

1 H.876

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; residency; career technical education; postsecondary
5 tuition

6 Statement of purpose of bill as introduced: This bill proposes to make
7 miscellaneous amendments and technical corrections to education law,
8 including to statutes relating to education quality standards; the residency of a
9 child awaiting adoption in Vermont; career technical education; tuition paid by
10 students in graduate and online programs; and educational support teams. It
11 also repeals legislation that is no longer in effect or is addressed in other
12 sections.

13 An act relating to making miscellaneous amendments and technical
14 corrections to education laws

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

16 * * * Education Quality Standards * * *

17 Sec. 1. 16 V.S.A. § 165 is amended to read:

18 § 165. ~~STANDARDS OF QUALITY FOR PUBLIC SCHOOLS~~

19 EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL

1 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING QUALITY
2 STANDARDS

3 (a) In order to carry out Vermont's policy that all Vermont children will be
4 afforded educational opportunities that are substantially equal in quality, each
5 Vermont public school, including each career technical center, shall meet the
6 following ~~school~~ education quality standards:

7 (1) The school ~~shall~~, through a process including parents, teachers,
8 students and community members, ~~develop, implement, and annually update a~~
9 ~~comprehensive action~~ develops, implements, and annually updates a
10 continuous improvement plan to improve student performance within the
11 school. The plan shall include goals and objectives for improved student
12 learning and educational strategies and activities to achieve their goals. The
13 plan shall also address the effectiveness of efforts made since the previous
14 ~~action~~ continuous improvement plan to ensure the school maintains a safe,
15 orderly, civil, and positive learning environment ~~which that~~ is free from
16 harassment, hazing, and bullying. The school shall assess student performance
17 under the plan using a method or methods of assessment developed under
18 subdivision 164(9) of this title.

19 (2) The school, at least annually, reports student performance results to
20 community members in a format selected by the school board. In the case of a

1 regional career technical center, the community means the school districts in
2 the service region. The school report shall include:

3 * * *

4 (C) information indicating progress toward meeting the goals of an
5 annual ~~action~~ continuous improvement plan;

6 * * *

7 (b) Every two years, the Secretary shall determine whether students in each
8 Vermont public school are provided educational opportunities substantially
9 equal to those provided in other public schools. If the Secretary determines
10 that a school is not meeting the education quality standards listed in subsection
11 (a) of this section or that the school is making insufficient progress in
12 improving student performance in relation to the standards for student
13 performance set forth in subdivision 164(9) of this title, he or she shall
14 describe in writing actions that a district must take in order to meet either or
15 both sets of standards and shall provide technical assistance to the school. If
16 the school fails to meet the standards or make sufficient progress by the end of
17 the next two-year period, the Secretary shall recommend to the State Board one
18 or more of the following actions:

19 * * *

20 (e) If the Secretary determines at any time that the failure of a school to
21 meet the ~~school~~ education quality standards listed in subsection (a) of this

1 section is severe or pervasive, potentially results in physical or emotional harm
2 to students or significant deprivation of equal education opportunities, and the
3 school has either unreasonably refused to remedy the problem or its efforts
4 have proved ineffective, he or she may recommend to the State Board one or
5 more of the actions listed in subsection (b) of this section. The State Board
6 shall then follow the procedure of subsection (c) of this section.

7 (f) In order to be designated an independent school meeting ~~school~~
8 education quality standards, an independent school shall participate in the
9 ~~school~~ education quality standards process of subsection (b) of this section.

10 An independent school shall receive technical assistance in accordance with
11 the provisions of subsection (b), but shall not be subject to subdivisions
12 (b)(2)-(4) of this section. The school shall be an independent school meeting
13 ~~school~~ education quality standards unless the State Board, after opportunity for
14 hearing, finds that:

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

17 (2) two or more years following a determination that the school is not
18 meeting the quality standards or that the school is making insufficient progress
19 in improving student performance, the school fails to meet the standards or
20 make sufficient progress toward meeting the standards.

1 Sec. 2. 16 V.S.A. § 11(a)(8) is amended to read:

2 (8) “Independent school” means a school other than a public school,
3 which provides a program of elementary or secondary education, or both. An
4 “independent school meeting ~~school~~ education quality standards” means an
5 independent school in Vermont ~~which~~ that undergoes the ~~school~~ education
6 quality standards process and meets the requirements of subsection 165(b) of
7 this title.

8 Sec. 3. 16 V.S.A. § 822 is amended to read:

9 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
10 PAY TUITION

11 (a) Each school district shall and maintain one or more approved high
12 schools in which high school education is provided for its resident students
13 unless:

14 (1) the electorate authorizes the school board to close an existing high
15 school and to provide for the high school education of its students by paying
16 tuition to a public high school, an approved independent high school, or an
17 independent school meeting ~~school~~ education quality standards, to be selected
18 by the parents or guardians of the student, within or outside the State; or

19 * * *

20 (c)(1) A school district may both maintain a high school and furnish high
21 school education by paying tuition:

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(B) to an approved independent school or an independent school meeting ~~school~~ education quality standards if the school board judges that a student has unique educational needs that cannot be served within the district or at a nearby public school.

* * *

Sec. 4. 16 V.S.A. § 824(b) is amended to read:

(b) Except as otherwise provided for technical students, the district shall pay the full tuition charged its ~~pupils~~ students attending a public high school in Vermont or an adjoining state or a public or approved independent school in Vermont functioning as an approved area technical center, or an independent school meeting ~~school~~ education quality standards; provided:

(1) If a payment made to a public high school or an independent school meeting ~~quality~~ education quality standards is three percent more or less than the calculated net cost per secondary pupil in the receiving school district or independent school for the year of attendance then the district or school shall be reimbursed, credited, or refunded pursuant to section 836 of this title.

