



1 86. The Commission shall be organized and have the duties and  
2 responsibilities as provided in this section.

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

6 (3) Members of the Commission shall be drawn from throughout the  
7 State and from diverse racial, ethnic, religious, age, sexual orientation, and  
8 socioeconomic backgrounds and shall have had experience working toward the  
9 improvement of the status of women in society.

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

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

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

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

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

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

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

6           (2) Members of the Commission shall be entitled to receive per diem  
7 compensation and reimbursement of expenses as permitted under 32 V.S.A. §  
8 1010, which shall be paid by the Commission.

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

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

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

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

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

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

10 (4) promote consideration of qualified women for all levels of  
11 government positions.

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

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

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

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

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

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

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

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

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

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

18 Sec. C. REDESIGNATION OF COMMISSION ON WOMEN

19 (a) 3 V.S.A. § 22 (Commission on Women), as amended in this act, is  
20 redesignated to be 3 V.S.A. § 5025 and shall be codified in a new chapter  
21 designated as 3 V.S.A. chapter 70 (Commission on Women).

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

1           **(b) The Office of Legislative Counsel is directed to revise accordingly in**  
2           **the Vermont Statutes Annotated any cross-references to the Commission on**  
3           **Women as recodified in this act.**

4                           \* \* \* State Board of Education; Amendments \* \* \*  
5           \* \* \* Transfer of Certain Responsibilities of the State Board of Education to  
6                           the Secretary of Education \* \* \*

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

8           § 164. STATE BOARD; GENERAL POWERS AND DUTIES

9           The State Board shall ~~evaluate education policy proposals, including timely~~  
10           ~~evaluation of policies presented by the Governor and Secretary;~~ engage local  
11           school board members and the broader education community; ~~and establish~~  
12           ~~and advance education policy for the State of Vermont~~ and, consistent with the  
13           provisions of this title, its own rules, and rules adopted by the Secretary,  
14           establish and regularly update a long-term strategic vision for the delivery of  
15           educational services in Vermont; advise the General Assembly, the Governor,  
16           and the Secretary of Education on high priority educational policies and issues  
17           as they arise; and act in accordance with Legislative mandates, including the  
18           adoption of rules and executing special assignments. In addition to other  
19           specified duties, the Board shall:

20                   (1) Establish such advisory commissions as in the judgment of the  
21           Board will be of assistance to it in carrying out its duties. Advisory

**Commented [BW4]:** Amendments – the verbatim amendments proposed in [2020, S.166 As Passed Senate](#) – proposed at SAC’s 8/20/20 meeting.

1 commission members shall serve with or without compensation at the  
2 discretion of the Board but shall receive actual expenses incurred in pursuance  
3 of their duties.

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

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

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

11 (5) [Repealed.]

12 ~~(6) Make regulations governing the attendance and records of~~  
13 ~~attendance of all students and the department of students attending public~~  
14 ~~schools. [Repealed.]~~

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

20 (A) the operation and administration of the State Board of  
21 Education;

- 1           (B) educational quality standards;
- 2           (C) independent school program approval, including:
- 3               (i) approval of distance learning schools;
- 4               (ii) post-secondary schools; and
- 5               (iii) private kindergarten approval;
- 6           (D) special education, including special education finance and
- 7 census-based funding;
- 8           (E) school accountability system based on student achievement;
- 9           (F) supervisory union and school district organization; and
- 10           (G) proposals for alternative structures under 2015 Acts and Resolves
- 11 No. 46.
- 12           (8) Review and comment on rules proposed by the Agency of Education
- 13 prior to prefiling the proposed rules with the Interagency Committee on
- 14 Administrative Rules under 3 V.S.A. § 837.
- 15           (9) ~~Implement~~ Develop and continually update standards for student
- 16 performance in appropriate content areas and at appropriate intervals in the
- 17 continuum from ~~kindergarten~~ prekindergarten to grade 12 and methods of
- 18 assessment to determine attainment of the standards for student performance.
- 19 The standards shall be rigorous, challenging, and designed to prepare students
- 20 to participate in and contribute to the democratic process and to compete in the

1 global marketplace. The standards shall include a standard for reading level  
2 proficiency for students completing grade three.

