule:

19 (1) Minimum standards for the operation and performance of career
20 technical centers that include the education quality standards adopted by the
21 State Board under subdivision 164(9) and section 165 of this title.

1 (2) Standards for student performance based on the standards adopted
2 by the State Board under subdivision 164(9) of this title and standards for
3 industry recognized credentials.

4 * * *

5 Sec. 41. 16 V.S.A. § 1533 is amended to read:

6 § 1533. CAREER TECHNICAL CENTER EVALUATION

7 (a) At least once in each period of five years, and in coordination with the
8 Vermont Advisory Council on Career Technical Education, the Secretary shall
9 evaluate the effectiveness of each career technical center in the State. The
10 ~~State Board~~ Secretary by rule shall prescribe the method for conducting these
11 evaluations.

12 (b) Evaluations of career technical centers shall consider at least the
13 following areas:

14 (1) compliance with this chapter and the rules of the ~~State Board~~
15 Agency;

16 * * *

17 Sec. 42. 16 V.S.A. § 1534 is amended to read:

18 § 1534. COURSE OF STUDY EVALUATION

19 (a) At least once in each period of five years, and in coordination with the
20 Vermont Advisory Council on Career Technical Education, the Secretary shall
21 evaluate the effectiveness of each course of study offered by any career

1 technical center in the State. The ~~State Board~~ Secretary by rule shall prescribe
2 the method for conducting these evaluations.

3 * * *

4 Sec. 43. 16 V.S.A. § 1544 is amended to read:

5 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

6 Subject to any direction as to courses, teachers, or equipment that the ~~State~~
7 ~~Board~~ Secretary of Education may prescribe by rule, high schools may include
8 within their courses of study pretechnical or career technical courses, or both.

9 Before establishing such a program, a high school shall consult with the
10 regional advisory board for its CTE service region.

11 Sec. 44. 16 V.S.A. § 1545 is amended to read:

12 § 1545. CREDITS AND GRADES EARNED

13 (a) Grades earned in a course offered within a CTE program ~~approved by~~
14 ~~the State Board~~ that complies with Agency rules shall not be altered by any
15 public school or approved or recognized independent school in Vermont and
16 shall be applied by the school toward any State graduation requirements in
17 accordance with rules adopted by the ~~State Board~~ Secretary. Any ~~State Board~~
18 Agency rules regarding earning of credits shall allow flexibility with respect to
19 the integration of CTE education and other academic courses.

20 (b) The credits earned for a career technical education program ~~approved~~
21 ~~by the State Board~~ that complies with Agency rules shall be honored by any

1 public or independent school within Vermont. If necessary to enable a student
2 to participate in career technical education and graduate with his or her class,
3 the credits earned shall be applied toward any school district or independent
4 school graduation requirements exceeding the minimum number of credits
5 required by ~~the State Board~~ Agency rule. The school board of the high school
6 from which the student wishes to graduate shall make a determination as to
7 whether the credits shall be applied toward graduation requirements. A
8 decision of a school board may be appealed to the Secretary who shall construe
9 this section to favor participation in career technical education.

10 * * *

11 Sec. 45. 16 V.S.A. § 1552 is amended to read:

12 § 1552. SECONDARY STUDENT TUITION

13 (a) Each career technical center shall establish a tuition charge for
14 secondary career technical education. The amount shall reflect the actual cost,
15 as defined by Agency rule ~~of the State Board~~, of attendance in the career
16 technical courses offered by the center. The tuition charge shall be reduced
17 proportionally for students enrolled in a part-time program.

18 (b) Secondary students are eligible for tuition assistance in career technical
19 education provided in another state when the ~~State Board~~ Secretary determines
20 that such career technical education can properly serve the needs of Vermont
21 students.

* * *

Sec. 46. 16 V.S.A. § 1562 is amended to read:

§ 1562. TRYOUT CLASSES

From the monies annually available for use in career technical education, the ~~State Board~~ Secretary may reimburse part of the program cost attributable to programs designed to assist students in deciding whether to enroll in career technical courses. As a condition of such assistance, the program shall demonstrate that it has taken steps to encourage each student to consider enrolling in courses not traditional for that student's gender.

