

1 H.524

2 Introduced by Committee of Education

3 Date:

4 Subject: Education; Agency of Education; Secretary of Education; technical
5 corrections

6 Statement of purpose: This bill proposes to make technical corrections to
7 education laws in Title 16 and other titles, including changing references from
8 “Department” and “Commissioner” to “Agency” and “Secretary.” It would
9 move some sections of Title 16 to other chapters within the title in order to
10 place similar statutes in proximity to each other. It also proposes to make other
11 nonsubstantive amendments for grammatical clarity and stylistic consistency in
12 anticipation of the summer 2013 republication of Title 16.

13 An act relating to making technical amendments to education laws

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

15 * * * 16 V.S.A. chapter 1; Administration Generally * * *

16 Sec. 1. 16 V.S.A. § 11 is amended to read:

17 § 11. CLASSIFICATIONS AND DEFINITIONS

18 (a) ~~For the purposes of~~ As used in this title, unless the context otherwise
19 clearly requires:

1 health agency, or any other agency as defined by the ~~commissioner~~

2 Secretary; or

3 (B) a Vermont ~~pupil~~ student who:

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

5 (ii) is living in a community residence as a result of placement by
6 a Vermont state agency, a Vermont licensed child placement agency, or a
7 designated community mental health agency, and whose residential costs are
8 paid for in whole or in part by one of these agencies; and

9 (iii) resides in a school district other than the district of the ~~pupil's~~
10 student's parent or parents; or

11 (C) [Deleted.]

12 (D) A Vermont ~~pupil~~ student who:

13 (i) ~~Is is~~ is in either:

14 (I) ~~The the~~ legal custody of the ~~commissioner for children and~~
15 ~~families~~ Commissioner for Children and Families; or

16 (II) ~~The the~~ temporary legal custody of an individual pursuant
17 to 33 V.S.A. § 5308(b)(3) or (4), until a disposition order has been entered
18 pursuant to section 5318 of that title; and

19 (ii) ~~Is is~~ is determined by the ~~commissioner of education~~ Secretary
20 of Education to be in particular need of educational continuity by attending a
21 school in a district other than the ~~pupil's~~ student's current district of residence;

1 (E) ~~But~~ but does not mean a ~~pupil~~ student placed within a
2 correctional facility or in the Woodside Juvenile Rehabilitation Center.

3 * * *

4 (b) ~~Name:~~ Each school district shall be known by the name of the
5 municipality in which it lies or in the case of union, incorporated, and interstate
6 school districts, by a number and by a name given the district by its school
7 board and approved by the ~~commissioner~~ Secretary.

8 Sec. 2. 16 V.S.A. § 12 is amended to read:

9 § 12. OATH

10 A superintendent, a principal or teacher in a public school of the state, ~~or~~ a
11 professor, instructor, or teacher who will be employed ~~hereafter~~ by a
12 university, or college in the state, ~~which~~ that is supported in whole or in part by
13 public funds, or ~~in~~ a headmaster or teacher who will be employed by an
14 independent school or other educational institution accepted by the ~~state~~
15 ~~department of education~~ Agency as furnishing equivalent education, before
16 entering upon the discharge of his or her duties, shall subscribe to an oath or
17 affirmation to support the ~~constitution of the United States of America~~ U.S.
18 Constitution, the ~~constitution of the state of Vermont~~ Constitution, and the
19 ~~laws of the United States and the state of Vermont~~ all state and federal laws;
20 provided, however, that ~~such~~ an oath shall not be required of any person ~~so~~
21 ~~employed~~ who is a citizen of a foreign country.

1 Sec. 3. 16 V.S.A. § 133 is amended to read:

2 § 133. SUPERVISOR; COMPREHENSIVE HEALTH EDUCATION

3 (a) The ~~commissioner~~ Secretary with the approval of the ~~state board~~ State
4 Board may appoint one qualified person to supervise the preparation of
5 appropriate curricula for use in the public schools, to promote programs for the
6 preparation of teachers to teach these curricula, and to assist in the
7 development of comprehensive health education programs.

8 (b) ~~The commissioner shall evaluate and report the status of the~~
9 ~~comprehensive health education program as defined above to the board of~~
10 ~~education and to the chairmen of the house and senate committees on~~
11 ~~education no later than January 15, 1979. [Repealed.]~~

12 (c) Vermont school districts may include a module within the secondary
13 school health class curricula relating to cervical cancer and the human
14 papillomavirus. The ~~department of education~~ Agency shall work with relevant
15 medical authorities to update the current model module to reflect up-to-date
16 information and practices for health education in this area.

17 Sec. 4. 16 V.S.A. § 135 is amended to read:

18 § 135. PROGRAM DEVELOPMENT; COMMUNITY ADVISORY

19 COUNCIL

1 (a) The ~~department~~ Agency shall offer assistance to school districts and
2 supervisory unions to provide teacher instruction in comprehensive health
3 education.

4 (b) Any school district board or supervisory union board may establish a
5 comprehensive health education community advisory council to assist the
6 school board in developing and implementing comprehensive health education.
7 The school board shall provide public notice to the community to allow all
8 interested parties to apply for appointment. The school board shall endeavor to
9 appoint members ~~that~~ who represent various points of view within the
10 community regarding comprehensive health education.

11 Sec. 5. 16 V.S.A. § 216 is redesignated to read:

12 § ~~216~~ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON
13 WELLNESS AND COMPREHENSIVE HEALTH

14 Sec. 6. 16 V.S.A. § 136 is amended to read:

15 § 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
16 AND COMPREHENSIVE HEALTH

17 (a) ~~In~~ As used in this section:

18 (1) “Fitness program” means a program ~~which~~ that includes a physical
19 education program and a physical activity program.

20 (2) “Nutrition” includes all food and beverages sold or served in the
21 food service program, vending machines, snack bars, and school stores.

1 (3) “Physical activity program” means a program ~~which~~ that includes, in
2 addition to regular physical education classes, minimum daily physical activity
3 for each student provided through activities such as recess and other recreation
4 periods, and participation in athletics either during or after regular school
5 hours. “Physical activity” means moderate and vigorous physical activities.

6 (4) “Physical education program” means a ~~program which is a~~
7 sequential, developmentally appropriate program that is an enjoyable
8 experience for students and is designed to help students develop the
9 knowledge, skill, self-management skill, attitudes, and confidence needed to
10 adopt and maintain physical fitness throughout their lives.

11 (5) “Wellness program” means a program ~~which~~ that includes fitness
12 and nutrition.

13 (b) The ~~commissioner~~ Secretary with the approval of the ~~state board~~ State
14 Board shall establish an ~~advisory council on wellness and comprehensive~~
15 ~~health which~~ Advisory Council on Wellness and Comprehensive Health that
16 shall include at least three members associated with the health services field.
17 The members shall serve without compensation but shall receive their actual
18 expenses incurred in ~~pursuit of~~ connection with their duties relating to wellness
19 and comprehensive health programs. The ~~council~~ Council shall assist the
20 ~~department of education in planning, coordinating, and encouraging~~ Agency to

1 plan, coordinate, and encourage wellness and comprehensive health programs
2 in the public schools.

3 (c) The ~~commissioner~~ Secretary shall collaborate with other agencies and
4 councils working on childhood wellness to:

5 * * *

6 (3) establish and maintain a website ~~which~~ that displays data from a
7 youth risk behavior survey in a way that enables the public to aggregate and
8 disaggregate the information;

9 * * *

10 (5) create a process for schools to share with the ~~department of health~~
11 Department of Health any data collected about the height and weight of
12 students in kindergarten through grade six. The ~~commissioner of health~~
13 Commissioner of Health may report any data compiled under this subdivision
14 on a countywide basis. Any reporting of data must protect the privacy of
15 individual students and the identity of participating schools.

16 (d) The ~~department~~ Agency shall offer assistance to school districts and
17 supervisory unions to provide teacher instruction in wellness programs.

18 * * *

19 Sec. 7. REDESIGNATION; ADDITION OF SUBCHAPTER

20 16 V.S.A. chapter 3, subchapter 1, which shall include §§ 161–167a, is
21 added to read:

1 made pursuant to ~~section 565~~ chapter 9, subchapter 5 of this title and responses
2 to the complaints, financial resources and expenditures, and community social
3 indicators. The report shall be organized and presented in a way that is easily
4 understandable by the general public and that enables each school to determine
5 its strengths and weaknesses. The ~~commissioner~~ Secretary shall use the
6 information in the report ~~in determining~~ to determine whether students in each
7 school are provided educational opportunities substantially equal to those
8 provided in other schools pursuant to subsection 165(b) of this title.

9 Sec. 10. 16 V.S.A. § 180 is redesignated to read:

10 § ~~180~~164a. STATEWIDE STRATEGIC EDUCATION PLAN

11 Sec. 11. 16 V.S.A. § 164a is amended to read:

12 § 164a. STATEWIDE STRATEGIC EDUCATION PLAN

13 ~~By Beginning on July 1, 1998, the state board of education~~ State Board
14 shall adopt through a public process a statewide strategic education plan to
15 describe how the ~~agency~~ Agency will help school boards to improve student
16 performance. ~~Every five years thereafter, the state board~~ The State Board shall
17 update and readopt the plan at least every five years. The goals of the plan
18 shall be to strengthen coherence and consistency among state and local
19 education goals, standards for student performance, assessments, professional
20 development opportunities, and action plans; and to provide support for local

1 curriculum development. The plan shall include information as to the
2 economic costs of implementation and the education benefits to be derived.

3 Sec. 12. 16 V.S.A. § 165 is amended to read:

4 § 165. STANDARDS OF QUALITY FOR PUBLIC SCHOOLS; EQUAL
5 EDUCATIONAL OPPORTUNITIES; INDEPENDENT SCHOOL
6 MEETING SCHOOL QUALITY STANDARDS

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

11 * * *

12 (2) The school, at least annually, reports student performance results to
13 community members in a format selected by the school board. In the case of a
14 regional career technical center, the community means the school districts in
15 the service region. The school report shall include:

16 * * *

17 (K) data provided by the ~~commissioner~~ Secretary ~~which~~ that enable a
18 comparison with other schools, or school districts if school level data are not
19 available, for cost-effectiveness. The ~~commissioner~~ Secretary shall establish
20 which data are to be included pursuant to this subdivision and, notwithstanding
21 that the other elements of the report are to be presented in a format selected by

1 the school board, shall develop a common format to be used by each school in
2 presenting the data to community members. The ~~commissioner~~ Secretary shall
3 provide the most recent data available to each school no later than October 1 of
4 each year. Data to be presented ~~may~~ include student-to-teacher ratio,
5 administrator-to-student ratio, administrator-to-teacher ratio, and cost per
6 pupil.

7 * * *

8 (8) The school maintains a safe, orderly, civil, and positive learning
9 environment, ~~which~~ that is free from hazing, harassment, and bullying, and is
10 based on sound instructional and classroom management practices and clear
11 discipline policies that are consistently and effectively enforced.

12 (b) Every two years, the ~~commissioner~~ Secretary shall determine whether
13 students in each Vermont public school are provided educational opportunities
14 substantially equal to those provided in other public schools. If the
15 ~~commissioner~~ Secretary determines that a school is not meeting the quality
16 standards listed in subsection (a) of this section or that the school is making
17 insufficient progress in improving student performance in relation to the
18 standards for student performance set forth in subdivision 164(9) of this title,
19 he or she shall describe in writing actions that a district must take in order to
20 meet either or both sets of standards and shall provide technical assistance to
21 the school. If the school fails to meet the standards or make sufficient progress

1 by the end of the next two-year period, the ~~commissioner~~ Secretary shall
2 recommend to the ~~state board~~ State Board one or more of the following
3 actions:

4 (1) continue technical assistance;

5 (2) adjust supervisory union boundaries or responsibilities of the
6 superintendency;

7 (3) assume administrative control only to the extent necessary to correct
8 deficiencies; or

9 (4) close the school and require that the school district pay tuition to
10 another public school or an approved independent school pursuant to chapter
11 21 of this title.

12 (c) The ~~state board~~ State Board, after offering the school board an
13 opportunity for a hearing, shall either dismiss the ~~commissioner's~~ Secretary's
14 recommendation or order that one or more of the actions listed in subsection
15 (b) of this section be taken. The action ordered by the ~~state board~~ State Board
16 shall be the least intrusive consistent with the need to provide students
17 attending the school substantially equal educational opportunities. A school
18 board aggrieved by an order of the ~~state board~~ State Board may appeal the
19 order in accordance with the Rules of Civil Procedure.

20 (d) Nothing ~~herein~~ in this section shall be construed to entitle any student
21 to educational programs or services identical to those received by students in

1 the same or any other school district. Further, nothing ~~herein~~ in this section
2 shall create a private right of action.

3 (e) If the ~~commissioner~~ Secretary determines at any time that the failure of
4 a school to meet the school quality standards listed in subsection (a) of this
5 section is severe or pervasive, potentially results in physical or emotional harm
6 to students, or significant deprivation of equal education opportunities, and the
7 school has either unreasonably refused to remedy the problem or its efforts
8 have proved ineffective, he or she may recommend to the ~~state board~~ State
9 Board one or more of the actions listed in subsection (b) of this section. The
10 ~~state board~~ State Board shall then follow the procedure of subsection (c) of this
11 section.

12 (f) In order to be designated an independent school meeting school quality
13 standards, an independent school shall participate in the school quality
14 standards process of subsection (b) of this section. An independent school
15 shall receive technical assistance in accordance with the provisions of
16 subsection (b), but shall not be subject to subdivisions (b)(2)-(4) of this
17 section. The school shall be an independent school meeting school quality
18 standards unless the ~~state board~~ State Board, after opportunity for hearing,
19 finds that:

20 (1) the school has discontinued its participation in the school quality
21 standards process; or

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

5 Sec. 13. 16 V.S.A. § 166 is amended to read:

6 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

7 (a) Authority. An independent school may operate and provide elementary
8 education or secondary education if it is either approved or recognized as set
9 forth herein.

10 (b) Approved independent schools. On application, the ~~state board~~ State
11 Board shall approve an independent school ~~which~~ that offers elementary or
12 secondary education if it finds, after opportunity for hearing, that the school
13 provides a minimum course of study pursuant to section 906 of this title and
14 that it substantially complies with the ~~board's~~ Board's rules for approved
15 independent schools. Except as provided in subdivision (6) of this subsection,
16 the ~~board's~~ Board's rules must at minimum require that the school has the
17 resources required to meet its stated objectives, including financial capacity,
18 faculty who are qualified by training and experience in the areas in which they
19 are assigned, and physical facilities and special services that are in accordance
20 with any state or federal law or regulation. Approval may be granted without
21 ~~state board~~ State Board evaluation in the case of any school accredited by a

1 private, state, or regional agency recognized by the ~~state board~~ State Board for
2 accrediting purposes.

3 (1) On application, the ~~state board~~ State Board shall approve an
4 independent school ~~which~~ that offers kindergarten but no other graded
5 education if it finds, after opportunity for hearing, that the school substantially
6 complies with the board's rules for approved independent kindergartens. The
7 ~~state board~~ State Board may delegate to another state agency the authority to
8 evaluate the safety and adequacy of the buildings in which kindergartens are
9 conducted, but shall consider all findings and recommendations of any such
10 agency in making its approval decision.

11 (2) Approvals under this ~~section~~ subsection (b) shall be for a term
12 established by rule of the ~~board~~ Board but not greater than five years.

13 (3) An approved independent school shall provide to the parent or
14 guardian responsible for each of its ~~pupils~~ students, prior to accepting any
15 money for ~~that pupil~~ a student, an accurate statement in writing of its status
16 under this section, and a copy of this section. Failure to comply with this
17 provision may create a permissible inference of false advertising in violation of
18 13 V.S.A. § 2005.

19 (4) Each approved independent school shall provide to the
20 ~~commissioner~~ Secretary on October 1 of each year the names, genders, dates of
21 birth, and addresses of its enrolled ~~pupils~~ students. Within seven days of the

1 termination of a ~~pupil's~~ student's enrollment, the approved independent school
2 shall notify the ~~commissioner~~ Secretary of the name and address of the ~~pupil~~
3 student. The ~~commissioner~~ Secretary shall ~~forthwith~~ notify the appropriate
4 school officials as provided in section 1126 of this title.

5 (5) The ~~state board~~ State Board may revoke or suspend the approval of
6 an approved independent school, after opportunity for hearing, for substantial
7 failure to comply with the minimum course of study, for failure to comply with
8 the ~~board's~~ Board's rules for approved independent schools, or for failure to
9 report under subdivision (b)(4) of this section. Upon revocation or suspension,
10 students required to attend school who are enrolled in that school shall become
11 truant unless they enroll in ~~an approved~~ a public school, an approved or
12 recognized independent school, or approved home instruction a home study
13 program.

14 (6) This subdivision (6) applies to an independent school located in
15 Vermont that offers a distance learning program and that, because of its
16 structure, does not meet some or all the rules of the ~~state board~~ State Board for
17 approved independent schools. In order to be approved under this subdivision,
18 a school shall meet the standards adopted by rule of the ~~state board~~ State Board
19 for approved independent schools that can be applied to the applicant school
20 and any other standards or rules adopted by the ~~state board~~ State Board
21 regarding these types of schools. A school approved under this subdivision

1 shall not be eligible to receive tuition payments from public school districts
2 under chapter 21 of this title.

3 (7) Approval for independent residential schools under this subsection is
4 also contingent upon proof of the school's satisfactory completion of an annual
5 fire safety inspection by the ~~department of public safety~~ Department of Public
6 Safety or its designee pursuant to 20 V.S.A. chapter 173, subchapter 2. A
7 certificate executed by the inspecting entity, declaring satisfactory completion
8 of the inspection and identifying the date by which a new inspection must
9 occur, shall be posted at the school in a public location. The school shall
10 provide a copy of the certificate to the ~~commissioner of education~~ Secretary of
11 Education after each annual inspection. The school shall pay the actual cost of
12 the inspection unless waived or reduced by the inspecting entity.

13 (c) Recognized independent schools. Upon filing an enrollment notice, a
14 recognized independent school may provide elementary or secondary
15 education in Vermont. The enrollment notice shall be on a form provided by
16 the ~~commissioner~~ Secretary and shall be filed with the ~~commissioner~~ Secretary
17 no earlier than three months before the beginning of the school year for the
18 public schools in the town in which the applicant proposes to locate.

19 * * *

20 (2) If the ~~commissioner~~ Secretary has information that creates
21 significant doubt about whether the school would be able to meet the

1 requirements set forth ~~above~~ in this subsection (c), the ~~commissioner~~ Secretary
2 may call a hearing. At the hearing, the school shall establish that it can meet
3 the requirements for recognized independent schools. Failure to do so shall
4 result in a finding by the ~~commissioner~~ Secretary that the school must take
5 specified action to come into compliance within a specified time frame or the
6 children enrolled must attend another recognized independent school, a public
7 school, an approved independent or public school, or a home study program, or
8 be declared truant unless absent with legal excuse.

9 (3) A recognized independent school shall provide to each student's
10 parent or guardian a copy of its currently filed statement of objectives and a
11 copy of this section. The copy shall be provided when the ~~pupil~~ student enrolls
12 or before September 1, whichever comes later. Failure to comply with this
13 subsection may create a permissible inference of false advertising in violation
14 of 13 V.S.A. § 2005.

15 (4) A recognized independent school shall renew its enrollment notice
16 annually. An independent school shall be recognized for a period not to
17 exceed five years by the ~~commissioner~~ Secretary without need for filing an
18 annual enrollment notice if:

19 (A) it is recognized by an organization approved by the ~~state board~~
20 State Board for the purpose of recognizing such school; or

1 (B) it is accredited by a private, state, or regional agency approved by
2 the ~~state board~~ State Board for accrediting purposes. ~~Nothing contained~~
3 ~~herein;~~ provided, however, nothing in this subdivision (4) shall be construed to
4 prohibit the ~~commissioner~~ Secretary from initiating a hearing under this
5 section subsection (c).

6 (5) If the ~~commissioner~~ Secretary has information that creates
7 significant doubt about whether the school, once in operation, is meeting the
8 requirements for recognized independent schools, the ~~commissioner~~ Secretary
9 may call a hearing. At the hearing, the school shall establish that it has met the
10 requirements for recognized independent schools. Failure to do so shall result
11 in a finding by the ~~commissioner~~ Secretary that:

12 (A) the school may not be in operation for the remainder of the
13 school year and that the children are truant unless absent with legal excuse or
14 enrolled in ~~an approved a public or school,~~ an independent school, another
15 recognized independent school, or a home study program; or

16 (B) the school must take specified action to come into compliance
17 within a specified time frame or the school will not be permitted to operate for
18 the remainder of the school year.

19 (6) Each recognized independent school shall provide to the
20 ~~commissioner~~ Secretary on October 1 of each year the names, genders, dates of
21 birth, and addresses of its enrolled ~~pupils~~ students. Within seven days of the

1 termination of a ~~pupil's~~ student's enrollment, the recognized independent
2 school shall notify the ~~commissioner~~ Secretary of the name and address of the
3 ~~pupil student~~. The ~~commissioner~~ Secretary shall ~~forthwith~~ notify the
4 appropriate school officials ~~designated~~ as provided in section 1126 of this title.

5 (7) After the filing of the enrollment notice or at a hearing, if the school
6 is unable to comply with any specific requirements due to deep religious
7 conviction shared by an organized group, the ~~commissioner~~ Secretary may
8 waive such requirements if he or she determines that the educational purposes
9 of this subsection are being or will be substantially met.

10 (d) Council of independent schools. A ~~council of independent schools~~
11 Council of Independent Schools is created consisting of ~~eleven~~ 11 members,
12 no fewer than three of whom shall be representatives of recognized
13 independent schools. The ~~commissioner~~ Secretary shall appoint nine members
14 from within the independent schools' community. The ~~commissioner~~
15 Secretary shall appoint two members from the public-at-large. Each member
16 shall serve for two years and may be reappointed for up to an additional two
17 terms, ~~except that five of the first eleven appointments shall be for an initial~~
18 ~~term of one year. The council shall hold its organizational meeting before~~
19 ~~March 1, 1990 at the call of the commissioner and shall.~~ The Council shall
20 adopt rules for its own operation. A chair shall be elected by and from among
21 the members. The duties of the ~~council~~ Council shall include advising the

1 ~~commissioner~~ Secretary on policies and procedures with respect to
2 independent schools. No hearing shall be initiated under this section before the
3 ~~state board~~ State Board, or by the ~~commissioner under this section~~ Secretary,
4 until the recommendations of the ~~council~~ Council have been sought and
5 received. The recommendations of the ~~advisory council~~ Council, including
6 any minority reports, shall be admissible at the hearing.

7 (e) Harassment, hazing, and bullying policies. The board of trustees of an
8 approved or recognized independent school operating in Vermont shall adopt
9 harassment ~~and~~, hazing, and bullying prevention policies, establish procedures
10 for dealing with harassment ~~and~~, hazing, and bullying of students, and provide
11 notice of these. The provisions of ~~section 565~~ chapter 9, subchapter 5 of this
12 title for public schools shall apply to this subsection, except that the board shall
13 follow its own procedures for adopting policy.

14 (f) An approved independent school ~~which~~ that accepts students for whom
15 the district of residence pays tuition under chapter 21 of this title shall bill the
16 sending district monthly for a state-placed student and shall not bill the sending
17 district for any month in which the state-placed student was not enrolled.

18 (g) An approved independent school ~~which~~ that accepts students for whom
19 the district of residence pays tuition under chapter 21 of this title shall use the
20 assessment or assessments required under subdivision 164(9) of this title to
21 measure attainment of standards for student performance of those ~~pupils~~

1 students. In addition the school shall provide data related to the assessment or
2 assessments as required by the ~~commissioner~~ Secretary.

3 Sec. 14. 16 V.S.A. § 166b is amended to read:

4 § 166b. HOME STUDY PROGRAM

5 (a) Enrollment notice. A home study program shall send a written
6 enrollment notice to the ~~commissioner~~ Secretary whenever it intends to enroll a
7 child. Enrollments at in home study programs shall expire on July 1. If a
8 home study program intends to re-enroll a child for the following school year,
9 a new notice under this section is required and may be submitted at any time
10 after March 1. A notice under this subsection shall include the following:

11 (1) The name ~~and~~, age, and month and year of birth, of the child.