(2) Notwithstanding the provisions of this subsection or of subsection 825(b) of this title, the board of the receiving public school district, public or approved independent school functioning as an area technical center, or independent school meeting ~~school~~ education quality standards may enter into

1 tuition agreements with the boards of sending districts that have terms differing
2 from the provisions of those subsections, provided that the receiving district or
3 school must offer identical terms to all sending districts, and further provided
4 that the statutory provisions apply to any sending district that declines the
5 offered terms.

6 Sec. 5. 16 V.S.A. § 826(a) and (b) are amended to read:

7 (a) A school board, or the board of trustees of an independent school
8 meeting ~~school~~ education quality standards that proposes to increase tuition
9 charges shall notify the school board of the school district from which its
10 nonresident students come, and the Secretary, of the proposed increase on or
11 before January 15 in any year; such increases shall not become effective
12 without the notice and not until the following school year.

13 (b) A school board or the board of trustees of an independent school
14 meeting ~~school~~ education quality standards may establish a separate tuition for
15 one or more special education programs. No such tuition shall be established
16 unless the ~~state board~~ State Board has by rule defined the program as of a type
17 which may be funded by a separate tuition. Any such tuition shall be
18 announced in accordance with the provisions of subsection (a) of this section.
19 The amount of tuition shall reflect the net cost per pupil in the program. The
20 announcement of tuition shall describe the special education services included

1 or excluded from coverage. Tuition for part-time ~~pupils~~ shall be reduced
2 proportionally.

3 Sec. 6. 16 V.S.A. § 828 is amended to read:

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

5 A school district shall not pay the tuition of a ~~pupil~~ student except to a
6 public school, an approved independent school, an independent school meeting
7 ~~school~~ education quality standards, a tutorial program approved by the ~~state~~
8 ~~board~~ State Board, an approved education program, or an independent school
9 in another state or country approved under the laws of that state or country, nor
10 shall payment of tuition on behalf of a person be denied on account of age.

11 Unless otherwise provided, a person who is aggrieved by a decision of a school
12 board relating to eligibility for tuition payments, the amount of tuition payable,
13 or the school he or she may attend, may appeal to the ~~state board~~ State Board
14 and its decision shall be final.

15 Sec. 7. STATUTORY REVISION

16 In its statutory revision capacity under 2 V.S.A. § 424, the Office of
17 Legislative Council shall, where appropriate, replace the words “school quality
18 standards” with the words “education quality standards” wherever those words
19 appear in the Vermont Statutes Annotated.

1 * * * Online Postsecondary Degree Programs * * *

2 Sec. 8. 16 V.S.A. § 176 is amended to read:

3 § 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

4 * * *

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

7 ~~(1) Programs Nondegree-granting and noncredit-granting programs of
8 education sponsored by a trade, labor, business, or professional organization
9 that are conducted solely for that organization's membership or for members of
10 the particular industries or professions served by that organization.~~

*(1) Programs of education sponsored by a trade, labor, business, or
professional organization that are conducted solely for that organization's
membership or for members of the particular industries or professions served
by that organization.*

11 * * *

12 (m) Nothing in this chapter shall prohibit the State from participating in
13 any interstate reciprocity agreement for the purpose of authorizing online
14 postsecondary programs. For purposes of reciprocity between states for
15 institutional authorization, the Secretary, or other Vermont agency as
16 appropriate, shall investigate any complaints related to Vermont institutions
17 participating in a recognized interstate reciprocity agreement.

1 Sec. 9. 16 V.S.A. § 176a(e) is amended to read:

2 (e) Exemptions. The following are exempt from the provisions of this
3 section:

4 ~~(1) Programs Nondegree-granting and noncredit-granting programs of~~
5 ~~education sponsored by a trade, labor, business, or professional organization~~
6 ~~that are conducted solely for that organization's membership or for members of~~
7 ~~the particular industries or professions served by that organization.~~

*(1) Programs of education sponsored by a trade, labor, business, or
professional organization that are conducted solely for that organization's
membership or for members of the particular industries or professions served
by that organization.*

8 * * *

9 (6) Programs of education offered solely via the Internet or electronic
10 media, provided that the program's home state has entered into an interstate
11 reciprocity agreement with Vermont and the program:

12 (A) is a member in good standing of the agreement within the home
13 state; and

14 (B) has no "physical presence" in Vermont as that term is defined in
15 the agreement.

16 * * * Residency; Out-of-State Placement; Adoptions * * *

17 Sec. 10. 16 V.S.A. § 1075(a) is amended to read:

1 (a) For the purpose of this title, except as otherwise set forth, the legal
2 residence or residence of a student shall be as follows:

3 (1) in the case of a minor, legal residence is where his or her parents
4 reside, except that:

5 * * *

6 (B) if the minor is in the custody of a legal guardian or pre-adoptive
7 family appointed by a Vermont court or a court of competent jurisdiction in
8 another state, territory, or country, legal residence is where the guardian or
9 pre-adoptive family resides;

10 * * *

11 Sec. 11. 16 V.S.A. § 11(28) is amended to read:

12 (28) “State-placed student” means:

13 (A) a Vermont student who has been placed in a school district other
14 than the district of residence of the student’s parent, parents, or guardian or in
15 an approved residential facility by a Vermont ~~state~~ State agency, a Vermont
16 licensed child placement agency, a designated community mental health
17 agency, ~~or~~ any other agency as defined by the Secretary, or by a court of
18 competent jurisdiction in another state, territory, or country; or

19 (B) a Vermont student who:

