

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; State Board of Education; powers and duties

4 Statement of purpose of bill as introduced: This bill proposes to transfer
5 various duties and responsibilities from the State Board of Education to the
6 Secretary of Education to permit the State Board to focus on long term strategy
7 and high priority educational issues.

8 An act relating to the powers and duties of the State Board of Education

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

10 * * * Transfer of Certain Responsibilities of the State Board of Education to
11 the Secretary of Education * * *

12 Sec. 1. 16 V.S.A. § 164 is amended to read:

13 § 164. **STATE BOARD**; GENERAL POWERS AND DUTIES

14 The **State Board** shall ~~evaluate education policy proposals, including timely~~
15 ~~evaluation of policies presented by the Governor and Secretary;~~ **engage local**
16 **school board members and the broader education community;** ~~and establish~~
17 ~~and advance education policy for the State of Vermont~~ **and, consistent with the**
18 **provisions of this title, its own rules and rules adopted by the Secretary.**
19 establish and regularly update a long-term strategic vision for the delivery of
20 educational services in Vermont, advise the General Assembly, the Governor,

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

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

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

13 (3) Examine and determine all appeals that by law are made to it and
14 prescribe rules of practice in respect thereto, not inconsistent with law.

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16 ~~Secretary for the Governor.~~ [Repealed.]

17 (5) [Repealed.]

18 ~~(6) Make regulations governing the attendance and records of~~
19 ~~attendance of all students and the department of students attending public~~
20 ~~schools.~~ [Repealed.]

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

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

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

17 (10) [Repealed.]

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

20 (12) [Repealed.]

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

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

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

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

18 (17) ~~Report annually on the condition of education statewide and on a~~
19 ~~supervisory union and school district basis. The report shall include~~
20 ~~information on attainment of standards for student performance adopted under~~
21 ~~subdivision (9) of this section, number and types of complaints of hazing,~~

1 harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title
2 and responses to the complaints, financial resources and expenditures, and
3 community social indicators. The report shall be organized and presented in a
4 way that is easily understandable by the general public and that enables each
5 school, school district, and supervisory union to determine its strengths and
6 weaknesses. To the extent consistent with State and federal privacy laws and
7 regulations, data on hazing, harassment, or bullying incidents shall be
8 disaggregated by incident type, including disaggregation by ethnic groups,
9 racial groups, religious groups, gender, sexual orientation, gender identity,
10 disability status, and English language learner status. The Secretary shall use
11 the information in the report to determine whether students in each school,
12 school district, and supervisory union are provided educational opportunities
13 substantially equal to those provided in other schools, school districts, and
14 supervisory unions pursuant to subsection 165(b) of this title. [Repealed.]

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

20 (19) [Repealed.]

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

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

9 Sec. 2. 16 V.S.A. § 212 is amended to read:

10 § 212. SECRETARY’S DUTIES GENERALLY

11 The Secretary shall execute those policies adopt rules pursuant to
12 3 V.S.A. chapter 25 as necessary or appropriate for the execution of the
13 Secretary’s powers and duties and of the powers and duties of all persons
14 under the Secretary’s supervision and control and as directed by the General
15 Assembly, submit rules proposed by the Secretary to the State Board of
16 Education for review and comment prior to prefiling the proposed rules with
17 the Interagency Committee on Administrative Rules under 3 V.S.A. § 837
18 within a time frame that accommodates the State Board’s review of the
19 proposed rules and the Secretary’s ability to respond to State Board comments,
20 implement rules adopted by the Secretary and the State Board in the legal
21 exercise of its their powers, and shall:

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- (23) Make rules governing the attendance and records of attendance of all students and the department of students attending public schools.
- (24) Establish criteria governing the establishment of a system for the receipt, deposit, accounting, and disbursement of all funds by supervisory unions and school districts.
- (25) Ensure that the Agency develops information, plans, and assistance to aid in making technology and telecommunications available and coordinated in all school districts. The Secretary shall develop guidelines for distribution of federal, State, or private funds designated for the development or expansion of distance learning technologies. The guidelines shall encourage, consistent with any terms or conditions established by the funding source, collaboration between schools and school districts to realize economic and educational efficiencies.
- (26) Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision 164(9) of this title, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title, and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a

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

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

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

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(3) “Degree” means any award that is given by a postsecondary school for completion of a program or course and that is designated by the term degree, associate, bachelor, baccalaureate, master’s, or doctorate, or any similar award that the State Board includes by rule.

* * *

(c) State Board approval.

(1) Every postsecondary school that is subject to this section shall:

(A) apply for a certificate of approval from the State Board prior to registering its name with the Secretary of State pursuant to Title 11, Title 11A, or Title 11B;

(B) apply for and receive a certificate of approval from the State Board prior to offering postsecondary credit-bearing courses or programs and prior to admitting the first student; and

* * *

(2) Every postsecondary school shall secure a certificate of degree-granting authority from the State Board before it confers or offers to confer a degree.

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

* * *

1 exceeding five years. The certificate may be subject to conditions, terms, or
2 limitations.

3 * * *

4 (g) Revocation. Any certificate may be revoked by the **State Board** at any
5 time for good cause relating to the conditions, terms, and limitations of
6 approval.

7 (h) Advice. Prior to any action taken by the **State Board** with respect to
8 any application for degree-granting authority, the Board shall obtain the advice
9 of the Vermont Higher Education Council, Incorporated.

10 (i) The **Board** may adopt rules and perform investigations in order to
11 effectuate the purposes of this section.

12 * * *

13 (k) The Attorney General, upon request of the **State Board**, may bring an
14 action to enjoin the operation of a postsecondary school that is operating in
15 violation of this section.

16 * * *

17 Sec. 9. 16 V.S.A. § 176a is redesignated into a new chapter, chapter 71,
18 § 2163.

19 Sec. 10. 16 V.S.A. § 177 is redesignated into a new chapter, chapter 71,
20 § 2164.

1 Sec. 11. 16 V.S.A. § 178 is redesignated into a new chapter, chapter 71, as
2 § 2165.

3 Sec. 12. 16 V.S.A. § 180 is redesignated into a new chapter, chapter 71, as
4 § 2166.

5 Sec. 13. 16 V.S.A. § 214 is added to read:

6 § 214. STATE COUNCIL FOR THE INTERSTATE COMPACT ON

7 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

8 Pursuant to section 806g of this title, the Agency of Education shall
9 constitute the State Council for the Interstate Compact on Educational
10 Opportunity for Military Children and appoint to the Council a Compact
11 Commissioner and Military Family Education Liaison, who may be the same
12 person. The Agency may appoint additional members.

13 Sec. 14. **STATE BOARD** OF EDUCATION RULES; AGENCY OF
14 EDUCATION

15 (a) Except for the **State Board** of Education rules referenced in subsection
16 (b) of this section, the rules of the **State Board** of Education in effect on the
17 effective date of this act shall constitute the rules of the Agency of Education
18 until amended or repealed, and all references in those rules to the **State Board**
19 of Education, the Department of Education, and the Commissioner of
20 Education shall be deemed to refer to the Agency of Education and the
21 Secretary of Education as appropriate.

1 § 242. DUTIES OF SUPERINTENDENTS

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

4 * * *

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

7 (i) Report budgetary data for the subsequent school year and fiscal
8 year.

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

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

15 * * *

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

17 § 244. DUTIES OF PRINCIPALS

18 * * *

19 (b) Without the approval of the ~~State Board~~ Secretary of Education,
20 secondary school principals shall not be charged with supervisory
21 responsibility outside the secondary school.

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

2 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

3 MAINTENANCE OF RECORDS

4 * * *

5 (d) The State Board Agency of Education may adopt rules regarding
6 maintenance of records.

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

8 § 261a. DUTIES OF SUPERVISORY UNION BOARD

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

10 (1) Establish a supervisory union-wide curriculum, by either developing
11 the curriculum or assisting the member districts to develop it jointly, and
12 ensure implementation of the curriculum. The curriculum shall meet the
13 requirements adopted by the State Board under subdivision 165(a)(3)(B) of
14 this title.

15 (2) Assist each school in the supervisory union to follow the curriculum
16 as adopted under the requirements of the State Board pursuant to subdivision
17 165(a)(3)(B) of this title.

18 * * *

19 (4) In accordance with criteria established by the State Board Secretary
20 of Education, establish and implement a plan for receiving and disbursing
21 federal and State funds distributed by the Agency of Education, including

1 funds awarded under P.L. 89-10, the Elementary and Secondary Education Act
2 of 1965 as amended.

3 * * *

4 (6) Provide special education services on behalf of its member districts
5 and, except as provided in section 43 of this title, compensatory and remedial
6 services, and provide or coordinate the provision of other educational services
7 as directed by the ~~State Board~~ Secretary of Education or local boards;
8 provided, however, if a supervisory union determines that services would be
9 provided more efficiently and effectively in whole or in part at the district
10 level, then it may ask the Secretary to grant it a waiver from this provision.

11 * * *

12 Sec. 22. 16 V.S.A. § 301 is amended to read:

13 § 301. APPORTIONMENT OF EXPENSES

14 Unless otherwise agreed upon, each school district shall pay a proportionate
15 share of the salary and expenses of the superintendent and the expenses of the
16 supervisory union based on the number of enrolled students in each member
17 school district. “Enrolled students” shall be defined by the ~~State Board~~
18 Agency of Education by rule, including the treatment of tuition students,
19 special education students, students enrolled in career technical centers, and
20 other particular circumstances.

21 Sec. 23. 16 V.S.A. § 428 is amended to read:

1 § 428. BUDGET TO BE VOTED

2 * * *

3 (b) If the electorate of a school district votes for its budget by Australian
4 ballot, it shall do so using ballot language jointly developed by the Secretary of
5 Education and the Secretary of State ~~and adopted by the State Board, by rule.~~

6 Sec. 24. 16 V.S.A. § 471 is amended to read:

7 § 471. APPLICATION OF OTHER LAWS

8 (a) The provisions of this title relating to the administration and
9 maintenance of public schools, school meetings, and voting therein, to grand
10 lists, to the raising and expending of school monies, to monies apportioned by
11 the ~~State Board~~ Secretary of Education, to sharing in other State aid, to the
12 election, appointment, powers, duties, and liabilities of school officers, to
13 elementary and higher instruction, to transportation, board, and attendance of
14 students, to truancy and truant officers, to furnishing of textbooks and
15 appliances, and to all other matters pertaining to schools in a town district,
16 unless otherwise provided, and if not inconsistent with the rights granted by
17 their charters, shall apply to schools maintained, similar school officers, and all
18 matters pertaining to schools in incorporated school districts.