12 * * *

13 (6) The names, addresses, telephone numbers, and signatures of the
14 persons who will provide ongoing instruction in ~~the subject areas specified in~~
15 ~~subdivisions 906(b)(1), (2), (4), and (5) of this title~~ each subject area of the
16 minimum course of study, as defined in subsection (i) of this section.

17 (7) The signatures of all custodial parents or guardians who are legally
18 authorized to make educational decisions for the student.

19 (b) Notice to home study programs. Within 14 business days of receiving
20 an enrollment notice, the ~~commissioner~~ Secretary or designee shall send the

1 home study program a written acknowledgment of receipt. The
2 acknowledgment shall include a determination:

3 (1) either that the enrollment notice is complete and no further
4 information is needed, or specifically identifying information required under
5 subsection (a) of this section which is missing. If information is missing, the
6 home study program shall provide the additional information in writing within
7 14 days; and

8 (2) either that the child may be enrolled immediately or that the child
9 may be enrolled 45 days after the enrollment notice was received. At any time
10 before the child may be enrolled, the ~~commissioner~~ Secretary may order that a
11 hearing be held. After notice of such a hearing is received, the child shall not
12 be enrolled until after an order has been issued by the hearing officer to that
13 effect.

14 (c) Enrollment reports. Each home study program shall notify the
15 ~~commissioner~~ Secretary within seven days of the day that any student ceases to
16 be enrolled in the program. Within ten days of receiving any enrollment
17 report, the ~~commissioner~~ Secretary shall notify the appropriate superintendent
18 of schools.

19 (d) Progress assessment. Each home study program shall assess annually
20 the progress of each of its students. Progress shall be assessed in each subject

1 area of the minimum course of study, as defined in subsection (i) of this
2 section, by one or more of the following methods:

3 (1) A report in a form designated by the ~~commissioner~~ Secretary, by a
4 teacher licensed in Vermont. In determining the form of the report, the
5 ~~commissioner~~ Secretary shall consult with parents who have provided home
6 study programs for their children. Nothing in this section shall be construed to
7 require the ~~commissioner~~ Secretary to consult with parents on an individual
8 basis regarding the form of a teacher report.

9 (2) A report prepared by the ~~parents~~, the student's parents or instructor,
10 or a teacher advisory service report from a publisher of a commercial
11 curriculum, together with a portfolio of the student's work that includes work
12 samples to demonstrate progress in each subject area in the minimum course of
13 study.

14 (3) The complete results of a standardized achievement test approved by
15 the ~~commissioner~~ Secretary, administered in a manner approved by the testing
16 company, and scored in accordance with this subdivision. In selecting the list
17 of tests to be approved, the ~~commissioner~~ Secretary shall:

18 (A) Consult with parents who have provided home study programs
19 for their children. Nothing in this section shall be construed to require the
20 ~~commissioner~~ Secretary to consult with parents on an individual basis

1 regarding the test to be administered as a progress assessment for their own
2 home study programs.

3 (B) Select at least four tests to be scored by a testing company, and at
4 least four tests to be administered and scored by a teacher licensed in Vermont
5 who is not the parent or legal guardian of the student.

6 (e) Hearings before enrollment. If the ~~commissioner~~ Secretary has
7 information that creates a significant doubt about whether a home study
8 program can or will provide a minimum course of study for a student who has
9 not yet enrolled, the ~~commissioner~~ Secretary may call a hearing. At the
10 hearing, the home study program shall establish that it has complied with this
11 section and will provide the student with a minimum course of study.

12 (f) Hearings after enrollment. If the ~~commissioner~~ Secretary has
13 information that reasonably could be expected to justify an order of
14 termination under this section, he or she may call a hearing. At the hearing,
15 the ~~commissioner~~ Secretary shall establish one or more of the following:

16 (1) the home study program has substantially failed to comply with the
17 requirements of this section;

18 (2) the home study program has substantially failed to provide a student
19 with the minimum course of study;

20 (3) the home study program will not provide a student with the
21 minimum course of study.

1 (g) Notice and procedure. Notice of any hearing shall include a brief
2 summary of the material facts and shall be sent to each parent or guardian and
3 each instructor of the student or students involved who are known to the
4 ~~commissioner~~ Secretary. The hearing shall occur within 30 days of the day
5 that notice is given or sent. If a notice concerns a child not yet enrolled in a
6 home study program, enrollment shall not occur until an order has been issued
7 after the hearing. The hearing shall be conducted by an impartial hearing
8 officer appointed by the ~~commissioner~~ Secretary from a list approved by the
9 ~~state board~~ State Board. At the request of the child's parent or guardian, the
10 hearing officer shall conduct the hearing at a location in the vicinity of the
11 home study program.

12 (h) Order following hearing. After hearing evidence, the hearing officer
13 shall enter an order within ten working days. If the child is not enrolled, the
14 order shall provide that the child be enrolled or that enrollment be disallowed.
15 If the child is enrolled, the order shall provide that enrollment be continued or
16 that the enrollment be terminated. An order shall take effect immediately.
17 Unless the hearing officer provides for a shorter period, an order disallowing or
18 terminating enrollment shall extend until the end of the following school year,
19 as defined in this title. If the order is to disallow or terminate the enrollment, a
20 copy shall be given to the appropriate superintendent of schools, who shall take
21 appropriate action to ensure that the child is enrolled in a school as required by

1 this title. Following a hearing, the ~~commissioner~~ Secretary may petition the
2 hearing officer to reopen the case only if there has been a material change in
3 circumstances.

4 (i) The minimum course of study required under this section shall be
5 provided every school year, and the educational content provided shall be
6 adapted in each area of study to the age and ability of each child and ~~adapted~~
7 any disability of the child. Nothing in this section requires that a home study
8 program follow the program or methods used by the public schools. In this
9 section, “minimum course of study” means:

10 (1) For a child who is ~~less~~ younger than 13 years of age, the subject
11 areas listed in section 906 of this title.

12 (2) For a child who is 13 years of age or older, the subject areas listed in
13 subdivisions 906(b)(1), (2), (4), and (5) of this title, and other subject areas
14 selected by the home study program. ~~However, the~~ The child’s progress in the
15 elective areas shall not be subject to the annual progress assessment.

16 (j) After the filing of the enrollment notice or at a hearing, if the home
17 study program is unable to comply with any specific requirements due to deep
18 religious conviction shared by an organized group, the ~~commissioner~~ Secretary
19 may waive such requirements if he or she determines that the educational
20 purposes of this section are being or will be substantially met.

1 (k) A Vermont home study program ~~which~~ that has successfully completed
2 the last two consecutive school years of home study with any enrolled child,
3 provided those two years fall within the most recent five years, shall not
4 thereafter be required to submit an annual detailed outline or narrative
5 describing the content of the minimum course of study. For the purposes of
6 this subsection, successful completion of a home study program shall mean
7 that, in each of the two consecutive years, the program has not been disallowed
8 by order of a hearing officer, the previously enrolled student made progress
9 commensurate with age and ability in all subject areas of the minimum course
10 of study, and the home study program has otherwise complied with the
11 requirements of this section.

12 (l) A home study program ~~which~~ that has successfully completed two
13 consecutive school years of home study as defined in subsection (k) of this
14 section shall not be exempt from any other requirements of this section and
15 shall annually submit a description of special services and adaptations to
16 accommodate any disability of the child; consistent with subsection (i) of this
17 section. In addition, the program shall submit a detailed outline or narrative
18 describing the content to be provided in each subject area of the minimum
19 course of study as part of its enrollment notice for each child who is 12 years
20 old at the time the enrollment notice is submitted.

21 Sec. 15. 16 V.S.A. § 173 is redesignated to read:

1 § ~~473~~ 167a. CONTRACT FOR SALE AND DISTRIBUTION OF
2 HISTORICAL TEXTBOOK

3 ~~Sec. 16. REDESIGNATION; ADDITION OF SUBCHAPTER~~

4 ~~16 V.S.A. chapter 3, subchapter 2, which shall include §§ 168–172, is~~
5 ~~added to read:~~

6 Subchapter 2. Federal Funds

7 * * *

8 Sec. 17. 16 V.S.A. § 168 is amended to read:

9 § 168. AUTHORITY OF STATE BOARD OF EDUCATION TO ~~UTILIZE~~
10 USE FEDERAL FUNDS TO AID EDUCATION

11 (a) The ~~state board~~ State Board is designated as the sole state agency to
12 establish and administer through the ~~department of education~~ Agency any
13 statewide plan ~~which is now or hereafter may be required as a condition for~~
14 receipt of federal funds ~~as may be made available to the state of Vermont by~~
15 ~~the Congress of the United States, or administrative ruling pursuant thereto,~~
16 State for any educational purposes, including technical education and adult
17 education and literacy. ~~It~~ The Board shall also be the agency to accept and
18 administer federal funds ~~which federal legislation requires that require~~
19 administration by a state education agency having jurisdiction of elementary
20 ~~and secondary education to administer.~~

1 ~~(b) Subject to the approval of the ~~governor~~ Governor, the ~~board~~ Board may~~
2 ~~accept and ~~utilize such~~ use federal funds. It may establish criteria and~~
3 ~~procedures to conform with any requirements established for the use of such~~
4 ~~funds and may take such other action as may be required to comply with any~~
5 ~~condition for receipt of such federal aid.~~

6 Sec. 18. 16 V.S.A. § 169 is amended to read:

7 § 169. ACCEPTANCE, DISTRIBUTION AND ACCOUNTING OF
8 FEDERAL FUNDS

9 (a) ~~The ~~state treasurer~~ State Treasurer, acting upon the order of the~~
10 ~~commissioner or his or her authorized representative~~ Secretary, shall accept,
11 distribute, and account for federal funds available for use by the ~~state board~~
12 State Board. Funds shall be distributed and accounted for by the ~~state treasurer~~
13 State Treasurer in accordance with the laws of ~~this state~~ Vermont, but if there
14 is a conflict between those laws; and the laws or regulations of the United
15 States, then federal law shall apply. ~~The ~~commissioner~~ Secretary shall ~~cause to~~~~
16 ~~be submitted to the United States such detailed statements of the amounts so~~
17 prepare and submit federally required statements of funds received and
18 ~~disbursed as shall be required by the United States. The ~~commissioner~~~~
19 Secretary shall cause an audit to be made of ~~such~~ the federal funds and shall
20 submit a copy ~~thereof to a properly authorized official of the United States of~~
21 the audit as required by ~~the laws or regulations of the United States~~ federal

1 ~~law. Such The audit shall be supported by any reports from the supervisory~~
2 ~~union, local school districts, or other recipients of federal funds as may be~~
3 ~~required by the commissioner or the United States Secretary or the federal~~
4 ~~government.~~

5 (b) ~~The state treasurer may deliver to the superintendent or State Treasurer~~
6 ~~may directly deposit checks payable to a supervisory union or to any school~~
7 ~~district within that supervisory union it or may deliver checks to the~~
8 ~~superintendent of the supervisory union.~~

9 * * *

10 Sec. 19. 16 V.S.A. § 144b is redesignated to read:

11 § ~~144b~~ 171. FEDERAL EDUCATION AID FUNDS; ADMINISTRATION;
12 LOCAL EDUCATION AGENCY

13 Sec. 20. 16 V.S.A. § 171 is added to read:

14 § 171. FEDERAL EDUCATION AID FUNDS; ADMINISTRATION;
15 LOCAL EDUCATION AGENCY

16 (a) ~~The state board of education~~ State Board, as sole state agency, may
17 administer such federal funds as may be made available to the state State under
18 ~~Public Law 89-10, known as the Elementary and Secondary Education Act of~~
19 ~~1965, Public L. No. 89-10, as amended, and Public Law 107-110, known as~~
20 ~~the No Child Left Behind Act of 2001, Public L. No 107-110.~~ Those funds
21 may be accepted and shall be distributed and accounted for by the state

1 ~~treasurer State Treasurer in accordance with that law and rules and regulations~~
2 of the United States issued under it if there is conflict between that law or those
3 rules and regulations and the laws of this ~~state~~ State.

4 (b) For purposes of distribution of funds under this section, a supervisory
5 union or ~~supervisory district~~ shall be a local education agency as that term is
6 defined in 20 U.S.C. § 7801(26).

7 (c) For purposes of determining pupil performance and application of
8 consequences for failure to meet standards and for provision of compensatory
9 and remedial services pursuant to 20 U.S.C. §§ 6311-6318, a school district
10 shall be a local education agency.

11 Sec. 21. 16 V.S.A. § 172 is amended to read:

12 § 172. FEDERAL FUNDS; SCHOOL FOOD PROGRAMS

13 The ~~state board~~ State Board is authorized to accept and use federal funds
14 made available by legislation of the congress to the ~~several states~~ to the State
15 for school food programs under the National School Lunch Act, ~~The the~~ Child
16 Nutrition Act, and any amendments ~~thereto~~ to those laws.

17 Sec. 22. REDESIGNATION; ADDITION OF SUBCHAPTER

18 16 V.S.A. chapter 3, subchapter 3, which shall include §§ 175-178, is
19 added to read:

20 Subchapter 3. Postsecondary Schools

21 § 175. STATE BOARD OF EDUCATION

Sec. 16. REDESIGNATION; ADDITION OF SUBCHAPTER

16 V.S.A. chapter 1, subchapter 2, which shall include §§ 41–55, is added to read:

Subchapter 2. Federal Funds

* * *

Sec. 17. 16 V.S.A. § 168 is amended to read:

§ 168 41. AUTHORITY OF STATE BOARD OF EDUCATION AGENCY TO UTILIZE USE FEDERAL FUNDS TO AID EDUCATION

(a) The ~~state board~~ Agency of Education is designated as the sole state agency to establish and administer ~~through the department of education~~ any statewide plan ~~which is now or hereafter may be~~ required as a condition for receipt of federal funds ~~as may be~~ made available to the ~~state of Vermont by the Congress of the United States, or administrative ruling pursuant thereto,~~ State for any educational purposes, including technical education and adult education and literacy. ~~‡~~ The Agency shall also be the agency to accept and administer federal funds ~~which federal legislation requires that require administration by a state education agency having jurisdiction of elementary and secondary education to administer.~~

(b) Subject to the approval of the ~~governor~~ Governor, the ~~board~~ Agency may accept and ~~utilize such~~ use federal funds. It may establish criteria and procedures to conform with any requirements established for the use of ~~such~~

~~the funds and may take such other action as may be required to comply with any condition for receipt of such federal aid.~~

Sec. 18. 16 V.S.A. § 169 is amended to read:

*§ ~~169~~ 42. ACCEPTANCE, DISTRIBUTION AND ACCOUNTING OF
FEDERAL FUNDS*

(a) ~~The state treasurer~~ State Treasurer, acting upon the order of the ~~commissioner or his or her authorized representative~~ Secretary, shall accept, distribute, and account for federal funds available for use by the ~~state board~~ Agency. Funds shall be distributed and accounted for by the ~~state treasurer~~ State Treasurer in accordance with the laws of ~~this state~~ Vermont, but if there is a conflict between those laws, and the laws or regulations of the United States, ~~then~~ federal law shall apply. ~~The commissioner~~ Secretary shall ~~cause to be submitted to the United States such detailed statements of the amounts so~~ prepare and submit federally required statements of funds received and disbursed as shall be required by the United States. ~~The commissioner~~ Secretary shall cause an audit to be made of ~~such~~ the federal funds and shall submit a copy thereof to a properly authorized official of the United States ~~of the audit as required by the laws or regulations of the United States~~ federal law. ~~Such~~ The audit shall be supported by any reports from the supervisory union, local school districts, or other recipients of federal funds as may be

required by the ~~commissioner or the United States~~ Secretary or the federal government.

(b) The state treasurer may deliver to the ~~superintendent or~~ State Treasurer may directly deposit checks payable to a supervisory union or ~~to~~ any school district within ~~that supervisory union~~ it or may deliver checks to the superintendent of the supervisory union.

* * *

Sec. 19. 16 V.S.A. § 144b is amended to read:

*§ ~~144b~~ 43. FEDERAL EDUCATION AID FUNDS; ADMINISTRATION;
LOCAL EDUCATION AGENCY*

(a) The ~~state board of education~~ Agency, as sole state agency, may administer ~~such federal funds as may be made available to the state~~ State under ~~Public Law 89-10, known as the Elementary and Secondary Education Act of 1965, Public L. No. 89-10, as amended, and Public Law 107-110, known as the No Child Left Behind Act of 2001, Public L. No 107-110.~~ Those funds may be accepted and shall be distributed and accounted for by the ~~state treasurer~~ State Treasurer in accordance with that law and rules and regulations of the United States issued under it if there is conflict between that law or those rules and regulations and the laws of this ~~state~~ State.

(b) For purposes of distribution of funds under this section, a supervisory union ~~or supervisory district~~ shall be a local education agency as that term is defined in 20 U.S.C. § 7801(26).

(c) For purposes of determining pupil performance and application of consequences for failure to meet standards and for provision of compensatory and remedial services pursuant to 20 U.S.C. §§ 6311-6318, a school district shall be a local education agency.

Sec. 20. [Deleted.]

Sec. 21. 16 V.S.A. § 172 is amended to read:

§ ~~172~~ 44. FEDERAL FUNDS; SCHOOL FOOD PROGRAMS

The ~~state board~~ Agency is authorized to accept and use federal funds made available ~~by legislation of the congress to the several states~~ to the State for school food programs under the National School Lunch Act, ~~The~~ the Child Nutrition Act, and any amendments ~~thereto~~ to those laws.

Sec. 22. REDESIGNATION; ADDITION OF SUBCHAPTER

16 V.S.A. chapter 3, subchapter 2, which shall include §§ 175–178, is added to read:

Subchapter 2. Postsecondary Schools

** * **

1 *Sec. 23. 16 V.S.A. § 176(b) is amended to read:*

2 *(b) Definitions. As used in this ~~section~~ subchapter:*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

Sec. 24. 16 V.S.A. § 176a is amended to read:

§ 176a. POSTSECONDARY SCHOOLS NOT CHARTERED IN
VERMONT

(a) Applicability. Except as provided in subsection (e) of this section, a postsecondary school that operates primarily outside the ~~state of~~ State of Vermont, offers or operates a program of college or professional education for credit or a degree, and wishes to operate in Vermont is subject to this section and to subsections 176(g) through (l) of this title.

(b) ~~Definitions. All words and phrases defined in section 176 of this title shall have the same meanings in this section.~~ [Repealed.]

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

* * *

(5) register with the ~~department of education~~ Agency pursuant to ~~state board~~ State Board rule; and

* * *

Sec. 25. 16 V.S.A. § 177 is amended to read:

§ 177. POSTSECONDARY APPROVAL; FEES

* * *

(b) If a postsecondary school that is subject to section 176 of this title and is operating within an unexpired certification period files an application to

1 offer a new degree at the same level as a degree previously approved by the
2 ~~state board~~ State Board, then the fee shall be based upon the actual costs to the
3 ~~department~~ Agency but shall not be less than \$1,000.00 for each new degree.

4 (c) A postsecondary school subject to section 176a of this title shall pay:

5 (1) the fees set forth in subsection (a) of this section for initial review
6 and approval pursuant to subdivision 176a(c)(3) of this title;

7 (2) a fee of \$1,000.00 for initial registration with the ~~department~~ Agency
8 pursuant to subdivision 176a(c)(5) of this title; and

9 (3) an annual fee of \$500.00 to renew its registration to operate in
10 Vermont pursuant to subsection 176a(d) of this title.

11 (d) Fees assessed under this section are not refundable.

12 (e) Fees assessed under this section shall be credited to a special fund
13 established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and
14 shall be available to the ~~department~~ Agency to offset the costs of approval.

15 Sec. 26. 16 V.S.A. § 178 is amended to read:

16 § 178. HARASSMENT AND HAZING PREVENTION POLICIES;

17 POSTSECONDARY SCHOOLS

18 (a) The board of trustees or other governing body of each postsecondary
19 school, ~~as defined in subdivision 140a(1) of this title~~, operating in Vermont
20 shall adopt and ensure enforcement of a policy establishing that harassment as
21 defined in subdivision 11(a)(26) of this title is a form of unlawful

1 discrimination and therefore prohibited. The board shall also require the
2 establishment of procedures to address complaints of discriminatory
3 harassment and to initiate educational programs designed to prevent such
4 conduct.

5 (b) The board of trustees or other governing body of each postsecondary
6 school, ~~as defined in subdivision 140a(1) of this title,~~ operating in Vermont
7 shall adopt and ensure enforcement of a policy prohibiting hazing, which shall
8 define hazing in a manner that is at least as stringent as the definition contained
9 in subdivision 11(a)(30) of this title. The policy shall include penalties or
10 sanctions or both for organizations that or individuals who engage in hazing;
11 revocation or suspension of an organization's permission to operate or exist
12 within the institution's purview if that organization knowingly permits,
13 authorizes, or condones hazing; and clear delineation of circumstances under
14 which hazing will be reported to a law enforcement agency. A summary of the
15 policy shall be distributed to all students at least annually.

16 Sec. 27. 16 V.S.A. chapter 5 is redesignated to read:

17 CHAPTER 5. ~~COMMISSIONER~~ SECRETARY OF EDUCATION

18 Subchapter 1. ~~Commissioner~~ Secretary of Education

19 Sec. 28. 16 V.S.A. § 212 is amended to read:

20 § 212. ~~COMMISSIONER'S~~ SECRETARY'S DUTIES GENERALLY

1 Sec. 30. 16 V.S.A. § 215 is amended to read:

2 § 215. CHALLENGE TO EXCELLENCE GRANTS

3 (a) Purpose ~~and findings~~. It is a goal of the ~~general assembly~~ General
4 Assembly to promote quality education for every Vermont child and to create
5 an opportunity for every Vermont student to achieve his or her personal best,
6 while respecting divergent student goals and personal learning styles and
7 abilities. The ~~general assembly further~~ General Assembly finds that a school's
8 climate for learning is improved when parents, community members, and
9 business leaders actively participate in promoting educational opportunities for
10 every student. Further, it is the compassion and innovation of individual
11 teachers and school personnel that often create the impetus for students to
12 achieve excellence in education.

13 (b) The ~~commissioner~~ Secretary shall establish and implement a challenge
14 to excellence grant program for the purpose of promoting quality education for
15 Vermont students. Eligible applicants include Vermont public ~~elementary,~~
16 ~~middle, secondary and vocational~~ schools, including regional career technical
17 centers, and Vermont supervisory unions on behalf of a school or schools. All
18 proposals shall be to develop or carry out a comprehensive plan, which may be
19 an action plan pursuant to subdivision 165(a)(1) of this title, to create
20 educational opportunities for each student within the school. Any ~~such~~ plan
21 ~~must be or must have been~~ shall be developed with the involvement of parents

1 and other community members, staff, and business representatives, and shall
2 be designed to assist students in meeting ~~state board~~ State Board and school
3 board standards. Grants shall be for up to \$50,000.00 and shall include a 1-1
4 match from other sources of funding, including grants from businesses,
5 foundations, or other federal or local funding. Priority shall be given to
6 schools ~~which the commissioner~~ that the Secretary finds are having difficulty
7 meeting the quality standards listed in subsection 165(a) of this title or are
8 making insufficient progress in improving student performance in relation to
9 the standards set forth in subdivision 164(9) of this title. Eligible activities
10 include:

11 (1) ~~A~~ a comprehensive planning and goal-setting process to promote a
12 quality education for all students within the school;

13 (2) ~~Activities~~ activities to carry out a comprehensive plan to promote
14 quality education for students within the school; and

15 (3) ~~Innovative~~ innovative methods to create educational opportunities
16 for students according to a comprehensive plan, including ~~but not limited to~~
17 special classes and activities; mentorship; summer institutes on math, science,
18 reading and language arts, social studies, service, the arts, or technology;
19 partnerships for learning with businesses, ~~post-secondary institutions~~
20 postsecondary schools, and community organizations; tutorials; programs for

1 at-risk or gifted students; and guidance, peer counseling, and career planning
2 activities.

3 Sec. 31. 16 V.S.A. § 241(a) is amended to read:

4 (a) Each supervisory union ~~or supervisory district~~ board, with the advice of
5 the ~~commissioner~~ Secretary, may employ a superintendent of schools.