20 (i) is 18 years of age or older;

1 (ii) is living in a community residence as a result of placement by
2 a Vermont ~~state~~ State agency, a Vermont licensed child placement agency, ~~or~~ a
3 designated community mental health agency, or by a court of competent
4 jurisdiction in another state, territory, or country, and whose residential costs
5 are paid for in whole or in part by one of these agencies; and

6 (iii) resides in a school district other than the district of the
7 student's parent or parents; or

8 * * *

9 * * * Career Technical Education Centers * * *

10 ~~Sec. 12. 16 V.S.A. § 1521(a) is amended to read:~~

11 ~~(a) It is the policy of the ~~state~~ State of Vermont that all Vermonters should~~
12 ~~receive have access to educational services that ~~enable them to master the~~~~
13 ~~skills essential for further education and training or for successful entry into or~~
14 ~~advancement in the workplace provide them with career and technical~~
15 ~~knowledge, skills, and work habits that prepare them for further education and~~
16 ~~enhance their employment options~~

Sec. 12. 16 V.S.A. § 1521(a) is amended to read:

(a) It is the policy of the ~~state~~ State of Vermont that all Vermonters should
receive have access to educational services that ~~enable them to master the~~
skills essential for further education and training or provide them with the
knowledge, skills, and work habits needed for further education and training.

increase their employment options, and prepare them for successful entry into or advancement in the workplace.

1 Sec. 13. 16 V.S.A. § 1522 is amended to read:

2 § 1522. DEFINITIONS

3 As used in this chapter:

4 (1) “Secondary CTE student” means a resident of this State, of any age,
5 who has not completed high school and is enrolled in a secondary career
6 technical education program approved by the Agency.

7 * * *

8 (3) “Secondary career technical education” or “secondary CTE” means
9 an approved educational program or program of study leading to a high school
10 diploma, and designed to provide students with career and technical
11 knowledge, skills, and ~~attitudes~~ work habits that will prepare them for further
12 education, enhance their employment options, or lead to an
13 industry-recognized credential.

14 * * *

(15) “Program of study” means the comprehensive delivery of academic and career technical education that prepares students for postsecondary education or training and career success. At a minimum, a program of study: incorporates and aligns secondary and postsecondary education; includes academic and CTE content in a coordinated, nonduplicative progression of

courses; offers the opportunity, when appropriate, for secondary students to earn postsecondary credit; *prepares students for successful entry into or advancement in the workplace;* and leads to an industry-recognized credential or certificate at the postsecondary level or to an associate or baccalaureate degree.

1 Sec. 14. 16 V.S.A. § 1531 is amended to read:

2 § 1531. RESPONSIBILITY OF STATE BOARD

3 (a) The State Board has overall responsibility for the effectiveness of career
4 technical education. This requires the ~~board~~ Board to collect suitable
5 information and to take appropriate steps within its legal, financial, and
6 personnel resources to ensure that:

7 (1) career technical education is equally available to students and is of
8 consistent quality in all parts of the State, including areas remote from
9 ~~technical~~ CTE centers;

10 (2) the timing and content of career technical education is ~~properly and~~
11 ~~flexibly coordinated with academic instruction~~ fully integrated with rigorous
12 academics;

13 (3) career technical education is available to adult students, particularly
14 in areas where unemployment is high or occupational retraining needs are
15 great. ~~This, which~~ includes entering into contracts with postsecondary

1 educational institutions or with any resource supplier to provide adult
2 programs at ~~technical~~ CTE centers;

3 (4) career technical education programs ~~and courses of study~~ are
4 demonstrably useful to their graduates in pursuing postsecondary education
5 and training, obtaining employment, or improving the quality of their
6 employment; and

7 (5) career technical education programs are well coordinated with
8 related ~~state~~ State programs in education and training. ~~This, which~~ includes
9 ensuring that career technical education graduates receive appropriate credit
10 toward requirements in apprenticeship programs and professional licensing
11 programs.

12 (b) In order to provide regional career technical education services
13 efficiently, the State Board shall designate a service region for each ~~technical~~
14 CTE center. ~~However,; provided, however, that if a region is not served by a~~
15 CTE center, then the Board may designate a service region for two or more
16 comprehensive high schools ~~if that region is not served by a technical center,~~
17 which shall work jointly to serve the needs of a region.

18 * * *

19 Sec. 15. 16 V.S.A. § 1532 is amended to read:

20 § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

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

1 (1) minimum standards for the operation and performance of ~~technical~~
2 CTE centers which include the ~~school~~ education quality standards adopted by
3 the ~~state board~~ State Board under subdivision 164(9) and section 165 of this
4 title;

5 (2) standards for student ~~performance~~ outcomes based on the standards
6 adopted by the ~~state board~~ State Board under subdivision 164(9) of this title
7 and standards for industry recognized credentials;

8 (3) the minimum number of days of ~~technical~~ CTE instruction for each
9 academic year;

10 (4) the minimum number of hours of instruction for each ~~course~~
11 program of study within career technical education;

12 (5) the availability of remedial programs offered to ~~technical~~ CTE
13 students by ~~technical~~ CTE centers or by another school, agency, or program;

14 (6) accounting procedures and standards, including methods for
15 calculating tuition for career technical education;

16 (7) a system of equipment inventory, amortization and maintenance; and

17 (8) procedures and requirements for measurement of student knowledge
18 and skill upon entry into and exit from the ~~technical~~ CTE program. The
19 purpose of the measurement shall be to determine student achievement in
20 relation to the standards for academic and technical ~~competence~~ proficiency as
21 adopted under subdivision (2) of this subsection. Aggregate results shall be

1 reported to the communities in the service region along with other items
2 reported pursuant to subdivision 165(a)(2) of this title.