3 (10) [Repealed.]

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

6 (12) [Repealed.]

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

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

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

15 (16) ~~In cooperation with the Secretary, ensure that the Agency develops~~  
16 ~~information, plans, and assistance to aid in making technology and~~  
17 ~~telecommunications available and coordinated in all school districts.~~ ~~The State~~  
18 ~~Board shall develop guidelines for distribution of federal, State, or private~~  
19 ~~funds designated for the development or expansion of distance learning~~  
20 ~~technologies. The guidelines shall encourage, consistent with any terms or~~  
21 ~~conditions established by the funding source, collaboration between schools~~

1 ~~and school districts to realize economic and educational efficiencies.~~

2 [Repealed.]

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

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

6           (19) [Repealed.]

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

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

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

16           § 212. SECRETARY'S DUTIES GENERALLY

17           The Secretary shall ~~execute those policies~~ adopt rules pursuant to  
18 3 V.S.A. chapter 25 necessary to execute the powers and responsibilities given  
19 to the Secretary under this title or otherwise required or authorized by State or  
20 federal law and as directed by the General Assembly, except that the Secretary  
21 shall not adopt rules in areas reserved to the State Board of Education under

1 section 164 of this title, implement rules adopted by the Secretary and the State  
2 Board in the legal exercise of ~~its~~ their powers, and shall:

3 \* \* \*

4 (23) Make rules governing the attendance and records of attendance of  
5 all students and the department of students attending public schools.

6 (24) 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.

9 (25) Provide guidance to school districts to make technology and  
10 telecommunications available and coordinated in all school districts, including  
11 guidelines for the distribution of federal, State, and private funds designated  
12 for the development or expansion of distance learning technologies. The  
13 guidelines shall encourage, consistent with any terms or conditions established  
14 by the funding source, collaboration between schools and among school  
15 districts to realize economic and educational efficiencies.

16 (26) Report annually on the condition of education statewide and on a  
17 supervisory union and school district basis. The report shall include  
18 information on attainment of standards for student performance adopted under  
19 subdivision 164(9) of this title, number and types of complaints of hazing,  
20 harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title.

21 The report shall also include information on the and responses to the

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

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

19 (28) Be responsible for the program of adult education and literacy and  
20 perform all the duties and powers prescribed by law pertaining to adult

1 education and literacy and to act as the State approval agency for educational  
2 institutions conducting programs of adult education and literacy.

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

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

9 (State Board of Education) \* \* \*

10 Sec. 3. 16 V.S.A. § 167 is amended to read:

11 § 167. HIGH SCHOOL EQUIVALENCE CERTIFICATE

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

17 Sec. 4. 16 V.S.A. § 175 is amended to read:

18 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS;

19 CLOSING

20 (a) When an institution of higher education, whether or not chartered in this  
21 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;

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 Sec. 5. 16 V.S.A. § 176 is amended to read:

12 § 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

13 \* \* \*

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

16 \* \* \*

17 (4) Postsecondary schools that are accredited. The following  
18 postsecondary institutions are accredited, meet the criteria for exempt status,  
19 and are authorized to operate educational programs beyond secondary  
20 education, including programs leading to a degree or certificate: Bennington  
21 College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green~~

1 ~~Mountain College~~, Landmark College, Marlboro College, Middlebury College,  
2 New England Culinary Institute, Norwich University, Saint Michael’s College,  
3 SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont  
4 College of Fine Arts, and Vermont Law School. This authorization is provided  
5 solely to the extent necessary to ensure institutional compliance with federal  
6 financial aid-related regulations, and it does not affect, rescind, or supersede  
7 any preexisting authorizations, charters, or other forms of recognition or  
8 authorization.

9 \* \* \*

10 (e) Issuance. On proper application, the State Board shall issue a certificate  
11 of approval or a certificate of degree-granting authority, or both, to an  
12 applicant whose goals, objectives, programs, and resources, including  
13 personnel, curriculum, finances, and facilities, are found by the State Board to  
14 be in accordance with its rules for approval of postsecondary schools and  
15 adequate and appropriate for the stated purpose and for the protection of  
16 students and the public interest. The certificate shall be for a term not  
17 exceeding five years. The certificate may be subject to conditions, terms, or  
18 limitations.