6 Sec. 32. 16 V.S.A. § 242 is amended to read:

7 § 242. DUTIES OF SUPERINTENDENTS

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

10 * * *

11 (4)(A) provide data and information required by the ~~commissioner~~
12 Secretary;

13 (B) report all financial operations within the supervisory union to the
14 ~~commissioner and state board~~ Secretary and State Board for the preceding
15 school year on or before August 15 of each year, using a format approved by
16 the ~~commissioner~~ Secretary;

17 (C) report all financial operations for each member school district to
18 the ~~commissioner and state board~~ Secretary and State Board for the preceding
19 school year on or before August 15 of each year, using a format approved by
20 the ~~commissioner~~ Secretary; and

21 * * *

1 Sec. 33. 16 V.S.A. § 244(b) is amended to read:

2 (b) Without the approval of the ~~state board of education, high~~ State Board,
3 secondary school principals shall not be charged with supervisory
4 responsibility outside ~~of the high~~ the secondary school.

5 ~~Sec. 34. 16 V.S.A. § 254 is amended to read:~~

6 ~~§ 254. EDUCATOR LICENSURE; EMPLOYMENT OF~~
7 ~~SUPERINTENDENTS~~

8 ~~(a) The commissioner~~ Secretary shall sign and keep a user agreement with
9 the Vermont ~~criminal information center~~ Crime Information Center (VCIC).

10 ~~(b) The commissioner~~ Secretary shall request and obtain from the ~~Vermont~~
11 ~~criminal information center~~ VCIC the criminal record for any person applying
12 for an initial license as a professional educator or for reinstatement of a license
13 that has lapsed pursuant to subdivision ~~256(a)(1)(C)~~ of this title or for any
14 person who is offered a position as superintendent of schools in Vermont.

15 (c) A request made under subsection (b) of this section shall be
16 accompanied by a release signed by the person on a form provided by the
17 ~~Vermont criminal information center~~ VCIC, a set of the person's fingerprints,
18 and a fee established by the ~~Vermont criminal information center~~ VCIC
19 that shall reflect the cost of obtaining the record. The fee shall be paid by the
20 applicant. The release form to be signed by the applicant shall include a
21 ~~statement informing the applicant of:~~

1 ~~(1) the right to challenge the accuracy of the record by appealing to the~~
2 ~~Vermont criminal information center VCIC pursuant to rules adopted by the~~
3 ~~commissioner of public safety Commissioner of Public Safety; and~~

4 (2) the ~~commissioner of education's~~ Secretary of Education's policy
5 regarding maintenance and destruction of records and the person's right to
6 request that the record or notice be maintained for purposes of using it to
7 comply with future criminal record check requests made pursuant to section
8 256 of this title.

9 (d) Upon completion of a criminal record check required by subsection (b)
10 of this section, the ~~Vermont criminal information center VCIC~~ shall send to the
11 ~~commissioner~~ Secretary either a notice that no record exists or a copy of the
12 record. If a copy of a criminal record is received, the ~~commissioner~~ Secretary
13 shall forward it to the person and shall inform the person in writing of:

14 (1) the right to challenge the accuracy of the record by appealing to the
15 ~~Vermont criminal information center VCIC~~ pursuant to rules adopted by the
16 ~~commissioner of public safety Commissioner of Public Safety~~; and

17 (2) the ~~commissioner of education's~~ Secretary of Education's policy
18 regarding maintenance and destruction of records and the person's right to
19 request that the record or notice be maintained for purposes of using it to
20 comply with future criminal record check requests made pursuant to section
21 256 of this title.

1 ~~(c) The commissioner Secretary shall request and obtain information from~~
2 ~~the child protection registry maintained by the department for children and~~
3 ~~families and from the vulnerable adult abuse, neglect, and exploitation registry~~
4 ~~maintained by the department of disabilities, aging, and independent living~~
5 ~~Child Protection Registry maintained by the Department for Children and~~
6 ~~Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation~~
7 ~~Registry maintained by the Department of Disabilities, Aging, and Independent~~
8 ~~Living (collectively, the ~~“registries”~~ Registries) for any person for whom a~~
9 ~~criminal record check is required under subsection (b) of this section. The~~
10 ~~department for children and families and the department of disabilities, aging,~~
11 ~~and independent living Departments for Children and Families and of~~
12 ~~Disabilities, Aging, and Independent Living shall adopt rules governing the~~
13 ~~process for obtaining information from the ~~registries~~ Registries and for~~
14 ~~disseminating and maintaining records of that information under this~~
15 ~~subsection. A person denied a license based upon information acquired under~~
16 ~~this subsection may appeal the decision pursuant to subsection 1696(f) of this~~
17 ~~title.~~

18 (f) A person convicted of a sex offense that requires registration pursuant to
19 13 V.S.A. chapter 167, subchapter 3 shall not be eligible for an initial license
20 as a professional educator, renewal of a license, reinstatement of a lapsed

1 ~~license, or employment as a superintendent of schools in Vermont under this~~
2 ~~section.~~

Sec. 34. [Deleted.]

3 Sec. 35. 16 V.S.A. § 255 is amended to read:

4 § 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;
5 CONTRACTORS

6 * * *

7 (b) After signing a user agreement, a superintendent or a headmaster shall
8 make a request directly to the Vermont ~~criminal information center~~ Crime
9 Information Center (VCIC). A contractor shall make a request through a
10 superintendent or headmaster.

11 (c) A request made under subsection (b) of this section shall be
12 accompanied by a set of the person's fingerprints and a fee established by the
13 ~~Vermont criminal information center~~ VCIC which shall reflect the cost of
14 obtaining the record from the FBI. The fee shall be paid in accordance with
15 adopted school board policy.

16 (d)(1) Upon completion of a criminal record check, the ~~Vermont criminal~~
17 ~~information center~~ VCIC shall send to the superintendent a notice that no
18 record exists or, if a record exists, a copy of any criminal record.

1 (g)(1) Following notice that a headmaster was notified that a criminal
2 record which is located in either another state repository or FBI records exists,
3 a person may:

4 (A) Sign a form authorizing the ~~Vermont criminal information center~~
5 VCIC to release a detailed copy of the criminal record to the person.

6 (B) Decline or resign employment.

7 (2) Any person subject to a criminal record check pursuant to this
8 section may challenge the accuracy of the record by appealing to the ~~Vermont~~
9 ~~criminal information center~~ VCIC pursuant to rules adopted by the
10 ~~commissioner of public safety~~ Commissioner of Public Safety.

11 * * *

12 Sec. 36. 16 V.S.A. § 256 is amended to read:

13 § 256. CONTINUED VALIDITY OF CRIMINAL RECORD CHECK;

14 MAINTENANCE OF RECORDS

15 * * *

16 (b) A superintendent or headmaster who receives criminal record or
17 registry information under this subchapter shall maintain the record or
18 information pursuant to the user agreement for maintenance of records. At the
19 end of the time required by the user agreement for maintenance of the
20 information, the superintendent or headmaster shall destroy the information in
21 accordance with the user agreement unless the person authorizes maintenance

1 of the record. If authorized by the person, the superintendent or headmaster
2 shall:

3 (1) if the information is a notice of no criminal record, securely maintain
4 the information indefinitely; or

5 (2) if the information is a criminal record or notice of the existence of a
6 criminal record, send it to the ~~commissioner~~ Secretary for secure maintenance
7 in a central records repository.

8 (c) Upon authorization by the person, the ~~commissioner~~ Secretary shall
9 release information maintained in the central records repository to a requesting
10 superintendent or, in the case of a requesting headmaster, to the person. The
11 ~~commissioner~~ Secretary shall maintain the notice or record in the repository at
12 least until the person ceases working for a Vermont school district or
13 independent school for a period of one year or more or until the person
14 requests that the record be destroyed.

15 (d) The ~~state board~~ State Board may adopt rules regarding maintenance of
16 records.

17 Sec. 37. 16 V.S.A. § 259(c) is amended to read:

18 (c) In addition to any other penalties described in this section, the
19 ~~commissioner~~ Secretary may initiate a review of the professional licensure of
20 any person who ~~wilfully~~ willfully discloses criminal record check information
21 received under this subchapter.

1 Sec. 38. 16 V.S.A. § 260 is amended to read:

2 § 260. SCHOOL BOARD POLICIES

3 Each school board shall, ~~by July 1, 1999,~~ adopt a policy on supervision of
4 volunteers and work study students. Policies shall require that superintendents,
5 headmasters of recognized or approved independent schools, and their
6 contractors check the names and birth dates of any work study students with
7 the Vermont Internet ~~sex-offender registry~~ Sex Offender Registry prior to
8 allowing work study students unsupervised contact with schoolchildren. A
9 person who is on ~~the Vermont Internet sex-offender registry~~ the Registry shall
10 not be eligible to be a work study student.

11 Sec. 39. 16 V.S.A. § 261a is amended to read:

12 § 261a. DUTIES OF SUPERVISORY UNION BOARD

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

14 * * *

15 (6) provide special education services on behalf of its member districts
16 and, except as provided in section 144b of this title, compensatory and
17 remedial services, and provide or coordinate the provision of other educational
18 services as directed by the ~~state board~~ State Board or local boards; provided,
19 however, if a supervisory union determines that services would be provided
20 more efficiently and effectively in whole or in part at the district level, then it
21 may ask the ~~commissioner~~ Secretary to grant it a waiver from this provision;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(8) provide the following services for the benefit of member districts in a manner that promotes the efficient use of financial and human resources, which shall be provided pursuant to joint agreements under section 267 of this title whenever feasible; provided, however, if a supervisory union determines that services would be provided more efficiently and effectively in another manner, then it may ask the ~~commissioner~~ Secretary to grant it a waiver from this subdivision:

* * *

(12) adopt supervisory union-wide truancy policies consistent with the model protocols developed by the ~~commissioner~~ Secretary.

* * *

Sec. 40. 16 V.S.A. § 262(a) is amended to read:

(a) Within ~~thirty~~ 30 days from the date a supervisory union is established by the ~~state board, the commissioner or his or her designee~~ State Board, the Secretary shall call a meeting of the school directors of the school districts in the supervisory union. The number of directors shall be determined and directors shall be elected according to section 266 of this title. Within 30 days thereafter, the ~~commissioner or his or her designee~~ Secretary shall call a meeting and the board shall elect a ~~chairman,~~ chair and other necessary officers to serve until the first regular annual election of officers.

1 Sec. 41. 16 V.S.A. § 267 is amended to read:

2 § 267. JOINT AGREEMENTS AMONG SUPERVISORY UNIONS

3 * * *

4 (b) The supervisory union may provide any authorized or required services
5 by contract with any person, partnership, corporation, school district within or
6 outside the supervisory union, or with other supervisory unions. The
7 supervisory union may also provide such services to any independent school in
8 the supervisory union area on such terms as the supervisory union board deems
9 proper. Contracts shall be approved by the board and signed by the ~~chairman~~
10 chair or ~~his~~ the chair's designee. A contract may be for a term not to exceed
11 four years renewable for successive four year periods.

12 (c) The expense of carrying on these shared programs, services, and
13 facilities shall be allocated according to a plan mutually agreed upon by the
14 participating supervisory unions and the ~~commissioner of education~~ Secretary
15 of Education, including agreement on revision and adequate auditing
16 procedures to allocate costs.

17 * * *

18 Sec. 42. 16 V.S.A. chapter 7, subchapter 2 is redesignated to read:

19 Subchapter 2. Supervisory Union Expenses

20 Sec. 43. 16 V.S.A. § 301 is amended to read:

21 § 301. APPORTIONMENT OF EXPENSES

1 Unless otherwise agreed upon, each school district shall pay a proportionate
2 share of the salary and expenses of the superintendent and the expenses of the
3 supervisory union based on the number of enrolled ~~pupils~~ students in each
4 member school district. “Enrolled ~~pupils~~ students” shall be defined by the
5 ~~commissioner~~ State Board by rule, including the treatment of tuition students,
6 special education students, students enrolled in career technical centers, and
7 other particular circumstances.

8 Sec. 44. 16 V.S.A. chapter 7, subchapter 3 is redesignated to read:

9 Subchapter 3. ~~Central District~~ Supervisory Union Treasury, Etc.;

10 Treasurer; Audits

11 Sec. 45. 16 V.S.A. § 324 is amended to read:

12 § 324. TERM OF OFFICE; VACANCY

13 The term of office of a ~~central~~ supervisory union treasurer shall be for one
14 year from July 1 through June 30. If the office becomes vacant, the voting
15 members of the supervisory union board shall elect a new ~~central~~ supervisory
16 union treasurer to take office on election for the unexpired term.

17 Sec. 46. 16 V.S.A. § 325 is amended to read:

18 § 325. REMOVAL FROM OFFICE

19 A ~~central~~ supervisory union treasurer may be removed from office for cause
20 by a majority vote of the ~~school directors~~ members of the supervisory union
21 board present and eligible to vote at a meeting called for that purpose.

1 Sec. 47. 16 V.S.A. § 426(a) is amended to read:

2 (a) The town treasurer shall be treasurer of the town school district unless,
3 by vote of the town school district, a town school district treasurer is elected.
4 He or she shall keep in a separate bank account all the money appropriated or
5 given for the use of the school district. Within 20 days after the date the school
6 taxes become due and payable or within such other period of time as may be
7 agreed upon in writing by both the ~~board of selectmen~~ selectboard and the
8 board of school directors, he or she shall deposit in the school account,
9 payments of the school tax levy received. However, if notification of the
10 amount to be transferred by the Secretary of Education to the school district ~~by~~
11 ~~the commissioner~~ has not been received within 20 days of the date taxes are
12 due and payable, the transfer shall be effected within 20 days of notification by
13 the ~~commissioner~~ Secretary.

14 Sec. 48. 16 V.S.A. § 428(b) is amended to read:

15 (b) If the electorate of a school district votes for its budget by Australian
16 ballot, it shall do so using ballot language jointly developed by the
17 ~~commissioner and secretary of state~~ Secretary of Education and the Secretary
18 of State and adopted by the ~~commissioner~~ State Board, by rule.

19 Sec. 49. 16 V.S.A. § 471 is amended to read:

20 § 471. APPLICATION OF OTHER LAWS

1 (a) The provisions of this title relating to the administration and
2 maintenance of public schools, school meetings, and voting therein, to grand
3 lists, to the raising and expending of school ~~moneys~~ monies, to ~~moneys~~ monies
4 apportioned by the ~~board of education~~ State Board, to sharing in other state aid,
5 to the election, appointment, powers, duties, and liabilities of school officers,
6 to elementary and higher instruction, to transportation, board and attendance of
7 ~~pupils~~ students, to truancy and truant officers, to furnishing of textbooks and
8 appliances, ~~to medical inspectors~~ and to all other matters pertaining to schools
9 in a town district, unless otherwise provided, and if not inconsistent with the
10 rights granted by their charters, shall apply to schools maintained, similar
11 school officers, and all matters pertaining to schools in incorporated school
12 districts.

13 (b) An incorporated school district, if it is so voted at an annual or special
14 meeting duly warned for that purpose, may elect to be governed by any one or
15 more provisions of this title in lieu of any inconsistent provisions of special
16 legislation relating to such district. Provisions of this title ~~so~~ adopted by a
17 district shall continue to apply ~~thereto~~ unless ~~and until such~~ the vote is
18 rescinded at an annual or special meeting duly warned for that purpose.

19 Sec. 50. 16 V.S.A. § 472 is amended to read:

20 § 472. MEETINGS; WARNINGS

1 (a) A district may, if it so votes at its annual meeting on the first Tuesday in
2 March, fix a different date for holding its annual meetings, provided ~~such~~ the
3 date is not earlier than March 15 nor later than June 30. A notice of the
4 proposed change shall be inserted in the warning of the annual meeting upon
5 the written request of five percent of the voters of the district. Special
6 meetings shall be warned on the application of five percent of the voters of the
7 district.

8 (b) Meetings shall be warned by the clerk or, in case of his or her inability
9 to act, by the prudential committee, by posting a notice ~~thereof~~, specifying the
10 time, place, and business of the meeting, in two public places in the district, at
11 least seven days before the time therein specified, and warnings shall be
12 recorded before being posted.

13 (c) When a person whose duty it is to warn a school meeting neglects to do
14 so for ten days, after application made as ~~hereinbefore~~ provided in this section,
15 he or she shall forfeit to the district \$20.00 for each ten days' neglect, to be
16 recovered in an action on this statute.

17 Sec. 51. 16 V.S.A. § 475 is amended to read:

18 § 475. STATISTICAL INFORMATION

19 Annually, on or before August 15, the prudential committee shall return to
20 the ~~commissioner~~ Secretary answers to the statistical inquiries ~~which~~ that he or
21 she may ~~be addressed~~ address to them.

1 Sec. 52. 16 V.S.A. § 492(b) is amended to read:

2 (b) Before entering upon their duties, the collector and treasurer shall give a
3 bond to the district conditioned for the faithful performance of their duties, in
4 such sum as may be required. When a collector or treasurer for ten days
5 neglects to give a bond as required, his or her office shall be vacant.

6 Sec. 53. 16 V.S.A. § 493 is amended to read:

7 § 493. MODERATOR

8 The moderator shall preside at such district meetings; and, in his or her
9 absence, a moderator pro tempore shall be chosen to preside.

10 Sec. 54. 16 V.S.A. § 494 is amended to read:

11 § 494. COLLECTOR OF TAXES

12 The district may elect the collector of town taxes to be collector of ~~such~~
13 taxes for the district although he or she is not an inhabitant thereof of that
14 district. When ~~such a~~ collector accepts the office, he or she shall do so in
15 writing and ~~such the~~ acceptance shall be recorded by the clerk.

16 Sec. 55. 16 V.S.A. § 496 is amended to read:

17 § 496. BOOKS AND PAPERS TO BE TURNED OVER TO SUCCESSOR

18 When a district office becomes vacant by expiration of the term of office of
19 the incumbent or otherwise, and a successor is elected or appointed, ~~such the~~
20 successor shall, on demand, be entitled to receive the books and papers of ~~such~~
21 the office from the last incumbent or anyone having the same books and papers

1 in his or her possession. A person having ~~such~~ books or papers in his or her
2 possession who refuses for ten days, after demand, to surrender ~~the same~~ them
3 to ~~such~~ the successor shall be fined \$10.00.

4 Sec. 56. 16 V.S.A. § 511 is amended to read:

5 § 511. BUDGET

6 (a) At a meeting legally warned for that purpose, the electorate within an
7 incorporated school district shall vote such sums of money as it deems
8 necessary for the support of schools. If ~~such~~ the sums are not approved or
9 acted upon at the annual meeting, the electorate shall vote ~~such~~ the questions at
10 a duly warned special school district meeting. A district may vote money
11 necessary for the support of schools ~~therein~~ to the end of the full school year
12 next ensuing.

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

17 Sec. 57. 16 V.S.A. § 512 is amended to read:

18 § 512. PAYMENT OF MONEYS COLLECTED TO TREASURER

19 On the written request of one or more members of the prudential committee,
20 a school district tax collector shall pay to the treasurer ~~moneys~~ monies
21 belonging to the district that have been collected ~~by him~~ to the date of ~~such~~

1 ~~notice~~ the request, and submit his or her tax book and list to the treasurer for
2 inspection and computation. A tax collector who neglects ~~to do~~ for so
3 within ten days after receiving ~~such~~ the request shall forfeit to the school
4 district \$100.00 to be recovered in an action on this statute, and ~~his~~ the office
5 of tax collector shall be vacant.

6 Sec. 58. 16 V.S.A. § 514 is amended to read:

7 § 514. ABATEMENT

8 The officers of the district, except the tax collector, shall be a board for the
9 abatement of district taxes, and it shall have the same power ~~which~~ that the
10 board for the abatement of town taxes has in the abatement of ~~such~~ municipal
11 taxes. On request of the tax collector, the prudential committee shall call a
12 meeting of ~~such~~ the board in the month of February in each year, by posting a
13 notice ~~thereof~~ in three public places in ~~such~~ the district at least five days before
14 ~~such~~ the meeting.

15 Sec. 59. 16 V.S.A. § 551 is amended to read:

16 § 551. APPLICATION OF LAWS TO SCHOOL DISTRICTS

17 Unless otherwise specifically provided in statute with respect to a class of
18 school district, or in ~~the charter of a city~~ a municipal charter, the laws of this
19 title, the laws pertaining to municipal corporations, and the ~~regulations~~ rules of
20 the ~~state board~~ State Board shall apply to all school districts.

21 Sec. 60. 16 V.S.A. § 552 is amended to read:

1 § 552. VALIDATION OF SCHOOL DISTRICTS AND BONDS VOTED
2 FOR SCHOOL CONSTRUCTION

3 No action shall be brought directly or indirectly attacking, questioning, or in
4 any manner contesting the legality of the formation, or the existence as a body
5 corporate and politic of any union school district created pursuant to chapter 11
6 of this title, after six months from the date of recording in the office of the
7 ~~secretary of state of~~ Secretary of State the certificate of the ~~commissioner of~~
8 ~~education~~ Secretary of Education designating ~~such~~ the district as required by
9 section 706g of this title; nor shall any action be brought directly or indirectly
10 attacking, questioning, or in any manner contesting the legality or validity of
11 bonds, issued or unissued, voted by ~~any~~ a school district, after six months from
12 the date upon which voters in ~~any such~~ the school district met pursuant to
13 warning and voted affirmatively to issue bonds to defray the cost of school
14 improvements. This section shall be liberally construed to effect the legislative
15 purpose to validate and make certain the legal existence of all school districts
16 in this state and the validity of bonds issued by school districts, and to bar
17 every right to question the existence of a school district or the validity of a
18 bond voted by it, in any manner, and to bar every remedy therefor
19 notwithstanding any defects or irregularities, jurisdictional or otherwise, after
20 the expiration of the ~~six month~~ six-month period.

21 Sec. 61. 16 V.S.A. § 553 is amended to read:

1 § 553. QUALIFICATION OF VOTERS AT SCHOOL DISTRICT
2 MEETINGS

3 A person is qualified to vote at a school district meeting if by meeting day
4 he or she would be eligible to vote at a town meeting held on that day.

5 Sec. 62. 16 V.S.A. § 555 is amended to read:

6 § 555. NO LIABILITY FOR UNAUTHORIZED OR DEFICIT SPENDING

7 (a) It is the intent of the ~~general assembly~~ General Assembly that school
8 boards should spend within the amount authorized by the electorate ~~under~~
9 ~~sections 428, 511 or 711a of~~ pursuant to this title and should not incur a deficit.
10 However, the ~~general assembly~~ General Assembly recognizes that in the
11 course of a school district budget year it may be necessary for expenditures to
12 exceed revenues received or the amount authorized by the electorate.

13 (b) A school board member shall not be liable under any law, including any
14 criminal law, on the sole basis that the board has spent more than authorized
15 under ~~sections 428, 511 or 711a of~~ this title or that a deficit, as defined in
16 ~~section 24 V.S.A. § 1523 of Title 24~~, has occurred.

17 Sec. 63. 16 V.S.A. § 556 is amended to read:

18 § 556. LIABILITY FOR DAMAGE TO TEXTBOOK OR LEARNING
19 MATERIALS

20 The parent or guardian of a ~~pupil~~ student shall be liable to a school district
21 for damage occasioned by loss, destruction, injury, or detention by ~~such pupil~~

1 the student of a textbook or other learning materials, to be recovered in an
2 action on this statute in the name of the district.

3 Sec. 64. 16 V.S.A. § 557 is amended to read:

4 § 557. GRATUITY OR COMPENSATION PROHIBITED

5 (a) A member of the ~~state board~~ State Board, a supervisory union board, or
6 a school board, the ~~commissioner or~~ Secretary, and any person employed by
7 ~~them~~ one of the boards or by the Agency shall not solicit or receive directly or
8 indirectly any gift or compensation for recommending or voting on any
9 finding, ruling, decision, or report, or voting to procure any service, thing, or
10 supply purchased with public funds. A violation of this provision ~~shall be~~ is
11 subject to 13 V.S.A. § 1106(b).

12 (b) ~~Nor shall a member of any such board~~ A member of the State Board, a
13 supervisory union board, or a school board, and any person employed by one
14 of the boards shall not receive directly or indirectly anything of value by
15 contract or otherwise, from the school district or supervisory union he or she
16 serves unless it is received:

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

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

20 (3) as regular salary or expenses allowed by law for official duties
21 performed as a member of ~~such~~ the board; or

1 (4) for employment according to the provisions of section 558 of this
2 title.

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

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

8 Sec. 65. 16 V.S.A. § 558 is amended to read:

9 § 558. ELIGIBILITY FOR ELECTION TO A SCHOOL BOARD;

10 EMPLOYMENT OF SCHOOL BOARD MEMBERS

11 (a) A legal voter in a school district shall be eligible for election to a school
12 board; however, a member of a school board may not be regularly employed
13 by the school district or by a school district within the same supervisory union,
14 or by the same supervisory union during the board member's term of office.