3 (b) The following shall be adopted by procedure or rule:

4 (1) ~~competencies~~ technical proficiencies that graduates of each kind of
5 technical program should be able to demonstrate, including technical
6 ~~competencies~~ proficiencies necessary for the student's intended employment;

7 (2) minimum admissions ~~competencies~~ requirements for entrance into
8 each career technical course program of study;

9 (3) procedures by which the Secretary will review and comment on the
10 employment qualifications of candidates for positions at ~~technical~~ CTE centers
11 for whom ~~state~~ State salary assistance will be requested;

12 (4) requirements for ~~technical~~ CTE centers to provide programs
13 designed to acquaint prospective students with technical ~~courses~~ programs of
14 study;

15 (5) procedures by which the Secretary will review and approve use of
16 ~~course program~~ of study credits in career technical education to meet ~~state~~
17 State graduation requirements; and

18 (6) procedures, including communications with the sending school
19 districts, to identify unique or specific circumstances relative to a student's
20 progress or safety.

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

2 § 1533. CAREER TECHNICAL CENTER EVALUATION

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

7 (b) Evaluations of ~~technical~~ CTE centers shall consider at least the
8 following areas:

9 (1) compliance with this chapter and the rules of the ~~state board~~ State
10 Board;

11 (2) the condition and suitability of the facility and its equipment;

12 (3) the size, scope, and quality of the course each program of study,
13 ~~including faculty development policies and instruction;~~

14 (4) the overall success of the center at ~~combining~~ integrating academic
15 ~~education~~ instruction, skill training, and employability trait development into
16 its ~~program~~ programs;

17 (5) the overall success of the center in providing regionwide services
18 and a flexible response to student needs, integrating its ~~courses~~ programs of
19 study into a coherent program, and coordinating its ~~program~~ programs with
20 postsecondary career technical education services;

1 (6) the satisfaction of the center's customer groups, including graduates,
2 sending schools, and local industry;

3 ~~(7) the adequacy and effectiveness of the center in meeting the~~
4 ~~educational and employment needs of all its eligible students, including its~~
5 ~~success in taking steps to encourage each student to consider enrolling in~~
6 ~~courses not traditional for that student's ~~sex~~ gender; and~~

7 ~~(8) faculty development policies and instruction.~~

*(7) the adequacy and effectiveness of the center in meeting the
educational and employment needs of all its eligible students, including its
success in taking steps to encourage each student to consider enrolling in
courses not traditional for that student's ~~sex~~ gender;*

(8) faculty development policies and instruction;

*(9) the center's alignment with and responsiveness to State and regional
workforce needs as identified by the Department of Labor in its then-current
long-term and short-term occupational projections; and*

*(10) the center's alignment with the State's economic development
policies and initiatives.*

(c) [Repealed.]

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

9 ~~§ 1534. COURSE OF STUDY PROGRAM EVALUATION~~

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

6 (b) Evaluations of courses of study programs shall consider at least the
7 following areas as they apply in every center offering that course program:

8 (1) the content, size, scope, and quality of the program, including the
9 ~~scope of instruction and the academic and practical competencies~~ technical
10 proficiencies required for completion;

11 (2) the length of the course program;

12 (3) the adequacy of equipment used in the course program, including
13 instructional technology;

14 (4) the appropriateness of the program and its content in light of later
15 career and higher postsecondary education choices made by recent graduates;

16 (5) the usefulness of the program to recent graduates;

17 (6) coordination with other ~~state~~ State programs, especially licensing,
18 job training, and apprenticeship programs;

19 (7) possibilities for decentralization of the program;

20 (8) participation and completion rates in the program; and

21 (9) compliance with State Board rules.

1 ~~(c) [Repealed.]~~

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

§ 1534. ~~COURSE-OF-STUDY PROGRAM EVALUATION~~

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

(b) Evaluations of ~~courses-of-study~~ programs shall consider at least the following areas as they apply in every center offering that ~~course~~ program:

(1) the content, size, scope, and quality of the program, including the ~~scope of instruction and the academic and practical competencies~~ technical proficiencies required for completion;

(2) the length of the ~~course~~ program;

(3) the adequacy of equipment used in the ~~course~~ program, including instructional technology;

(4) the appropriateness of the program and its content in light of later career and ~~higher~~ postsecondary education choices made by recent graduates;

(5) the usefulness of the program to recent graduates;

(6) coordination with other ~~state~~ State programs, especially licensing, job training, and apprenticeship programs;

(7) possibilities for decentralization of the program;

~~*(8) participation and completion rates in the program;*~~

~~*(9) compliance with State Board rules; and*~~

~~*(10) compatibility with the then-current long-term and short-term occupational projections published by the Vermont Department of Labor*~~

(8) participation and completion rates in the program;

(9) compliance with State Board rules;

(10) the program's alignment with and responsiveness to State and regional workforce needs as identified by the Department of Labor in its then-current long-term and short-term occupational projections; and

(11) the program's alignment with the State's economic development policies and initiatives.

(c) [Repealed.]

1 Sec. 18. 16 V.S.A. § 1541a(a) is amended to read:

2 (a) A school board of a sending district ~~which~~ that offers public education
3 in grade 11 or 12 shall:

4 * * *

5 (3) if the ~~technical~~ CTE center for the region does not offer a ~~course of~~
6 ~~study program~~ desired by a student, pay tuition on behalf of that student who
7 applies and is accepted to another ~~technical~~ CTE center ~~which does offer such~~
8 ~~a course of study~~ that offers the program. The district of residence is not

1 responsible for providing transportation for a student attending a ~~technical~~
2 CTE center under this subdivision.