19 \* \* \*

20 Sec. 6. 16 V.S.A. § 214 is added to read:

21 § 214. STATE COUNCIL FOR THE INTERSTATE COMPACT ON

1                   EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

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

7                   Sec. 7. STATE BOARD OF EDUCATION RULES; AGENCY OF  
8                   EDUCATION

9                   (a) Except for the State Board of Education rules referenced in subsection  
10                  (b) of this section, the rules of the State Board of Education in effect on the  
11                  effective date of this act shall constitute the rules of the Agency of Education  
12                  until amended or repealed, and all references in those rules to the State Board  
13                  of Education and the Commissioner of Education shall be deemed to refer to  
14                  the Secretary of Education and all references to the Department of Education  
15                  shall be deemed to refer to the Agency of Education.

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

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

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

20                   (3) Series 2000—Educational Quality Standards;

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







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

2 \* \* \*

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

7 \* \* \*

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

15 \* \* \*

16 Sec. 14. 16 V.S.A. § 471 is amended to read:

17 § 471. APPLICATION OF OTHER LAWS

18 (a) The provisions of this title relating to the administration and  
19 maintenance of public schools, school meetings, and voting therein, to grand  
20 lists, to the raising and expending of school monies, to monies apportioned by  
21 the ~~State Board~~ Secretary, to sharing in other State aid, to the election,

1 appointment, powers, duties, and liabilities of school officers, to elementary  
2 and higher instruction, to transportation, board, and attendance of students, to  
3 truancy and truant officers, to furnishing of textbooks and appliances, and to  
4 all other matters pertaining to schools in a town district, unless otherwise  
5 provided, and if not inconsistent with the rights granted by their charters, shall  
6 apply to schools maintained, similar school officers, and all matters pertaining  
7 to schools in incorporated school districts.

8 \* \* \*

9 Sec. 15. 16 V.S.A. § 551 is amended to read:

10 § 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

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

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

16 § 559. PUBLIC BIDS

17 \* \* \*

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

19 (1) The ~~State Board~~ Secretary shall establish, in consultation with the  
20 Commissioner of Buildings and General Services and with other  
21 knowledgeable sources, general rules for the prequalification of bidders on

1 such a contract. The Department of Buildings and General Services, upon  
2 notice by the Secretary, shall provide to school boards undergoing construction  
3 projects suggestions and recommendations on bidders qualified to provide  
4 construction services.

5 \* \* \*

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

14 \* \* \*

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

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

4 Sec. 17. 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 pursuant to subdivision  
12 ~~164(15)~~ 212(24) of this title and that ensures that all payments are lawful and  
13 in accordance with a budget adopted or amended by the school board. The  
14 school board may authorize a subcommittee, the superintendent of schools, or  
15 a designated employee of the school board to examine claims against the  
16 district for school expenses and draw orders for such as shall be allowed by it  
17 payable to the party entitled thereto. Such orders shall state definitely the  
18 purpose for which they are drawn and shall serve as full authority to the  
19 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  
7 and that will be reimbursed by the ~~State Board~~ Secretary under sections 3447-  
8 3456 of this title but which payments will be delayed. However, the board  
9 shall borrow under this subdivision only amounts that it would receive if the  
10 ~~State Board~~ Secretary could fund its obligation and may borrow no earlier than  
11 the time it would have received the funds. The State shall not pay for costs of  
12 borrowing funds under this subdivision.

13 \* \* \*

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

18 (25) Shall, if it is a school board of a school district that maintains a  
19 secondary school, upon request, award a high school diploma to any Vermont  
20 resident who served in the military in World War II, the Korean War, or during  
21 the Vietnam era, was honorably separated from active federal military service,

1 and does not hold a high school diploma. The ~~State Board~~ Secretary shall  
2 develop and make available an application form for veterans who wish to  
3 request a high school diploma.