15 ~~This section shall not apply to a school board member in office on the date of~~
16 ~~passage, but shall apply to any subsequent terms of office held by such~~
17 ~~persons.~~

18 (b) The ~~commissioner~~ Secretary may waive the provisions of this section
19 for employment of a specific individual as a substitute teacher, coach, or
20 supervisor of extracurricular activities for a period not to exceed one year,
21 which may be renewed, ~~in circumstances in which~~ if the school district or

1 supervisory union is unable to hire another qualified person through no fault of
2 its own.

3 Sec. 66. 16 V.S.A. § 559 is amended to read:

4 § 559. PUBLIC BIDS

5 * * *

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

7 (1) The ~~state board~~ State Board shall establish, in consultation with the
8 ~~commissioner of buildings and general services~~ Commissioner of Buildings
9 and General Services and with other knowledgeable sources, general rules for
10 the prequalification of bidders on such a contract. The ~~department of buildings~~
11 ~~and general services~~ Department of Buildings and General Services, upon
12 notice by the ~~commissioner of education~~ Secretary, shall provide to school
13 boards undergoing construction projects suggestions and recommendations on
14 bidders qualified to provide construction services.

15 * * *

16 (d) Construction management. The school board may contract for the
17 service of construction management to assist in a school construction project.
18 The ~~state board~~ State Board, in consultation with the ~~commissioner of~~
19 ~~buildings and general services~~ Commissioner of Buildings and General
20 Services and other knowledgeable sources, shall adopt rules defining the term
21 “construction management” and specifying the nature of bidding requirements

1 under construction management services in order to assist school boards in
2 ~~complying to comply~~ with the public bidding requirements of this section.

3 (e) Application of this section. Any contract entered into or purchase made
4 in violation of the provisions of this section shall be ~~null and~~ void; provided,
5 however, that:

6 (1) the provisions of this section shall not apply to contracts for the
7 purchase of books or other materials of instruction;

8 (2) a school board may name in the specifications and invitations for
9 bids under this section, the particular make, kind, or brand of article or articles
10 to be purchased or contracted for;

11 * * *

12 (6) nothing in this section shall require a school board to invite or
13 advertise for bids if it elects to purchase goods, materials, or supplies through
14 the ~~commissioner of buildings and general services~~ Commissioner of
15 Buildings and General Services, pursuant to 29 V.S.A. chapter 49; and

16 * * *

17 (f) ~~Exceptions~~ Waivers. The ~~state board~~ State Board shall by rule adopt
18 standards governing the authority of the ~~commissioner~~ Secretary to grant
19 individual ~~exceptions~~ waivers to the provisions of this section. The rules, at
20 minimum, shall require the school board seeking the ~~exception~~ waiver to
21 demonstrate to the ~~commissioner~~ Secretary that ~~the board~~ it is unable to

1 comply with the bidding procedure through no fault of its own, and that ~~the~~
2 ~~school board~~ it has proposed an alternative method of ~~keeping~~ minimizing
3 costs ~~down~~ through a fair and public process.

4 (g) Violations. The ~~state board~~ State Board may deny state aid for school
5 construction and for debt service on a project ~~which~~ that proceeds in violation
6 of this section.

7 Sec. 67. 16 V.S.A. § 561 is amended to read:

8 § 561. ELECTION OF SCHOOL BOARD MEMBERS; OATH; CHAIR;
9 CLERK

10 School ~~directors~~ board members shall be sworn before entering upon the
11 duties of their office. At the meeting next following the election of a school
12 board member, the school board shall elect one of ~~their~~ its number to serve as
13 the chair and one other of ~~their~~ its number to serve as the clerk. The clerk may
14 be paid upon order of the school board. The clerk shall keep a permanent
15 record of the proceedings of the school board. In the clerk's absence, another
16 member of the school board shall assume the clerk's duties.

17 Sec. 68. 16 V.S.A. § 562 is amended to read:

18 § 562. POWERS OF ELECTORATE

19 At a school district meeting, the electorate:

20 * * *

1 (9) May authorize the school board to borrow money ~~by issuance of not~~
2 in excess of anticipated revenue for the school year by issuing bonds, or notes
3 ~~not in excess of anticipated revenue for the school year;~~

4 * * *

5 ~~Sec. 69. 16 V.S.A. § 563 is amended to read:~~

6 ~~§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET~~
7 ~~EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE~~
8 ~~AVERAGE~~

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

11 (1) Shall determine the educational policies of the school district. Board
12 policies shall be of general application to the district, and shall be in writing,
13 codified, and made available to the public. Board policies shall be adopted at
14 regular or special school board meetings. A school board shall give public
15 notice of its intent to adopt a board policy, stating the substance of the
16 proposed policy, at least ten days prior to its adoption. A school board may
17 also approve or disapprove rules and regulations proposed by the principal or
18 superintendent for the conduct and management of public schools in the
19 district.

20 (2) May take any action, ~~which that~~ that is required for the sound
21 ~~administration of the school district. The commissioner Secretary, with the~~

1 ~~advice of the attorney general Attorney General, upon application of a school~~
2 board, shall decide whether any action contemplated or taken by a school
3 board under this subdivision is required for the sound administration of the
4 district and is proper under this subdivision. ~~The commissioner's~~ Secretary's
5 decision shall be final.

6 * * *

7 (9) Shall establish with the advice and consent of the ~~auditor of accounts~~
8 ~~and the commissioner~~ Secretary and the Auditor of Accounts, a system of
9 accounts for the proper control and reporting of school district finances and for
10 stating the annual financial condition of the school district.

11 * * *

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

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

1 ~~means of a divided question, in the form of vote provided in subdivision (ii) of~~
2 ~~this subdivision (11)(B).~~

3 ~~(i) "Maximum Inflation Amount" in this section means:~~

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

14 ~~(II) multiplied by the higher of the following amounts as~~
15 ~~determined by the commissioner of education:~~

16 ~~(aa) the district's equalized pupil count in the fiscal year~~
17 ~~preceding the year for which the budget is proposed; or~~

18 ~~(bb) the district's equalized pupil count in the fiscal year for~~
19 ~~which the budget is proposed.~~

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

1 ~~“The total proposed budget of \$ _____ is the amount determined~~
2 ~~by the school board to be necessary to support the school district’s educational~~
3 ~~program. State law requires the vote on this budget to be divided because (i)~~
4 ~~the school district’s spending per pupil last year was more than the statewide~~
5 ~~average and (ii) this year’s proposed budget is greater than last year’s budget~~
6 ~~adjusted for inflation.~~

7 ~~“Article #1 (School Budget):~~

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

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

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

1 ~~the following information in a format prescribed by the commissioner of~~
2 ~~education Secretary:~~

3 * * *

4 (19) Shall allow any high school student, who meets the academic
5 requirements of the high school, to graduate and receive a diploma in ~~less~~
6 fewer than four years.

7 (20) Shall establish policies and procedures designed to avoid the
8 appearance of board member conflict of interest.

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

18 * * *

19 (24) Shall adopt a policy ~~which~~ that, in accordance with rules adopted
20 by the ~~state board of education~~ State Board, will integrate home study students

1 ~~into its schools through enrollment in courses, participation in co-curricular and~~
2 ~~extracurricular activities, and use of facilities.~~

3 (25) Shall, if it is a school board of a school district ~~which~~ that maintains
4 a secondary school, upon request, award a high school diploma to any
5 Vermont resident who served in the military in World War II, the Korean War,
6 or during the Vietnam era, was honorably separated from active federal
7 military service, and does not hold a high school diploma. ~~The state board~~
8 State Board shall develop and make available an application form for veterans
9 who wish to request a high school diploma.

10 (26) Shall carry out the duties of a local education agency, as that term
11 is defined in 20 U.S.C. § 7801(26), for purposes of determining pupil
12 performance and application of consequences for failure to meet standards and
13 for provision of compensatory and remedial services pursuant to 20 U.S.C.
14 §§ 6311-6318.

15 (27) Annually, shall inform each secondary student and the student's
16 parents or guardians of the right to opt out of the federal requirement that
17 student contact information be provided to military recruiters or institutions of
18 higher education pursuant to 20 U.S.C. § 7908(a). A school board shall enable
19 the secondary student and the student's parents or guardians to disallow
20 provision of student contact information to either military recruiters or
21 institutions of higher education, while allowing provision of information to the

1 ~~other. For purposes of this subdivision, "secondary student" means a pupil~~
2 ~~student in grade 9, 10, 11, or 12.~~

3 * * *

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

10 (32) May enter into a contract or contracts with a school offering a
11 distance learning program that is approved by one or more accrediting agencies
12 recognized by the U.S. Department of Education or is approved in Vermont
13 ~~pursuant to subdivision 166(b)(6) of this title.~~

14 *Sec. 69 [DELETED]*

15 Sec. 70. 16 V.S.A. § 563a is amended to read:

16 § 563a. PREVENTION, IDENTIFICATION, AND

17 REPORTING OF CHILD SEXUAL ABUSE AND SEXUAL

18 VIOLENCE

19 Each school board of a school district and governing body of an approved
20 or recognized independent school shall ensure that adults employed in the
21 schools within its jurisdiction receive orientation, information, or instruction

1 on the prevention, identification, and reporting of child sexual abuse, as
2 defined in 33 V.S.A. § 4912(8), and sexual violence. This shall include
3 information regarding the signs and symptoms of sexual abuse, sexual
4 violence, grooming processes, recognizing the dangers of child sexual abuse in
5 and close to the home, and other predatory behaviors of sex offenders. The
6 school board or governing body shall also provide opportunities for parents,
7 guardians, and other interested persons to receive the same information. The
8 ~~department of education and the agency of human services~~ Agencies of
9 Education and of Human Services shall provide materials and technical
10 support to any school board or governing body that requests assistance in
11 implementing this section.

12 Sec. 71. 16 V.S.A. § 567 is amended to read:

13 § 567. SURPLUS

14 If an audit ~~conducted pursuant to subdivision 563(17) of this title or~~
15 ~~section 1681 of Title 24~~ reveals that a school district has surplus funds, the
16 school board shall carry the funds into the next year as revenue unless
17 authorized by the voters, at an annual or special meeting warned for the
18 purpose, to:

19 (1) deposit the funds into a reserve fund established pursuant to

20 24 V.S.A. § 2804; or

21 (2) use the funds for a specific purpose.

1 Sec. 72. 16 V.S.A. chapter 9, subchapter 5 is amended to read:

2 Article 1. Duties of School Districts

3 § 570. HARASSMENT, HAZING, AND BULLYING PREVENTION

4 POLICIES

5 * * *

6 (b) Prevention policies. Each school board shall develop, adopt, ensure the
7 enforcement of, and make available in the manner described under subdivision
8 563(1) of this title harassment, hazing, and bullying prevention policies that
9 shall be at least as stringent as model policies developed by the ~~commissioner~~
10 Secretary. Any school board that fails to adopt one or more of these policies
11 shall be presumed to have adopted the most current model policy or policies
12 published by the ~~commissioner~~ Secretary.

13 * * *

14 (d) Duties of the ~~commissioner~~ Secretary. The ~~commissioner~~ Secretary
15 shall:

16 (1) develop and, from time to time, update model harassment, hazing,
17 and bullying prevention policies; and

18 (2) establish an advisory council to review and coordinate school and
19 statewide activities relating to the prevention of and response to harassment,
20 hazing, and bullying. The council shall report annually in January to the ~~state~~

1 ~~board and the house and senate committees on education~~ State Board and the
2 House and Senate Committees on Education. The council shall include:

3 * * *

4 (G) other members selected by the ~~commissioner~~ Secretary, at least
5 one of whom shall be a current secondary student who has witnessed or
6 experienced harassment, hazing, or bullying in the school environment.

7 (e) Definitions. In this subchapter:

8 (1) "Educational institution" and "school" mean a public school or an
9 approved or recognized independent school as defined in section 11 of this
10 title.

11 (2) "Organization," "pledging," and "student" have the same meanings
12 as in ~~subdivisions 140a(2), (3), and (4)~~ section 570i of this title.

13 (3) "Harassment," "hazing," and "bullying" have the same meanings as
14 in subdivisions 11(a)(26), (30), and (32) of this title.

15 (4) "School board" means the board of directors or other governing
16 body of an educational institution when referring to an independent school.

17 § 570a. HARASSMENT

18 (a) Policies and plan. The harassment prevention policy required by
19 section 570 of this title and its plan for implementation shall include:

20 (1) A statement that harassment, as defined in subdivision 11(a)(26) of
21 this title, is prohibited and may constitute a violation of the public

1 accommodations act as more fully described in ~~section 14 of this title~~ article 2
2 of this subchapter 5.

3 * * *

4 (b) Independent review.

5 (1) A student who desires independent review under this subsection
6 because the student is either dissatisfied with the final determination of the
7 school officials as to whether harassment occurred or believes that, although a
8 final determination was made that harassment occurred, the school's response
9 was inadequate to correct the problem shall make such request in writing to the
10 headmaster or superintendent of schools. Upon such request, the headmaster
11 or superintendent shall initiate an independent review by a neutral person
12 selected from a list developed jointly by the ~~commissioner~~ Secretary of
13 education and the ~~human rights commission~~ Human Rights Commission and
14 maintained by the ~~commissioner~~ Secretary. Individuals shall be placed on the
15 list on the basis of their objectivity, knowledge of harassment issues, and
16 relevant experience.

17 * * *

18 (8) The ~~commissioner~~ Secretary may adopt rules implementing this
19 subsection.

20 § 570b. HAZING

1 The hazing prevention policy required by section 570 of this title and its
2 plan for implementation shall include:

3 (1) A statement that hazing, as defined in subdivision 11(a)(30) of this
4 title, is prohibited and may be subject to civil penalties pursuant to ~~subchapter~~
5 ~~9 of chapter 1 of this title~~ article 3 of this subchapter 5.

6 * * *

7 [§§ 570d–570e. Reserved.]

8 Sec. 73. REDESIGNATION; ADDITION OF ARTICLE

9 16 V.S.A. chapter 9, subchapter 5, article 2, which shall include
10 §§ 570f–570h, is added to read:

11 Article 2. Unlawful Harassment

12 * * *

13 Sec. 74. 16 V.S.A. § 14 is redesignated to read:

14 § 44 570f. HARASSMENT; NOTICE AND RESPONSE

15 Sec. 75. 16 V.S.A. § 570f is amended to read:

16 § 570f. HARASSMENT; NOTICE AND RESPONSE

17 (a)(1) An educational institution that receives actual notice of alleged
18 conduct that may constitute harassment shall promptly investigate to determine
19 whether harassment occurred. After receiving notice of the alleged conduct,
20 the school shall provide a copy of its harassment policy, including its
21 harassment investigation procedure, to the alleged victim and the alleged

1 perpetrator. If either the alleged victim or the alleged perpetrator is a minor,
2 the copy of the policy shall be provided to the person's parent or guardian.
3 Nothing ~~herein~~ in this section shall be construed to prohibit educational
4 institutions from investigating and imposing disciplinary consequences upon
5 students for misconduct. Elementary and secondary school officials shall
6 strive to implement the plan developed in accordance with subdivision
7 1161a(a)(6) of this title in order to prevent misconduct from escalating to the
8 level of harassment.

9 * * *

10 (d) As used in this ~~section~~ article:

11 * * *

12 Sec. 76. 16 V.S.A. chapter 1, subchapter 9 is redesignated to read:

13 ~~Subchapter 9. Hazing.~~

14 Sec. 77. REDESIGNATION; ADDITION OF ARTICLE

15 16 V.S.A. chapter 9, subchapter 5, article 3, which shall include

16 §§ 570i–570z, is added to read:

17 Article 3. Unlawful Hazing

18 * * *

19 Sec. 78. 16 V.S.A. § 140a is redesignated to read:

20 § ~~140a~~ 570i. DEFINITIONS

21 Sec. 79. 16 V.S.A. § 140b is redesignated to read:

1 § ~~140b~~ 570j. UNLAWFUL CONDUCT

2 Sec. 80. 16 V.S.A. § 140c is redesignated to read:

3 § ~~140e~~ 570k. CIVIL PENALTY; JUDICIAL BUREAU; WAIVER

4 PENALTY

5 Sec. 81. 16 V.S.A. § 140d is redesignated to read:

6 § ~~140d~~ 570l. CRIMINAL PROSECUTION AND CIVIL ACTION

7 Sec. 82. 16 V.S.A. § 701a(b) is amended to read:

8 (b) The provisions of general law relating to the administration and
9 maintenance of schools, to school meetings and voting thereat at the meetings,
10 to grand lists, to the raising and expending of school money, to money
11 apportioned by the ~~state board of education~~ State Board, to sharing in other
12 state or federal aid, to the election, appointments, powers, duties, and liabilities
13 of school officers, to secondary and elementary instruction, to transportation,
14 board, and attendance of ~~pupils~~ students, to textbooks and appliances, ~~to~~
15 ~~medical inspectors~~ and to all other matters pertaining to schools in a town
16 school district, unless inconsistent with this act or otherwise provided for in
17 this subchapter, shall apply to schools maintained, similar school officers, and
18 all matters pertaining to schools of the union school district.

19 Sec. 83. 16 V.S.A. § 706b(a) is amended to read:

20 (a) Study committee. When a study committee is appointed, the members
21 shall elect a chair who shall notify the ~~commissioner of education~~ Secretary of

1 Education of the appointment. The ~~commissioner~~ Secretary shall cooperate
2 with the study committee and may make ~~department~~ Agency staff available to
3 assist in the study of the proposed union school district. The committee is a
4 public body pursuant to 1 V.S.A. § 310(3). The committee shall cease to exist
5 when the clerk of each district voting on a proposal to establish a union school
6 district has certified the results of the vote to the ~~commissioner of education~~
7 Secretary pursuant to section 706g of this chapter.

8 Sec. 84. 16 V.S.A. § 706c(b) is amended to read:

9 (b) The study committee shall transmit the report to the ~~commissioner~~
10 Secretary who shall submit the report with his or her recommendations to the
11 ~~state board of education~~ State Board. ~~That board after~~ After providing notice
12 to the study committee and after giving the committee an opportunity to be
13 heard, the State Board shall consider the report and the ~~commissioner's~~
14 Secretary's recommendations, and decide whether the formation of such union
15 school district will be ~~for~~ in the best ~~interest~~ interests of the ~~state~~ State, the
16 students, and the school districts proposed to be members of the union. The
17 ~~board~~ State Board may request that the ~~commissioner~~ Secretary and the study
18 committee ~~to~~ make further investigation and may consider any other
19 information deemed by it to be pertinent. If, after due consideration and any
20 further meetings ~~as it may deem~~ it deems necessary, the ~~board~~ State Board
21 finds that the formation of the proposed union school district is in the best

1 interests of the ~~state~~ State, the students, and the school districts, it shall
2 approve the report submitted by the committee, together with any amendments,
3 as a final report of the study committee, and shall give notice of its action to
4 the committee. The chair of the study committee shall file a copy of the final
5 report with the town clerk of each proposed member district at least 20 days
6 prior to the vote to establish the union.

7 ~~Sec. 85. 16 V.S.A. § 706g is amended to read:~~

8 ~~§ 706g. STATE BOARD DESIGNATION OF DISTRICTS AS UNION~~

9 ~~SCHOOL DISTRICT, RECORDING BY SECRETARY OF STATE~~

10 ~~Within ten days of the vote, the clerk of each district voting on the proposal~~
11 ~~to establish a union school district shall certify the results of the vote to the~~
12 ~~commissioner of education Secretary of Education. If a majority of the voters~~
13 ~~voting in each district which is designated in the final report as necessary to the~~
14 ~~establishment of the proposed union vote to establish the proposed union~~
15 ~~district, those districts, together with any district designated in the final report~~
16 ~~as advisable to be included in the proposed union, which voted by a majority of~~
17 ~~those voting to establish the proposed union district, shall constitute a union~~
18 ~~school district. The commissioner of education Secretary of Education shall~~
19 ~~designate all such districts as a union school district; and shall so certify to the~~
20 ~~secretary of state Secretary of State, who shall record such certification. Upon~~
21 ~~this record, the union school district shall become a body politic and corporate~~

1 ~~with the powers incident to a municipal corporation, shall be known by the~~
2 ~~name or number given in the certificate, by that name or number may sue and~~
3 ~~be sued, and may hold and convey real and personal estate for the use of the~~
4 ~~district. The record shall be notice to all parties of the establishment of the~~
5 ~~union school district with all the powers incident to such a district as herein~~
6 ~~provided. A certified copy of the record in the office of the ~~secretary of state~~~~
7 ~~Secretary of State shall be filed by him or her in the office of the clerk of each~~
8 ~~school district to be included within the union school district within ~~fifteen~~ 15~~
9 ~~days from the date the ~~commissioner of education~~ Secretary of Education~~
10 ~~certified the existence of the union district to him or her. This filing shall be~~
11 ~~prima facie evidence ~~that~~ of full compliance with the requirements for the~~
12 ~~creation of a union school district as herein set forth ~~have been fully complied~~~~
13 ~~with in this subchapter.~~

Sec. 85. [Deleted.]

14 Sec. 86. 16 V.S.A. § 706i is amended to read:

15 § 706i. ORGANIZATION MEETING, NOTICE

16 Within 60 days after the copies of the certificate have been filed in the
17 office of the clerk of each school district to be included as members of the
18 union school district, the voters in the union district shall hold an organization
19 meeting within the district. Notice of the day, hour, and place of the meeting
20 shall be posted in at least one public place in each member school district of

1 the union school district and published once in a newspaper circulating in the
2 union district. Publication and posting shall be made not more than 40 days
3 nor less than 30 days before the date of the meeting. The warning for such
4 meeting shall be drawn by the ~~commissioner~~ Secretary or by such person or
5 persons who are voters in the union school district as ~~he or she~~ the Secretary
6 may designate for the purpose. The cost of giving notice shall be borne by the
7 union school district.

8 Sec. 87. 16 V.S.A. § 706j(a) is amended to read:

9 (a) The meeting shall be called to order by the ~~commissioner~~ Secretary or a
10 person designated by the ~~commissioner~~ Secretary, and at such meeting or at an
11 adjournment thereof:

12 * * *

13 Sec. 88. 16 V.S.A. § 706o is amended to read:

14 § 706o. STATISTICAL INFORMATION

15 Annually, on or before August 15, the directors shall give or cause to be
16 given to the ~~commissioner of education~~ Secretary of Education answers to
17 statistical inquiries ~~which~~ that may be addressed to the district by the
18 ~~commissioner~~ Secretary.

19 Sec. 89. 16 V.S.A. § 706q(b) is amended to read:

20 (b) Before entering upon the duties of their office, the board of school
21 directors shall give a blanket bond and the treasurer shall give a personal bond

1 to the district, conditioned upon the faithful performance of their duties. The
2 treasurer's bond shall be in such sum as the board of school directors shall
3 require. The board of school directors' bond shall be in such sum as shall be
4 required by the ~~commissioner of education~~ Secretary of Education. When a
5 board of school directors or treasurer for 10 days neglects to give a bond as
6 required, the office shall become vacant.

7 Sec. 90. 16 V.S.A. § 721 is amended to read:

8 § 721. INCLUSION OF ADDITIONAL SCHOOL DISTRICTS

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

1 and so certify to the secretary of state. The ~~secretary~~ Secretary of State shall
2 record such certification in accordance with the provisions of section 706g of
3 this title, which shall have the effect as provided therein.

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

1 The ~~commissioner of education and the secretary of state~~ Secretary of
2 Education and the Secretary of State shall then take the action specified in
3 section 706g of this title ~~which shall have the effect as provided therein.~~

4 (c) A union school district ~~as so~~ enlarged pursuant to this section shall have
5 all the powers and responsibilities given it by this subchapter. Unless
6 otherwise agreed between the union district board and the additional member
7 district school board, the additional member shall share in the expenses of the
8 union district in the proportion provided in this subchapter for other member
9 districts from the date the certificate of the ~~secretary of state~~ Secretary of State
10 is filed in the office of the clerk of the union district and the office of the clerk
11 of the additional school district member.