3 Sec. 19. 16 V.S.A. § 1542(a) is amended to read:

4 (a) ~~Each~~ For each CTE region, there is created a regional advisory board
5 that shall consist of:

6 (1) one member from each ~~public high school~~ district in the CTE
7 center's service region that operates a secondary school, elected by and from
8 among the members of ~~that high~~ the secondary school district's board for a
9 term determined by that ~~high school~~ board; ~~and~~

10 (2) the superintendent or his or her designee of each supervisory union
11 within the CTE center's service region; ~~and~~

12 (3) one member elected for a term of three years by and from among the
13 members of the school board of each sending district in the CTE center's
14 service region that does not ~~have a public~~ operate a high school ~~represented on~~
15 ~~the advisory board under subdivision (1) of this section; except ; provided,~~
16 however, that if there are more than three such districts in the CTE center's
17 service area, then the advisory board shall select three school boards to
18 represent the interests of all such districts, shall rotate its selections among the
19 districts, and shall stagger the expiration of ~~initial~~ terms; ~~and~~

1 (4) one member of the board of each independent comprehensive high
2 school within ~~a~~ the service region, elected by the members of that board for a
3 term determined by that board; and

4 (5) ~~once constituted, the regional advisory board shall elect three~~
5 additional members elected by the advisory board for terms of three years to
6 represent the interests of ~~employers or employees~~ business and industry,
7 provided that no two terms shall expire in any one year.

8 Sec. 20. 16 V.S.A. § 1544 is amended to read:

9 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

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

15 Sec. 21. 16 V.S.A. § 1545(a) is amended to read:

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

1 credits shall ~~allow flexibility with respect to~~ require the integration of CTE
2 ~~education and other academic courses~~ instruction.

3 Sec. 22. 16 V.S.A. § 1546 is amended to read:

4 § 1546. COMPREHENSIVE HIGH SCHOOLS

5 (a) In the sections referenced in this section, when applied to an
6 independent comprehensive high school, the term “school board” or “school
7 district” means “the school’s board of trustees.”

8 (b) A comprehensive high school shall charge and receive tuition pursuant
9 to section 824 of this title. A comprehensive high school shall be a career
10 technical center for the purposes of receiving funding for grants per full-time
11 equivalent student under section 1561 of this title, for ~~tryout~~ pretechnical
12 classes under section 1562 of this title, ~~for equipment replacement under~~
13 ~~section 1564 of this title~~, for incentive grants under section 1566 of this title,
14 and for reporting requirements under section 1568 of this title. Funds received
15 under this section shall be used for support of approved career technical
16 education programs within the comprehensive high school.

17 (c) Two or more comprehensive high schools ~~for which~~ designated by the
18 State Board ~~has designated a service region shall be a~~ to provide career
19 technical education in a region of the State jointly shall operate a career
20 technical center for the purposes of accountability to the State Board under
21 subchapter 2 of this chapter, responsibilities of the career technical center

1 under subchapter 3 of this chapter, and receiving ~~state~~ State financial
2 assistance under subchapter 5 of this chapter, excluding the per equalized pupil
3 general ~~state~~ State support grant under subsection 1561(b). The regional
4 advisory board shall determine how funds received under subchapter 5 shall be
5 distributed. A comprehensive high school aggrieved by a decision of the
6 regional advisory board may appeal to the Secretary who, after opportunity for
7 hearing, may affirm or modify the decision.

8 Sec. 23. 16 V.S.A. § 1551 is amended to read:

9 § 1551. SECONDARY STUDENT ELIGIBILITY

10 (a) A secondary student shall be enrolled in a program of part-time or
11 full-time career technical education at a career technical center if he or she:

12 (1) applies for the program; and

13 (2) is accepted into the program by the career technical center.

14 (b) A secondary student who is eligible to enroll in a career technical
15 center, but who resides in a sending school district, and who so applies, shall
16 be enrolled for academic education in the high school associated with the
17 career technical center if:

18 ~~(1) the sending school district operates a high school but does not
19 provide daily transportation at its expense to and from the technical center; or~~

20 ~~(2) the sending school district does not operate a high school.~~

1 (c) A secondary student who enrolls in a career technical center may enroll
2 part-time in any school to which he or she would otherwise be entitled to enroll
3 for full-time attendance.

4 (d) Enrollment in a high school shall not be a precondition for enrollment
5 in a CTE center for a student of any age without a diploma. For the purposes
6 of this section, a general education development credential shall not be
7 considered a high school diploma.

8 (e) A school district may establish reasonable procedures to require its
9 resident students to discuss educational opportunities within CTE centers or
10 the high school. Procedures shall not interfere with enrollment in a CTE
11 center. If a student without a diploma who is not enrolled in a high school
12 enrolls in a CTE center, within 10 days of enrollment, the CTE center shall
13 notify the school district of residence of the enrollment.

14 Sec. 24. 16 V.S.A. § 1552(a) is amended to read:

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

1 Sec. 25. 16 V.S.A. § 1562 is amended to read:

2 § 1562. ~~TRYOUT CLASSES~~ PRETECHNICAL COURSES

3 From the monies annually available for use in career technical education,
4 the ~~state board~~ State Board may reimburse part of the ~~program~~ cost attributable
5 to ~~programs~~ courses designed to assist students ~~in deciding~~ to decide whether
6 to enroll in career technical ~~courses~~ programs. As a condition of such
7 assistance, the ~~program~~ course shall demonstrate that it has taken steps to
8 encourage each student to consider enrolling in ~~courses~~ programs leading to
9 occupations that are not traditional for that student's sex ~~gender~~.