Sec. 47. 16 V.S.A. § 1563 is amended to read:

§ 1563. TRANSPORTATION ASSISTANCE

* * *

(c) The ~~State Board~~ Secretary may adopt rules necessary to implement this section.

Sec. 48. 16 V.S.A. § 1565 is amended to read:

§ 1565. SALARY ASSISTANCE

(a) The ~~State Board~~ Secretary shall reimburse a school district operating a career technical center for a portion of its cost in paying the salary of the following persons:

* * *

1 (b) Assistance under this section shall be determined by a formula and
2 standards established by rule of the ~~State Board~~ Secretary. The formula and
3 those standards:

4 * * *

5 Sec. 49. 16 V.S.A. § 1568 is amended to read:

6 § 1568. REPORTING OF INFORMATION

7 (a) Annually, in accordance with a time line, format, and process
8 established by ~~State Board~~ Agency rule, each CTE center shall report its costs
9 and student enrollment, achievement, and performance measures to the
10 Secretary. CTE center financial accounts shall be kept separately from those
11 of the host high school in accordance with rules adopted by the ~~State Board~~
12 Secretary, which shall clearly delineate relevant costs and revenues.

13 (b) If a CTE center fails to file financial or student information required
14 under this section within the timelines established by Agency rule of the ~~State~~
15 ~~Board~~, the Secretary may withhold funds due under this chapter and shall
16 subtract \$100.00 per business day from funds due the center under this chapter.
17 The Secretary may waive the \$100.00 penalty upon appeal by the center for
18 good cause.

1 Sec. 50. 16 V.S.A. § 1577 is amended to read:

2 § 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE
3 BOARD

4 The governance board of a CTE center authorized under this subchapter, in
5 addition to other duties and authority specifically assigned by law to the
6 governing authority of a CTE center, shall have the following duties and
7 authority:

8 * * *

9 (6) To establish and maintain a system for receipt, deposit,
10 disbursement, accounting, control, and reporting procedures that meets the
11 criteria established by the ~~State Board~~ Secretary pursuant to subdivision
12 ~~164(15)~~ 212(24) of this title and that ensures all payments are lawful and in
13 accordance with the budget adopted pursuant to terms approved by the ~~State~~
14 ~~Board~~ Secretary. The ~~Board~~ Secretary may authorize a subcommittee, a
15 superintendent of schools, or a designated employee of the ~~Board~~ Agency to
16 examine claims against the district for center expenses, and draw orders for
17 such as shall be allowed by it payable to the party entitled to the payment.
18 Such orders shall state definitely the purpose for which they are drawn, and
19 shall serve as full authority to the treasurer to make such payments. It shall be
20 lawful for a board to submit to its treasurer a certified copy of those portions of
21 the board minutes, properly signed by the clerk and chair, or a majority of the

1 board, showing to whom, and for what purpose, each payment is to be made by
2 the treasurer, and the certified copy shall serve as full authority to the treasurer
3 to make the approved payments.

4 * * *

5 Sec. 51. 16 V.S.A. § 1601 is amended to read:

6 § 1601. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (2) “Industry competency standards” ~~mean~~ means performance criteria
10 developed jointly by educators and business representatives and adopted by the
11 ~~State Board~~ Secretary that define skills and knowledge that are needed in the
12 workplace.

13 * * *

14 (5) “Student apprentice coordinator” means a licensed professional
15 educator whom the ~~State Board of Education~~ Secretary finds qualified to plan,
16 implement and evaluate a student apprenticeship program.

17 * * *

18 Sec. 52. 16 V.S.A. § 1602 is amended to read:

19 § 1602. SCHOOL BOARD RESPONSIBILITIES

20 * * *

21 (b) Each school board that runs a student apprenticeship program shall:

1 * * *

2 (2) Ensure preparation of individuals employed by business to be
3 worksite mentors according to guidelines established by the ~~State Board~~
4 Secretary. Each participating business shall support the preparation of the
5 worksite mentor as a condition to participating in the student apprenticeship
6 program.

7 * * *

8 Sec. 53. 16 V.S.A. § 1603 is amended to read:

9 § 1603. ELEMENTS OF THE PROGRAM

10 (a) An eligible student may apply to enter the student apprenticeship
11 program upon successful completion of grade 10 or its equivalent and meeting
12 entrance requirements established by the ~~State Board of Education~~ Secretary.