4 \* \* \*

5 Sec. 18. 16 V.S.A. § 570 is amended to read:

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

8 \* \* \*

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

10 \* \* \*

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

16 \* \* \*

17 Sec. 19. 16 V.S.A. § 701a is amended to read:

18 § 701a. APPLICATION OF OTHER LAWS

19 \* \* \*

20 (b) The provisions of general law relating to the administration and  
21 maintenance of schools, to school meetings and voting at the meetings, to

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

10 Sec. 20. 16 V.S.A. § 829 is amended to read:

11 § 829. PREKINDERGARTEN EDUCATION

12 \* \* \*

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

1 \* \* \*

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

6 \* \* \*

7 Sec. 21. 16 V.S.A. § 1045 is amended to read:

8 § 1045. DRIVER TRAINING COURSE

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

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

17 \* \* \*

18 Sec. 22. 16 V.S.A. § 1071 is amended to read:

19 § 1071. SCHOOL YEAR AND SCHOOL DAY

20 \* \* \*

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

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

13 \* \* \*

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

19 Sec. 23. 16 V.S.A. § 1162 is amended to read:

20 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

1 (a) A superintendent or principal may, pursuant to policies adopted by the  
2 school board that are consistent with ~~State Board~~ Agency rules, suspend a  
3 student for up to 10 school days or, with the approval of the board of the  
4 school district, expel a student for up to the remainder of the school year or up  
5 to 90 school days, whichever is longer, for misconduct:

6 \* \* \*

7 Sec. 24. 16 V.S.A. § 1165 is amended to read:

8 § 1165. ALCOHOL AND DRUG ABUSE

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

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

18 (c) Each school district shall adopt its own policy consistent with the ~~State~~  
19 ~~Board's~~ Agency rules setting forth: recommended procedures for education;  
20 referral for treatment, counseling, and rehabilitation; and standards consistent  
21 with due process of law for discipline, suspension, or dismissal of students in

1 accordance with section 1162 of this title. Nothing in this section is intended  
2 to mandate local school districts to employ counselors for treatment or  
3 rehabilitation.

4 \* \* \*

5 Sec. 25. 16 V.S.A. § 1224 is amended to read:

6 § 1224. REPORTS

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

14 Sec. 26. 16 V.S.A. § 1262b is amended to read:

15 § 1262b. RULES

16 The ~~State Board~~ Secretary shall adopt rules governing grants under section  
17 1262a of this title. The rules shall provide for grants from State funds in  
18 accordance with federal guidelines for food programs. The ~~State Board~~  
19 Secretary may adopt other rules that are necessary to carry out the provisions  
20 of this subchapter.

1 Sec. 27. 16 V.S.A. § 1321 is amended to read:

2 § 1321. FORM AND CONTENTS OF REGISTER

3 ~~With the approval of the State Board, the~~ The Secretary shall prescribe the  
4 content of school registers used to keep records of student enrollment and daily  
5 attendance and to obtain statistical and other information from teachers and  
6 school officers. Schools shall maintain an electronic system for recording  
7 enrollment and attendance

8 Sec. 28. 16 V.S.A. § 1388 is amended to read:

9 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF  
10 EPINEPHRINE AUTO-INJECTORS

11 (a) As used in this section:

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

16 \* \* \*

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

21 \* \* \*

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

4 Sec. 29. 16 V.S.A. § 1522 is amended to read:

5 § 1522. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

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

14 \* \* \*

15 Sec. 30. 16 V.S.A. § 1531 is amended to read:

16 § 1531. RESPONSIBILITY OF ~~STATE BOARD~~ SECRETARY OF  
17 EDUCATION

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

\* \* \*

1  
2       ~~(b) In order to provide regional career technical education services~~  
3 ~~efficiently, the State Board shall designate a service region for each career~~  
4 ~~technical center. However, the Board may designate a service region for two~~  
5 ~~or more comprehensive high schools if that region is not served by a career~~  
6 ~~technical center.~~

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

20       Sec. 31. 16 V.S.A. § 1531a is added to read:

21       § 1531a. RESPONSIBILITY OF STATE BOARD

1        (a) In order to provide regional career technical education services  
2        efficiently, the State Board shall designate a service region for each career  
3        technical center. However, the Board may designate a service region for two  
4        or more comprehensive high schools if that region is not served by a career  
5        technical center.