10 Sec. 26. 16 V.S.A. § 1563 is amended to read:

11 § 1563. TRANSPORTATION ASSISTANCE

12 (a) It is the policy of the ~~general assembly~~ General Assembly to encourage
13 Vermont students to enroll in career technical education ~~courses~~ programs. In
14 furtherance of that policy, transportation assistance is provided ~~for~~ in this
15 section to facilitate the enrollment of Vermont students in career technical
16 education programs.

17 (b) Transportation assistance shall be paid from the ~~education fund~~
18 Education Fund to school districts ~~which~~ that provide transportation to and
19 from approved career technical education programs, regardless of whether the
20 program is offered in a ~~technical~~ CTE center in the district's designated service
21 region or regions or is offered within ~~the~~ a career technical center region at a

1 location other than at a ~~technical~~ CTE center. Assistance shall be \$1.50 per
2 mile for actual number of miles traveled, in 1998 dollars adjusted annually by
3 the annual price index for state and local government purchases of goods and
4 services. Payments shall be made on or before December 10 and June 10.
5 Requests submitted on or following May 15 shall be reimbursed in the next
6 payment.

7 (c) The ~~state board~~ State Board may adopt rules necessary to implement
8 this section.

9 Sec. 27. 16 V.S.A. § 1565 is amended to read:

10 § 1565. SALARY ASSISTANCE

11 (a) The ~~state board~~ State Board shall reimburse a school district operating a
12 ~~technical~~ CTE center for a portion of its cost in paying the salary of the
13 following persons:

14 (1) the director of career technical education;

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

17 (3) a person whose principal duty is to find ~~job training~~ work-based
18 learning opportunities for students during the time they are enrolled at the
19 ~~technical~~ CTE center;

20 (4) ~~an assistant director~~ a person whose principal duty is to coordinate
21 programming for adult education;

1 (5) an assistant director of career technical education, if the ~~technical~~
2 CTE center has full-time equivalent enrollment of at least 150 and the sending
3 school population is at least 30 percent of the ~~technical~~ CTE center's total
4 full-time equivalent enrollment.

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

8 (1) shall provide different levels of support for different positions as
9 follows:

10 (A) Directors and guidance coordinators' salary assistance shall be
11 50 percent of the ~~state~~ State average salary and benefits for each position, or 50
12 percent of the actual salary and benefits for each individual, whichever is less;

13 (B) Assistant directors, ~~except for assistant directors for adult~~
14 ~~education, if the district is eligible,~~ and co-op teachers' salary assistance shall
15 be 35 percent of the ~~state~~ State average salary and benefits for each position,
16 or 35 percent of the actual salary and benefits for each individual, whichever
17 is less;

18 (C) Salary assistance for ~~assistant directors for adult education~~
19 coordinators shall be up to 50 percent of the ~~state~~ State average salary and
20 benefits paid to full-time ~~assistant directors for adult education~~ coordinators;
21 salary assistance shall be prorated for part-time assistant ~~directors~~ coordinators.

1 Salary assistance under this subdivision (1)(C) shall not be paid from the
2 ~~education fund~~ Education Fund to the extent that the obligation is not fully
3 funded from the ~~general fund~~ General Fund. State ~~general fund~~ General Fund
4 assistance shall be divided so that each district employing an ~~assistant directors~~
5 adult education coordinators receives the same base amount of ~~state~~ State
6 salary support. The base support shall be pro-rated for part-time ~~assistant~~
7 ~~directors~~ coordinators. Payment under this subsection does not preclude a
8 district from using other ~~state~~ State and federal grants to supplement the actual
9 salaries and benefits of ~~assistant directors~~ for adult education coordinators.

10 (2) shall require as a condition of assistance that the director:

11 (A) is responsible for the overall administration of all career technical
12 programs; and

13 (B) reports administratively to the superintendent of schools for the
14 supervisory union of the school district ~~which~~ that operates the center, or to a
15 headmaster if the career technical center is not managed by a school ~~board~~
16 district.

17 Sec. 28. 16 V.S.A. § 1592 is amended to read:

18 § 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

19 With respect to the provision of postsecondary career technical education
20 programs, in addition to those powers and responsibilities set forth in chapter

1 72 of this title, the Vermont State Colleges ~~board of trustees~~ Board of Trustees
2 shall:

3 (1) ~~Provide~~ provide on a statewide basis, subject to the payment of fees
4 by enrolled students, postsecondary career technical education programs and
5 establish policies and determine curriculum for the provision of ~~such~~
6 ~~education.~~ the programs;

7 (2) ~~Coordinate such~~ coordinate the programs with secondary regional
8 ~~technical education~~ CTE centers and, to the maximum extent possible, contract
9 with ~~such~~ the centers for the use of the center's facilities;

10 (3) ~~Coordinate such~~ coordinate the programs with other employment
11 and training programs such as those offered by the ~~department of employment~~
12 ~~and training, the department of labor, the department for children and families,~~
13 ~~the agency of commerce and community development~~ Agency of Commerce
14 and Community Development, the Department of Labor, the Department for
15 Children and Families, independent colleges, and the Vermont Student
16 Assistance Corporation; and

17 (4) ~~Possess~~ possess all other necessary and implied powers to carry out
18 ~~such~~ these responsibilities.