12 Sec. 91. 16 V.S.A. § 721a is amended to read:

13 § 721a. WITHDRAWAL FROM DISTRICT

14 * * *

15 (b) When a majority of the voters of a school district that is a member of a
16 union school district present and voting at a school district meeting duly
17 warned for that purpose votes to withdraw from ~~a~~ the union school district, the
18 vote shall be certified by the clerk of the school district to the ~~secretary of state~~
19 Secretary of State who shall record the certificate in his or her office and give
20 notice of the vote to the ~~commissioner of education~~ Secretary of Education and
21 to the other ~~member districts~~ members of the union school district. Within 90

1 days after receiving notice, those ~~member districts~~ other members shall vote by
2 Australian ballot on the same day during the same hours whether to ratify
3 withdrawal of the member ~~district~~. Withdrawal by a member ~~district~~ shall be
4 effective only if approved by an affirmative vote of each of the other ~~member~~
5 ~~school districts within~~ members of the union school district.

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

1 State, the students, and the ~~school districts~~ members remaining in the union
2 district for the union to continue to exist. The ~~board~~ State Board may declare
3 the union district dissolved as of July 1 immediately following or as soon
4 thereafter as each ~~member district's~~ member's obligations have been satisfied,
5 or it may declare that the union district shall continue to exist despite the
6 withdrawal of the former member ~~district~~. The ~~state board of education~~ State
7 Board shall file the declaration with the ~~secretary of state~~ Secretary of State,
8 the clerk of the withdrawing ~~district~~ member, and the clerk of the union school
9 district concerned.

10 (d) A vote of withdrawal taken after a union school district has become a
11 body politic and corporate as provided in section 706g of this title but less than
12 one year after that date shall be ~~null and~~ void.

13 Sec. 92. 16 V.S.A. § 724(c) is amended to read:

14 (c) If the vote to ratify the withdrawal of the town or city is approved by
15 each of the other towns or cities, the unified union school district clerk shall
16 notify the ~~commissioner of education~~ Secretary of Education who shall advise
17 the ~~state board of education~~ State Board. At a meeting held thereafter, if the
18 state board finds that the students in the withdrawing town or city will attend a
19 school that is in compliance with the rules adopted by the ~~board~~ State Board
20 pertaining to educational programs, the ~~board~~ State Board shall declare the
21 membership of the withdrawing town or city to be at an end as of July 1

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

19 Sec. 93. 16 V.S.A. § 771 is amended to read:

20 § 771. GENERAL PROVISIONS-ARTICLE I

21 * * *

1 C. Definitions. The terms used in this compact shall be construed as
2 follows, unless a different meaning is clearly apparent from the language or
3 context:

4 * * *

5 h. “Commissioner” shall refer to ~~commissioner of education~~ the New
6 Hampshire Commissioner of Education or the Vermont Secretary of
7 Education, individually or collectively as appropriate. “State departments of
8 education” shall refer collectively to the New Hampshire Department of
9 Education and the Vermont Agency of Education.

10 * * *

11 Sec. 94. 16 V.S.A. § 791 is amended to read:

12 § 791. GENERAL PROVISION-ARTICLE I

13 * * *

14 C. Definitions. The terms used in this compact shall be construed as
15 follows, unless a different meaning is clearly apparent from the language or
16 context:

17 * * *

18 h. “Commissioner” shall refer to ~~commissioner of education~~ the New York
19 Commissioner of Education or the Vermont Secretary of Education,
20 individually or collectively as appropriate. “State departments of education”

1 shall refer collectively to the New York State Education Department and the
2 Vermont Agency of Education.

3 * * *

4 Sec. 95. 16 V.S.A. § 821 is amended to read:

5 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY
6 SCHOOLS OR PAY TUITION

7 (a) Elementary school. Each school district shall maintain one or more
8 approved schools within the district in which elementary education for its
9 resident ~~pupils~~ students in kindergarten through grade six is provided unless:

10 (1) the electorate authorizes the school board to provide for the
11 elementary education of the ~~pupils~~ students by paying tuition in accordance
12 with law to one or more public elementary schools in one or more school
13 districts;

14 (2) the school district is organized to provide only high school education
15 for its ~~pupils~~ students; or

16 (3) the ~~general assembly~~ General Assembly provides otherwise.

17 (b) [Repealed.]

18 (c) Notwithstanding subsection (a) of this section, without previous
19 authorization by the electorate, a school board in a district that operates an
20 elementary school may pay tuition for elementary ~~pupils~~ students who reside
21 near a public elementary school in an adjacent district upon request of the

1 ~~pupil's~~ student's parent or guardian, if in the board's judgment the ~~pupil's~~
2 student's education can be more conveniently furnished there due to
3 geographic considerations. Within 30 days of the board's decision, a parent or
4 guardian who is dissatisfied with the decision of the board under this
5 subsection may request a determination by the ~~commissioner~~ Secretary, who
6 shall have authority to direct the school board to pay all, some, or none of the
7 ~~pupil's~~ student's tuition and whose decision shall be final.

8 (d) Notwithstanding subdivision (a)(1) of this section, the electorate of a
9 school district that does not maintain an elementary school may grant general
10 authority to the school board to pay tuition for an elementary ~~pupil~~ student at
11 an approved independent elementary school or an independent school meeting
12 school quality standards pursuant to sections 823 and 828 of this chapter upon
13 notice given by the ~~pupil's~~ student's parent or legal guardian before April 15
14 for the next academic year.

15 Sec. 96. 16 V.S.A. § 822 is amended to read:

16 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
17 PAY TUITION

18 (a) Each school district shall ~~provide, furnish, and~~ maintain one or more
19 approved high schools in which high school education is provided for its ~~pupils~~
20 resident students unless:

1 (1) ~~The~~ the electorate authorizes the school board to close an existing
2 high school and to provide for the high school education of its ~~pupils~~ students
3 by paying tuition ~~in accordance with law.~~ Tuition for its pupils shall be paid to
4 a public high school, an approved independent high school, or an independent
5 school meeting school quality standards, to be selected by the parents or
6 guardians of the ~~pupil~~ student, within or ~~without~~ outside the ~~state~~ State; or

7 (2) ~~The~~ the school district is organized to provide only elementary
8 education for its ~~pupils~~ students.

9 (b) For purposes of this section, a school district ~~which provides, furnishes~~
10 ~~and~~ that is organized to provide kindergarten through grade 12 and maintains a
11 program of education for only the first eight years of compulsory school
12 attendance shall be obligated to pay tuition for its ~~pupils~~ resident students for at
13 least four additional years.

14 (c) ~~The~~ (1) A school ~~board~~ district may both maintain a high school and
15 furnish high school education by paying tuition;

16 (A) to a public school as in the judgment of the school board may
17 best serve the interests of the ~~pupils,~~ students; or

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

1 including a quantitative and qualitative evaluation of the program's impact on
2 the quality of educational services available to students and the expansion of
3 educational opportunities.

4 Sec. 98. 16 V.S.A. § 825 is amended to read:

5 § 825. MAXIMUM TUITION RATE, CALCULATED NET COST PER
6 PUPIL DEFINED

7 (a) Calculated net cost per pupil for purposes of this chapter shall be
8 defined by the ~~commissioner~~ Secretary. Expenditures shall include those for
9 equipment and school building construction, additions, or renovations.

10 Expenditures excluded shall be:

11 (1) Transportation costs incurred by the receiving school district for its
12 resident ~~pupils~~ students;

13 (2) Transportation costs for which the receiving school district receives
14 reimbursement;

15 (3) That portion of the total cost which is provided by direct grants from
16 state or federal sources for salaries or other specific expenses;

17 (4) Expenditures for maintenance, and payments of principal and
18 interest for buildings used exclusively for boarding students if any;

19 (5) Expenditures for special education;

20 (6) Tuition payments for technical education.

1 (b) In no case shall the tuition charged be such that the ratio of the total
2 tuition received to the total cost of operation of the receiving school, or school
3 district, exceeds the ratio of the number of ~~tuition-paying pupils~~ tuition-paying
4 students to the total number of ~~pupils~~ students enrolled in the receiving school,
5 or school district.

6 (c) The ~~commissioner~~ Secretary shall investigate complaints by a school
7 board regarding tuition and may, within the limits of funds appropriated for
8 this specific purpose, contract for limited scope audits of the annual statistical
9 reports submitted by school districts for the purpose of determining the
10 accuracy of the allocation of revenues and expenditures to elementary and
11 secondary tuition rates.

12 Sec. 99. 16 V.S.A. § 826(a) is amended to read:

13 (a) A school board, or the board of trustees of an independent school
14 meeting school quality standards, that proposes to increase tuition charges shall
15 notify the school board of the school district from which its nonresident ~~pupils~~
16 students come, and the ~~commissioner~~ Secretary, of the proposed increase on or
17 before January 15 in any year; such increases shall not become effective
18 without the notice and not until the following school year.

19 Sec. 100. 16 V.S.A. § 829 is amended to read:

20 § 829. PREKINDERGARTEN EDUCATION; RULES

1 * * *

2 (iii) Three stars in the STARS system if the provider has
3 developed a plan, approved by the ~~commissioner for children and families~~
4 Commissioner for Children and Families and the ~~commissioner of education~~
5 Secretary, to achieve four or more stars within three years with at least two
6 points in each of the five arenas, and the provider has met intermediate
7 milestones; and

8 * * *

9 (11) To establish a process for documenting the progress of children
10 enrolled in prekindergarten programs and to require public and private
11 providers to use the process to collect and report child progress data to the
12 ~~commissioner of education~~ Secretary on an annual basis.

13 * * *

14 Sec. 101. 16 V.S.A. § 836(a) is amended to read:

15 (a) Annually, on or before November 1, the ~~commissioner~~ Secretary shall
16 inform each school board of a receiving public school, each board of trustees
17 of a receiving approved independent school for which the ~~commissioner~~
18 Secretary has calculated a net cost per pupil, and each sending school district
19 in Vermont of the calculated net cost per elementary or secondary pupil in the
20 receiving schools. Each school board or board of trustees of a receiving school
21 shall then determine whether it overcharged or undercharged any sending

1 district for tuition charges and shall notify the district by December 15 of the
2 same year of the amount due or the amount to be refunded or credited.

3 Sec. 102. 16 V.S.A. § 836(a) is amended to read:

4 (a) Annually, on or before November 1, the ~~commissioner~~ Secretary shall
5 inform each school board of a receiving public school, each board of trustees
6 of a receiving approved independent school for which the ~~commissioner~~
7 Secretary has calculated a net cost per pupil, and each sending school district
8 in Vermont of the calculated net cost per elementary or secondary pupil in the
9 receiving schools. Each school board or board of trustees of a receiving school
10 shall then determine whether it overcharged or undercharged any sending
11 district for tuition charges and shall notify the district by December 15 of the
12 same year of the amount due or the amount to be refunded or credited.

13 Sec. 103. 16 V.S.A. § 909 is amended to read:

14 § 909. TOBACCO USE, ALCOHOL AND DRUG ABUSE PREVENTION
15 EDUCATION CURRICULUM

16 (a) The ~~department of education~~ Secretary, in conjunction with the ~~alcohol~~
17 ~~and drug abuse council~~ Alcohol and Drug Abuse Council, and where
18 appropriate, with the ~~division of health promotion~~, is hereby authorized and
19 ~~directed to~~ Division of Health Promotion, shall develop a sequential alcohol
20 and drug abuse prevention education curriculum for elementary and secondary

1 schools. The curriculum shall include teaching about the effects and legal
2 consequences of the possession and use of tobacco products.

3 (b) The ~~department of education~~ Secretary shall:

4 (1) provide for pre-service and in-service training programs for school
5 personnel on alcohol and drug abuse prevention and on the effects and legal
6 consequences of the possession and use of tobacco products. At least one
7 training program shall be made available in electronic format. Each
8 superintendent shall determine the content, duration, and frequency of training
9 on issues concerning alcohol and drug abuse for the districts in his or her
10 supervisory union;

11 (2) provide teaching materials ~~which~~ that are appropriate to the age and
12 learning ability of the students;

13 (3) provide technical assistance to the local school districts for
14 implementation of the curriculum; and

15 (4) encourage coordination of effort with existing community resources.

16 (c) [Repealed.]

17 Sec. 104. 16 V.S.A. § 910 is amended to read:

18 § 910. COORDINATION OF SERVICES TO CHILDREN AND

19 ADOLESCENTS WITH A SEVERE EMOTIONAL DISTURBANCE

20 Each town, city, interstate, incorporated, unified, or union school district
21 shall cooperate with the ~~department of mental health, the department for~~

1 children and families, the department of disabilities, aging, and independent
2 living, and the department of education in Agency of Education and the
3 Departments of Mental Health, for Children and Families, and of Disabilities,
4 Aging, and Independent Living when coordinating educational services to
5 children and adolescents with a severe emotional disturbance pursuant to the
6 provisions of 33 V.S.A. chapter 43.

7 ~~Sec. 105. 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 department of~~
10 ~~education and the department of motor vehicles~~ Agency of Education and the
11 Department of Motor Vehicles shall be made available to ~~pupils~~ students
12 whose parent or guardian is a resident of Vermont and who have reached their
13 ~~fifteenth~~ 15th birthday and who are regularly enrolled in a public or
14 independent high school approved by the ~~state board~~ State Board.

15 ~~(b) After June 30, 1984, all~~ All driver education courses shall include a
16 course of instruction, approved by the ~~state board and the council on the effects~~
17 ~~of alcohol and drugs on driving~~ State Board and the Alcohol and Drug Abuse
18 Advisory Council on the effects of alcohol and drugs on driving.

19 (c) All driver education courses shall include instruction on motor vehicle
20 liability insurance and the motor vehicle financial responsibility laws of the
21 ~~state~~ State.

Sec. 105. [Deleted.]

1 Sec. 106. 16 V.S.A. § 1046 is amended to read:

2 § 1046. ARRANGEMENT

3 Subject to the approval of the ~~commissioner~~ Secretary, each superintendent
4 of schools shall arrange for the establishment of a driver education and training
5 course for all public and approved independent schools located within his or
6 her ~~supervisory~~ jurisdiction that so request.

7 Sec. 107. 16 V.S.A. § 1047a(b) is amended to read:

8 (b) The ~~commissioner of motor vehicles and the commissioner of education~~
9 Commissioner of Motor Vehicles and the Secretary of Education shall
10 cooperatively establish and implement a driver's education grant program that
11 improves the availability and quality of driver's education programs. Eligible
12 applicants shall include Vermont public secondary and ~~vocational schools~~
13 career and technical centers and supervisory unions on behalf of a school or
14 schools. Grant awards shall be up to \$12,500.00. Eligible activities shall
15 include one or more of the following:

16 * * *

17 Sec. 108. 16 V.S.A. § 1048 is amended to read:

18 § 1048. ADMINISTRATION

1 The administration of this subchapter, including the training and
2 qualification of instructors; and selection of instructional material and visual
3 aids, shall be in the ~~department of education~~ Agency.

4 ~~Sec. 109. 16 V.S.A. § 1049 is amended to read:~~

5 ~~§ 1049. PROGRAMS~~

6 ~~(a) The commissioner of education~~ Secretary may provide programs
7 designed to fit the individual needs and circumstances of adult students.
8 Programs authorized under this section shall give priority to those adult
9 persons with the lowest levels of literacy skills.

10 ~~(b)(1) Fees for general educational development shall be \$3.00 for a~~
11 ~~transcript.~~

12 ~~(2) The adult diploma program means~~ Adult Diploma Program (ADP) is
13 an assessment process administered by the ~~Vermont department of education~~
14 Agency through which an adult can receive a local high school diploma
15 granted by one of the program's participating high schools.

16 ~~(3) General educational development~~ General Educational Development
17 (GED) means is a testing program administered jointly by the ~~Vermont~~
18 ~~department of education~~ Agency, the GED testing service, and approved local
19 testing centers through which an adult can receive a secondary school
20 equivalency certificate based on successful completion of the tests of general
21 educational development.

1 (c) Fees collected under this section shall be credited to a special fund
2 established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 of Title
3 ~~32~~, and shall be available to the ~~department~~ Agency to offset the costs of
4 providing those services.

5 Sec. 110. 16 V.S.A. § 1049a is amended to read:

6 § 1049a. HIGH SCHOOL COMPLETION PROGRAM

7 (a) In this section:

8 (1) "Graduation education plan" means a written plan leading to a high
9 school diploma for a person who is 16 to 22 years of age and has not received a
10 high school diploma, who may or may not be enrolled in a public or approved
11 independent school. The plan shall define the scope and rigor of services
12 necessary for the student to attain a high school diploma, and may describe
13 educational services to be provided by a public high school, an approved
14 independent high school, an approved provider, or by a combination of ~~these~~
15 providers.

16 (2) "Approved provider" means an entity approved by the ~~commissioner~~
17 Secretary to provide educational services ~~which~~ that may be counted for credit
18 toward a high school diploma.

19 (3) "Contracting agency" means an agency that has entered into a
20 contract with the ~~department~~ Agency of education to provide adult education
21 services in Vermont.

1 ~~(b) If a person who wishes to work on a graduation education plan is not~~
2 enrolled in a public or approved independent school, then the ~~commissioner~~
3 Secretary shall assign the prospective student to a high school district, which
4 shall be the district of residence whenever possible. The school district in
5 which a student is enrolled or to which a non-enrolled student is assigned shall
6 work with the contracting agency and the student to develop a graduation
7 education plan. The school district shall award a high school diploma upon
8 successful completion of the plan.

9 (c) The ~~commissioner~~ Secretary shall reimburse, and net cash payments
10 where possible, a school district that has agreed to a graduation education plan
11 in an amount:

12 (1) established by the ~~commissioner~~ Secretary for development of the
13 graduation education plan and for other educational services typically provided
14 by the assigned district or an approved independent school pursuant to the
15 plan, such as counseling, health services, participation in cocurricular
16 activities, and participation in academic or other courses, provided this amount
17 shall not be available to a district that provides services under this section to an
18 enrolled student; and

19 (2) negotiated by the ~~commissioner~~ Secretary and the contracting
20 agency, with the approved provider, for services and outcomes purchased from

1 ~~the approved provider on behalf of the student pursuant to the graduation~~
2 ~~education plan.~~

3 (d) [Repealed.]

Sec. 109. [Deleted.]

Sec. 110. [Deleted.]

4 Sec. 111. 16 V.S.A. § 1052 is amended to read:

5 § 1052. DEFINITIONS AND CONSTRUCTION

6 (a) ~~Unless otherwise expressly provided the words and phrases in this~~
7 ~~chapter mean~~ As used in this chapter, unless the context otherwise clearly
8 requires:

9 (1) ~~Periodic released time: A program whereby~~ “Periodic released
10 time” means time, occurring at least once weekly, during which public school
11 students are released from school at least once a week to attend religious
12 education courses sponsored by and given under the authority of a religious
13 group.

14 (2) ~~Religious group: Any~~ “Religious group” means any association of
15 persons for religious purposes, including any organization of religious
16 denominations, communions, or traditions.

17 (3) ~~Periodic~~ “Periodic released time religious education courses:
18 Courses course” means a course offered by a religious group during periodic
19 released time.

1 (b) This chapter shall be construed liberally to carry out the policies stated
2 herein.

3 Sec. 112. 16 V.S.A. § 1054(b) is amended to read:

4 (b) No periodic released time program shall be conducted so as to interfere
5 with the completion by any student of requirements for graduation as
6 established from time to time by the ~~state department of education~~ Agency.

7 Sec. 113. 16 V.S.A. § 1071 is amended to read:

8 § 1071. SCHOOL YEAR AND SCHOOL DAY

9 (a) Minimum number of days. Except as provided in this section, each
10 public school shall be maintained and operated for:

11 (1) at least ~~one hundred seventy five~~ 175 student attendance days in
12 each school year. For purposes of this section, a majority of students enrolled
13 in a school must be recorded on the school roll as in attendance on any day
14 counted as a student attendance day.

15 * * *

16 ~~(e) Regional calendar. Before April 1 of each year, the superintendents of
17 schools and the headmasters ~~public schools not managed by school boards~~
18 approved independent schools in an area shall meet, and by majority vote,
19 establish a uniform calendar within that area for the following school year.
20 The calendar shall include student attendance days, periods of vacation,
21 holidays, and teacher in-service education days and shall comply with~~

1 ~~subsection (a) of this section. Unless permitted by the commissioner~~
2 ~~Secretary, no area served by a regional technical center shall be divided into~~
3 ~~two or more calendar regions.~~

(e) Regional calendar. Before April 1 of each year, the superintendents of schools and the headmasters of public schools not managed by school boards in an area shall meet, and by majority vote, establish a uniform calendar within that area for the following school year. The calendar shall include student attendance days, periods of vacation, holidays, and teacher in-service education days and shall comply with subsection (a) of this section. Unless permitted by the commissioner Secretary, no area served by a regional technical center shall be divided into two or more calendar regions.

4 * * *

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

10 Sec. 114. 16 V.S.A. § 1072 is amended to read:

11 § 1072. LEGAL HOLIDAYS

12 All conditions of employment relating to legal holidays, including ~~but not~~
13 ~~limited to~~ decisions such as the closing or opening of schools and

1 compensation for work performed on ~~such a day~~ a holiday, shall be proper
2 matters for collective bargaining pursuant to ~~16 V.S.A. chapter 57~~ of this title.

3 Sec. 115. 16 V.S.A. § 1073 is amended to read:

4 § 1073. "LEGAL PUPIL" DEFINED; ACCESS TO SCHOOL

5 (a) "Legal pupil" means an individual who has attained the age of five
6 years on or before January 1 next following the beginning of the school year.
7 However, a school district may ~~establish and enforce a regulation which~~
8 ~~requires~~ require that students admitted to kindergarten have attained the age of
9 five on or before any date between August 31 and January 1.

10 (b) Access to school.

11 (1) Right to a public education. No legal pupil attending school at
12 public expense, including a married, pregnant, or parenting ~~pupil~~ student, shall
13 be deprived of or denied the opportunity to participate in or complete a public
14 school education.

15 (2) Right to enroll in a public or independent school. Notwithstanding
16 the provisions of sections 822 and 1075 of this title, a pregnant or parenting
17 ~~pupil~~ student may enroll in any approved public school in Vermont or an
18 adjacent state, any approved independent school in Vermont, or any other
19 educational program approved by the ~~state board~~ State Board in which any
20 other legal pupil in Vermont may enroll.

21 (3) Teen parent education program.

1 (A) Residential teen parent education programs. The ~~commissioner~~
2 Secretary shall pay the educational costs for a pregnant or parenting ~~pupil~~
3 student attending a ~~state board approved~~ state-board-approved teen parent
4 education program in a 24-hour residential facility for up to eight months after
5 the birth of the child. The ~~commissioner~~ Secretary may approve extension of
6 payment of educational costs based on a plan for reintegration of the student
7 into the community or for exceptional circumstances as determined by the
8 ~~commissioner~~ Secretary. The district of residence of a ~~pupil~~ student in a
9 24-hour residential facility shall remain responsible for coordination of the
10 ~~pupil's~~ student's educational program and for planning and facilitating her
11 subsequent educational program.

12 (B) Nonresidential teen parent education programs.

13 (i) The pregnant or parenting ~~pupil's~~ student's district of residence
14 or the approved independent or public school to which that district pays tuition
15 for its students ("the enrolling school") shall be responsible for planning,
16 coordinating, and assessing the enrolled ~~pupil's~~ student's education plan while
17 attending a teen parent education program and for planning, assessing, and
18 facilitating the ~~pupil's~~ student's subsequent education plan, including the
19 ~~pupil's~~ student's transition back to the public or approved independent school.
20 As determined by the district of residence or the enrolling school, as
21 appropriate, the ~~pupil's~~ student's educational plan while attending a teen parent

1 education program shall include learning experiences that are the substantial
2 equivalent of the learning experiences required by the district of residence or
3 the enrolling school to obtain a high school diploma.

4 (ii) A pregnant or parenting ~~pupil~~ student may attend a
5 nonresidential teen parent education program for a length of time to be
6 determined by agreement of the ~~pupil's~~ student's district of residence, the
7 enrolling school, the teen parent education program, and the ~~pupil~~ student.

8 (iii) In the event of a dispute regarding any aspect of this
9 subdivision (B), the district of residence, the enrolling school, the teen parent
10 education program, or the ~~pupil~~ student or any combination of these may
11 request a determination from the ~~commissioner~~ Secretary whose decision shall
12 be final; any determination by the ~~commissioner~~ Secretary regarding
13 "substantial equivalency" pursuant to subdivision (i) of this subdivision
14 (b)(3)(B) shall be based on the ~~commissioner's~~ Secretary's analysis of the
15 course syllabus or the course description provided by the district of residence
16 or enrolling school.