13 * * *

14 (f) A student apprentice who successfully completes a student
15 apprenticeship program shall receive an industry competency certificate issued
16 by the ~~State Board of Education~~ Secretary. In order to earn an industry
17 competency certificate, a student apprentice shall demonstrate mastery of
18 industry competency standards and shall complete academic requirements for
19 graduation.

20 * * *

1 Sec. 54. 16 V.S.A. § 1604 is amended to read:

2 § 1604. ~~STATE BOARD~~ SECRETARY OF EDUCATION

3 RESPONSIBILITIES

4 The ~~State Board of Education~~ Secretary shall:

5 * * *

6 (6) Certify those who graduate from a student apprenticeship program as
7 meeting industry competency standards for entrance into the trade or
8 profession the student has studied. The ~~State Board~~ Secretary shall maintain a
9 record of certificates issued under this subdivision.

10 Sec. 55. 16 V.S.A. § 1605 is amended to read:

11 § 1605. REGIONAL ADVISORY BOARD RESPONSIBILITIES

12 Each regional advisory board shall:

13 (1) Based on standards of operation established by the ~~State Board of~~
14 ~~Education~~ Secretary, approve or disapprove an application from a school board
15 to establish and operate a student apprenticeship program. The ~~Board~~
16 Secretary may rescind approval if the program is not meeting the standards.

17 (2) Based on standards and processes established by the ~~State Board~~
18 Secretary, determine which applicants shall be accepted into the student
19 apprenticeship programs in its region and determine whether a student should
20 be terminated from a program. Decisions regarding acceptance into a program
21 shall, in part, be based on submission of an acceptable career preparation plan

1 developed by the applicant with the help of a guidance counselor. Decisions
2 regarding termination shall be made with the advice of the student
3 apprenticeship coordinator.

4 * * *

5 Sec. 56. 16 V.S.A. § 1931 is amended to read:

6 § 1931. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (20) “Teacher” shall mean any licensed teacher, principal, supervisor,
10 superintendent, or any professional licensed by the Vermont Standards Board
11 for Professional Educators who is regularly employed, or otherwise contracted
12 if following retirement, for the full normal working time for his or her position
13 in a public day school or school district within the State, or in any school or
14 teacher-training institution located within the State, controlled by the State
15 Board of Education or the Agency of Education, and supported wholly by the
16 State; or in certain public independent schools designated for such purposes by
17 the Board in accordance with section 1935 of this title. In all cases of doubt,
18 the Board shall determine whether any person is a teacher as defined in this
19 chapter. It shall not mean a person who is teaching with an emergency license.

20 * * *

1 Sec. 57. 16 V.S.A. § 1935 is amended to read:

2 § 1935. TEACHERS IN CERTAIN PUBLIC OR INDEPENDENT
3 SCHOOLS

4 (a) The Board of Trustees may designate certain public or independent
5 schools, which are located within the State, and supported wholly or in part by
6 the State but ~~which~~ that are not under the control of the State Board of
7 Education or the Agency of Education, as employers of teachers within the
8 meaning of this chapter.

9 * * *

10 Sec. 58. 16 V.S.A. § 2903 is amended to read:

11 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING
12 INSTRUCTION

13 * * *

14 (b) Foundation for literacy. The ~~State Board~~ Agency of Education, in
15 collaboration with the Agency of Human Services, higher education, literacy
16 organizations, and others, shall develop a plan for establishing a
17 comprehensive system of services for early education in the first three grades
18 to ensure that all students learn to read by the end of the third grade. The plan
19 shall be updated at least once every five years following its initial submission
20 in 1998.

21 * * *

1 Sec. 59. 16 V.S.A. § 2905 is amended to read:

2 § 2905. PREKINDERGARTEN-16 COUNCIL

3 * * *

4 (h) The Council shall report on its activities to the House and Senate
5 Committees on Education and to the ~~State Board~~ Secretary of Education each
6 year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required
7 reports) shall not apply to the report to be made under this subsection.

8 Sec. 60. 16 V.S.A. § 2944 is amended to read:

9 § 2944. SPECIAL EDUCATION

10 (a)–(c) [Repealed.]