1 * * * University of Vermont;

2 Graduate and Distance Education Programs * * *

3 Sec. 29. 16 V.S.A. § 2282(b) is amended to read:

4 (b) Except for ~~those attending students enrolled in the college of medicine~~
5 College of Medicine or in any other graduate program and students enrolled in
6 distance education courses or programs, the amount of tuition ~~for~~ paid by an
7 eligible Vermont ~~residents~~ resident for attendance during each academic year
8 shall be not more than 40 percent of the tuition charged to ~~nonresident~~
9 ~~students. Tuition for eligible Vermont residents for shorter terms shall be no~~
10 ~~more per credit hour than that charged eligible Vermont residents during the~~
11 ~~academic year~~ a nonresident student. As used in this subsection, “distance
12 education” means a course or program that can be completed in whole or in
13 part through electronic media and does not require the student to be physically
14 present on the University’s campus at any time. Distance education does not
15 include any course in which a full-time undergraduate student is enrolled.

16 * * * Tiered System of Supports * * *

17 Sec. 30. 16 V.S.A. § 2902 is amended to read:

18 § 2902. ~~EDUCATIONAL SUPPORT SYSTEM~~ TIERED SYSTEM OF
19 SUPPORTS AND EDUCATIONAL SUPPORT TEAM

20 (a) Within each school district’s comprehensive system of educational
21 services, each public school shall develop and maintain ~~an educational support~~

1 ~~system for students who require additional assistance in order a~~ tiered system
2 of academic and behavioral supports for the purpose of providing all students
3 with the opportunity to succeed or to be challenged in the general education
4 environment. For each school it maintains, a school district board shall assign
5 responsibility for developing and maintaining the ~~educational support system~~
6 tiered system of supports either to the superintendent pursuant to a contract
7 entered into under section 267 of this title or to the school principal. ~~The~~
8 ~~educational support system~~ The school shall provide all students a full and fair
9 opportunity to access the system of supports and achieve educational success.
10 The tiered system of supports shall, at a minimum, include ~~an educational~~
11 ~~support team and a range of support and remedial services, including~~
12 instructional and behavioral interventions and accommodations that are
13 available as needed for any student who requires support beyond what can be
14 provided in the general education classroom, and intensive, individualized
15 interventions for any student requiring a higher level of support.

16 (b) The ~~educational support system~~ tiered system of supports shall:

17 (1) Be ~~integrated to the extent~~ aligned as appropriate with the general
18 education curriculum.

19 (2) Be designed to ~~increase~~ enhance the ability of the general education
20 system to meet the needs of all students.

1 (3) Be designed to provide ~~students the support needed~~ necessary
2 supports promptly, regardless of an individual student’s eligibility for
3 categorical programs.

4 (4) ~~Provide clear procedures and methods for addressing student~~
5 ~~behavior that is disruptive to the learning environment and include educational~~
6 ~~options, support services, and consultation or training for staff where~~
7 ~~appropriate. Procedures may include removal of a student from the classroom~~
8 ~~or the school building for as long as appropriate, consistent with state and~~
9 ~~federal law and the school’s policy on student discipline, after reasonable~~
10 ~~effort has been made to support the student in the regular classroom~~
11 ~~environment~~ Seek to identify and respond to students in need of support for
12 at-risk behaviors and to students in need of specialized, individualized
13 behavior supports.

14 (5) ~~Ensure~~ Provide all students with a continuum of evidence-based and
15 research-based behavior practices that teach and encourage prosocial skills and
16 behaviors schoolwide.

17 (6) Promote collaboration with families, community supports, and the
18 system of health and human services.

19 * * *

1 * * * Divided Vote; Repeal of Language No Longer in Effect * * *

2 Sec. 31. 16 V.S.A. § 563 is amended to read:

3 § 563. POWERS OF SCHOOL BOARDS; ~~FORM OF VOTE IF BUDGET~~
4 ~~EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE~~
5 ~~AVERAGE~~

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

8 * * *

9 (11)(A) Shall prepare and distribute annually a proposed budget for the
10 next school year according to such major categories as may from time to time
11 be prescribed by the ~~commissioner~~ Secretary.

12 (B) ~~If the proposed budget contains education spending in excess of~~
13 ~~the Maximum Inflation Amount, and the district's education spending per~~
14 ~~equalized pupil in the fiscal year preceding the year for which the budget is~~
15 ~~proposed was in excess of the statewide average district education spending~~
16 ~~per equalized pupil in that same fiscal year, as determined by the commissioner~~
17 ~~of education, then in lieu of any other statutory or charter form of budget~~
18 ~~adoption or budget vote, the board shall present the budget to the voters by~~
19 ~~means of a divided question, in the form of vote provided in subdivision (ii) of~~
20 ~~this subdivision (11)(B).~~

21 (i) ~~“Maximum Inflation Amount” in this section means:~~

1 ~~(I) the statewide average district education spending per~~
2 ~~equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year~~
3 ~~preceding the year for which the budget is proposed, as determined by the~~
4 ~~commissioner of education, multiplied by the New England Economic Project~~
5 ~~Cumulative Price Index percentage change, as of November 15 preceding~~
6 ~~distribution of the proposed budget, for state and local government purchases~~
7 ~~of goods and services for the fiscal year for which the budget is proposed, plus~~
8 ~~one percentage point; plus the district's education spending per equalized pupil~~
9 ~~in the fiscal year preceding the year for which the budget is proposed, as~~
10 ~~determined by the commissioner of education;~~

11 ~~(II) multiplied by the higher of the following amounts as~~
12 ~~determined by the commissioner of education: (aa) the district's equalized~~
13 ~~pupil count in the fiscal year preceding the year for which the budget is~~
14 ~~proposed; or (bb) the district's equalized pupil count in the fiscal year for~~
15 ~~which the budget is proposed.~~

16 ~~(ii) The ballot shall be in the following form:~~

17 ~~"The total proposed budget of \$_____ is the amount determined~~
18 ~~by the school board to be necessary to support the school district's educational~~
19 ~~program. State law requires the vote on this budget to be divided because (i)~~
20 ~~the school district's spending per pupil last year was more than the statewide~~