19 * * *

20 Sec. 25. 16 V.S.A. § 511 is amended to read:

21 § 511. BUDGET

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(b) If the electorate of an incorporated school district votes for its budget by Australian ballot, it shall do so using ballot language jointly developed by the Secretary of Education and Secretary of State ~~and adopted by the State Board,~~ by rule.

Sec. 26. 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 of Education shall apply to all school districts.

Sec. 27. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

* * *

(b) When a school construction contract exceeds \$500,000.00:

(1) The State Board Secretary of Education 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

1 undergoing construction projects suggestions and recommendations on bidders
2 qualified to provide construction services.

3 * * *

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

12 * * *

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

1 (g) Violations. The State Board Secretary of Education may deny State aid
2 for school construction and for debt service on a project that proceeds in
3 violation of this section.

4 Sec. 28. 16 V.S.A. § 563 is amended to read:

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

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

8 * * *

9 (8) Shall 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 of Education pursuant to
12 subdivision ~~164(15)~~ 212(24) of this title and that ensures that all payments are
13 lawful and in accordance with a budget adopted or amended by the school
14 board. The school board may authorize a subcommittee, the superintendent of
15 schools, or a designated employee of the school board to examine claims
16 against the district for school expenses and draw orders for such as shall be
17 allowed by it payable to the party entitled thereto. Such orders shall state
18 definitely the purpose for which they are drawn and shall serve as full authority
19 to the treasurer to make such payments. It shall be lawful for a school board to
20 submit to its treasurer a certified copy of those portions of the board minutes,
21 properly signed by the clerk and chair, or a majority of the board, showing to

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

4 * * *

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

14 * * *

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

19 (25) Shall, if it is a school board of a school district that maintains a
20 secondary school, upon request, award a high school diploma to any Vermont
21 resident who served in the military in World War II, the Korean War, or during

1 the Vietnam era, was honorably separated from active federal military service,
2 and does not hold a high school diploma. The State Board Secretary of
3 Education shall develop and make available an application form for veterans
4 who wish to request a high school diploma.

5 * * *

6 Sec. 29. 16 V.S.A. § 570 is amended to read:

7 § 570. HARASSMENT, HAZING, AND BULLYING PREVENTION
8 POLICIES

9 * * *

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

11 * * *

12 (2) establish an Advisory Council to review and coordinate school and
13 statewide activities relating to the prevention of and response to harassment,
14 hazing, and bullying. The Council shall report annually in January to the State
15 Board Secretary of Education and the House and Senate Committees on
16 Education. The Council shall include:

17 * * *

18 Sec. 30. 16 V.S.A. § 701a is amended to read:

19 § 701a. APPLICATION OF OTHER LAWS

20 * * *

1 (b) The provisions of general law relating to the administration and
2 maintenance of schools, to school meetings and voting at the meetings, to
3 grand lists, to the raising and expending of school money, to money
4 apportioned by the ~~State Board~~ Secretary of Education, to sharing in other
5 State or federal aid, to the election, appointments, powers, duties, and
6 liabilities of school officers, to secondary and elementary instruction, to
7 transportation, board, and attendance of students, to textbooks and appliances,
8 and to all other matters pertaining to schools in a town school district, unless
9 inconsistent with this act or otherwise provided for in this subchapter, shall
10 apply to schools maintained, similar school officers, and all matters pertaining
11 to schools of the union school district.

12 Sec. 31. 16 V.S.A. § 829 is amended to read:

13 § 829. PREKINDERGARTEN EDUCATION

14 * * *

15 (c) Prequalification. Pursuant to rules jointly developed and overseen by the
16 Secretaries of Education and of Human Services and adopted by the ~~State~~
17 ~~Board~~ Agency of Education pursuant to 3 V.S.A. chapter 25, the Agencies
18 jointly may determine that a private or public provider of prekindergarten
19 education is qualified for purposes of this section and include the provider in a
20 publicly accessible database of prequalified providers. At a minimum, the rules
21 shall define the process by which a provider applies for and maintains

1 prequalification status, shall identify the minimum quality standards for
2 prequalification, and shall include the following requirements:

3 * * *

4 (e) Rules. The Secretary of Education and the Commissioner for Children
5 and Families shall jointly develop and agree to rules ~~and present them to the~~
6 **State Board** for adoption under 3 V.S.A. chapter 25 as follows:

7 * * *

8 Sec. 32. 16 V.S.A. § 944 is amended to read:

9 § 944. DUAL ENROLLMENT PROGRAM

10 * * *

11 (f) Tuition and funding.

12 * * *

13 (3) If it agrees to the terms of subsection (c) of this section, an
14 accredited private postsecondary institution in Vermont approved pursuant to
15 section ~~176~~ 2162 of this title shall receive tuition pursuant to subdivisions (1)
16 and (2) of this subsection (f) for each eligible student it enrolls in a college-
17 level course under this section.

18 * * *

1 Sec. 33. 16 V.S.A. § 1045 is amended to read:

2 § 1045. DRIVER TRAINING COURSE

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

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

11 * * *

12 Sec. 34. 16 V.S.A. § 1071 is amended to read:

13 § 1071. SCHOOL YEAR AND SCHOOL DAY

14 * * *

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

19 (c) Unanticipated closings. When a public school is closed for cause
20 beyond the control of the school board, it may petition the ~~State Board~~
21 Secretary of Education for a waiver of the requirements of this section. The

1 petition shall be filed with the State Board Secretary of Education within
2 10 days of each occurrence and not later than June 15 of the school year
3 involved; and the State Board Secretary of Education shall act on the petition
4 at its next meeting. If the petition is approved and a waiver granted, the school
5 district shall be deemed to have satisfied the requirements of this section. If
6 the State Board Secretary of Education fails to act at that meeting, the petition
7 shall be deemed to have been approved and the waiver granted.

8 * * *

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

14 Sec. 35. 16 V.S.A. § 1073 is amended to read:

15 § 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL

16 * * *

17 (b) Access to school.

18 * * *

19 (2) Right to enroll in a public or independent school. Notwithstanding
20 the provisions of sections 822 and 1075 of this title, a pregnant or parenting
21 student may enroll in any approved public school in Vermont or an adjacent

1 state, any approved independent school in Vermont, or any other educational
2 program approved by the **State Board** in which any other legal pupil in
3 Vermont may enroll.

4 * * *

5 Sec. 36. 16 V.S.A. § 1162 is amended to read:

6 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

7 (a) A superintendent or principal may, pursuant to policies adopted by the
8 school board that are consistent with **State Board** Agency of Education rules,
9 suspend a student for up to 10 school days or, with the approval of the board of
10 the school district, expel a student for up to the remainder of the school year or
11 up to 90 school days, whichever is longer, for misconduct:

12 * * *

13 Sec. 37. 16 V.S.A. § 1165 is amended to read:

14 § 1165. ALCOHOL AND DRUG ABUSE

15 (a) The **State Board** Secretary of Education, in consultation with local
16 school boards, the alcohol and drug division, the law enforcement authorities,
17 and the juvenile court system shall formulate a general policy for the
18 education, discipline, and referral for rehabilitation of students who are
19 involved with alcohol or drug abuse on school property or at school functions.

20 (b) The **State Board** Agency of Education shall adopt rules for all school
21 districts that include standards consistent with due process of law for

1 discipline, suspension, or dismissal of students and recommended procedures
2 for education and for referral for treatment and rehabilitation.

3 (c) Each school district shall adopt its own policy consistent with the State
4 Board's Agency of Education's rules setting forth: recommended procedures
5 for education; referral for treatment, counseling, and rehabilitation; and
6 standards consistent with due process of law for discipline, suspension, or
7 dismissal of students in accordance with section 1162 of this title. Nothing in
8 this section is intended to mandate local school districts to employ counselors
9 for treatment or rehabilitation.

10 * * *

11 Sec. 38. 16 V.S.A. § 1224 is amended to read:

12 § 1224. REPORTS

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

1 Sec. 39. 16 V.S.A. § 1262b is amended to read:

2 § 1262b. RULES

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

8 Sec. 40. 16 V.S.A. § 1321 is amended to read:

9 § 1321. FORM AND CONTENTS OF REGISTER

10 ~~With the approval of the State Board, the~~ The Secretary shall prescribe the
11 content of school registers used to keep records of student enrollment and daily
12 attendance and to obtain statistical and other information from teachers and
13 school officers. Schools shall maintain an electronic system for recording
14 enrollment and attendance

15 Sec. 41. 16 V.S.A. § 1388 is amended to read:

16 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
17 EPINEPHRINE AUTO-INJECTORS

18 (a) As used in this section:

19 (1) “Designated personnel” means a school employee, agent, or
20 volunteer who has been authorized by the school administrator to provide and

1 administer epinephrine auto-injectors under this section and who has
2 completed the training required by State Board Secretary of Education policy.

3 * * *

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

8 * * *

9 (5) require each school to make publicly available protocols and
10 procedures developed in accordance with the policies adopted by the State
11 Board Secretary of Education under this section.

12 Sec. 42. 16 V.S.A. § 1522 is amended to read:

13 § 1522. DEFINITIONS

14 As used in this chapter:

15 * * *

16 (4) “Regional CTE center” means any of the 16 regional CTE centers
17 operating with State support on January 1, 1984, and any other centers so
18 designated thereafter by rule of the State Board.

19 * * *

20 (7) “Service region” means, for each regional CTE center, a region
21 surrounding it designated by rule of the State Board under section 1531 of this

1 title. The **State Board** may designate a service region for two or more
2 comprehensive high schools if that region is not served by a career technical
3 center.

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 of Education rule, then dividing the
9 result by the sum of the actual number of full-time equivalent out-of-state
10 students and the average of the full-time equivalent Vermont students for the
11 three prior years.

12 * * *

13 Sec. 43. 16 V.S.A. § 1531 is amended to read:

14 § 1531. RESPONSIBILITY OF **STATE BOARD** SECRETARY OF
15 EDUCATION

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

1 (1) Career technical education is equally available to students and is of
2 consistent quality in all parts of the State, including areas remote from career
3 technical centers.