17 (c) An individual who is not a legal pupil may be enrolled in a public
18 school in a prekindergarten program offered by or through a public school
19 pursuant to rules adopted under section 829 of this title or in a program of
20 essential early education offered pursuant to section 2956 of this title.

21 Sec. 116. 16 V.S.A. § 1074 is amended to read:

1 § 1074. AGE OF ~~PUPIL~~ STUDENT; “BETWEEN” DEFINED

2 The word “between,” as used in this title in respect to a specified age of a
3 ~~pupil~~ student, shall mean the period of time commencing on the birthday of
4 ~~such the~~ child when he or she becomes ~~of~~ the age first specified and ending on
5 the day next preceding the birthday of ~~such the~~ child when he or she becomes
6 ~~of~~ the age last specified.

7 Sec. 117. 16 V.S.A. § 1075 is amended to read:

8 § 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND
9 PAYMENT OF EDUCATION OF ~~PUPILS~~ STUDENT

10 (a) For the purpose of this title, except as otherwise set forth ~~herein~~, the
11 legal residence or residence of a ~~pupil~~ student shall be as follows:

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

14 (A) if the parents live apart, legal residence is where either parent
15 resides, but if a parent with sole custody lives outside the state of Vermont, the
16 ~~pupil~~ student does not have a legal residence in Vermont;

17 * * *

18 (b) The ~~commissioner~~ Secretary shall determine the legal residence of all
19 state-placed students pursuant to the provisions of this section. In all other
20 cases, the ~~pupil's~~ student's legal residence shall be determined by the school
21 ~~board of school directors~~ of the district in which the ~~pupil~~ student is seeking

1 enrollment or, if the ~~pupil~~ student is seeking payment of tuition, the school
2 ~~board of directors~~ from which the ~~pupil~~ student is seeking tuition payment. If a
3 ~~pupil~~ student is denied enrollment at any stage, the ~~pupil~~ student and his or her
4 parent or guardian shall be notified in writing, within 24 hours, of the
5 provisions of this section. If the ~~pupil~~ student is not in attendance as a result of
6 a preliminary decision by school officials and a decision from the school board
7 ~~of school directors~~ will not be available by the end of the second school day
8 after the request for enrollment is made, the ~~commissioner~~ Secretary may issue
9 a temporary order requiring enrollment. Any interested person or taxpayer
10 who is dissatisfied with the decision of the school board as to the ~~pupil's~~
11 student's legal residence may appeal to the ~~commissioner of education~~
12 Secretary, who shall determine the ~~pupil's~~ student's legal residence, and the
13 decision of the ~~commissioner~~ Secretary shall be final. Pending appeal under
14 this subsection, the ~~commissioner~~ Secretary shall issue a temporary order
15 requiring enrollment.

16 (c) State-placed students.

17 (1) A state-placed student, other than one placed in a 24-hour residential
18 facility and except as otherwise provided in this subsection, shall be educated
19 by the school district in which the ~~pupil~~ student is living, unless an alternative
20 plan or facility for the education of the ~~pupil~~ student is agreed upon by the
21 ~~commissioner of education~~ Secretary. In the case of a dispute as to where a

1 state-placed student is living, the ~~commissioner~~ Secretary shall conduct a
2 hearing to determine which school district is responsible for educating the
3 ~~pupil~~ student. The ~~commissioner's~~ Secretary's decision shall be final.

4 (2) If a ~~pupil~~ student is a state-placed student pursuant to subdivision
5 11(a)(28)(D)(i)(I) of this title, then the ~~department for children and families~~
6 Department for Children and Families shall assume responsibility for the
7 ~~pupil's~~ student's transportation to and from school, unless the receiving district
8 chooses to provide transportation.

9 (3) A ~~pupil~~ student who is in temporary legal custody pursuant to
10 33 V.S.A. § 5308(b)(3) or (4) and is a state-placed student pursuant to
11 subdivision 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary
12 legal custodian's discretion, in the district in which the ~~pupil's~~ student's
13 parents reside, the district in which either parent resides if the parents live in
14 different districts, the district in which the ~~pupil's~~ student's legal guardian
15 resides, or the district in which the temporary legal custodian resides. If the
16 ~~pupil~~ student enrolls in the district in which the temporary legal custodian
17 resides, the district shall provide transportation in the same manner and to the
18 same extent it is provided to other students in the district. In all other cases,
19 the temporary legal custodian is responsible for the ~~pupil's~~ student's
20 transportation to and from school, unless the receiving district chooses to
21 provide transportation.

1 her care and custody while in a residential placement, until they reach their
2 19th birthday.

3 * * *

4 Sec. 118. 16 V.S.A. § 1076 is amended to read:

5 § 1076. PENALTIES

6 (a) A superintendent or truant officer who fails to perform the duties
7 imposed on him or her by this chapter shall be fined not more than \$100.00.

8 (b) A teacher who violates a provision of this chapter shall be fined not
9 more than \$25.00 nor less than \$5.00.

10 Sec. 119. 16 V.S.A. chapter 25, subchapter 2 is redesignated to read:

11 ~~Subchapter 2. Assignment of Pupils to Schools; Tuition~~

12 Sec. 120. 16 V.S.A. § 1093 is amended to read:

13 § 1093. NONRESIDENT ~~PUPILS~~ STUDENTS

14 ~~The~~ A school board may receive into the schools under its charge
15 nonresident ~~pupils~~ students under such terms and restrictions as it deems best,
16 and money received for the instruction of ~~such pupils~~ the students shall be paid
17 into the school fund of the district.

18 Sec. 121. 16 V.S.A. § 1126 is amended to read:

19 § 1126. FAILURE TO ATTEND; NOTICE ~~BY TEACHER~~

20 When a ~~pupil~~ student between the ages of six and 16 years, who is not
21 excused or exempted from school attendance, fails to enter school at the

1 beginning ~~thereof~~ of the academic year, or being enrolled, fails to attend the
2 ~~same school~~, and when a pupil student who ~~has become~~ is at least 16 years of
3 age becomes enrolled in a public school and fails to attend, the teacher or
4 principal shall ~~forthwith~~ notify the truant officer and either the superintendent
5 or the school ~~directors~~, and ~~the truant officer~~ board unless the teacher or
6 principal is satisfied ~~upon information~~ that the pupil student is absent on
7 account of ~~sickness~~ illness.

8 Sec. 122. 16 V.S.A. § 1127 is amended to read:

9 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

10 (a) The truant officer, upon receiving the notice provided in section 1126 of
11 this title, shall ~~forthwith~~ inquire into the cause of the nonattendance of the
12 child. If he or she finds that the child is absent without cause, ~~he~~ the truant
13 officer shall give written notice to the person having the control of the child
14 that the child is absent from school without cause, and ~~he~~ shall also notify that
15 person to cause the child to attend school regularly thereafter.

16 (b) When, after receiving ~~such~~ notice, a person fails, without legal excuse,
17 to cause a child to attend school as required by this chapter, he or she shall be
18 fined not more than \$1,000.00 pursuant to subsection (c) of this section.

19 (c) The truant officer shall ~~forthwith~~ enter a complaint to the town grand
20 juror of the town in which such person resides, or to the state's attorney of the
21 county, and shall ~~furnish him with~~ provide a statement of the evidence upon

1 which the complaint is based, ~~and the~~. The grand juror or state's attorney shall
2 prosecute the person. In the prosecution, the complaint, information, or
3 indictment shall be deemed sufficient if it states that the respondent, (naming
4 ~~him~~ the respondent) having the control of a child of school age, (naming ~~him~~
5 the child) neglects to send that child to ~~an approved~~ a public school or an
6 approved or ~~reporting~~ recognized independent school or a home study program
7 as required by law.

8 Sec. 123. 16 V.S.A. § 1161a(c) is amended to read:

9 (c) No person employed by or agent of a public or approved independent
10 school shall inflict or cause to be inflicted corporal punishment upon a ~~pupil~~
11 student attending the school or the institution. However, this section does not
12 prohibit a person from using reasonable and necessary force:

13 (1) to quell a disturbance;

14 (2) to obtain possession of weapons or other dangerous objects upon the
15 person of or within the control of a ~~pupil~~ student;

16 (3) for the purpose of self defense; or

17 (4) for the protection of persons or property.

18 Sec. 124. 16 V.S.A. § 1163 is amended to read:

19 § 1163. TRANSFER OF SUSPENSION OR EXPULSION TO OTHER

20 SCHOOLS

1 (a) If a student transfers from one Vermont public or independent school to
2 another, ~~a Vermont public or independent school, following then upon~~
3 application by the student and after a review of whether ~~or not~~ the school can
4 provide the student with appropriate services, the new school may choose to
5 continue a suspension or expulsion imposed by the ~~other Vermont public or~~
6 independent original school.

7 * * *

8 (c) A school district ~~which~~ that provides for the education of a suspended
9 or expelled student by paying tuition to ~~an approved~~ a public or approved
10 independent school may, at the discretion of the school board, provide for the
11 education of the student during the period of suspension or expulsion by
12 paying tuition to another ~~approved~~ public or approved independent school.

13 Sec. 125. 16 V.S.A. § 1165 is amended to read:

14 § 1165. ALCOHOL AND DRUG ABUSE

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

20 (b) The ~~state board~~ State Board shall adopt ~~guidelines pursuant to 3 V.S.A.~~
21 ~~chapter 25 rules~~ rules for all school districts. ~~The guidelines shall~~ that include

1 standards consistent with due process of law for discipline, suspension, or
2 dismissal of students and recommended procedures for education, and for
3 referral for treatment and rehabilitation.

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

11 (d) [Repealed.]

12 (e) No municipality, school district, or ~~the officers and or employees~~
13 officer or employee of the school district shall be liable for civil damages in
14 connection with the implementation of ~~and carrying out~~ the purposes of this
15 section so long as they have acted in good faith and not knowingly in violation
16 of the constitutional or civil rights of any person.

17 (f), (g) [Repealed.]

18 Sec. 126. 16 V.S.A. § 1166 is amended to read:

19 § 1166. POSSESSION OF A FIREARM AT SCHOOL

20 (a) In this section, the terms “to school” and “firearm” shall have the same
21 meaning that the terms have in ~~the~~ 18 U.S.C. § 921. ~~However, the~~ The school

1 board may expand the definitions, however, provided they remain consistent
2 with federal law.

3 (b) Each school board shall adopt and implement policies regarding a
4 student who brings a firearm to or possesses a firearm at school, which at a
5 minimum shall include:

6 (1) A provision that any student who brings a firearm to or possesses a
7 firearm at school shall be referred to a law enforcement agency. In addition to
8 any other action the law enforcement agency may take, it may report the
9 incident to the ~~department for children and families~~ Department for Children
10 and Families.

11 (2) A provision that the superintendent or principal, with the approval of
12 the school board following opportunity for a hearing, shall expel from the
13 school for not less than one calendar year any student who brings a firearm to
14 or possesses a firearm at school. ~~However;~~ provided, however, the school
15 board may modify the expulsion on a ~~case-by-case~~ case-by-case basis.
16 Modifications may be granted in circumstances such as ~~but not limited to:~~

17 (A) The ~~pupil~~ student is unaware that he or she has brought a firearm
18 to or possessed a firearm at school.

19 (B) The ~~pupil~~ student did not intend to use the firearm to threaten or
20 endanger others.

1 (C) The ~~pupil is disabled~~ student has a disability and the misconduct
2 is related to the student's disability.

3 (D) The ~~pupil~~ student does not present an ongoing threat to others
4 and a lengthy expulsion would not serve the best interests of the ~~pupil~~ student.

5 (c) Annually at a time and on a form determined by the ~~commissioner~~
6 Secretary, each superintendent shall provide the ~~commissioner~~ Secretary with a
7 description of the circumstances surrounding expulsions imposed under this
8 section, the number of students expelled, and the type of firearm involved.

9 Sec. 127. 16 V.S.A. § 1167 is amended to read:

10 § 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF

11 UNDERSTANDING

12 (a) Neither the ~~state board nor the department~~ State Board nor the Agency
13 shall regulate the use of restraint and seclusion on school property by a school
14 resource officer certified pursuant to 20 V.S.A. § 2358.

15 (b) School boards and law enforcement agencies are encouraged to enter
16 into memoranda of understanding relating to:

17 (1) the possession and use of weapons and devices by a school resource
18 officer on school property; and

19 (2) the nature and scope of assistance that a school resource officer will
20 provide to the school system.

21 Sec. 128. 16 V.S.A. chapter 27 is amended to read:

1 CHAPTER 27. TRANSPORTATION AND BOARD

2 § 1221. CONTROL AND REGULATION

3 ~~The board of school directors~~ A school board shall control and regulate the
4 transportation and board of ~~pupils~~ students in the schools under its charge as
5 ~~hereinafter~~ provided in this chapter, and shall enter into related contracts
6 ~~therefor shall be made by it.~~ To transport ~~such pupils~~ the students properly, the
7 board may purchase, maintain, and operate the necessary equipment in the
8 name of the school district pursuant to section 559 of this title.

9 § 1222. PUPILS STUDENTS WHO MAY BE FURNISHED

10 TRANSPORTATION

11 (a) Each legal pupil, as defined in section 1073 of this title, who is entitled
12 or required to attend an elementary school, or a secondary school may be
13 furnished with total or partial transportation to school, or board, as in the
14 opinion of the school board ~~of school directors~~ is reasonable and necessary to
15 enable ~~him~~ the student to attend school. Each school board shall adopt a
16 transportation policy for ~~pupils~~ students required to attend school in
17 accordance with the procedure specified in ~~section~~ subdivision 563(1) of this
18 title. ~~This policy must take into consideration~~ The policy shall consider the
19 transportation needs of ~~pupils supported by, but not limited to~~ students,
20 including such factors as the age and health of ~~pupils~~ a student, distance to be
21 travelled, and condition ~~of the road~~ and type of highway. The policy ~~shall be~~

1 adopted by the board prior to September 1, 1971 and filed in the office of the
2 principal of each school in the district. ~~Any and any~~ subsequent amendments
3 in policy shall also shall be filed in the principal's office in each school in the
4 district. ~~Such compensation~~ Compensation may be paid to parents or
5 guardians, and shall be payable only in return for actual transportation or board
6 as shall be stipulated by the school ~~directors~~ board.

7 (b) The provisions of ~~section 23 V.S.A. § 376 of Title 23~~ relative to the use
8 of motor vehicles for a municipal purpose shall apply to this section.

9 (c) Expenditures by a school district for transportation or board under this
10 ~~act chapter~~ shall be included in computing current school expenses under
11 chapter 123 of this title.

12 § 1224. REPORTS

13 The superintendent shall include in his or her annual report to the school
14 ~~board of school directors of each town district, a report as to the pupils of such~~
15 data regarding the students in the district who have been transported or
16 boarded under the provisions of this chapter, and the expense thereof
17 associated expenses. Annually, at a time ~~which shall be fixed by the board of~~
18 ~~education~~ State Board, the superintendent shall ~~make a report to such board as~~
19 ~~to all pupils~~ report to the Board regarding the students transported or boarded
20 under the provisions of this chapter, and the expense thereof associated
21 expenses.

1 Sec. 129. 16 V.S.A. chapter 27, subchapter 2 is redesignated to read:

2 Subchapter 2. School ~~Lunches~~ Food Programs

3 ~~Sec. 130. 16 V.S.A. § 1262a is amended to read:~~

4 § 1262a. AWARD OF GRANTS

5 (a)(1) ~~The state board of education~~ State Board may, from funds
6 appropriated for this subsection to the ~~department of education~~ Agency, award
7 grants to:

8 (A) supervisory unions for the use of member school boards that
9 establish and operate food programs;

10 (B) independent school boards that establish and operate food
11 programs; and

12 (C) approved education programs, as defined in subdivision
13 11(a)(34) of this title and operating under private nonprofit ownership as
14 defined in the National School Lunch Act, that establish and operate food
15 programs for students engaged in a teen parent education program or students
16 enrolled in a Vermont public school.

17 (2) The amount of any grant awarded under this subsection shall not be
18 more than the amount necessary, in addition to the charge made for the meal
19 and any reimbursement from federal funds, to pay the actual cost of the meal.

20 (b) ~~The state board~~ State Board may, from funds available to the
21 ~~department of education Agency for this subsection, award grants to~~

1 ~~supervisory unions consisting of one or more school districts that need to~~
2 ~~initiate or expand food programs in order to meet the requirements of section~~
3 ~~1264 of this title and that seek assistance in meeting the cost of initiation or~~
4 ~~expansion. The amount of the grants shall be limited to 75 percent of the cost~~
5 ~~deemed necessary by the ~~commissioner~~ Secretary to construct, renovate, or~~
6 ~~acquire additional facilities and equipment to provide lunches to all ~~pupils~~~~
7 ~~students, and shall be reduced by the amount of funds available from federal or~~
8 ~~other sources, including those funds available under section 3448 of this title.~~
9 ~~The ~~state board~~ State Board, upon recommendation of the ~~commissioner~~~~
10 ~~Secretary, shall direct supervisory unions seeking grants under this section to~~
11 ~~share facilities and equipment within the supervisory union and with other~~
12 ~~supervisory unions for the provision of lunches wherever more efficient and~~
13 ~~effective operation of food programs can be expected to result.~~

14 (c) On a quarterly basis, from state funds appropriated to the ~~department of~~
15 ~~education~~ Agency for this subsection, the ~~state board~~ State Board shall award
16 to each supervisory union, independent school board, and approved education
17 program as described in subsection (a) of this section a sum equal to the
18 amount that would have been the student share of the cost of all breakfasts
19 actually provided in the district during the previous quarter to students eligible
20 for a ~~reduced-price~~ reduced-price breakfast under the federal school breakfast
21 program.

Sec. 130. [Deleted.]

1 Sec. 131. 16 V.S.A. § 1262b is amended to read:

2 § 1262b. ~~REGULATIONS~~ RULES

3 The ~~state board of education~~ State Board shall adopt ~~regulations~~ rules
4 governing grants under section 1262a of this title. ~~Such regulations~~ The rules
5 shall provide for grants from ~~state~~ State funds in accordance with federal
6 guidelines ~~of for~~ food programs as ~~defined under federal law~~. ~~The state board~~
7 ~~of education~~. The State Board may adopt ~~such~~ other rules ~~and regulations~~ as
8 that are necessary to carry out the provisions of this subchapter.

9 Sec. 132. 16 V.S.A. § 1264(b) is amended to read:

10 (b) In the event of an emergency, the school board may apply to the
11 ~~department~~ Secretary for a temporary waiver of the requirements in subsection
12 (a) of this section. The ~~commissioner~~ Secretary shall grant the requested
13 waiver if he or she finds that it is unduly difficult for the school district to
14 provide a school lunch, breakfast, or summer meals program, or any
15 combination of the three, and if he or she finds that the school district and
16 supervisory union have exercised due diligence to avoid the emergency
17 situation that gives rise to the need for the requested waiver. In no event shall
18 the waiver extend for a period to exceed 20 school days or, in the case of a
19 summer meals program, the remainder of the summer vacation.

20 Sec. 133. 16 V.S.A. § 1265 is amended to read:

1 § 1265. EXEMPTION; PUBLIC DISCUSSION

2 (a) The school board of a public school district that wishes to be exempt
3 from the provisions of section 1264 of this title may vote at a meeting warned
4 and held for that purpose to exempt itself from the requirement to offer either
5 the school lunch program or the school breakfast program, or both, for a period
6 of one year.

7 (b) If a public school is exempt from offering a breakfast or lunch program,
8 its school board shall conduct a discussion annually on whether to continue the
9 exemption. The pending discussion shall be included on the agenda at a
10 regular or special school board meeting publicly noticed in accordance with
11 1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate
12 in the discussion. The school board shall send a copy of the notice to the
13 ~~commissioner~~ Secretary and to the superintendent of the supervisory union at
14 least ten days prior to the meeting. Following the discussion, the school board
15 shall vote on whether to continue the exemption for one additional year.

16 (c) On or before the first day of November prior to the date on which an
17 exemption voted under this section is due to expire, the ~~commissioner~~
18 Secretary shall notify the boards of the affected school district and supervisory
19 union in writing that the exemption will expire.

1 (d) Following a meeting held pursuant to subsection (b) of this section, the
2 school board shall send a copy of the agenda and minutes to the ~~commissioner~~
3 Secretary and the superintendent of the supervisory union.

4 (e) The ~~commissioner~~ Secretary may grant a supervisory union or a school
5 district a waiver from duties required of it under this subchapter upon a
6 demonstration that the duties would be performed more efficiently and
7 effectively in another manner.

8 Sec. 134. 16 V.S.A. § 1422 is amended to read:

9 § 1422. PERIODIC HEARING AND VISION SCREENING; GUIDELINES

10 ~~Periodic~~ School districts and primary care providers shall conduct periodic
11 hearing and vision screening of school-aged children shall be conducted by
12 ~~school districts and primary care providers~~ pursuant to research-based
13 guidelines developed by the ~~commissioner of health~~ Commissioner of Health
14 in consultation with the ~~commissioner of education~~ Secretary of Education.
15 School districts and primary care providers will attempt to avoid duplicating
16 services provided by the other and will share information as practicable and
17 allowable by law.

18 ~~Sec. 135. 16 V.S.A. § 1431(b) is amended to read:~~

19 ~~(b) Guidelines and other information. The ~~commissioner of education or~~~~
20 ~~~~designee~~ Secretary, assisted by members of the Vermont Principals'~~
21 ~~Association selected by that association, shall develop statewide guidelines.~~

1 ~~forms, and other materials, and update them when necessary, that are designed~~
2 ~~to educate coaches, youth athletes, and the parents and guardians of youth~~
3 ~~athletes regarding:~~

4 * * *

Sec. 135. [Deleted.]

5 Sec. 136. 16 V.S.A. § 1481 is amended to read:

6 § 1481. FIRE AND EMERGENCY PREPAREDNESS DRILLS

7 (a) The principal or person in charge of a public or independent school or
8 another educational institution, other than a university or college, shall drill the
9 ~~pupils~~ students so ~~that they may be~~ are able to leave the school building or
10 perform other procedures described in the school's emergency preparedness
11 plan, or both in the shortest possible time and without panic or confusion.

12 (b) A drill shall be held at least once in each month during the school year
13 and a record of the date and time of ~~such~~ the drill together with the time
14 consumed in completing the procedure, shall be kept in the official school
15 register, and such register shall be open at all times for inspection by
16 representatives from the ~~fire safety division of the department of public safety~~
17 ~~or the department of education~~ Fire Safety Division of the Department of
18 Public Safety or the Agency of Education.

1 (c) A school district, independent school, or educational institution whose
2 administrative personnel neglect to comply with the provisions of this section
3 shall be fined not more than \$500.00.

4 Sec. 137. 16 V.S.A. § 1482 is amended to read:

5 § 1482. SAFETY PATROLS

6 (a) In the exercise of authorized control and supervision over ~~pupils~~
7 students attending schools and other educational institutions in this ~~state~~ State,
8 both public and independent, the school board ~~of school directors~~ or other
9 directing authority of ~~any such~~ a school or institution may organize and
10 supervise school safety patrols and the appointment, with the permission of
11 parents, of ~~pupils~~ students as members ~~thereof~~, for the purpose of influencing
12 and encouraging other ~~pupils~~ students to refrain from crossing public highways
13 at points other than at regular crossings, and for the purpose of directing ~~pupils~~
14 students not to cross highways at times when the presence of traffic would
15 ~~render such~~ make crossing unsafe.

16 (b) ~~Such~~ The school board ~~of school directors~~ or other directing authority
17 shall obtain and keep in force adequate accident insurance to protect ~~pupils~~
18 students acting as safety patrols during the performance of their services.

19 (c) The ~~commissioner of public safety~~ Commissioner of Public Safety
20 shall, upon the request of a school board ~~of school directors~~ or other directing
21 authority of any public or independent educational institution, assign an officer

1 or officers of the ~~state police~~ State Police to assist ~~such~~ the school authorities
2 ~~in the organization and supervision of~~ to organize and supervise school safety
3 patrols, advise and make recommendations concerning the elimination of
4 traffic hazards endangering the safety of ~~school children~~ students, and
5 otherwise assist in promoting safety education in the schools of the ~~state~~ State.
6 Within the appropriation of ~~his department, the commissioner of public safety~~
7 the Department of Public Safety, the Commissioner shall furnish ~~such~~ any
8 equipment, material, and supplies ~~as he may deem~~ that he or she deems
9 necessary for the proper functioning of the school safety patrols. Nothing
10 ~~herein contained~~ in this section shall be construed to authorize or permit ~~the~~
11 ~~use of~~ any safety patrol member ~~for the purpose of directing~~ to direct vehicular
12 traffic.