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

19       Sec. 32. 16 V.S.A. § 1532 is amended to read:

20       § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

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

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

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

7 \* \* \*

8 Sec. 33. 16 V.S.A. § 1533 is amended to read:

9 § 1533. CAREER TECHNICAL CENTER EVALUATION

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

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

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

19 \* \* \*

20 Sec. 34. 16 V.S.A. § 1534 is amended to read:

21 § 1534. COURSE OF STUDY EVALUATION

1 (a) At least once in each period of five years, and in coordination with the  
2 Vermont Advisory Council on Career Technical Education, the Secretary shall  
3 evaluate the effectiveness of each course of study offered by any career  
4 technical center in the State. The ~~State Board~~ Secretary by rule shall prescribe  
5 the method for conducting these evaluations.

6 \* \* \*

7 Sec. 35. 16 V.S.A. § 1544 is amended to read:

8 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

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

14 Sec. 36. 16 V.S.A. § 1545 is amended to read:

15 § 1545. CREDITS AND GRADES EARNED

16 (a) Grades earned in a course offered within a CTE program ~~approved by~~  
17 ~~the State Board~~ that complies with Agency rules shall not be altered by any  
18 public school or approved or recognized independent school in Vermont and  
19 shall be applied by the school toward any State graduation requirements in  
20 accordance with rules adopted by the ~~State Board~~ Secretary. Any ~~State Board~~

1 Agency rules regarding earning of credits shall allow flexibility with respect to  
2 the integration of CTE education and other academic courses.

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

14 \* \* \*

15 Sec. 37. 16 V.S.A. § 1552 is amended to read:

16 § 1552. SECONDARY STUDENT TUITION

17 (a) Each career technical center shall establish a tuition charge for  
18 secondary career technical education. The amount shall reflect the actual cost,  
19 as defined by Agency rule ~~of the State Board~~, of attendance in the career  
20 technical courses offered by the center. The tuition charge shall be reduced  
21 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 determines  
3 that such career technical education can properly serve the needs of Vermont  
4 students.

5 \* \* \*

6 Sec. 38. 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 may reimburse part of the program cost attributable  
10 to programs designed to assist students in deciding whether to enroll in career  
11 technical courses. As a condition of such assistance, the program shall  
12 demonstrate that it has taken steps to encourage each student to consider  
13 enrolling in courses not traditional for that student's gender.

14 Sec. 39. 16 V.S.A. § 1563 is amended to read:

15 § 1563. TRANSPORTATION ASSISTANCE

16 \* \* \*

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

19 Sec. 40. 16 V.S.A. § 1565 is amended to read:

20 § 1565. SALARY ASSISTANCE

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

4 \* \* \*

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

8 \* \* \*

9 Sec. 41. 16 V.S.A. § 1568 is amended to read:

10 § 1568. REPORTING OF INFORMATION

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

17 (b) If a CTE center fails to file financial or student information required  
18 under this section within the timelines established by Agency rule ~~of the State~~  
19 ~~Board~~, the Secretary may withhold funds due under this chapter and shall  
20 subtract \$100.00 per business day from funds due the center under this chapter.

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

3 Sec. 42. 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 (6) To establish and maintain a system for receipt, deposit,  
12 disbursement, accounting, control, and reporting procedures that meets the  
13 criteria established by the ~~State Board~~ Secretary pursuant to subdivision  
14 ~~164(15)~~ 212(24) of this title and that ensures all payments are lawful and in  
15 accordance with the budget adopted pursuant to terms approved by the ~~State~~  
16 ~~Board~~ Secretary. The ~~Board~~ Secretary may authorize a subcommittee, a  
17 superintendent of schools, or a designated employee of the ~~Board~~ Agency to  
18 examine claims against the district for center expenses, and draw orders for  
19 such as shall be allowed by it payable to the party entitled thereto. Such orders  
20 shall state definitely the purpose for which they are drawn, and shall serve as  
21 full authority to the treasurer to make such payments. It shall be lawful for a

1 board to submit to its treasurer a certified copy of those portions of the board  
2 minutes, properly signed by the clerk and chair, or a majority of the board,  
3 showing to whom, and for what purpose, each payment is to be made by the  
4 treasurer, and the certified copy shall serve as full authority to the treasurer to  
5 make the approved payments.