4 (2) The timing and content of career technical education is properly and
5 flexibly coordinated with academic instruction.

6 (3) Career technical education is available to adult students, particularly
7 in areas where unemployment is high or occupational retraining needs are
8 great. This includes entering into contracts with postsecondary educational
9 institutions or with any resource supplier to provide adult programs at career
10 technical centers.

11 (4) Career technical education programs and courses of study are
12 demonstrably useful to their graduates in obtaining employment or improving
13 the quality of their employment.

14 (5) Career technical education programs are well coordinated with
15 related State programs in education and training. This includes ensuring that
16 career technical education graduates receive appropriate credit toward
17 requirements in apprenticeship programs and professional licensing programs.

18 (b) In order to provide regional career technical education services
19 efficiently, the **State Board** shall designate a service region for each career
20 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 (c) 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. 44. 16 V.S.A. § 1532 is amended to read:

17 § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

18 (a) The **State Board** Secretary of Education 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 by
2 the **State Board** under subdivision 164(9) of this title and standards for industry
3 recognized credentials.

4 * * *

5 Sec. 45. 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 **State**
10 **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~~ Agency
15 of Education;

16 * * *

17 Sec. 46. 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 Agency of Education by rule
2 shall prescribe the method for conducting these evaluations.

3 * * *

4 Sec. 47. 16 V.S.A. § 1544 is amended to read:

5 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

6 Subject to any direction and regulations as to courses, teachers, or
7 equipment that the State Board Secretary of Education may prescribe by rule,
8 high schools may include within their courses of study pretechnical or career
9 technical courses, or both. Before establishing such a program, a high school
10 shall consult with the regional advisory board for its CTE service region.

11 Sec. 48. 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~~ that complies with State Board Agency of Education rules shall not be
15 altered by any public school or approved or recognized independent school in
16 Vermont and shall be applied by the school toward any State graduation
17 requirements in accordance with rules adopted by the State Board Agency of
18 Education. Any State Board Agency of Education rules regarding earning of
19 credits shall allow flexibility with respect to the integration of CTE education
20 and other academic courses.

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

13 * * *

14 Sec. 49. 16 V.S.A. § 1552 is amended to read:

15 § 1552. SECONDARY STUDENT TUITION

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

1 (b) Secondary students are eligible for tuition assistance in career technical
2 education provided in another state when the ~~State Board~~ Secretary of
3 Education determines that such career technical education can properly serve
4 the needs of Vermont students.

5 * * *

6 Sec. 50. 16 V.S.A. § 1562 is amended to read:

7 § 1562. TRYOUT CLASSES

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

14 Sec. 51. 16 V.S.A. § 1563 is amended to read:

15 § 1563. TRANSPORTATION ASSISTANCE

16 (a) It is the policy of the General Assembly to encourage Vermont students
17 to enroll in career technical education courses. In furtherance of that policy,
18 transportation assistance is provided for in this section to facilitate the
19 enrollment of Vermont students in career technical education programs.

20 (b) Transportation assistance shall be paid from the Education Fund to
21 school districts that provide transportation to and from career technical

1 education programs, regardless of whether the program is offered in a career
2 technical center in the district's designated service region or regions or is
3 offered within the career technical center region at a location other than at a
4 career technical center. Assistance shall be \$1.50 per mile for actual number of
5 miles traveled, in 1998 dollars adjusted annually by the annual price index for
6 state and local government purchases of goods and services. Payments shall be
7 made on or before December 10 and June 10. Requests submitted on or
8 following May 15 shall be reimbursed in the next payment.

9 (c) The State Board Agency of Education may adopt rules necessary to
10 implement this section.

11 Sec. 52. 16 V.S.A. § 1565 is amended to read:

12 § 1565. SALARY ASSISTANCE

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

16 (1) the director of career technical education;

17 (2) a person whose principal duty is to provide guidance services for
18 career technical students;

19 (3) a person whose principal duty is to find job training opportunities for
20 students during the time they are enrolled at the career technical center;

21 (4) an assistant director for adult education; and

1 this chapter. The Secretary may waive the \$100.00 penalty upon appeal by the
2 center for good cause.

3 Sec. 54. 16 V.S.A. § 1577 is amended to read:

4 § 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE
5 BOARD

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

10 * * *

11 (5) To lease or purchase real and personal property, and to sell, relocate,
12 or discontinue use of real and personal property, subject to the terms and
13 conditions of the approval granted to it by the **State Board**.

14 (6) To establish and maintain a system for receipt, deposit,
15 disbursement, accounting, control, and reporting procedures that meets the
16 criteria established by the **State Board** Secretary of Education pursuant to
17 subdivision ~~164(15)~~ 212(24) of this title and that ensures all payments are
18 lawful and in accordance with the budget adopted pursuant to terms approved
19 by the **State Board** Secretary. The ~~Board~~ Secretary may authorize a
20 subcommittee, a superintendent of schools, or a designated employee of the
21 ~~Board~~ Agency of Education to examine claims against the district for center

1 expenses, and draw orders for such as shall be allowed by it payable to the
2 party entitled thereto. Such orders shall state definitely the purpose for which
3 they are drawn, and shall serve as full authority to the treasurer to make such
4 payments. It shall be lawful for a board to submit to its treasurer a certified
5 copy of those portions of the board minutes, properly signed by the clerk and
6 chair, or a majority of the board, showing to whom, and for what purpose, each
7 payment is to be made by the treasurer, and the certified copy shall serve as
8 full authority to the treasurer to make the approved payments.

9 * * *

10 Sec. 55. 16 V.S.A. § 1601 is amended to read:

11 § 1601. DEFINITIONS

12 As used in this chapter:

13 * * *

14 (2) “Industry competency standards” ~~mean~~ means performance criteria
15 developed jointly by educators and business representatives and adopted by the
16 ~~State Board~~ Secretary of Education that define skills and knowledge that are
17 needed in the workplace.

18 * * *

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

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Sec. 56. 16 V.S.A. § 1602 is amended to read:

§ 1602. SCHOOL BOARD RESPONSIBILITIES

* * *

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

* * *

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

* * *

Sec. 57. 16 V.S.A. § 1603 is amended to read:

§ 1603. ELEMENTS OF THE PROGRAM

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

* * *

(f) A student apprentice who successfully completes a student apprenticeship program shall receive an industry competency certificate issued

1 by the ~~State Board of Education~~ Secretary of Education. In order to earn an
2 industry competency certificate, a student apprentice shall demonstrate mastery
3 of industry competency standards and shall complete academic requirements
4 for graduation.

5 * * *

6 Sec. 58. 16 V.S.A. § 1604 is amended to read:

7 § 1604. ~~STATE BOARD~~ SECRETARY OF EDUCATION

8 RESPONSIBILITIES

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

10 (1) Establish standards of operation for a student apprenticeship
11 program. Standards shall ensure that a program prepares students to meet
12 labor market standards and needs, and that a student shall receive relevant and
13 quality work experience.

14 (2) Establish standards for entrance into a student apprenticeship
15 program.

16 (3) Establish a process for termination of a student from a student
17 apprenticeship program.

18 (4) In collaboration with related business or trade organizations,
19 establish academic and occupation-specific industry competency standards for
20 each occupation-specific student apprenticeship program offered in the State.

1 The standards shall be those to be met in order to earn an industry competency
2 certificate.

3 (5) Establish guidelines for preparation of worksite mentors.

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

8 Sec. 59. 16 V.S.A. § 1605 is amended to read:

9 § 1605. REGIONAL ADVISORY BOARD RESPONSIBILITIES

10 Each regional advisory board shall:

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

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

1 counselor. Decisions regarding termination shall be made with the advice of
2 the student apprenticeship coordinator.

3 * * *

4 Sec. 60. 16 V.S.A. § 1931 is amended to read:

5 § 1931. DEFINITIONS

6 As used in this chapter:

7 * * *

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

20 * * *

21 Sec. 61. 16 V.S.A. § 1935 is amended to read:

1 § 1935. TEACHERS IN CERTAIN PUBLIC OR INDEPENDENT
2 SCHOOLS

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

8 * * *

9 Sec. 62. 16 V.S.A. § 2822 is amended to read:

10 § 2822. DEFINITIONS

11 As used in this chapter:

12 * * *

13 (6) “Approved postsecondary education institution” means any
14 institution of postsecondary education that is:

15 (A) certified by the **State Board** of Education as provided in section
16 ~~176 or 176a~~ 2162 or 2163 of this title;

17 (B) accredited by an accrediting agency approved by the United
18 States Secretary of Education pursuant to the Higher Education Act;

19 (C) a non-U.S. institution approved by the United States Secretary of
20 Education as eligible for use of education loans made under Title IV of the
21 Higher Education Act; or

1 (D) a non-U.S. institution designated by the Corporation as eligible
2 for use of its grant awards.

3 * * *

4 Sec. 63. 16 V.S.A. § 2880 is amended to read:

5 § 2880. DEFINITIONS

6 As used in this subchapter:

7 (1) “Approved postsecondary education institution” means any
8 institution of postsecondary education that is:

9 (A) certified by the State Board of Education as provided in section
10 ~~176 or 176a~~ 2162 or 2163 of this title;

11 (B) accredited by an accrediting agency approved by the U.S.
12 Secretary of Education pursuant to the Higher Education Act;

13 (C) a non-U.S. institution approved by the U.S. Secretary of
14 Education as eligible for use of education loans made under Title IV of the
15 Higher Education Act; or

16 (D) a non-U.S. institution designated by the Corporation as eligible
17 for use of its grant awards.

18 * * *

19 Sec. 64. 16 V.S.A. § 2903 is amended to read:

20 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING

21 INSTRUCTION

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

* * *

Sec. 65. 16 V.S.A. § 2905 is amended to read:

§ 2905. PREKINDERGARTEN-16 COUNCIL

(a) A Prekindergarten-16 Council (the “Council”) is created to help coordinate and better align the efforts of the prekindergarten-12 educational system with the higher education community in order to increase:

* * *

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

Sec. 66. 16 V.S.A. § 2944 is amended to read:

§ 2944. SPECIAL EDUCATION

1 (a)–(c) [Repealed.]

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

7 * * *

8 (f) The ~~State Board~~ Agency of Education shall, by rule, require that
9 whenever an individual education program requires related services, the
10 program shall include a statement that the team has made the determination
11 that the services are necessary consistent with the requirements of 34 C.F.R.
12 § 300.16 as amended from time to time.