11 (d) The Secretary ~~with the advice of the State Board~~ may make grants for
12 programs and may make grants, subject to conditions the Secretary shall
13 establish, to persons whom he or she finds qualified for either part-time or full-
14 time study in programs designed to qualify them as special education
15 personnel.

16 * * *

17 Sec. 61. 16 V.S.A. § 2945 is amended to read:

18 § 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

19 * * *

20 (d) The Council shall:

21 * * *

1 (2) review periodically the rules, regulations, standards, and guidelines
2 pertaining to special education and recommend to the State Board and the
3 Secretary any changes it finds necessary;

4 * * *

5 (4) advise the State Board and the Secretary in the development of any
6 State plan for provision of special education.

7 Sec. 62. 16 V.S.A. § 2958 is amended to read:

8 § 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL
9 PLACEMENTS

10 * * *

11 (e) Costs for residential placement shall be reimbursed under subchapter 2
12 of this chapter only if the residential facility is approved by the ~~State Board~~
13 Secretary for the purposes of providing special education and related services
14 to children with disabilities.

15 Sec. 63. 16 V.S.A. § 2973 is amended to read:

16 § 2973. INDEPENDENT SCHOOL TUITION RATES

17 * * *

18 (c) The ~~State Board~~ Secretary is authorized to enter into interstate compacts
19 with other states to regulate rates for tuition, room, and board for students
20 receiving special education in independent schools.

1 Sec. 64. 16 V.S.A. § 2974 is amended to read:

2 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

3 Annually, the Secretary shall report to the ~~State Board~~ House and Senate
4 Committees on Education regarding:

5 * * *

6 **Sec. 65.** 16 V.S.A. § 2974 is amended to read:

7 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

8 Annually, the Secretary shall report to the ~~State Board~~ House and Senate
9 Committees on Education regarding:

10 * * *

11 Sec. 66. 16 V.S.A. § 2869 is amended to read:

12 § 2869. LOAN CANCELLATION; MATHEMATICS, SCIENCE, AND
13 COMPUTER SCIENCE TEACHERS

14 (a) Loans obtained under this subchapter may be partially or completely
15 cancelled and forgiven for a borrower who is employed for a complete
16 academic school year as a full-time licensed teacher:

17 (1) in a Vermont elementary or secondary school ~~that is approved by the~~
18 ~~State Board~~; and

19 * * *

Commented [BW7]: This Sec. is a repeat of the prior Sec. b/c there are two versions of this statute: the current law one and a future one that will take effect on 7/1/22 due to amendments already enacted for this statute that will take effect on 7/1/22. (See extension of that future eff. date to be 7/1/22 set forth in [2020, No. 112](#), Sec. 10.)

Therefore, this Sec.'s amendments to this statute also need a future eff. date of 7/1/22 for this future version of this statute. See eff. date at end of this bill draft.

1 Sec. 67. 16 V.S.A. § 3448 is amended to read:

2 § 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
3 PROJECTS; RENEWABLE ENERGY

4 (a) Construction aid.

5 (1) Preliminary application for construction aid. A district or
6 independent school eligible for assistance under section 3447 of this title, that
7 intends to construct or purchase a new school, or make extensive additions or
8 alterations to its existing school, and desires to avail itself of State school
9 construction aid, shall submit a written preliminary application to the
10 Secretary. A preliminary application shall include information required by the
11 ~~State Board~~ Secretary by rule and shall specify the need for and purpose of the
12 project.

13 (2) Approval of preliminary application.

14 (A) When reviewing a preliminary application for approval, the
15 Secretary shall consider:

16 * * *

17 (iv) statewide educational initiatives ~~and the strategic plan of the~~
18 ~~State Board of Education.~~

19 * * *

20 (3) Priorities. Following approval of a preliminary application and
21 provided that the district has voted funds or authorized a bond for the total

1 estimated cost of a project, the ~~State Board~~ Secretary shall assign points to the
2 project so that the project can be placed on a priority list based on the number
3 of points received. Once a project receives points, if it does not receive
4 funding in a given year, it shall not lose points in subsequent years and,
5 pursuant to rule of the ~~Board~~ Secretary and provided the scope of the project
6 remains the same, it shall gain points due to length of time on the list and may
7 gain points for any other reason. The points shall be assigned in the following
8 priority:

9 * * *

10 (4) Request for legislative appropriation. ~~By~~ On or before January 15 of
11 each year, the ~~State Board~~ Secretary shall present the House Committee on
12 Corrections and Institutions and the Senate Committee on Institutions with its
13 annual capital construction funding request. Following receipt of the request,
14 the Committees shall recommend a total school construction appropriation for
15 the next fiscal year to the General Assembly. The General Assembly shall not
16 revise the order of the project priorities presented by the ~~State Board~~ Secretary.
17 The funding request to the Committees shall be in the form of separate line
18 items as follows:

19 (A) a list of projects that have been assigned points in their order of
20 priority, including the voted funds or authorized bond amount for each project;

1 (B) the cost of emergency projects that the ~~State Board~~ Secretary has
2 approved but not yet reimbursed due to insufficient funds, as well as the
3 estimated cost of those that might be approved in the coming year under
4 subsection (d) of this section;

5 (C) the cost of projects to extend the life of a building that the ~~State~~
6 ~~Board~~ Secretary has approved but not yet reimbursed due to insufficient funds,
7 as well as the estimated cost of those that might be approved by the ~~State~~
8 ~~Board~~ Secretary in the coming fiscal year under subdivision (3)(B) of this
9 subsection (a).

10 (5) Final approval for construction aid.

11 (A) Unless approved by the Secretary for good cause in advance of
12 commencement of construction, a school district shall not begin construction
13 before the ~~State Board~~ Secretary approves a final application. A school district
14 may submit a written final application to the ~~State Board~~ Secretary at any time
15 following approval of a preliminary application.

16 (B) The ~~State Board~~ Secretary may approve a final application for a
17 project provided that:

18 * * *

19 (iv) the district has provided for construction financing of the
20 project during a period prescribed by the ~~State Board~~ Secretary;

21 * * *

1 (C) The board of trustees of an independent school may submit a
2 written final application to the ~~State Board~~ Secretary for a project for which a
3 preliminary application has been approved by the Secretary, provided that each
4 municipality represented on the board of trustees has voted funds or authorized
5 a bond issue for 100 percent of the municipality's estimated share of the
6 project in an amount determined by the Secretary under this section.

7 (D) The ~~State Board~~ Secretary may provide that a grant for a high
8 school project is conditioned upon the agreement of the recipient to provide
9 high school instruction for any high school pupil living in an area prescribed
10 by the ~~Board~~ Secretary who may elect to attend the school.

11 * * *

12 (8) Eligible construction cost.

13 (A) Space and cost parameters. Only those portions of a project shall
14 be eligible for construction aid that meet space and cost parameters adopted by
15 the ~~State Board~~ Secretary. The parameters shall define maximum square
16 footage costs, maximum gross square footage per student by grade range and
17 school size, and minimum and maximum square footage allowances per
18 student for programs and services.

19 * * *

20 (9) Payment. Upon satisfactory evidence that a project approved under
21 subdivision (5) of this subsection (a) is under construction or has been

1 constructed, and upon appropriation of funds sufficient to fund the State aid
2 due under this section, the ~~State Board~~ Secretary shall certify an award for the
3 project to the Commissioner of Finance and Management who shall issue a
4 warrant for the payment of one-half of the award, or the entire award if the
5 project is complete. After a project has been completed according to approved
6 plans and specifications and the cost thereof has been audited by the Agency,
7 the Secretary shall certify the remainder of the award due for the project to the
8 Commissioner of Finance and Management who shall issue a warrant for the
9 payment. Provided, however, if a project that is included on a prioritized list,
10 for which list the General Assembly has appropriated funds in any year, is not
11 eligible to be certified for one-half of the award or for the entire award, and if
12 another project of lesser priority is eligible for certification, nothing in this
13 section shall preclude the ~~State Board~~ Secretary from certifying an award for
14 the lesser priority project prior to the higher priority project.

15 * * *

16 (e) Rules. The ~~State Board~~ Secretary shall adopt rules pertaining to school
17 construction and capital outlay.