6 \* \* \*

7 Sec. 43. 16 V.S.A. § 1601 is amended to read:

8 § 1601. DEFINITIONS

9 As used in this chapter:

10 \* \* \*

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

15 \* \* \*

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

19 \* \* \*

20 Sec. 44. 16 V.S.A. § 1602 is amended to read:

21 § 1602. SCHOOL BOARD RESPONSIBILITIES

1 \* \* \*

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

3 \* \* \*

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

9 \* \* \*

10 Sec. 45. 16 V.S.A. § 1603 is amended to read:

11 § 1603. ELEMENTS OF THE PROGRAM

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

15 \* \* \*

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

1 \* \* \*

2 Sec. 46. 16 V.S.A. § 1604 is amended to read:

3 § 1604. ~~STATE BOARD~~ SECRETARY OF EDUCATION  
4 RESPONSIBILITIES

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

6 \* \* \*

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

11 Sec. 47. 16 V.S.A. § 1605 is amended to read:

12 § 1605. REGIONAL ADVISORY BOARD RESPONSIBILITIES

13 Each regional advisory board shall:

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

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

1 shall, in part, be based on submission of an acceptable career preparation plan  
2 developed by the applicant with the help of a guidance counselor. Decisions  
3 regarding termination shall be made with the advice of the student  
4 apprenticeship coordinator.

5 \* \* \*

6 Sec. 48. 16 V.S.A. § 1931 is amended to read:

7 § 1931. DEFINITIONS

8 As used in this chapter:

9 \* \* \*

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

21 \* \* \*

1 Sec. 49. 16 V.S.A. § 1935 is amended to read:

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

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

9 \* \* \*

10 Sec. 50. 16 V.S.A. § 2903 is amended to read:

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

13 \* \* \*

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

21 \* \* \*

1 Sec. 51. 16 V.S.A. § 2905 is amended to read:

2 § 2905. PREKINDERGARTEN-16 COUNCIL

3 \* \* \*

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

8 Sec. 52. 16 V.S.A. § 2944 is amended to read:

9 § 2944. SPECIAL EDUCATION

10 (a)–(c) [Repealed.]

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

16 \* \* \*

17 Sec. 53. 16 V.S.A. § 2945 is amended to read:

18 § 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

19 \* \* \*

20 (d) The Council shall:

21 \* \* \*

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

4 \* \* \*

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

7 Sec. 54. 16 V.S.A. § 2958 is amended to read:

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

10 \* \* \*

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

15 Sec. 55. 16 V.S.A. § 2973 is amended to read:

16 § 2973. INDEPENDENT SCHOOL TUITION RATES

17 \* \* \*

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

1 Sec. 56. 16 V.S.A. § 2974 is amended to read:

2 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

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

5 \* \* \*

6 Sec. 57. 16 V.S.A. § 2974 is amended to read:

7 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

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

10 \* \* \*

11 Sec. 58. 16 V.S.A. § 2974 is amended to read:

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

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

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

19 \* \* \*

1 Sec. 59. 16 V.S.A. § 3448 is amended to read:

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

4 (a) Construction aid.

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

13 (2) Approval of preliminary application.

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

16 \* \* \*

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

19 \* \* \*

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

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

9 \* \* \*

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

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

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

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

10 (5) Final approval for construction aid.

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

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

18 \* \* \*

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

21 \* \* \*

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

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

11 \* \* \*

12 (8) Eligible construction cost.