13 * * *

14 Sec. 67. 16 V.S.A. § 2945 is amended to read:

15 § 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

16 * * *

17 (d) The Council shall:

18 (1) assume all responsibilities required of the State advisory panel by
19 federal law;

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 of Education any changes it finds necessary;

4 (3) comment on any new or revised rules, regulations, standards, and
5 guidelines proposed for issuance; and

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

8 Sec. 68. 16 V.S.A. § 2958 is amended to read:

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

11 * * *

12 (c) The **State Board** shall by rule establish policies and procedures for the
13 operations of the Residential Placement Review Team. The rules shall be
14 consistent with federal law and, at minimum, shall include the following:

15 * * *

16 (e) Costs for residential placement shall be reimbursed under subchapter 2
17 of this chapter only if the residential facility is approved by the **State Board**
18 Secretary of Education for the purposes of providing special education and
19 related services to children with disabilities.

20 Sec. 69. 16 V.S.A. § 2973 is amended to read:

21 § 2973. INDEPENDENT SCHOOL TUITION RATES

1 * * *

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

5 Sec. 70. 16 V.S.A. § 2974 is amended to read:

6 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

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

9 * * *

10 Sec. 71. 16 V.S.A. § 2974 is amended to read: [note, this section takes effect
11 July 1, 2022]

12 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

13 Annually, the Secretary shall report to the State Board House and Senate
14 Committees on Education regarding:

15 * * *

16 Sec. 72. 16 V.S.A. § 3448 is amended to read:

17 § 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION

18 PROJECTS; RENEWABLE ENERGY

19 (a) Construction aid.

20 (1) Preliminary application for construction aid. A district or
21 independent school eligible for assistance under section 3447 of this title, that

1 intends to construct or purchase a new school, or make extensive additions or
2 alterations to its existing school, and desires to avail itself of State school
3 construction aid, shall submit a written preliminary application to the
4 Secretary. A preliminary application shall include information required by the
5 ~~State Board~~ Secretary of Education by rule and shall specify the need for and
6 purpose of the project.

7 (2) Approval of preliminary application.

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

10 * * *

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

13 * * *

14 (3) Priorities. Following approval of a preliminary application and
15 provided that the district has voted funds or authorized a bond for the total
16 estimated cost of a project, the ~~State Board~~ Secretary of Education shall assign
17 points to the project so that the project can be placed on a priority list based on
18 the number of points received. Once a project receives points, if it does not
19 receive funding in a given year, it shall not lose points in subsequent years and,
20 pursuant to rule of the Board and provided the scope of the project remains the

1 same, it shall gain points due to length of time on the list and may gain points
2 for any other reason. The points shall be assigned in the following priority:

3 * * *

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

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

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

19 (C) the cost of projects to extend the life of a building that the ~~State~~
20 ~~Board~~ Secretary of Education has approved but not yet reimbursed due to
21 insufficient funds, as well as the estimated cost of those that might be approved

1 by the ~~State Board~~ Secretary of Education in the coming fiscal year under
2 subdivision (3)(B) of this subsection (a).

3 (5) Final approval for construction aid.

4 (A) Unless approved by the Secretary for good cause in advance of
5 commencement of construction, a school district shall not begin construction
6 before the ~~State Board~~ Secretary of Education approves a final application. A
7 school district may submit a written final application to the ~~State Board~~
8 Secretary of Education at any time following approval of a preliminary
9 application.

10 (B) The ~~State Board~~ Secretary of Education may approve a final
11 application for a project provided that:

12 * * *

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

15 * * *

16 (C) The board of trustees of an independent school may submit a
17 written final application to the ~~State Board~~ Secretary of Education for a project
18 for which a preliminary application has been approved by the Secretary,
19 provided that each municipality represented on the board of trustees has voted
20 funds or authorized a bond issue for 100 percent of the municipality's

1 estimated share of the project in an amount determined by the Secretary under
2 this section.

3 (D) The State Board Secretary of Education may provide that a grant
4 for a high school project is conditioned upon the agreement of the recipient to
5 provide high school instruction for any high school pupil living in an area
6 prescribed by the Board who may elect to attend the school.

7 * * *

8 (8) Eligible construction cost.

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

15 * * *

16 (9) Payment. Upon satisfactory evidence that a project approved under
17 subdivision (5) of this subsection (a) is under construction or has been
18 constructed, and upon appropriation of funds sufficient to fund the State aid
19 due under this section, the State Board Secretary of Education shall certify an
20 award for the project to the Commissioner of Finance and Management who
21 shall issue a warrant for the payment of one-half of the award, or the entire

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

12 * * *

13 (e) Rules. The State Board Agency of Education shall adopt rules
14 pertaining to school construction and capital outlay.

15 * * *

16 Sec. 73. 16 V.S.A. § 3448a is amended to read:

17 § 3448a. APPEAL

18 Any municipal corporation or independent school as defined in section
19 3447 of this title aggrieved by an order, allocation or award of the State Board
20 Secretary of Education may, within 30 days, appeal ~~therefrom~~ to the State
21 Board of Education, and may appeal from the decision of the State Board,

1 within 30 days of that decision, to the Superior Court in the county in which
2 the project is located.

3 Sec. 74. 16 V.S.A. § 3448f is amended to read:

4 § 3448f. ENERGY PERFORMANCE CONTRACTING;

5 AUTHORIZATION; STATE AID

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

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

13 * * *

14 (f) State funding for energy conservation measures.

15 * * *

16 (3) Priorities. Following approval of a district’s application, the State
17 Board Secretary of Education shall assign points, established by Board Agency
18 rule, to the project so that the project can be placed on a priority list distinct
19 from but similar to the list established under section 3448 of this title, based on
20 the number of points received. Once a project receives points, if it does not
21 receive funding in a given year, it shall not lose points in subsequent years and,

1 pursuant to Board Agency rule and provided the scope of the project remains
2 the same, it shall gain points due to the length of time on the list and may gain
3 points for any other reason. Prioritized projects under this section shall be
4 included in the State Board's Secretary's request for legislative appropriation
5 as a separate and distinct line item under section 3448 of this title. Any
6 legislative appropriation made to fund the line item for performance contracts
7 shall not exceed 20 percent of the appropriation made in the same year to fund
8 State aid for school construction under section 3448.

9 * * *

10 (5) Eligible costs. A project or portions of a project under this section
11 shall be eligible for aid pursuant to criteria established by State Board Agency
12 of Education rule.

13 (6) Payment. Upon completion of the construction or installation of the
14 cost-saving measure, determination by the Department of Buildings and
15 General Services that implementation of the cost-saving measures is expected
16 to result in energy and operational cost-savings, and legislative appropriation
17 sufficient to fund the State aid due under this section, the State Board Secretary
18 of Education shall certify an award for the project to the Commissioner of
19 Finance and Management who shall issue a warrant for the payment of the
20 award. A district awarded State aid under this section shall use the State aid

1 solely for the purpose of paying all or a portion of the obligation due under the
2 performance contract at the time the award is received.

3 * * *

4 Sec. 75. 16 V.S.A. § 3454 is amended to read:

5 § 3454. DEFERRED MAINTENANCE

6 No State school construction aid shall be available under this title for any
7 proposed project or construction if the Secretary finds the need for the project
8 or construction has arisen in whole or in part from significant deferred
9 maintenance. The ~~State Board~~ Agency of Education, by rule, shall define
10 “significant deferred maintenance.”

11 Sec. 76. 16 V.S.A. § 3581 is amended to read:

12 § 3581. ACCEPTANCE

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

16 Sec. 77. 16 V.S.A. § 3582 is amended to read:

17 § 3582. FORMULATION OF PLANS

18 The ~~State Board~~ Secretary of Education may formulate any State plan,
19 including preparation of surveys and estimates of school building needs,
20 required by federal legislation.

1 Sec. 78. 16 V.S.A. § 4001 is amended to read:

2 § 4001. DEFINITIONS

3 As used in this chapter:

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

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

15 (B) The full-time equivalent enrollment in the year before the last
16 census period, of any State-placed students as defined in subdivision 11(a)(28)
17 of this title. A school district that provides for the education of its students by
18 paying tuition to an approved independent school or public school outside the
19 district shall not count a State-placed student for whom it is paying tuition for
20 purposes of determining average daily membership. A school district that is
21 receiving the full amount, as defined by the State Board Agency of Education

1 by rule, of the student’s education costs under subsection 2950(a) of this title,
2 shall not count the student for purposes of determining average daily
3 membership. A State-placed student who is counted in average daily
4 membership shall be counted as a student for the purposes of determining
5 weighted student count.

6 * * *

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

15 (A) [Repealed.]

16 (B) For purposes of calculating excess spending pursuant to
17 32 V.S.A. § 5401(12), “education spending” shall not include:

18 * * *

19 (iii) Spending that is approved school capital construction
20 spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future
21 approved school capital construction costs, including that portion of tuition

1 paid to an independent school designated as the public high school of the
2 school district pursuant to section 827 of this title for capital construction costs
3 by the independent school that has received approval from the **State Board**
4 Secretary of Education, using the processes for preliminary approval of public
5 school construction costs pursuant to subdivision 3448(a)(2) of this title.

6 * * *

7 Sec. 79. 16 V.S.A. § 4016 is amended to read:

8 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

9 * * *

10 (b) ~~In~~ As used in this section, “allowable transportation expenditures”
11 means the costs of transporting students to and from school for regular
12 classroom services and shall not include expenditures for transporting students
13 participating in curricular activities that take place off the school grounds or
14 for transporting students participating in cocurricular activities. The **State**
15 **Board** Agency of Education shall further define allowable transportation
16 expenditures by rule.

17 (c) A district or supervisory union may apply and the Secretary may pay
18 for extraordinary transportation expenditures incurred due to geographic or
19 other conditions such as the need to transport students out of the school district
20 to attend another school because the district does not maintain a public school.
21 The **State Board** Agency of Education shall define extraordinary transportation

1 expenditures by rule. The total amount of base year extraordinary
2 transportation grant expenditures shall be \$250,000.00 for fiscal year 1997,
3 increased each year thereafter by the annual price index for state and local
4 government purchases of goods and services. Extraordinary transportation
5 expenditures shall not be paid out of the funds appropriated under subsection
6 (b) of this section for other transportation expenditures. Grants paid under this
7 section shall be paid from the Education Fund and shall be added to adjusted
8 education payment receipts paid under section 4011 of this title.