18 * * *

1 Sec. 68. 16 V.S.A. § 3448a is amended to read:

2 § 3448a. APPEAL

3 Any municipal corporation or independent school as defined in section
4 3447 of this title aggrieved by an order, allocation or award of the ~~State Board~~
5 Secretary of Education may, within 30 days, appeal to the State Board, and
6 may appeal from the decision of the State Board, within 30 days of that
7 decision, to the Superior Court in the county in which the project is located.

8 Sec. 69. 16 V.S.A. § 3448f is amended to read:

9 § 3448f. ENERGY PERFORMANCE CONTRACTING;

10 AUTHORIZATION; STATE AID

11 (a) Definitions. As used in this section:

12 (1) “Cost-saving measure” means any facility improvement, repair, or
13 alteration or any equipment, fixture, or furnishing to be constructed or installed
14 in any facility that is designed to reduce energy consumption and operating
15 costs or to increase the operating efficiency of facilities for their appointed
16 functions, that is cost effective, and that is further defined by ~~State Board~~
17 Agency rule.

18 * * *

19 (f) State funding for energy conservation measures.

20 * * *

1 (3) Priorities. Following approval of a district's application, the ~~State~~
2 ~~Board~~ Secretary shall assign points, established by ~~Board~~ Agency rule, to the
3 project so that the project can be placed on a priority list distinct from but
4 similar to the list established under section 3448 of this title, based on the
5 number of points received. Once a project receives points, if it does not
6 receive funding in a given year, it shall not lose points in subsequent years and,
7 pursuant to ~~Board~~ Agency rule and provided the scope of the project remains
8 the same, it shall gain points due to the length of time on the list and may gain
9 points for any other reason. Prioritized projects under this section shall be
10 included in the ~~State Board's~~ Secretary's request for legislative appropriation
11 as a separate and distinct line item under section 3448 of this title. Any
12 legislative appropriation made to fund the line item for performance contracts
13 shall not exceed 20 percent of the appropriation made in the same year to fund
14 State aid for school construction under section 3448.

15 * * *

16 (5) Eligible costs. A project or portions of a project under this section
17 shall be eligible for aid pursuant to criteria established by ~~State Board~~ Agency
18 rule.

19 (6) Payment. Upon completion of the construction or installation of the
20 cost-saving measure, determination by the Department of Buildings and
21 General Services that implementation of the cost-saving measures is expected

1 to result in energy and operational cost-savings, and legislative appropriation
2 sufficient to fund the State aid due under this section, the ~~State Board~~ Secretary
3 shall certify an award for the project to the Commissioner of Finance and
4 Management who shall issue a warrant for the payment of the award. A
5 district awarded State aid under this section shall use the State aid solely for
6 the purpose of paying all or a portion of the obligation due under the
7 performance contract at the time the award is received.

8 * * *

9 Sec. 70. 16 V.S.A. § 3454 is amended to read:

10 § 3454. DEFERRED MAINTENANCE

11 No State school construction aid shall be available under this title for any
12 proposed project or construction if the Secretary finds the need for the project
13 or construction has arisen in whole or in part from significant deferred
14 maintenance. The ~~State Board~~ Secretary, by rule, shall define “significant
15 deferred maintenance.”

16 Sec. 71. 16 V.S.A. § 3581 is amended to read:

17 § 3581. ACCEPTANCE

18 The ~~State Board~~ Secretary may accept, use, disburse, and account for
19 federal funds made available for the purposes of acquisition, construction,
20 reconstruction, remodeling, or repair of public school buildings.

1 Sec. 72. 16 V.S.A. § 3582 is amended to read:

2 § 3582. FORMULATION OF PLANS

3 The ~~State Board~~ Secretary may formulate any State plan, including
4 preparation of surveys and estimates of school building needs, required by
5 federal legislation.

6 Sec. 73. 16 V.S.A. § 4001 is amended to read:

7 § 4001. DEFINITIONS

8 As used in this chapter:

9 (1) “Average daily membership” of a school district, or if needed in
10 order to calculate the appropriate homestead tax rate, of the municipality as
11 defined in 32 V.S.A. § 5401(9), in any year means:

12 (A) The full-time equivalent enrollment of students, as defined by the
13 ~~State Board~~ Secretary by rule, who are legal residents of the district or
14 municipality attending a school owned and operated by the district, attending a
15 public school outside the district under section 822a of this title, or for whom
16 the district pays tuition to one or more approved independent schools or public
17 schools outside the district during the annual census period. The census period
18 consists of the 11th day through the 30th day of the school year in which
19 school is actually in session.