1 ~~average and (ii) this year's proposed budget is greater than last year's budget~~
2 ~~adjusted for inflation.~~

3 ~~“Article #1 (School Budget):~~

4 ~~Part A. Shall the voters of the school district authorize the school~~
5 ~~board to expend \$ _____, which is a portion of the amount the school board~~
6 ~~has determined to be necessary?~~

7 ~~Part B. If Part A is approved by the voters, shall the voters of the~~
8 ~~school district also authorize the school board to expend \$ _____, which is the~~
9 ~~remainder of the amount the school board has determined to be necessary?”~~

10 ~~(C)~~ At a school district's annual or special meeting, the electorate
11 may vote to provide notice of availability of the school budget required by this
12 subdivision to the electorate in lieu of distributing the budget. If the electorate
13 of the school district votes to provide notice of availability, it must specify how
14 notice of availability shall be given, and such notice of availability shall be
15 provided to the electorate at least 30 days before the district's annual meeting.
16 The proposed budget shall be prepared and distributed at least ten days before
17 a sum of money is voted on by the electorate. Any proposed budget shall show
18 the following information in a format prescribed by the ~~commissioner of~~
19 ~~education~~ Secretary:

20 * * *

1 * * * School Boards; Designation; Technical Correction * * *

2 Sec. 32. 16 V.S.A. § 563(31) is amended to read:

3 (31) Subject to the requirements of section 571 of this title, may enter
4 into contracts with other school boards to provide joint programs, services,
5 facilities, and professional or other staff. ~~Nothing herein shall be construed to~~
6 ~~permit the designation by a school district that does not maintain a secondary~~
7 ~~school of another school district's secondary school as the secondary school of~~
8 ~~the district.~~

9 * * * District Spending Adjustment; Repeal of Exception * * *

10 Sec. 33. 32 V.S.A. § 5401(13) is amended to read:

11 (13) "District spending adjustment" means the greater of: one or a
12 fraction in which the numerator is the district's education spending plus excess
13 spending, per equalized pupil, for the school year; and the denominator is the
14 base education amount for the school year, as defined in 16 V.S.A. § 4001.
15 ~~For a district that pays tuition to a public school or an approved independent~~
16 ~~school, or both, for all of its resident students in any year and which has~~
17 ~~decided by a majority vote of its school board to opt into this provision, the~~
18 ~~district spending adjustment shall be the average of the district spending~~
19 ~~adjustment calculated under this subdivision for the previous year and for the~~
20 ~~current year. Any district opting for a two year average under this subdivision~~

1 ~~may not opt out of such treatment, and the averaging shall continue until the~~
2 ~~district no longer qualifies for such treatment.~~

3 * * * Expanded Learning Opportunities * * *

4 Sec. 34. WORKING GROUP ON EQUITY AND ACCESS IN
5 EXPANDED LEARNING TIME; REPORT

6 (a) Creation. The Prekindergarten-16 Council shall create a working group
7 from among its membership to review and evaluate issues of equity in and
8 access to Vermont's expanded learning programs, including afterschool and
9 summer programs. In particular, the Working Group shall identify:

10 (1) ways to increase connections between schools and afterschool and
11 summer learning programs;

12 (2) ways to coordinate school-run programs and programs sponsored by
13 community-based organizations;

14 (3) areas of the State with limited or inequitable access to expanded
15 learning programs and the barriers to operating programs in those areas;

16 (4) the key elements of afterschool and summer learning programs that
17 should be encouraged by State policy decisions in order to:

18 (A) ensure that programs are of the highest quality;

19 (B) contribute to more effective school-year approaches to educating
20 underserved learners in Vermont;

1 (C) determine how a more comprehensive statewide strategy to
2 promote high-quality afterschool and summer learning programs could be
3 implemented over time;

4 (D) consider how changes to the school calendar may affect time
5 available for learning; and

6 (E) identify how best to coordinate and augment existing funding
7 streams for afterschool and summer learning programs.

8 (b) Report. On or before December 31, 2014, the Working Group shall
9 report to the House and Senate Committees on Education with its findings and
10 any recommendations for legislative action.

11 * * * Repeals * * *

12 Sec. 35. REPEALS

13 The following are repealed:

14 (1) 16 V.S.A. § 1421 (sight and hearing testing equipment).

15 (2) 16 V.S.A. § 1551a (career technical education; students not
16 enrolled).

17 (3) 16 V.S.A. § 4001(6)(A) (divided vote; exceptions to education
18 spending).

* * * *Audits* * * *

Sec. 36. 16 V.S.A. § 323 is amended to read:

§ 323. AUDIT BY PUBLIC ACCOUNTANT

~~Annually, the~~ The supervisory union board shall employ one or more public accountants to audit the financial statements of the supervisory union and its member districts on an annual basis and of its member districts once in every three years. The audits shall be conducted in accordance with generally accepted government auditing standards, including the issuance of a report of internal controls over financial reporting to be provided to recipients of the financial statements. Any annual report of the supervisory union to member districts shall include notice that the audits have been performed and the time and place where the full report of the public accountant will be available for inspection and for copying at cost.

* * * Effective Date * * *

1 Sec. ~~36.~~ 37. EFFECTIVE DATE

2 This act shall take effect on passage; provided, however, that Sec. 29
3 (tuition for graduate and distance education programs) shall not apply to
4 students who are enrolled as of that date in the University of Vermont in:

5 (1) a distance education course or program; or

6 (2) a graduate program other than in the College of Medicine.