9 Sec. 80. 16 V.S.A. § 4030 is amended to read:

10 § 4030. DATA SUBMISSION; CORRECTIONS

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

16 (b) The Secretary shall use data submitted on or before January 15 prior to
17 the fiscal year that begins the following July 1, in order to calculate the
18 amounts due each school district for any fiscal year for the following:

19 (1) transportation aid due under section 4016 of this title; and

20 (2) the small school support grant due under section 4015 of this title.

1 (c) The Secretary shall use data corrections regarding local education
2 budget amounts submitted on or before June 15 prior to the fiscal year that
3 begins the following July 1, in order to calculate the education payments due
4 under section 4011 of this title. However, the Secretary may use data
5 submitted after June 15 and prior to July 15 due to unusual or exceptional
6 circumstances as determined by the Secretary.

7 (d) The Secretary shall not use data corrected due to an error submitted
8 following the deadlines to recalculate the equalized pupil ratio under
9 subdivision 4001(3) of this title. The Secretary shall not adjust average daily
10 membership counts if an error or change is reported more than three fiscal
11 years following the date that the original data was due.

12 (e) The State Board Agency of Education may adopt rules as necessary to
13 implement the provisions of this section.

14 * * * Conforming Changes to Vermont Laws Other than Laws in Title 16 * * *

15 Sec. 81. 11 V.S.A. § 825 is amended to read:

16 § 825. CORPORATE NAME

17 * * *

18 (c) A person intending to operate a postsecondary school, as defined in
19 16 V.S.A. §§ ~~176 and 176a~~ 2162 and 2163, shall apply for a certificate of
20 approval from the State Board of Education prior to registering a name under
21 this section.

1 Sec. 82. 11 V.S.A. § 1621 is amended to read:

2 § 1621. REGISTRATION OF BUSINESS NAME BY PERSONS,
3 PARTNERSHIPS, AND ASSOCIATIONS

4 * * *

5 (e) Prior to registering its business name under this section, a person
6 intending to operate a postsecondary school, as defined in 16 V.S.A. §§ 176
7 ~~and 176a 2162 and 2163~~, shall apply to the **State Board** of Education for a
8 certificate of approval pursuant to those sections.

9 Sec. 83. 11 V.S.A. § 3402 is amended to read:

10 § 3402. NAME

11 * * *

12 (b) A person intending to operate a postsecondary school, as defined in
13 16 V.S.A. §§ ~~176 and 176a 2162 and 2163~~, shall apply for a certificate of
14 approval from the **State Board** of Education prior to registering a name under
15 this chapter.

16 Sec. 84. 11 V.S.A. § 4005 is amended to read:

17 § 4005. NAME

18 * * *

19 (e) A person intending to operate a postsecondary school, as defined in
20 16 V.S.A. §§ ~~176 and 176a 2162 and 2163~~, shall apply for a certificate of

1 approval from the **State Board** of Education prior to registering a name under
2 this section.

3 Sec. 85. 18 V.S.A. § 1120 is amended to read:

4 § 1120. DEFINITIONS

5 As used in this subchapter:

6 * * *

7 (2) “School” means a public or independent prekindergarten,
8 kindergarten, elementary, or secondary school, or any postsecondary school as
9 defined in 16 V.S.A. § ~~176(b)~~ 2162(b), unless exempted by rule adopted
10 pursuant to section 1123 of this title.

11 Sec. 86. 24 V.S.A. § 4947 is amended to read:

12 § 4947. HEALTH BENEFIT PLANS OFFERED TO ENTITIES\

13 PROVIDING EDUCATIONAL SERVICES

14 * * *

15 (e) A health benefit association shall make all health benefit plans that it
16 offers available to approved or recognized independent schools operating in
17 Vermont. Participation shall not create joint and several liability as a result of
18 any act or omission of any other school, municipality, or association. Schools
19 that participate under this section shall be provided with copies of the annual
20 audit. The provisions of 16 V.S.A. § ~~166~~ 14 shall apply for purposes of

1 determining whether a school qualifies as an “approved or recognized
2 independent school.”

3 Sec. 87. 28 V.S.A. § 120 is amended to read:

4 § 120. DEPARTMENT OF CORRECTIONS EDUCATION PROGRAM;
5 INDEPENDENT SCHOOL

6 * * *

7 (b) Applicability of education provisions. The education program shall be
8 approved by the **State Board of Education** as an independent school under
9 16 V.S.A. § ~~166~~ 14, and shall be coordinated with adult education, special
10 education, and career technical education.

11 * * *

12 Sec. 88. 33 V.S.A. § 5118 is amended to read:

13 § 5118. LIMITED EXCEPTION TO CONFIDENTIALITY OF RECORDS
14 OF JUVENILES MAINTAINED BY THE FAMILY DIVISION OF
15 THE SUPERIOR COURT

16 (a) As used in this section:

17 * * *

18 (2) “Independent school” means an approved or recognized independent
19 school under 16 V.S.A. § ~~166~~ 14.

20 * * *

1 Sec. 89. EFFECTIVE DATES

2 This act shall take effect on passage, except for Secs. [5, 67 and 69,] which
3 shall take effect on July 1, 2022.

4

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1 **Appendix A—Laws referencing the State Board of Education that are not**
2 **proposed to be amended—For reference only—to be deleted in final bill**

3
4 § 215. CHALLENGE TO EXCELLENCE GRANTS

5 * * *

6 (b) The Secretary shall establish and implement a Challenge to Excellence
7 Grant Program for the purpose of promoting quality education for Vermont
8 students. Eligible applicants include Vermont public schools, including
9 regional career technical centers, and Vermont supervisory unions on behalf of
10 a school or schools. All proposals shall be to develop or carry out a
11 comprehensive plan, which may be an action plan pursuant to subdivision
12 165(a)(1) of this title, to create educational opportunities for each student
13 within the school. Any plan shall be developed with the involvement of parents
14 and other community members, staff, and business representatives, and shall
15 be designed to assist students in meeting **State Board** and school board
16 standards. Grants shall be for up to \$50,000.00 and shall include a 1-1 match
17 from other sources of funding, including grants from businesses, foundations,
18 or other federal or local funding. Priority shall be given to schools that the
19 Secretary finds are having difficulty meeting the quality standards listed in
20 subsection 165(a) of this title or are making insufficient progress in improving

1 student performance in relation to the standards set forth in subdivision 164(9)
2 of this title. Eligible activities include:

3 * * *

4 § 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY
5 UNIONS

6 (a) The **State Board** shall review on its own initiative or when requested as
7 per subsection (b) of this section and may regroup the supervisory unions of
8 the State or create new supervisory unions in such manner as to afford
9 increased efficiency or greater convenience and economy and to facilitate
10 prekindergarten through grade 12 curriculum planning and coordination as
11 changed conditions may seem to require.

12 (b)(1) Any school district that has so voted at its annual school district
13 meeting, if said meeting has been properly warned regarding such a vote, may
14 request that the **State Board** adjust the existing boundaries of the supervisory
15 union of which it is a member district.

16 (2) Any group of school districts that have so voted at their respective
17 annual school district meeting, regardless of whether the districts are members
18 of the same supervisory union, may request that the **State Board** adjust existing
19 supervisory union boundaries and move one or more nonrequesting districts to
20 a different supervisory union if such adjustment would assist the requesting

1 districts to realign their governance structures into a unified union school
2 district pursuant to chapter 11 of this title.

3 (3) The **State Board** shall act on a request made pursuant to this
4 subsection within 75 days of receipt of the request and may regroup the school
5 districts of the area so as to ensure reasonable supervision of all public schools
6 therein.

7 (c) The **State Board** may designate any school district, including a unified
8 union district, as a supervisory district if it will provide for the education of all
9 resident students in prekindergarten through grade 12 and is large enough to
10 support the planning and administrative functions of a supervisory union.

11 (d) Upon application by a supervisory union board, the **State Board** may
12 waive any requirements of chapter 5 or 7 of this title with respect to the
13 supervisory union board structure, board composition, or board meetings, or
14 the staffing pattern of the supervisory union, if it can be demonstrated that such
15 a waiver will result in efficient and effective operations of the supervisory
16 union; will not result in any disproportionate representation; and is otherwise
17 in the public interest.

18 § 262. MEETINGS; ELECTION OF OFFICERS

19 (a) Within 30 days from the date a supervisory union is established by the
20 **State Board**, the Secretary shall call a meeting of the school directors of the
21 school districts in the supervisory union. The number of directors shall be

1 determined and directors shall be elected according to section 266 of this title.
2 Within 30 days thereafter, the Secretary shall call a meeting and the board shall
3 elect a chair and other necessary officers to serve until the first regular annual
4 election of officers.

5 * * *

6 § 421. TOWN SCHOOL DISTRICTS

7 * * *

8 (b) It is the policy of the State to support two or more school districts within
9 a supervisory union in establishing a unified union district in accordance with
10 section 722 of this title, if such unified union district would then be large
11 enough to qualify for designation by the State Board as a supervisory district.

12 § 557. GRATUITY OR COMPENSATION PROHIBITED

13 (a) A member of the State Board, a supervisory union board, or a school
14 board, the Secretary, and any person employed by one of the boards or by the
15 Agency shall not solicit or receive directly or indirectly any gift or
16 compensation for recommending or voting on any finding, ruling, decision, or
17 report, or voting to procure any service, thing, or supply purchased with public
18 funds. A violation of this provision is subject to 13 V.S.A. § 1106(b).

19 (b) A member of the State Board, a supervisory union board or a school
20 board, and any person employed by one of the boards shall not receive directly

1 or indirectly anything of value by contract or otherwise, from the school
2 district or supervisory union he or she serves unless it is received:

3 (1) as a result of a contract accepted after a public bid in accordance with
4 law;

5 (2) in public recognition of service or achievement;

6 (3) as regular salary or expenses allowed by law for official duties
7 performed as a member of the board; or

8 (4) for employment according to the provisions of section 558 of this
9 title.

10 (c) No school board member or supervisory union board member shall vote
11 on any contract or purchase in which he or she has a direct or indirect interest.

12 (d) A person who violates subsection (b) or (c) of this section shall be fined
13 not more than \$1,000.00 and shall be incapable of holding elective or
14 appointed office in this State for two years next ensuing.