20 (B) The full-time equivalent enrollment in the year before the last
21 census period, of any State-placed students as defined in subdivision 11(a)(28)

1 of this title. A school district that provides for the education of its students by
2 paying tuition to an approved independent school or public school outside the
3 district shall not count a State-placed student for whom it is paying tuition for
4 purposes of determining average daily membership. A school district that is
5 receiving the full amount, as defined by the ~~State Board~~ Secretary by rule, of
6 the student's education costs under subsection 2950(a) of this title, shall not
7 count the student for purposes of determining average daily membership. A
8 State-placed student who is counted in average daily membership shall be
9 counted as a student for the purposes of determining weighted student count.

10 * * *

11 (6) "Education spending" means the amount of the school district
12 budget, any assessment for a joint contract school, career technical center
13 payments made on behalf of the district under subsection 1561(b) of this title,
14 and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is
15 paid for by the school district, but excluding any portion of the school budget
16 paid for from any other sources such as endowments, parental fundraising,
17 federal funds, nongovernmental grants, or other State funds such as special
18 education funds paid under chapter 101 of this title.

19 (A) [Repealed.]

20 (B) For purposes of calculating excess spending pursuant to
21 32 V.S.A. § 5401(12), "education spending" shall not include:

* * *

(iii) Spending that is approved school capital construction spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future approved school capital construction costs, including that portion of tuition paid to an independent school designated as the public high school of the school district pursuant to section 827 of this title for capital construction costs by the independent school that has received approval from the ~~State Board of Education~~ Secretary, using the processes for preliminary approval of public school construction costs pursuant to subdivision 3448(a)(2) of this title.

* * *

Sec. 74. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) “Eligible school district” means a school district that:

(A) operates at least one school with an average grade size of 20 or fewer; and

(B) has been determined by the ~~State Board~~ Secretary, on an annual basis, to be eligible due to either:

* * *

1 Sec. 75. 16 V.S.A. § 4016 is amended to read:

2 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

3 * * *

4 (b) ~~It~~ As used in this section, “allowable transportation expenditures”
5 means the costs of transporting students to and from school for regular
6 classroom services and shall not include expenditures for transporting students
7 participating in curricular activities that take place off the school grounds or
8 for transporting students participating in cocurricular activities. ~~The State~~
9 ~~Board~~ Secretary shall further define allowable transportation expenditures by
10 rule.

11 (c) A district or supervisory union may apply and the Secretary may pay
12 for extraordinary transportation expenditures incurred due to geographic or
13 other conditions such as the need to transport students out of the school district
14 to attend another school because the district does not maintain a public school.
15 ~~The State Board~~ Secretary shall define extraordinary transportation
16 expenditures by rule. The total amount of base year extraordinary
17 transportation grant expenditures shall be \$250,000.00 for fiscal year 1997,
18 increased each year thereafter by the annual price index for state and local
19 government purchases of goods and services. Extraordinary transportation
20 expenditures shall not be paid out of the funds appropriated under subsection
21 (b) of this section for other transportation expenditures. Grants paid under this

1 section shall be paid from the Education Fund and shall be added to adjusted
2 education payment receipts paid under section 4011 of this title.

3 Sec. 76. 16 V.S.A. § 4030 is amended to read:

4 § 4030. DATA SUBMISSION; CORRECTIONS

5 (a) Upon discovering an error or change in data submitted to the Secretary
6 for the purpose of determining payments to or from the Education Fund, a
7 school district shall report the error or change to the Secretary as soon as
8 possible. Any budget deficit or surplus due to the error or change shall be
9 carried forward to the following year.

10 * * *

11 (e) The ~~State Board~~ Secretary may adopt rules as necessary to implement
12 the provisions of this section.

13 * * * Effective Dates * * *

14 Sec. 77. EFFECTIVE DATES

15 This act shall take effect on passage, except for Sec. 65 (16 V.S.A. § 2974)
16 which shall take effect on July 1, 2022.