13 (d) Liability shall not attach either to ~~the~~ a school, educational institution,
14 governing board ~~or any~~, individual director, trustee, superintendent, teacher, or
15 other school authority, parent ~~or any~~, sponsor, sponsoring organization, or
16 representative ~~thereof~~ of a sponsor, or to the ~~department of public safety or to~~
17 ~~any individual member thereof~~ Department of Public Safety or to any of its
18 employees, by virtue of the organization, maintenance, or operation of ~~such~~ a
19 school safety patrol and school safety patrol field day activity organized,
20 maintained, and operated under the authority of this section because of injuries

1 sustained by any ~~pupil~~ student or person, whether a member of the patrol or
2 otherwise, by reason of the operation and maintenance ~~thereof~~.

3 Sec. 138. 16 V.S.A. § 1483 is amended to read:

4 § 1483. CHAPTER PRINTED IN MANUALS OR HANDBOOKS

5 This chapter shall be printed in ~~such~~ manuals or handbooks ~~as may be~~
6 prepared for the guidance of teachers in a school or institution subject to the
7 provisions ~~thereof~~ of this chapter.

8 Sec. 139. 16 V.S.A. chapter 37 is redesignated to read:

9 CHAPTER 37. CAREER TECHNICAL TRAINING EDUCATION

10 Sec. 140. 16 V.S.A. § 1522 is amended to read:

11 § 1522. DEFINITIONS

12 As used in this chapter:

13 (1) “Secondary ~~technical~~ CTE student” means a resident of this ~~state~~
14 State, of any age, who has not completed high school and is enrolled in a
15 secondary career technical education program.

16 (2) “Adult student” means a resident of this ~~state~~ State, of any age, who
17 has completed high school and who needs additional career technical education
18 for entry into the labor force or who needs to upgrade skills to qualify for
19 higher pay or for more dependable employment.

20 (3) “Secondary career technical education” or “secondary CTE” means
21 an educational program leading to a high school diploma, designed to provide

1 students with career and technical knowledge, skills, and attitudes that will
2 prepare them for further education, enhance their employment options, or lead
3 to an industry-recognized credential.

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

7 (5) “Sending district” means a school district paying tuition on behalf of
8 a ~~pupil~~ student to a school district ~~which furnishes technical~~ that provides CTE
9 courses.

10 (6) “Receiving district” means a school district, inside or outside of this
11 ~~state~~ State, receiving tuition on behalf of a ~~pupil~~ student to whom it ~~furnishes~~
12 provides career technical education. The classification of a school district as a
13 receiving district is not altered by reason of the participation of that district in a
14 contract for management of the regional ~~technical~~ CTE center under
15 section 1543 of this title.

16 (7) “Service region” means, for each regional ~~technical~~ CTE center, a
17 region surrounding it ~~so~~ designated by rule of the ~~state board~~ State Board under
18 section 1531 of this title. The ~~state board~~ State Board may designate a service
19 region for two or more comprehensive high schools if that region is not served
20 by a technical center.

21 (8), (9) [Repealed.]

1 (10) “~~Technical~~ CTE tuition” means the amount calculated by
2 subtracting from total regional technical CTE center costs all expenditures
3 from state and federal grants (~~but not except for~~ incentive grants, adult
4 education grants, or other state grants as defined by ~~the state board by rule~~)
5 State Board rule, then dividing the result by the sum of the actual number of
6 full-time equivalent out-of-state students and the average of the full-time
7 equivalent Vermont students for the three prior years.

8 (11) “Adult technical education” or “adult CTE” means an educational
9 program ~~or course of study, that is~~ not part of a postsecondary degree program
10 ~~and which, that~~ does not award postsecondary credit, ~~which and that~~ provides
11 students with career and technical knowledge, skills, and attitudes that will
12 prepare them for further education, enhance their employment options, or lead
13 to an industry-recognized credential.

14 (12) “Postsecondary technical education” or “postsecondary CTE”
15 means an educational program or course of study ~~which that~~ awards
16 postsecondary credit, and is designed to provide students with career and
17 technical knowledge, skills, and attitudes that will prepare them for further
18 education, enhance their employment options, or lead to an
19 industry-recognized credential.

1 (13) “Postsecondary ~~technical~~ CTE student” means a resident of this
2 ~~state~~ State, of any age, who desires to enroll in, or is enrolled in, a
3 postsecondary ~~technical education~~ CTE program.

4 (14) “Comprehensive high school” means a public or independent
5 school other than a technical center that provides secondary career technical
6 education approved under section 1533 of this title.

7 Sec. 141. 16 V.S.A. § 1532(b) is amended to read:

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

9 (1) competencies ~~which~~ that graduates of each kind of technical
10 program should be able to demonstrate, including technical competencies
11 necessary for the student’s intended employment;

12 (2) minimum admissions competencies for entrance into each technical
13 course of study;

14 (3) procedures by which the ~~commissioner or designee~~ Secretary will
15 review and comment on the employment qualifications of candidates for
16 positions at technical centers for whom state salary assistance will be
17 requested;

18 (4) requirements for technical centers to provide programs designed to
19 acquaint prospective students with technical courses of study;

1 (5) procedures by which the ~~commissioner~~ Secretary will review and
2 approve use of course of study credits in technical education to meet state
3 graduation requirements;

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

7 Sec. 142. 16 V.S.A. § 1533(a) is amended to read:

8 (a) At least once in each period of five years, and in coordination with the
9 ~~Vermont advisory council on technical education, the commissioner or his~~
10 ~~designee~~ Vermont Advisory Council on Technical Education, the Secretary
11 shall evaluate the effectiveness of each technical center in the ~~state~~ State. The
12 ~~state board~~ State Board by rule shall prescribe the method for conducting these
13 evaluations.

14 Sec. 143. 16 V.S.A. § 1534(a) is amended to read:

15 (a) At least once in each period of five years, and in coordination with the
16 ~~Vermont advisory council on technical education, the commissioner or his~~
17 ~~designee~~ Vermont Advisory Council on Technical Education, the Secretary
18 shall evaluate the effectiveness of each course of study offered by any
19 technical center in the ~~state~~ State. The ~~state board~~ State Board by rule shall
20 prescribe the method for conducting these evaluations.

21 Sec. 144. 16 V.S.A. chapter 37, subchapter 3 is redesignated to read:

1 Subchapter 3. Local Career Technical Education Programs

2 Sec. 145. 16 V.S.A. § 1541 is amended to read:

3 § 1541. RESPONSIBILITY OF LOCAL SCHOOL BOARDS ~~WHICH~~

4 ~~MANAGE~~ THAT OPERATE CAREER TECHNICAL CENTERS

5 (a) A school board ~~which~~ that operates a ~~technical~~ CTE center has
6 responsibility for providing secondary and adult technical education services
7 within its service region.

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

17 (c) In consultation with its regional advisory board, a school board ~~which~~
18 that operates a regional ~~technical~~ CTE center shall:

19 * * *

20 (8) coordinate use of the center with the Vermont ~~state colleges,~~ State
21 Colleges, with other state programs, including licensing, job training, and

1 apprenticeship programs, and ~~with~~ other approved institutions, for the
2 provision of postsecondary technical education programs and charge fees not
3 exceeding actual direct and indirect costs of the use of the center;

4 (9) offer programs designed to acquaint prospective students with
5 ~~technical CTE~~ programs, ~~but which~~ that do not require an enrollment
6 commitment; and

7 (10) ~~After~~ after giving due consideration to efficient and ~~cost-effective~~
8 cost-effective use of the center, establish fees for building and equipment use.

9 (d) A school board ~~which~~ that operates a ~~technical CTE~~ center:

10 (1) ~~Shall~~ shall establish a ~~technical CTE~~ tuition;:

11 (2) ~~Shall~~ shall make the center's facilities and equipment available for
12 providing ~~technical CTE~~ education to adults; and

13 (3) ~~Shall~~ shall use and maintain all facilities designed and constructed
14 for technical education in a manner consistent with that purpose, except when
15 those facilities are not needed for ~~technical education~~ CTE and the
16 ~~commissioner or his designee~~ Secretary consents.

17 ~~Sec. 146. 16 V.S.A. § 1541a is amended to read:~~

18 ~~§ 1541a. RESPONSIBILITY OF LOCAL SCHOOL BOARDS IN SENDING~~
19 ~~DISTRICTS~~

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

1 (3) one member elected for a term of three years by and from among the
2 school board of each sending district in the center's service region ~~which that~~
3 does not have a public high school represented on the advisory board under
4 subdivision (1) of this section; except, that if there are more than three such
5 districts in the center's service area, the advisory board shall select three school
6 boards to represent the interests of all such districts, shall rotate its selections
7 among the districts, and shall stagger the expiration of initial terms; and

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

11 (5) once constituted, the regional advisory board shall elect three
12 additional members for terms of three years to represent the interests of
13 employers or employees, provided that no two terms shall expire in any year.

14 (b) A regional advisory board, with the consent of the ~~workforce~~
15 ~~investment board~~ Workforce Development Council, may delegate its
16 responsibilities to the ~~regional workforce investment board~~ grantee that
17 performs workforce development activities in the region pursuant to 10 V.S.A.
18 § 542. In this case, the ~~workforce investment board~~ grantee shall become the
19 regional advisory board unless and until the school board ~~which that~~ operates
20 the technical center requests that the regional advisory board be reconstituted
21 pursuant to subsection (a) of this section.

1 Sec. 148. 16 V.S.A. § 1544 is amended to read:

2 § 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

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

10 Sec. 149. 16 V.S.A. § 1545 is amended to read:

11 § 1545. CREDITS AND GRADES EARNED

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

20 (b) The credits earned for a technical education program approved by the
21 ~~state board~~ State Board shall be honored by any public or independent school

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

10 (c) For any student attending the Vermont ~~academy for science and~~
11 ~~technology~~ Academy for Science and Technology pursuant to subsection
12 4011(e) of this title, the credits and grades earned shall, upon request of the
13 student or the student's parent or guardian, be applied toward graduation
14 requirements at the Vermont high school ~~which~~ that the student attended prior
15 to enrolling in the ~~academy~~ Academy.

16 Sec. 150. 16 V.S.A. § 1546 is amended to read:

17 § 1546. COMPREHENSIVE HIGH SCHOOLS

18 (a) In the sections referenced in this section, when applied to an
19 independent comprehensive high school, the term "school board" or "school
20 district" means "the school's board of trustees."

1 (b) A comprehensive high school shall charge and receive tuition pursuant
2 to section 824 of this title. A comprehensive high school shall be a technical
3 center for the purposes of receiving funding for grants per full-time equivalent
4 student under ~~16 V.S.A. § section~~ 1561 of this title, for tryout classes under ~~16~~
5 ~~V.S.A. § section~~ 1562 of this title, for equipment replacement under ~~16 V.S.A.~~
6 ~~§ section~~ 1564 of this title, for incentive grants under ~~16 V.S.A. § section~~ 1566
7 of this title, and for reporting requirements under ~~16 V.S.A. § section~~ 1568 of
8 this title. Funds received under this section shall be used for support of
9 technical education programs within the comprehensive high school.

10 (c) ~~In addition, two~~ Two or more comprehensive high schools for which
11 ~~the state board~~ State Board has designated a service region shall be a technical
12 center for the purposes of accountability to the ~~state board of education~~ State
13 Board under subchapter 2 of this chapter, responsibilities of the technical
14 center under subchapter 3 of this chapter, and receiving state financial
15 assistance under subchapter 5 of this chapter, excluding the per equalized pupil
16 general state support grant under subsection 1561(b), ~~of this chapter~~. The
17 regional advisory board shall determine how funds received under subchapter
18 5 shall be distributed. A comprehensive high school aggrieved by a decision
19 of the regional advisory board may appeal to the ~~commissioner~~ Secretary who,
20 after opportunity for hearing, may affirm or modify the decision.

21 Sec. 151. 16 V.S.A. § 1568 is amended to read:

1 § 1568. REPORTING OF INFORMATION

2 (a) Annually, in accordance with a time line, format, and process
3 established by ~~the state board~~ by State Board rule, each ~~technical~~ CTE center
4 shall report its costs and student enrollment, achievement, and performance
5 measures to the ~~commissioner~~ Secretary. ~~Technical~~ CTE center financial
6 accounts shall be kept separately from those of the host high school in
7 accordance with rules adopted by the ~~state board~~ State Board, which shall
8 ~~establish clear delineation of~~ clearly delineate relevant costs and revenues.

9 (b) If a ~~technical~~ CTE center fails to file financial or student information
10 required under this section within the time lines established by rule of the ~~state~~
11 ~~board~~ State Board, the ~~commissioner~~ Secretary may withhold funds due under
12 this chapter and shall subtract \$100.00 per business day from funds due the
13 center under this chapter. The ~~commissioner~~ Secretary may waive the \$100.00
14 penalty upon appeal by the center for good cause.

15 Sec. 152. 16 V.S.A. chapter 37, subchapter 5A is redesignated to read:

16 Subchapter 5A. Regional Career Technical Center School Districts

17 Sec. 153. 16 V.S.A. § 1571 is amended to read:

18 § 1571. DEFINITIONS

19 In this subchapter:

20 (1) “Regional career technical center school district” ~~means and~~
21 “regional CTE center school district” mean a district ~~which that~~ maintains a

1 regional career technical center under a governance structure approved by vote
2 of the electorate pursuant to this subchapter.

3 (2) "School district" means a school district ~~which~~ that maintains a high
4 school.

5 Sec. 154. 16 V.S.A. § 1572 is amended to read:

6 § 1572. FORMATION OF A PLANNING COMMITTEE

7 (a) Any two or more of the following may establish a committee to plan the
8 formation of a regional ~~technical center~~ CTE school district with an alternative
9 governance structure for governance of the regional ~~technical~~ CTE center:

10 either the school board of a school district ~~which~~ that operates a regional
11 ~~technical~~ CTE center or all the school boards ~~which~~ that operate a
12 comprehensive high school ~~which~~ that have been designated as the regional
13 ~~technical~~ CTE center; the majority of the school boards of the other school
14 districts in the ~~technical~~ CTE center region; or ~~a workforce investment board~~
15 an entity that performs workforce development activities pursuant to 10 V.S.A.
16 § 542 in a ~~technical~~ CTE center region. The planning committee shall consist
17 of representatives of the school district ~~which~~ that operates a regional ~~technical~~
18 CTE center, the school districts ~~which~~ that send students to the regional
19 ~~technical~~ CTE center, regional employers, and residents of the ~~technical~~ CTE
20 center region.

1 (b) The planning committee may determine that no change to the
2 governance structure is needed, or it may prepare a report in the form of an
3 agreement between the school districts ~~which~~ that are located in the ~~technical~~
4 CTE center region. The report shall describe:

5 (1) The makeup of the governing board. At least 60 percent of the board
6 members shall be elected by direct vote of the voters, or chosen from member
7 school district boards by the member school district boards, or a combination
8 of the two. If the board is to have additional members, who may constitute up
9 to 40 percent of the board, the additional members shall be appointed by the
10 elected and chosen members from member school district boards for the
11 purpose of acquiring expertise in areas they consider desirable. The appointed
12 members may be selected from nominations submitted by the ~~regional~~
13 ~~workforce investment board~~ the entity that performs workforce development
14 activities pursuant to 10 V.S.A. § 542 or other workforce organizations, or may
15 be chosen without nomination by an organization. Notwithstanding any
16 provision of law to the contrary, a resident of an unorganized town, grant, or
17 gore that sits within the regional ~~technical~~ CTE center school district who is
18 otherwise eligible to vote under 17 V.S.A. § 2121 may vote for the board
19 members and may be elected to or appointed as a member of the governing
20 board;

21 (2) [Repealed.]

- 1 (3) Proposed bylaws;
- 2 (4) A plan for transition from the existing governance structure;
- 3 (5) The disposition of the existing ~~technical~~ CTE center land and facilities;
- 4 (6) How existing collective bargaining agreements and employee contracts
5 will be addressed;
- 6 (7) Transportation to be provided;
- 7 (8) The term of office of the board members and other officers, how other
8 officers are selected, and how board members will be replaced when a vacancy
9 occurs;
- 10 (9) The date on which the proposal will be submitted to the voters and
11 whether the votes will be commingled;
- 12 (10) A process for amending or dissolving the governance structure; and
- 13 (11) Any other matter which the committee considers pertinent.

14 Sec. 155. 16 V.S.A. § 1573 is amended to read:

15 § 1573. APPROVAL BY STATE BOARD OF EDUCATION

16 The planning committee shall transmit the report to the ~~commissioner~~
17 Secretary who, after consultation with the chair of the ~~human resources~~
18 ~~investment council~~ entity that performs workforce development activities
19 pursuant to 10 V.S.A. § 542, shall submit the report with his or her
20 recommendations to the ~~state board of education. That board~~ State Board. The
21 State Board, after notice to the planning committee and after giving the

1 committee and other interested parties an opportunity to be heard, shall
2 consider the report and the ~~commissioner's~~ Secretary's recommendations, and
3 decide whether the establishment of an alternative governance structure will be
4 in the best interests of the students and the region. The ~~board~~ State Board may
5 request the ~~commissioner~~ Secretary or the planning committee, or both, to
6 make further investigation, and may consider any other information deemed by
7 it to be pertinent. If, after due consideration and any further meetings as it may
8 deem necessary, the ~~board~~ State Board finds that establishment of the
9 alternative governance structure is in the best interests of the students and the
10 region involved, it shall approve the report submitted by the committee,
11 together with any amendments, as a final report of the planning committee, and
12 shall give notice of its action to the committee. The chair of the planning
13 committee shall file a copy of the final report with the clerk of each town
14 school district, incorporated school district, unified union school district, and
15 city school district in the region at least 20 days prior to the vote to adopt the
16 alternative governance structure.

17 Sec. 156. 16 V.S.A. § 1575 is amended to read:

18 § 1575. CERTIFICATION

19 Within ten days of any vote held in accordance with this subchapter, the
20 clerks of the participating school districts shall certify the results of the vote to
21 the ~~commissioner of education~~ Secretary of Education, or, if the ballots are to

1 be commingled, each municipal clerk shall appoint a member of the board of
2 civil authority to transport the uncounted ballots to a predetermined location
3 where the appointed members of each participating school district shall count
4 the commingled ballots. If a majority of the voters vote to approve the
5 formation of the governance system and creation of a regional technical center
6 district, the ~~commissioner~~ Secretary shall declare the existing governance
7 structure of the technical center to be void, the region to be designated a career
8 technical center school district, and the new governance system to be
9 authorized, all as of the date specified in the application, and shall certify the
10 declaration to the ~~secretary of state~~ Secretary of State.

11 Sec. 157. 16 V.S.A. § 1577 is amended to read:

12 § 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE
13 BOARD

14 The governance board of a ~~technical~~ CTE center authorized under this
15 subchapter, in addition to other duties and authority specifically assigned by
16 law to the governing authority of a ~~technical~~ CTE center, shall have the
17 following duties and authority:

18 * * *

19 (2) To take any action required for the sound administration of the
20 center. The ~~commissioner~~ Secretary of Education, with the advice of the
21 ~~attorney general~~ Attorney General, upon application by a board, shall decide

1 whether any action contemplated or taken under this subdivision is required for
2 the sound administration of the center and is consistent with law. The
3 ~~commissioner's~~ Secretary's decision shall be final.

4 * * *

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

1 § 1601. DEFINITIONS

2 ~~The following definitions apply~~ As used in this chapter:

3 (1) "Articulation agreement" means a written agreement between a
4 secondary school and a postsecondary institution or registered apprenticeship
5 ~~setting forth~~ program specifying the responsibilities for each party to the
6 agreement with respect to student apprentices working towards completion of a
7 registered apprenticeship program or a postsecondary degree. The agreement
8 may include acceptance of a student apprentice into a registered apprenticeship
9 program or postsecondary school pending completion of a student
10 apprenticeship program.

11 (2) "Industry competency standards" mean performance criteria
12 developed jointly by educators and business representatives and adopted by the
13 ~~state board of education~~ State Board that define skills and knowledge which
14 are needed in the workplace.

15 * * *

16 (6) "Student apprenticeship program" means a skill-based education
17 program ~~which~~ that coordinates and integrates classroom instruction with a
18 structured, work-based learning experience. ~~The~~ An individual participating in
19 a student apprenticeship program receives academic instruction and training in
20 a skilled occupation ~~which will prepare the student~~ that prepares him or her for

1 postsecondary education, advanced training, or direct employment in a position
2 higher than entry level.

3 * * *

4 Sec. 160. 16 V.S.A. § 1691a(8) is amended to read:

5 (8) "Office" means the office within the ~~department of education~~
6 Agency responsible for professional standards and educator licensing.

7 Sec. 161. 16 V.S.A. § 1693 is amended to read:

8 § 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

9 * * *

10 (d) Compensation. The ~~department of education~~ Agency shall compensate
11 ~~standards board~~ Standards Board members for the performance of their duties
12 and reimburse them for their actual and necessary expenses in accordance with
13 ~~section 32~~ V.S.A. § 1010.

14 (e) Administration. The ~~standards board~~ Standards Board shall be attached
15 for administrative purposes to the office. With respect to the ~~standards board~~
16 Standards Board, the ~~commissioner~~ Secretary shall:

17 (1) with the advice of the ~~standards board~~ Standards Board, employ a
18 director, prepare an annual budget, and administer money appropriated to the
19 ~~standards board~~ Standards Board by the ~~general assembly~~ General Assembly.
20 The budget of the ~~standards board~~ Standards Board shall be part of the budget
21 of the ~~department~~ Agency;

- 1 (2) employ administrative staff of the office;
- 2 (3) incur such other expenses as the ~~commissioner~~ Secretary determines
- 3 are necessary;
- 4 (4) act as custodian of the records of the ~~standards board~~ Standards
- 5 Board; and
- 6 (5) annually, conduct a training for members of the ~~standards board~~
- 7 Standards Board and the hearing panels established in this chapter, which shall
- 8 include workshops regarding the powers and duties of the ~~standards board~~
- 9 Standards Board and the panels and an opportunity for the ~~standards board~~
- 10 Standards Board and hearing panel members to discuss the practical
- 11 application of standards in quasi-judicial proceedings.

12 Sec. 162. 16 V.S.A. § 1695 is amended to read:

13 § 1695. REVIEW OF LICENSING STANDARDS

14 Prior to the prefiling by the ~~standards board~~ Standards Board of a licensing

15 standard or procedure proposed for rulemaking pursuant to 3 V.S.A. § 820, the

16 ~~commissioner~~ Secretary may object to it before the ~~state board of education~~

17 State Board on the grounds that it would have significant adverse financial or

18 operational impact on the public school system. If the ~~state board of education~~

19 State Board agrees, it may remand the proposed rule to the ~~standards board~~

20 Standards Board for further deliberations consistent with its written decision.

21 The ~~commissioner~~ Secretary may also object on the same grounds to a

1 substantive change to a proposed rule, once initiated, before a final proposal is
2 filed pursuant to 3 V.S.A. § 841.

3 Sec. 163. 16 V.S.A. § 1696 is amended to read:

4 § 1696. LICENSING

5 (a) Qualifications of applicants. An applicant shall submit to the
6 ~~commissioner~~ Secretary evidence satisfactory to the ~~commissioner~~ Secretary
7 that the applicant either has completed all requirements of an approved
8 educator preparation program or has otherwise acquired the knowledge and
9 skills required for a license through coursework and experiences apart from an
10 approved educator preparation program.

11 * * *

12 (e) Denial of license. The ~~commissioner~~ Secretary may deny a license for:

13 (1) Failure to meet the conditions for issuance of a license or
14 endorsement or renewal or reinstatement thereof; or

15 (2) Failure of a licensee to demonstrate the competencies specified in
16 the rules of the standards board.

17 (f) Appeal. An applicant aggrieved by a decision of the ~~commissioner~~
18 Secretary regarding the issuance or renewal of a license may appeal that
19 decision by notifying the ~~commissioner~~ Secretary in writing within 30 days of
20 receiving the decision. The ~~commissioner~~ Secretary shall transmit

1 notice of the appeal to the administrative officer for hearing panels to initiate
2 the appeal process set forth in section 1700 of this title.