15 § 706C. CONSIDERATION BY LOCAL SCHOOL DISTRICT BOARDS

16 AND APPROVAL BY STATE BOARD OF EDUCATION

17 * * *

18 (b) The study committee shall transmit the report to the Secretary who shall
19 submit the report with his or her recommendations to the **State Board**. After
20 providing notice to the study committee and after giving the committee an
21 opportunity to be heard, the **State Board** shall consider the report and the

1 Secretary’s recommendations, and decide whether the formation of such union
2 school district will be in the best interests of the State, the students, and the
3 school districts proposed to be members of the union. The **State Board** may
4 request that the Secretary and the study committee make further investigation
5 and may consider any other information deemed by it to be pertinent. If, after
6 due consideration and any further meetings it deems necessary, the **State Board**
7 finds that the formation of the proposed union school district is in the best
8 interests of the State, the students, and the school districts, it shall approve the
9 report submitted by the committee, together with any amendments, as a final
10 report of the study committee, and shall give notice of its action to the
11 committee. The chair of the study committee shall file a copy of the final
12 report with the town clerk of each proposed member district at least 20 days
13 prior to the vote to establish the union.

14 § 706F. CONTENTS OF WARNING ON VOTE TO ESTABLISH THE
15 UNION

16 The warning for each school district meeting shall contain two articles in
17 substantially the following form:

18 WARNING

19 The voters of the town (city, union, etc.) school district of are
20 hereby notified and warned to meet at on the day of , , to vote by

1 Australian ballot between the hours of _____, at which time the polls will open,
2 and, at which time the polls will close, upon the following articles of business:

3 Article I

4 Shall the town (city, union, etc.) school district of _____ which the State
5 Board of Education has found (necessary or advisable) to include in the
6 proposed union school district, join with the school districts of _____ and _____,
7 which the State Board of Education has found necessary to include in the
8 proposed union school district, and the school districts of _____ and _____, which the State
9 Board of Education has found advisable to include in the proposed union
10 school district, for the purpose of forming a union school district, as provided
11 in Title 16, Vermont Statutes Annotated, upon the following conditions and
12 agreements:

13 (a) Grades. The union school
14 district shall operate and manage a school offering instruction in grades
15 _____ through _____.

16 (b) Board of School Directors. (State formula by which representation
17 of each member district on the union school board is to be determined.)

18 (c) [Repealed.]

19 (d) Assumption of debts and ownership of school property. The union
20 school district shall assume the indebtedness of member districts, acquire the
21 school properties of member districts, and pay for them, all as specified in the

1 final report. (If no indebtedness is to be assumed, or school property acquired,
2 by the union district, this paragraph (d) may be omitted.) (e) Final Report.

3 The provisions of the final report approved by the **State Board** of Education on
4 the day of , , which is on file in the town clerk's office, shall
5 govern the union district.

6 Article II

7 To elect from the following nominees: , , (name, etc.), (number
8 of directors which the district is entitled to) school director(s) to serve
9 on the proposed union school district board from the date of the organization
10 meeting for terms as provided in the final report.

11 § 706H. SUPERINTENDENT FOR UNION DISTRICT

12 For administrative and supervisory services, the **State Board** of Education shall
13 assign a union school district to a supervisory union as established according to
14 the provisions of this title.

15 § 706N. AMENDMENTS TO AGREEMENTS REACHED BY

16 ESTABLISHMENT VOTE, ORGANIZATION MEETING, OR FINAL 17 REPORT

18 (a) A specific condition or agreement set forth as a distinct subsection under
19 Article 1 of the warning required by section 706f of this chapter and adopted
20 by the member districts at the vote held to establish the union school district, or
21 any amendment subsequently adopted pursuant to the terms of this section,

1 may be amended only at a special or annual union district meeting; provided
2 that the prior approval of the **State Board** of Education shall be secured if the
3 proposed amendment concerns reducing the number of grades that the union is
4 to operate. The warning for the meeting shall contain each proposed
5 amendment as a separate article. The vote on each proposed amendment shall
6 be by Australian ballot. Ballots shall be counted in each member district, and
7 the clerks of each member district shall transmit the results of the vote in that
8 district to the union school district clerk. Although the results shall be reported
9 to the public by member district, an amendment is effective if approved by a
10 majority of the electorate of the union district voting at that meeting.

11 * * *

12 § 721. INCLUSION OF ADDITIONAL SCHOOL DISTRICTS

13 (a) Action initiated by district outside the union. After preliminary study by
14 a district school board and approval by the **State Board**, and when a majority of
15 voters present and voting at a school district meeting duly warned for that
16 purpose vote to apply to a neighboring union school district for admission as a
17 member of the union district, the vote shall be certified by the clerk of the
18 school district to the clerk of the union school district and to the Secretary of
19 Education. If, within two years from the date of that vote a majority of those
20 voting at a meeting of the union school district duly warned for that purpose,
21 votes to include the additional school district as a member of the union, the

1 clerk of the union shall certify the results of that vote to the Secretary of
2 Education. The Secretary of Education shall designate the additional school
3 district a member of the union, and so certify to the Secretary of State. The
4 Secretary of State shall record such certification in accordance with the
5 provisions of section 706g of this title, which shall have the effect as provided
6 therein.

7 (b) Action initiated by union school district. When it appears to the union
8 board of directors that the boundaries of the union school district should be
9 changed to include another school district, the union board shall submit a plan
10 for incorporation of the other school district in the union district to the **State**
11 **Board**. Following approval of the plan by the **State Board**, the union district
12 directors shall insert an article fully describing the proposed change in the
13 warning for a regular or special meeting of the union district. When a majority
14 of the voters voting at the meeting vote to include an additional school district
15 within the boundaries of the union school district as a member of the union, the
16 board of directors shall notify the legislative branch of that additional district
17 of the vote. Within 180 days thereafter, the legislative branch of the additional
18 district proposed to be included shall duly warn a meeting thereof, setting forth
19 in the warning the vote of the union district and the proposed change in its
20 boundaries. If a majority of the voters voting at the meeting of the additional
21 district vote to be included within the union school district, the result of that

1 vote and the result of the vote already taken by the union school district shall
2 be certified by the respective clerks to the Secretary of Education. The
3 Secretary of Education and the Secretary of State shall then take the action
4 specified in section 706g of this title.

5 * * *

6 § 721A. WITHDRAWAL FROM DISTRICT

7 * * *

8 (c) If the vote to ratify the withdrawal of a member is approved by each of
9 the other members, the union school district shall notify the Secretary of
10 Education who shall advise the **State Board**. At a meeting held thereafter, if the
11 **State Board** finds that the students in the withdrawing member will attend a
12 school that is in compliance with the rules adopted by the Board pertaining to
13 educational programs, then the **State Board** shall declare the membership of the
14 withdrawing member in the union school district to end as of July 1
15 immediately following or as soon thereafter as the obligations of the
16 withdrawing member have been paid to, or an agreement made with, the union
17 school district in an amount satisfactory to the electorate of each member of
18 the union school district. The **State Board** shall give notice to the remaining
19 members in the union of its meeting and give representatives of the remaining
20 members an opportunity to be heard. It shall then determine whether it is in the
21 best interests of the State, the students, and the members remaining in the

1 union district for the union to continue to exist. The State Board may declare
2 the union district dissolved as of July 1 immediately following or as soon
3 thereafter as each member’s obligations have been satisfied, or it may declare
4 that the union district shall continue to exist despite the withdrawal of the
5 former member. The State Board shall file the declaration with the Secretary of
6 State, the clerk of the withdrawing member, and the clerk of the union school
7 district concerned.

8 * * *

9 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED UNION
10 SCHOOL DISTRICT

11 * * *

12 (c) If the vote to ratify the withdrawal of the town or city is approved by
13 each of the other towns or cities, the unified union school district clerk shall
14 notify the Secretary of Education who shall advise the State Board. At a
15 meeting held thereafter, if the State Board finds that the students in the
16 withdrawing town or city will attend a school that is in compliance with the
17 rules adopted by the State Board pertaining to educational programs, the State
18 Board shall declare the membership of the withdrawing town or city to be at an
19 end as of July 1 immediately following or as soon thereafter as the obligations
20 of the withdrawing district have been paid to, or an agreement made with, the
21 union school district in an amount satisfactory to the electorate of each of the

1 other towns and cities within the unified union school district. In addition, the
2 **State Board** shall declare the preexisting school district corresponding to the
3 withdrawing town or city to be reconstituted. The **State Board** shall give notice
4 to the remaining towns and cities in the unified union school district of its
5 meeting and give the relevant representatives an opportunity to be heard. It
6 shall then determine whether it is in the best interests of the State, the students,
7 and the school districts remaining in the unified union school district that the
8 unified union district continue to exist. The **State Board** may declare the
9 unified union school district dissolved as of July 1 immediately following or as
10 soon thereafter as each remaining town's or city's obligations have been
11 satisfied, or it may declare that the unified union district shall continue to exist
12 despite the withdrawal of the former town or city member. The **State Board**
13 shall file its declaration with the Secretary of State, the clerk of the
14 withdrawing town or city, and the clerk of the affected unified union school
15 district.

16 * * *

17 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

18 * * *

19 (b) A school board or the board of trustees of an independent school
20 meeting education quality standards may establish a separate tuition for one or
21 more special education programs. No such tuition shall be established unless

1 the **State Board** has by rule defined the program as of a type that may be
2 funded by a separate tuition. Any such tuition shall be announced in
3 accordance with the provisions of subsection (a) of this section. The amount of
4 tuition shall reflect the net cost per pupil in the program. The announcement of
5 tuition shall describe the special education services included or excluded from
6 coverage. Tuition for part-time students shall be reduced proportionally.

7 * * *

8 (d) The **State Board** shall adopt rules relating to the types of special
9 education programs that may establish tuition charges and relating to methods
10 and times of calculating excess charges.

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

12 A school district shall not pay the tuition of a student except to a public
13 school, an approved independent school, an independent school meeting
14 education quality standards, a tutorial program approved by the **State Board**, an
15 approved education program, or an independent school in another state or
16 country approved under the laws of that state or country, nor shall payment of
17 tuition on behalf of a person be denied on account of age. Unless otherwise
18 provided, a person who is aggrieved by a decision of a school board relating to
19 eligibility for tuition payments, the amount of tuition payable, or the school he
20 or she may attend, may appeal to the **State Board** and its decision shall be final.