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

19 \* \* \*

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

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

15 \* \* \*

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

18 \* \* \*

19 Sec. 60. 16 V.S.A. § 3448a is amended to read:

20 § 3448a. APPEAL

1 Any municipal corporation or independent school as defined in section  
2 3447 of this title aggrieved by an order, allocation or award of the ~~State Board~~  
3 Secretary of Education may, within 30 days, appeal ~~therefrom~~ to the State  
4 Board, and may appeal from the decision of the State Board, within 30 days of  
5 that decision, to the Superior Court in the county in which the project is  
6 located.

7 Sec. 61. 16 V.S.A. § 3448f is amended to read:

8 § 3448f. ENERGY PERFORMANCE CONTRACTING;

9 AUTHORIZATION; STATE AID

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

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

17 \* \* \*

18 (f) State funding for energy conservation measures.

19 \* \* \*

20 (3) Priorities. Following approval of a district’s application, the ~~State~~  
21 ~~Board Secretary~~ shall assign points, established by ~~Board~~ Agency rule, to the

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

13 \* \* \*

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

17 (6) Payment. Upon completion of the construction or installation of the  
18 cost-saving measure, determination by the Department of Buildings and  
19 General Services that implementation of the cost-saving measures is expected  
20 to result in energy and operational cost-savings, and legislative appropriation  
21 sufficient to fund the State aid due under this section, the ~~State Board~~ Secretary

1 shall certify an award for the project to the Commissioner of Finance and  
2 Management who shall issue a warrant for the payment of the award. A  
3 district awarded State aid under this section shall use the State aid solely for  
4 the purpose of paying all or a portion of the obligation due under the  
5 performance contract at the time the award is received.

6 \* \* \*

7 Sec. 62. 16 V.S.A. § 3454 is amended to read:

8 § 3454. DEFERRED MAINTENANCE

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

14 Sec. 63. 16 V.S.A. § 3581 is amended to read:

15 § 3581. ACCEPTANCE

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

19 Sec. 64. 16 V.S.A. § 3582 is amended to read:

20 § 3582. FORMULATION OF PLANS

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

4           Sec. 65. 16 V.S.A. § 4001 is amended to read:

5           § 4001. DEFINITIONS

6           As used in this chapter:

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

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

18           (B) The full-time equivalent enrollment in the year before the last  
19           census period, of any State-placed students as defined in subdivision 11(a)(28)  
20           of this title. A school district that provides for the education of its students by  
21           paying tuition to an approved independent school or public school outside the

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

8 \* \* \*

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

17 (A) [Repealed.]

18 (B) For purposes of calculating excess spending pursuant to  
19 32 V.S.A. § 5401(12), “education spending” shall not include:

20 \* \* \*

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

9 \* \* \*

10 Sec. 66. 16 V.S.A. § 4015 is amended to read:

11 § 4015. SMALL SCHOOL SUPPORT

12 (a) In this section:

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

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

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

18 \* \* \*

19 Sec. 67. 16 V.S.A. § 4016 is amended to read:

20 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

21 \* \* \*

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

8 (c) A district or supervisory union may apply and the Secretary may pay  
9 for extraordinary transportation expenditures incurred due to geographic or  
10 other conditions such as the need to transport students out of the school district  
11 to attend another school because the district does not maintain a public school.  
12 The ~~State Board~~ Secretary shall define extraordinary transportation  
13 expenditures by rule. The total amount of base year extraordinary  
14 transportation grant expenditures shall be \$250,000.00 for fiscal year 1997,  
15 increased each year thereafter by the annual price index for state and local  
16 government purchases of goods and services. Extraordinary transportation  
17 expenditures shall not be paid out of the funds appropriated under subsection  
18 (b) of this section for other transportation expenditures. Grants paid under this  
19 section shall be paid from the Education Fund and shall be added to adjusted  
20 education payment receipts paid under section 4011 of this title.

1 Sec. 68. 16 V.S.A. § 4030 is amended to read:

2 § 4030. DATA SUBMISSION; CORRECTIONS

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

8 \* \* \*

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

11 Sec. 69. EFFECTIVE DATES

12 This act shall take effect on passage, except for Sec. 57 (16 V.S.A. § 2974)  
13 which shall take effect on July 1, 2022.

14

15

16

17

18

19 Sec. X. EFFECTIVE DATE

20 This act shall take effect on