1 § 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF
2 UNDERSTANDING

3 (a) Neither the **State Board** nor the Agency shall regulate the use of restraint
4 and seclusion on school property by a school resource officer certified pursuant
5 to 20 V.S.A. § 2358.

6 * * *

7 § 1541. RESPONSIBILITY OF LOCAL SCHOOL BOARDS THAT
8 OPERATE CAREER TECHNICAL CENTERS

9 * * *

10 (b) A school board that operates a CTE center shall establish a regional
11 advisory board. It shall give due regard to the policy and financial
12 recommendations of its regional advisory board. When the school board rejects
13 a written recommendation of a regional advisory board, or fails to adopt a
14 recommendation after 30 days, it shall notify the advisory board and the
15 Secretary in writing, stating its reasons. If the **State Board** designates a service
16 region for two or more comprehensive high schools, the boards of the high
17 schools shall establish a joint regional advisory board.

18 * * *

19 § 1546. COMPREHENSIVE HIGH SCHOOLS

20 * * *

1 (c) Two or more comprehensive high schools for which the State Board has
2 designated a service region shall be a career technical center for the purposes
3 of accountability to the State Board under subchapter 2 of this chapter,
4 responsibilities of the career technical center under subchapter 3 of this
5 chapter, and receiving State financial assistance under subchapter 5 of this
6 chapter, excluding the per equalized pupil general State support grant under
7 subsection 1561(b). The regional advisory board shall determine how funds
8 received under subchapter 5 shall be distributed. A comprehensive high school
9 aggrieved by a decision of the regional advisory board may appeal to the
10 Secretary who, after opportunity for hearing, may affirm or modify the
11 decision.

12 § 1573. APPROVAL BY STATE BOARD OF EDUCATION

13 The planning committee shall transmit the report to the Secretary who, after
14 consultation with the chair of the entity that performs workforce development
15 activities pursuant to 10 V.S.A. § 542, shall submit the report with his or her
16 recommendations to the State Board. The State Board, after notice to the
17 planning committee and after giving the committee and other interested parties
18 an opportunity to be heard, shall consider the report and the Secretary's
19 recommendations, and decide whether the establishment of an alternative
20 governance structure will be in the best interests of the students and the region.
21 The State Board may request the Secretary or the planning committee, or both,

1 to make further investigation, and may consider any other information deemed
2 by it to be pertinent. If, after due consideration and any further meetings as it
3 may deem necessary, the **State Board** finds that establishment of the alternative
4 governance structure is in the best interests of the students and the region
5 involved, it shall approve the report submitted by the committee, together with
6 any amendments, as a final report of the planning committee, and shall give
7 notice of its action to the committee. The chair of the planning committee shall
8 file a copy of the final report with the clerk of each town school district,
9 incorporated school district, unified union school district, and city school
10 district in the region at least 20 days prior to the vote to adopt the alternative
11 governance structure.

12 § 1576. EFFECT OF CERTIFICATION; APPLICATION OF OTHER LAWS

13 (a) Upon certification under section 1575 of this title, the career technical
14 center region shall become a public school district and shall constitute a body
15 politic and corporate, with all the rights and responsibilities pertaining thereto,
16 as specified in this subchapter, and as specified in the approval granted by the
17 **State Board**. The career technical center school district shall also be a
18 supervisory district for the purpose of providing the planning and
19 administrative functions of a supervisory union for the programs offered.

20 § 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

21 * * *

1 (b) Appointment and qualifications. All members of the Standards Board
2 shall be appointed by the Governor for terms of three years, which shall begin
3 July 1 of the year of appointment. Prior to appointing a member, the Governor
4 shall consult with the State Board of Education, and, as appropriate, the
5 Vermont National Education Association, the Vermont School Boards
6 Association, the Vermont Principals Association, the Vermont Superintendents
7 Association, the Vermont State Colleges, the University of Vermont, and the
8 Association of Vermont Independent Colleges. No person shall be eligible for
9 more than one sequential reappointment. The Governor shall appoint a
10 replacement to fill any vacancy on the Standards Board for the remainder of
11 the term. The Governor shall assure appointments are consistent with the
12 following requirements:

13 * * *

14 (4) The public member shall not be a member of the State Board of
15 Education or an employee of any school and shall not derive primary
16 livelihood in the field of public or independent education at any level of
17 responsibility.

18 * * *

19 § 1695. REVIEW OF LICENSING STANDARDS

20 Prior to the pre-filing by the Standards Board of a licensing standard or
21 procedure proposed for rulemaking pursuant to 3 V.S.A. § 820, the Secretary

1 may object to it before the **State Board** on the grounds that it would have
2 significant adverse financial or operational impact on the public school system.

3 If the **State Board** agrees, it may remand the proposed rule to the Standards
4 Board for further deliberations consistent with its written decision. The
5 Secretary may also object on the same grounds to a substantive change to a
6 proposed rule, once initiated, before a final proposal is filed pursuant to 3
7 V.S.A. § 841.

8 § 1707. APPEAL FROM PANEL ORDER

9 (a) Appeal to **State Board** of Education.

10 (1) A party aggrieved by a final decision of a hearing panel may, within
11 30 days of the decision, appeal that decision by filing a notice of appeal with
12 the administrative officer of the hearing panel who shall refer the case to the
13 **State Board** of Education. The parties may agree to waive this review by
14 written stipulation filed with the **State Board** of Education. The **State Board** of
15 Education shall conduct its review on the basis of the record created before the
16 hearing panel, and it shall allow the presentation of evidence regarding alleged
17 irregularities in hearing procedure not shown in the record.

18 (2) The **State Board** of Education shall not substitute its judgment for
19 that of the hearing panel as to the weight of the evidence on questions of fact.

20 It may affirm the decision or may reverse and remand the matter with

1 recommendations if substantial rights of the appellant have been prejudiced
2 because the hearing panel’s finding, inferences, conclusions, or decisions are:

3 (A) in violation of constitutional or statutory provisions;

4 (B) in excess of the statutory authority of the hearing panel;

5 (C) made upon unlawful procedure;

6 (D) affected by other error of law;

7 (E) clearly erroneous in view of the evidence on the record as a
8 whole;

9 (F) arbitrary or capricious; or

10 (G) characterized by abuse of discretion or clearly unwarranted
11 exercise of discretion.

12 (b) Following appeal or waiver of appeal to the **State Board** of Education, a
13 party may appeal to the Superior Court in Washington County, which shall
14 review the matter de novo.

15 § 1801. DEFINITIONS

16 As used in this subchapter:

17 * * *

18 (2) “New SU” means a supervisory union created from the merger or
19 realignment of two or more current supervisory unions or of all or some of the
20 districts in one or more current supervisory unions (a Realigning SU). “New
21 SU” also means a supervisory union created by the **State Board**’s adjustment of

1 the borders of one or more current supervisory unions or parts of supervisory
2 unions pursuant to section 261 of this title or otherwise, regardless of whether
3 the New SU is known by the name of one of the current supervisory unions or
4 the adjustment is otherwise structured or considered to be one in which one
5 current supervisory union (the Absorbing SU) is absorbing one or more other
6 supervisory unions or parts of supervisory unions into the Absorbing SU.

7 * * *

8 § 2061. POWERS OF SECRETARY OF EDUCATION

9 The “designated State official” for this State shall be the Secretary of
10 Education. The Secretary shall enter into contracts pursuant to Article III of the
11 Agreement only with the approval of the specific text thereof by the State
12 Board.

13 § 2179. NONAPPLICABILITY OF CERTAIN STATUTES

14 Except as expressly provided in this chapter, the Corporation, its officers
15 and employees shall not be governed by:

16 * * *

17 (6) chapters 3 and 5 of this title, dealing with the State Board and the
18 Secretary of Education;

19 * * *

20 § 2949. RECIPROCAL AGREEMENTS WITH OTHER STATES

1 rigorous and challenging standards approved and adopted by the State Board or
2 locally adopted standards. A supervisory union shall provide annual written
3 justification to the Secretary of Education on how it or its member districts
4 used the funds. Such annual submission shall show how the funds' use is
5 expressly linked to those provisions of the supervisory union's action plan that
6 directly relate to improving student performance. A supervisory union shall
7 include in its annual report the amount of the prior year's Medicaid
8 reimbursement revenues and the use of Medicaid funds consistent with the
9 purposes set forth in this subsection.

10 * * *

11 § 2962. EXTRAORDINARY SERVICES REIMBURSEMENT

12 * * *

13 (c) As used in this subchapter, "extraordinary special education
14 expenditures" means a school district's or supervisory union's allowable
15 expenditures that for any one child exceed \$60,000.00 for a fiscal year. In this
16 subsection, child means a student with disabilities who is three years of age or
17 older in the current school year. The State Board shall define allowable
18 expenditures that shall include any expenditures required under federal law,
19 and any costs of mediation conducted by a mediator who is approved by the
20 Secretary.

21 * * *

1 § 2963. SPECIAL EDUCATION EXPENDITURES REIMBURSEMENT

2 * * *

3 (c) As used in this subchapter:

4 (1) Special education expenditures are allowable expenditures for special
5 education, as defined by rule of the **State Board**, less the following:

6 (A) revenue from federal aid for special education;

7 (B) mainstream service costs, as defined in subdivision 2961(c)(1) of
8 this title;

9 (C) extraordinary special education expenditures, as defined in section
10 2962 of this title;

11 (D) any transportation expenses already reimbursed;

12 (E) special education costs for a student eligible for aid under section
13 2963a of this title; and

14 (F) other State funds used for special education costs as defined by
15 the **State Board** by rule.

16 (2) The **State Board** shall define allowable expenditures under this
17 subsection. Allowable expenditures shall include any expenditures required
18 under federal law.

19 (3) “Special education expenditures reimbursement rate” means a
20 percentage of special education expenditures that is calculated to achieve the
21 60 percent share required by subsection 2967(b) of this title.

1 (d) [Repealed.]

2 § 2969. PAYMENTS

3 (a) On or before August 15, December 15, and April 15 of each school year,
4 the State Treasurer shall withdraw from the Education Fund, based on warrant
5 of the Commissioner of Finance and Management, and shall forward to each
6 supervisory union and its member districts to the extent they anticipate
7 reimbursable expenditures under this chapter, the amount of State assistance
8 estimated in accordance with **State Board** rules to be necessary to fund sections
9 2961 through 2963a of this title in the current fiscal period. The **State Board**
10 shall by rule ensure that the amount of such assistance shall be adjusted to
11 compensate for any overpayments or underpayments determined, after review
12 and acceptance of the reports submitted under section 2968 of this title, to have
13 been made in previous periods. Notwithstanding this subsection, failure to
14 submit the reports within the timelines established by subsection 2968(a) of
15 this title shall result in the withholding of any payments until the report is filed.

16 * * *

17 § 3448E. CONSTRUCTION OF CAREER TECHNICAL EDUCATION
18 FACILITIES; APPROVAL AND FUNDING

19 (a) Definitions. For the purposes of this section:

20 * * *

1 (3) “Career technical education facilities” means regional technical
2 centers and those portions of comprehensive high schools that are designed to
3 provide **State board**-approved career technical education programs and
4 services.

5 § 4015. SMALL SCHOOL SUPPORT

6 (a) In this section:

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

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

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

12 (i) the lengthy driving times or inhospitable travel routes between
13 the school and the nearest school in which there is excess capacity; or

14 (ii) the academic excellence and operational efficiency of the
15 school, which shall be based upon consideration of:

16 (I) the school’s measurable success in providing a variety of
17 high-quality educational opportunities that meet or exceed the educational
18 quality standards adopted by the **State Board** pursuant to section 165 of this
19 title;

1 (II) the percentage of students from economically deprived
2 backgrounds, as identified pursuant to subsection 4010(d) of this title, and
3 those students' measurable success in achieving positive outcomes;
4 (III) the school's high student-to-staff ratios; and
5 (IV) the district's participation in a merger study and
6 submission of a merger report to the **State Board** pursuant to chapter 11 of this
7 title or otherwise.

8 * * *

9 § 4029. USE OF FUNDS FOR EDUCATION

10 (a) Funds received by a school district may be used only for legitimate
11 items of current education expense and shall not be used for municipal
12 services.

13 (b) Funds received by a municipality other than a school district may not be
14 used directly or indirectly for education expenses.

15 (c) If the Secretary determines that a school district has spent funds paid
16 under section 4028 of this title for an item that is not a legitimate item of
17 current education expense, the treasurer of the municipality shall, within 90
18 days, remit the amount of the expenditure to the Education Fund. The treasurer
19 shall use funds raised pursuant to 17 V.S.A. § 2664, 20 V.S.A. § 2601, or 24
20 V.S.A. § 1309 for this purpose. If the Secretary determines that a municipality
21 other than a school district has spent funds for an item that is a legitimate item

1 of current education expense, the treasurer of the municipality shall transfer the
2 amount of the expenditure from the local education fund to the municipal fund.

3 (d) The legislative body of a school district or other municipality may
4 appeal a decision of the Secretary under this section to the **State Board**, which
5 shall hear the appeal de novo in the manner provided by 3 V.S.A. chapter 25
6 for the hearing of contested cases. A legislative body of a school district or
7 other municipality may appeal a decision of the **State Board** to the Superior
8 Court of the district in which the municipality is located. The Superior Court
9 shall hear the matter de novo in the manner provided by Rule 74 of the
10 Vermont Rules of Civil Procedure. An appeal from the decision of the Superior
11 Court shall be to the Supreme Court under the Vermont Rules of Appellate
12 Procedure.

13 * * *

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* * *

(8)(A) If an approved independent school experiences any of the following financial reporting events during the period of its approved status, the school shall notify the Secretary of Education within five days after its knowledge of the event unless the failure is de minimis:

(i) the school’s failure to file its federal or State tax returns when due, after permissible extension periods have been taken into account;

(ii) the school’s failure to meet its payroll obligations as they are due or to pay federal or State payroll tax obligations as they are due;

(iii) the school’s failure to maintain required retirement contributions;

(iv) the school’s use of designated funds for nondesignated purposes;

(v) the school’s inability to fully comply with the financial terms of its secured installment debt obligations over a period of two consecutive months, including the school’s failure to make interest or principal payments as they are due or to maintain any required financial ratios;

(vi) the withdrawal or conditioning of the school’s accreditation on financial grounds by a private, State, or regional agency recognized by the **State Board** for accrediting purposes; or

(vii) the school’s insolvency, as defined in 9 V.S.A. § 2286(a).

1 (B)(i) If the State Board Secretary reasonably believes that an
2 approved independent school lacks financial capacity to meet its stated
3 objectives during the period of its approved status, then the State Board
4 Secretary shall notify the school in writing of the reasons for this belief and
5 permit the school a reasonable opportunity to respond.

6 (ii) If the State Board Secretary, after having provided the school a
7 reasonable opportunity to respond, does not find that the school has
8 satisfactorily responded or demonstrated its financial capacity, the State Board
9 Secretary may establish a review team, that, with the consent of the school,
10 includes a member of the Council of Independent Schools, to:

11 (I) conduct a school visit to assess the school’s financial
12 capacity;

13 (II) obtain from the school such financial documentation as the
14 review team requires to perform its assessment; and

15 (III) submit a report of its findings and recommendations to the
16 State Board.

17 (iii) If the State Board Secretary concludes that an approved
18 independent school lacks financial capacity to meet its stated objectives during
19 the period of its approved status, the State Board Secretary may take any action
20 that is authorized by this section.

1 that this requirement shall not apply to an independent school that limits
2 enrollment to students who are on an individualized education program or a
3 plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and
4 who are enrolled pursuant to a written agreement between the local education
5 agency and the school. Except as provided in subdivision (6) of this
6 subsection, the Board's rules must at minimum require that the school have the
7 resources required to meet its stated objectives, including financial capacity,
8 faculty who are qualified by training and experience in the areas in which they
9 are assigned, and physical facilities and special services that are in accordance
10 with any State or federal law or regulation. Approval may be granted without
11 ~~State Board~~ the Secretary's evaluation in the case of any school accredited by a
12 private, State, or regional agency recognized by the ~~State Board~~ for accrediting
13 purposes, provided that the ~~State Board~~ Secretary shall determine that the
14 school complies with all student enrollment provisions required by law.

15 * * *

16 CHAPTER 71. POSTSECONDARY SCHOOLS GENERALLY

17 § ~~175~~ 2161. POSTSECONDARY EDUCATIONAL INSTITUTIONS;

18 CLOSING

19 (a) When an institution of higher education, whether or not chartered in this
20 State, proposes to discontinue the regular course of instruction, either

1 permanently or for a temporary period other than a customary vacation period,
2 the institution shall:

3 (1) promptly inform the ~~State Board~~ Secretary of Education;

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

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

10 * * *

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

16 (e) When an institution of higher education is unable or unwilling to
17 comply with the requirements of subsection (a) of this section, the ~~State Board~~
18 Secretary may expend State funds necessary to ensure the proper storage and
19 availability of the institution's records. The Attorney General shall then seek
20 recovery under this subsection, in the name of the State, of all of the State's
21 incurred costs and expenses, including attorney's fees, arising from the failure

1 to comply. Claims under this subsection shall be a lien on all the property of a
2 defaulting institution, until all claims under this subsection are satisfied. The
3 lien shall take effect from the date of filing notice thereof in the records of the
4 town or towns where property of the defaulting institution is located.

5 (f) The **State Board** shall adopt rules under this section for its proper
6 administration. The rules may include provisions for preparing and
7 maintaining transferred records. Persons acting as a repository of records are
8 bound only by maintenance provisions to which they agreed before receiving
9 transferred records.

10 * * *

11 § ~~176a~~ 2163. POSTSECONDARY SCHOOLS NOT CHARTERED IN
12 VERMONT

13 * * *

14 (c) Requirements. A postsecondary school subject to this section shall:

15 * * *

16 (5) register with the Agency pursuant to **State Board** rule; and

17 * * *

18 (d) Renewal. After receiving initial approval, a postsecondary school
19 subject to this section shall register annually with the **State Board** Secretary of
20 Education by providing evidence of accreditation and approval by the state in
21 which it primarily operates and any other documentation the ~~Board~~ Secretary

1 requires. The State Board Secretary may refuse or revoke registration at any
2 time for good cause.

3 * * *

4 § ~~177~~ 2164. POSTSECONDARY APPROVAL; FEES

5 * * *

6 (b) If a postsecondary school that is subject to section ~~176~~ 2162 of this title
7 and is operating within an unexpired certification period files an application to
8 offer a new degree at the same level as a degree previously approved by the
9 State Board Secretary, then the fee shall be based upon the actual costs to the
10 Agency but shall not be less than \$1,000.00 for each new degree.

11 Sec. 58. 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 Secretary or Education; and

19 (2) in the subject area of mathematics, science, or computer science
20 during a year when there is a critical shortage of licensed teachers in that area.

21 * * *

1 Sec. 64. 16 V.S.A. § 2948 is amended to read:

2 § 2948. STATE AID

3 * * *

4 (c) Each supervisory union shall receive an essential early education grant
5 each school year. Grants shall be distributed according to the estimated
6 number of children from three through five years of age. The **State Board**
7 Agency of Education by rule shall encourage coordination of services and may
8 set other terms of the grant. Each supervisory union shall be responsible for
9 the remainder of the costs of providing necessary services under section 2956
10 of this title. Annually, for each following fiscal year, the essential early
11 education grant shall be increased by the most recent cumulative price index,
12 as of November 15, for State and local government purchases of goods and
13 services from fiscal year 2002 through that following fiscal year, as provided
14 through the State's participation in the New England Economic Project.

15 * * *

16 Sec. 67. 16 V.S.A. § 2973 is amended to read: **[note, this section takes effect**
17 **July 1, 2022]**

18 § 2973. INDEPENDENT SCHOOLS

19 * * *

20 (d)(1) If a student is placed with an approved independent school under
21 subsection (a) of this section and either the LEA and the school each certifies,

1 or the hearing officer under subdivision (3) of this subsection certifies, to the
2 Secretary of Education that the school is unable to provide required IEP
3 services due to its inability to retain qualified staff, then the LEA shall make
4 another placement that satisfies the federal requirements to provide the student
5 with a free and appropriate public education in the least restrictive
6 environment.

7 (2) If the conditions in subdivision (1) of this subsection are satisfied:

8 (A) the approved independent school shall not be subject to any
9 disciplinary action or the revocation of its approved status by the **State Board**
10 Secretary of Education due to its failure to enroll the student; and

11 * * *

12