3 Sec. 164. 16 V.S.A. § 1699 is amended to read:

4 § 1699. REPORTS OF ALLEGED UNPROFESSIONAL CONDUCT OR
5 INCOMPETENCE

6 (a) An individual who has reasonable cause to believe a licensee has
7 engaged in unprofessional conduct or is incompetent may, and a
8 superintendent who has reasonable cause to believe a licensee has engaged in
9 unprofessional conduct or is incompetent shall, submit a written report to the
10 ~~commissioner~~ Secretary concerning allegations of unprofessional conduct or
11 incompetence about a licensee. A principal submitting a report under this
12 section shall submit it to the superintendent and may also submit it to the
13 ~~commissioner~~ Secretary.

14 (b) Except as provided in section 1708 of this title, information provided
15 the licensing office under this section shall be confidential.

16 (c) A person who acts in good faith under the provisions of this section
17 shall not be liable for damages in any civil action.

18 Sec. 165. 16 V.S.A. § 1700 is amended to read:

19 § 1700. INVESTIGATION

20 (a) Investigation committee. Upon receiving notice of either an applicant's
21 appeal of a licensing office decision or an allegation of unprofessional conduct

1 or incompetence on the part of a licensee, the hearing panel administrative
2 officer shall assign one or more of its licensee members to serve on an
3 investigation committee with an investigator and prosecuting attorney assigned
4 by the ~~commissioner of education~~ Secretary of Education to investigate the
5 licensing decision or allegation and make recommendations to the
6 ~~commissioner~~ Secretary in accordance with subsections (b) and (d) of this
7 section. Teacher members shall be assigned to assist in the investigation of
8 matters involving teachers and administrator members in matters involving
9 administrators. Members shall not serve on a hearing panel regarding any
10 matter they assisted in investigating. If the administrative officer is unable to
11 assign one or more members to the investigation committee by reason of
12 disqualification, resignation, vacancy, or necessary absence, the officer shall
13 appoint ad hoc members who shall meet the requirements of subsection
14 1693(b) of this title.

15 (b) Preliminary review. After conducting a preliminary review of an
16 allegation of unprofessional conduct or incompetence or of a denial of a
17 license based on alleged unprofessional conduct or incompetence, the
18 investigation committee shall make a recommendation to the ~~commissioner~~
19 Secretary regarding whether to conduct a formal investigation.

20 (c) Formal investigation. If the ~~commissioner~~ Secretary decides to conduct
21 a formal investigation, the ~~commissioner~~ Secretary shall:

1 (1) notify the educator and direct the investigation committee to proceed
2 with a formal investigation; and

3 (2) notify the superintendent of the school district in which the educator
4 may be employed, or if the educator is currently employed as a superintendent,
5 the chair of the board of the supervisory union or supervisory district that
6 employs the superintendent, that the office has commenced a formal
7 investigation of an allegation of unprofessional conduct or incompetence and
8 shall specify the provisions of section 1698 of this title that best describe the
9 allegation.

10 (d) Recommendation. Upon completing its investigation, the investigation
11 committee shall recommend that the ~~commissioner~~ Secretary, with respect to a
12 license application, affirm, or reverse a licensing office decision or, with
13 respect to alleged unprofessional conduct or incompetence, issue, or not issue
14 formal charges.

15 (e) Professional guidance. In its recommendation as to whether the
16 ~~commissioner~~ Secretary should issue formal charges and, if so, what form they
17 should take, the committee may consider the effect it believes its professional
18 guidance may have in mitigating the need for and nature of licensing action.

19 Sec. 166. 16 V.S.A. § 1701 is amended to read:

20 § 1701. ~~COMMISSIONER'S~~ SECRETARY'S DETERMINATION

1 (a) Matters involving denial of licensure. With respect to an applicant's
2 appeal, the ~~commissioner~~ Secretary shall, within 10 days of receiving the
3 committee's recommendation, affirm or reverse the licensing decision and
4 notify the applicant in writing. If the ~~commissioner~~ Secretary reverses the
5 decision, the office shall issue a license accordingly. If the ~~commissioner~~
6 Secretary affirms the decision, the applicant may appeal by notifying the
7 ~~commissioner~~ Secretary in writing within 10 days of receiving the
8 ~~commissioner's~~ Secretary's decision. The ~~commissioner~~ Secretary shall
9 ~~forthwith~~ notify the hearing panel administrative officer of the appeal.

10 (b) Matters involving alleged unprofessional conduct or incompetence.
11 With respect to a licensee alleged either incompetent or to have engaged in
12 unprofessional conduct, the ~~commissioner~~ Secretary shall, within 10 days of
13 receiving the investigation committee's recommendation, determine whether to
14 issue a formal charge and what, if any, licensing action should be imposed. If
15 the ~~commissioner~~ Secretary determines no formal charge is warranted, the
16 ~~commissioner~~ Secretary shall notify in writing the licensee and, if the licensee
17 is employed, the superintendent of the school district of employment. If the
18 ~~commissioner~~ Secretary determines a formal charge is warranted, the
19 ~~commissioner~~ Secretary shall prepare a formal charge, file it with the hearing
20 panel administrative officer, and cause a copy to be served upon the licensee
21 charged together with a notice of hearing and procedural rights, as provided in

1 this chapter. The ~~commissioner~~ Secretary shall provide a copy of the formal
2 charge to the superintendent of the school district, if any, in which the licensee
3 is employed, or if the licensee is employed as a superintendent, to the chair of
4 the supervisory union that employs the superintendent, provided the
5 superintendent or board chair agrees to maintain the confidentiality and
6 privileged status of the information as provided in subsection 1708(d) of this
7 title. If the ~~commissioner~~ Secretary finds that public health, safety, or welfare
8 imperatively requires emergency action and incorporates a finding to that
9 effect in the formal charge, the hearing panel may order summary suspension
10 of a license pending proceedings for revocation or other action. These
11 proceedings shall be promptly instituted and determined.

12 Sec. 167. 16 V.S.A. § 1702 is amended to read:

13 § 1702. HEARING PANELS

14 * * *

15 (b) Administration. The hearing panels shall be attached for administrative
16 purposes to the office. Annually, the panel members shall meet collectively to:

17 (1) elect an administrative officer for the purpose of assigning hearing
18 panels in licensing matters;

19 (2) approve a pool, based upon the ~~commissioner's~~ Secretary's
20 recommendation, of impartial hearing officers who shall be attorneys admitted
21 to practice in this state; and

1 (3) plan professional development activities.

2 (c) Powers and duties of hearing panels. Hearing panels shall have the
3 authority to determine compliance by applicants, licensees, and the office with
4 standards board standards according to which individuals may obtain, renew,
5 and retain a license. Upon notification that the applicant has appealed under
6 subsection 1701(a) of this title or that the ~~commissioner~~ Secretary has issued a
7 formal charge under subsection 1701(b) of this title, the administrative officer
8 shall appoint a hearing officer and a panel, as well as a chair for the panel.

9 Panels hearing appeals of teachers shall comprise two teacher members and
10 one public member. Panels hearing appeals of administrators shall comprise
11 two administrator members and one public member. In the conduct of
12 proceedings, the hearing officer, or the panel if it takes additional evidence
13 under subsection 1706(a) of this title, may:

14 (1) Issue subpoenas to compel the attendance of witnesses and the
15 furnishing of evidentiary material in connection with a hearing;

16 (2) Authorize depositions to be taken as needed in any investigation,
17 hearing, or proceeding;

18 (3) Conduct administrative hearings in accordance with this section,
19 section 1705 of this title, and 3 V.S.A. chapter 25 ~~of Title 3~~ regarding appeals
20 of licensing decisions and charges of unprofessional conduct or incompetence;

1 (4) In the case of the hearing officer, recommend and, in the case of a
2 hearing panel, make decisions regarding appeals of licensing decisions and
3 formal charges; and

4 (5) Undertake any other actions and procedures specified in or required
5 or appropriate to carry out the provisions of this chapter.

6 Sec. 168. 16 V.S.A. § 1704(b) is amended to read:

7 (b) Alleged unprofessional conduct or incompetence. The burden of proof
8 in matters involving alleged unprofessional conduct or incompetence,
9 including denial of a license based on alleged unprofessional conduct or
10 incompetence, shall be on the ~~commissioner~~ Secretary by a preponderance of
11 the evidence, except that in the case of revocation or suspension for more than
12 one year, the proof shall be by clear and convincing evidence.

13 Sec. 169. 16 V.S.A. § 1706(a) is amended to read:

14 (a) Hearing panel decision. The hearing panel may take additional
15 evidence and may accept, reject, or modify the recommendations of the
16 hearing officer and shall issue findings of fact, conclusions of law, and an
17 order within 30 days of receiving the recommendations, unless the hearing
18 panel grants an extension for good cause. The hearing panel shall provide a
19 copy of the decision to the ~~commissioner~~ Secretary and, by certified mail, the
20 applicant or licensee charged. If formal charges are not substantiated, the

1 hearing panel shall include in its order a statement that the charges were not
2 substantiated by the evidence, and it shall dismiss the charges.

3 Sec. 170. 16 V.S.A. § 1708 is amended to read:

4 § 1708. ACCESSIBILITY AND CONFIDENTIALITY OF LICENSING
5 MATTERS

6 * * *

7 (c) The ~~commissioner~~ Secretary shall prepare and maintain a register of all
8 complaints, which shall be a public record and which shall show:

9 * * *

10 (d) The hearing panel and the ~~commissioner~~ Secretary shall not disclose to
11 anyone but the applicant or the licensee charged any information regarding a
12 complaint, proceeding, or record, except the information required to be
13 released under this section.

14 (e) A licensee or applicant shall have the right to inspect and copy all
15 information in the possession of the ~~department of education~~ Agency
16 pertaining to the licensee or applicant, except investigatory files not resulting
17 in formal charges and attorney work product.

18 (f) Nothing in this section shall prohibit the disclosure of information:

19 (1) Regarding complaints to state or federal law enforcement agencies in
20 the course of an investigation, provided the state or federal law enforcement

1 agency agrees to maintain the confidentiality and privileged status of the
2 information as provided in subsection (d) of this section;

3 (2) Regarding denials of licensure for cause, and license suspensions or
4 revocations, and including reinstatements of licenses, to the National
5 Association of State Directors of Teacher Education and Certification,
6 consistent with the member agreement executed between it and the ~~state~~ State
7 of Vermont. For the purposes of this subdivision, “cause” includes any
8 circumstance or activity also deemed to be a revocable offense; or

9 (3) As is necessary in investigating a complaint, to the superintendent of
10 a school district in which the licensee is employed or, if the licensee is
11 employed as a superintendent, to the chair of the board that employs the
12 superintendent, provided the superintendent or chair agrees to maintain the
13 confidentiality and privileged status of the information as provided in
14 subsection (d) of this section. Where, in the judgment of the ~~commissioner~~
15 Secretary, the alleged unprofessional conduct or incompetence places the
16 students in immediate physical or emotional jeopardy, the office shall inform
17 the superintendent of the school district in which the licensee is employed.
18 The superintendent may take only such action as is both necessary to protect
19 students and consistent with the rights of the licensee. The superintendent
20 shall not do anything ~~which~~ that compromises the integrity of the investigation.

21 Sec. 171. 16 V.S.A. § 1756 is amended to read:

1 § 1756. PROTECTION OF ~~SCHOOL DIRECTORS~~, TEACHERS,

2 EMPLOYEES, AND BOARD MEMBERS IN DAMAGE SUITS

3 (a) A town, city, incorporated, or union school district, and a supervisory
4 union shall indemnify and save harmless to the extent of the policy limits
5 provided in subsection (b) of this section, any person employed by the school
6 district or supervisory union and any member of its executive, supervisory, or
7 administrative staff, including ~~without limitation~~ members of the school board
8 ~~of school directors of the district~~, from financial loss and expense, including
9 reasonable legal fees and costs, if any, arising out of any claim, demand, suit,
10 or judgment by reason of alleged negligence or other act resulting in accidental
11 injury to a person or accidental damage to or destruction of property, within or
12 ~~without~~ outside the school building, provided ~~such~~ that the indemnified person
13 at the time of the accident resulting in such injury, damage, or destruction, was
14 acting in the discharge of his or her duties within the scope of his or her
15 employment or under the direction of the board of ~~school directors~~ the school
16 district or of the supervisory union ~~board of directors as the case may be.~~

17 (b) Each board of ~~a school directors~~ district or ~~a~~ supervisory union ~~board of~~
18 ~~directors~~ shall insure against the liability imposed upon it by this section in any
19 insurance company organized in this state or in any insurance company of
20 another state authorized by law to write ~~such~~ insurance in this ~~state~~ State, or
21 through participation in an intermunicipal insurance agreement established

1 under 24 V.S.A. chapter 121, subchapter 6, with minimum coverage in the
2 form of a comprehensive general liability policy including liability for the
3 operation of owned and nonowned motor vehicles and including the employees
4 as additional insureds and with minimum limits of not less than \$500,000.00
5 per person and \$2 million per occurrence for bodily injury and for property
6 damage.

7 (c) Each board of ~~a school directors district~~ or ~~a supervisory union board of~~
8 ~~directors~~ required to insure against the liability imposed upon it by this section
9 shall furnish proof of insurance with the minimum limits ~~herein~~ prescribed by
10 this section to the ~~commissioner~~ Secretary of education ~~and such proof, which~~
11 shall be evidence of the insuring against the liability and property damage
12 required by this section. In the event of cancellation, the board shall provide at
13 least 30 days' prior notice of cancellation ~~is to be given~~ to the ~~commissioner of~~
14 ~~education~~ Secretary.

15 Sec. 172. 16 V.S.A. § 1942 is amended to read:

16 § 1942. BOARD OF TRUSTEES; MEDICAL BOARD; ACTUARY; RATE
17 OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

18 (a) The general administration and the responsibility for the proper
19 operation of the system and for making effective the provisions of this chapter
20 are hereby vested in the board of trustees of the system, which shall be

1 organized immediately after three of the trustees provided for in this section
2 have qualified.

3 (b) The board shall consist of six trustees, as follows:

4 (1) The ~~commissioner of education~~ Secretary of Education, ex-officio;

5 (2) The ~~state treasurer~~ State Treasurer, ex-officio;

6 (3) The ~~commissioner of financial regulation~~ Commissioner of Financial
7 Regulation, ex-officio;

8 (4) Two trustees and one alternate, who shall be members of the system
9 and who shall be elected by the members of the system for a term of four years
10 according to such rules and regulations as the board shall adopt to govern such
11 election; and

12 (5) One trustee and one alternate, who shall be elected by the board of
13 directors, Association of Retired Teachers of Vermont, who shall be a retired
14 member of the system receiving retirement benefits, for a term of four years
15 ~~beginning July 1, 1972.~~

16 * * *

17 (e) Each trustee shall be entitled to one vote on the board. Four concurring
18 votes shall be necessary for a decision by the trustees at any meeting of the
19 board, and four trustees shall constitute a quorum of the board. Any ex officio
20 trustee may designate in writing a person within the trustee's department,
21 agency, or office to attend a meeting or meetings of the board of trustees in the

1 trustee's place. The designation shall be filed with the secretary of the board.
2 A person so designated and an alternate attending on behalf of an elected or
3 appointed trustee under this section shall have the same voting rights and
4 responsibilities as the absent trustee at such meeting or meetings, except that
5 the designee or alternate shall not automatically assume the trustee's place as
6 an officer of the board.

7 * * *

8 Sec. 173. 16 V.S.A. chapter 57 is redesignated to read:

9 CHAPTER 57. LABOR RELATIONS FOR TEACHERS AND
10 ADMINISTRATORS

11 Sec. 174. 16 V.S.A. § 1983 is amended to read:

12 § 1983. RIGHT TO BE HEARD

13 Nothing ~~contained herein~~ in this chapter shall prohibit any individual or
14 organization representative, subject to reasonable rules of procedure ~~which~~ that
15 may be adopted by the school board, from appearing before the school board to
16 be heard, but not to negotiate, on any matters of school district operation.

17 Sec. 175. 16 V.S.A. § 1991(a) is amended to read:

18 (a) Teachers and administrators may select organizations to represent them
19 on their negotiations council in collective negotiations with the school board
20 negotiations council. The school board shall recognize an organization as the
21 exclusive representative of the teachers or of the administrators in the school

1 district when that organization has proved its claim to sole and exclusive
2 representative status of the respective group as ~~hereinafter~~ provided in this
3 chapter. The superintendent, the assistant superintendent, and the principal
4 shall not serve as negotiating agents for the teachers' organization.

5 Sec. 176. [Deleted.]

6 Sec. 177. 16 V.S.A. § 2061 is amended to read:

7 § 2061. POWERS OF ~~COMMISSIONER~~ SECRETARY OF EDUCATION

8 The "designated State official" for this ~~state~~ State shall be the ~~commissioner~~
9 ~~of education~~ Secretary of Education. ~~He~~ The Secretary shall enter into
10 contracts pursuant to Article III of the Agreement only with the approval of the
11 specific text thereof by the ~~state board of education~~ State Board.

12 Sec. 178. 16 V.S.A. § 2171 is amended to read:

13 § 2171. CORPORATION ESTABLISHED; PURPOSES; POWERS

14 (a) There is ~~hereby~~ created as a part of the educational system of the state
15 of Vermont a public corporation to be known as "Vermont State Colleges,"
16 which shall plan, supervise, administer, and operate facilities for education
17 ~~above the high school~~ at the postsecondary level supported in whole or in
18 substantial part with state funds; however, while the corporation shall maintain
19 cooperative relations with the University of Vermont and State Agricultural
20 College, nothing in this chapter shall give the corporation any responsibility
21 for the planning, supervision, administration, or operation of the university.

1 (b) The corporation shall own the real and personal property of the
2 Castleton, Johnson, and Lyndon teachers colleges and the Vermont
3 Agricultural and Technical Institute and of other ~~state-operated~~ state-operated
4 institutions of higher education ~~which that~~ may be established. It shall protect,
5 preserve, and improve the ~~property~~ properties and promote ~~its~~ their use as
6 institutions of higher education.

7 (c) The corporation may acquire, hold, and dispose of property in fee or in
8 trust, or any other estate, except as provided in subsection (d) of this section,
9 shall have a common seal, and shall be an instrumentality of the ~~state~~ State for
10 the purposes set forth in this section. The ~~state~~ State of Vermont shall support
11 and maintain the corporation.

12 (d) The corporation shall not abandon, lease, sell, or dispose of any of the
13 institutions under its control unless ~~such~~ that action is specifically authorized
14 by the ~~general assembly~~ General Assembly. The terms of any such sale, lease,
15 or other disposal shall be prescribed by the agency of administration, with the
16 approval of the ~~governor~~ Governor, within the terms of the authorization of the
17 ~~general assembly~~ General Assembly.

18 (e) The corporation may make expenditures for capital improvements. The
19 corporation is authorized to borrow money for building purposes, to give
20 security ~~therefor as~~ that may be required, and to execute necessary ~~or proper~~
21 related instruments ~~in connection therewith~~, and is also authorized to accept,

1 use, and administer ~~such~~ any funds ~~as may be~~ made available to it for any of its
2 corporate purposes by the United States or any of its agencies, and to agree to
3 any terms and conditions ~~with reference thereto which~~ that may be required
4 ~~thereby~~ that are not inconsistent with its corporate purposes.

5 Sec. 179. 16 V.S.A. § 2173 is amended to read:

6 § 2173. BOARD OF TRUSTEES; ORGANIZATION

7 In addition to the ~~fourteen~~ 14 elected and appointed trustees, the board of
8 trustees shall include as a member the ~~governor of the state~~ Governor of
9 Vermont. A majority of the trustees shall constitute a quorum for the
10 transaction of business. ~~At the first meeting of the board and annually~~
11 ~~thereafter~~ Annually, the board shall elect one of its voting members to serve as
12 ~~chairman~~ its chair.

13 Sec. 180. 16 V.S.A. § 2175 is amended to read:

14 § 2175. ~~TENURE~~; RETIREMENT SYSTEM

15 ~~The bylaws shall contain regulations concerning tenure for the teaching~~
16 ~~faculty and terms of employment for other members of staff, but without~~
17 ~~diminishing the rights as to tenure and status now held by those officers and~~
18 ~~employees transferred to the corporation from the other state institutions~~
19 ~~replaced by this corporation.~~ The corporation may deduct from funds
20 appropriated to it for salaries, employer contributions to a retirement system

1 established by its board of trustees, or to such other retirement system as the
2 board may choose.

3 Sec. 181. 16 V.S.A. § 2177 is amended to read:

4 § 2177. CONTROLS AND AUDITS; FINANCIAL REPORTS; OTHER
5 REPORTS

6 (a) Control of funds appropriated and of the work carried on shall be vested
7 in the board of trustees.

8 (b) The financial statements of the corporation shall be audited annually as
9 of June 30 by an independent public accounting firm registered in Vermont in
10 accordance with government auditing standards issued by the ~~United States~~
11 U.S. Government Accountability Office (GAO). The auditor of accounts or
12 his or her designee shall be the ~~state's~~ State's nonvoting representative to an
13 audit committee established by the board.

14 (c) [Repealed.]

15 (d) [Repealed.]

16 (e) With the approval of the ~~governor, the secretary of administration,~~
17 ~~through the deputy secretary of administration or such any departments of the~~
18 ~~agency of administration as that the secretary of administration~~ Governor, the
19 Secretary of Administration, through the Deputy Secretary of Administration
20 or any departments of the Agency of Administration that the Secretary may
21 designate, shall have ~~the following powers, duties and functions:~~

1 (1) ~~The~~ the authority to allot ~~from time to time~~ to the corporation the
2 appropriation made by the ~~general assembly~~ General Assembly for the
3 corporation. ~~The allotment, which~~ may be ~~made~~ on a monthly basis or as the
4 work of the corporation may progress;

5 (2) ~~The~~ the keeping of such controlling accounts as may be necessary in
6 order to determine the accuracy and limit of the expenditures made under the
7 allotments; and

8 (3) ~~Have~~ access to and the right to copy any records of the corporation
9 under such regulations as the governor may prescribe.

10 (f) The corporation shall be governed by the allotments made as provided
11 ~~herein pursuant to this section~~ and shall not at any time exceed the sums ~~thus~~
12 allotted. ~~But nothing contained herein shall authorize any decrease in any~~
13 ~~appropriation by the secretary of administration; provided, however, that~~
14 nothing in this section authorizes the Secretary of Administration, the Deputy
15 Secretary, or any department commissioner designated pursuant to subsection
16 (e) of this section to decrease any appropriation, except to the extent that actual
17 annual receipts are less than estimated receipts.

18 Sec. 182. 16 V.S.A. § 2179(6) is amended to read:

19 (6) chapters 3 and 5 of this title, dealing with the ~~state board of~~
20 ~~education and the commissioner of education~~ State Board and the Secretary of
21 Education

1 Sec. 183. 16 V.S.A. chapter 77 and its subchapters are redesignated to read:

2 CHAPTER 77. ~~MIDDLEBURY COLLEGE AND~~ NORWICH UNIVERSITY

3 ~~Subchapter 1. Middlebury College~~

4 ~~Subchapter 2. Norwich University~~

5 Sec. 184. 16 V.S.A. § 2535 is amended to read:

6 § 2535. TOWN SCHOLARSHIPS

7 A town, at any legal meeting of the voters ~~thereof~~, may appropriate from its
8 general funds; money to pay all or part of the tuition and incidental expenses of
9 one or more students from the town in any institution of higher learning.

10 When a town makes such an appropriation, a committee consisting of the
11 superintendent of the district ~~wherein~~ in which the town is located, the
12 ~~chairman of the board of school directors~~ chair of the school board, the
13 ~~chairman~~ chair of the prudential committee, if any, in ~~such~~ the town, and the
14 principals of each high school and academy in ~~such~~ the town, or if there is not
15 a high school or academy ~~therein~~, the principal of the high school usually
16 attended by the resident students ~~thereof~~ shall constitute a board of selection.

17 On or before August 1 following ~~such~~ an appropriation, the board shall
18 designate, on the basis of scholarship and need, the number of students
19 authorized by ~~such~~ the appropriation. The choice of the institution shall be
20 made by ~~the respective students so designated~~ each student receiving a
21 scholarship.

1 Sec. 185. 16 V.S.A. § 2832(b) is amended to read:

2 (b) The board shall serve without compensation except for expenses
3 actually and necessarily incurred by them in the performance of their duties
4 under this ~~article~~ chapter.

5 Sec. 186. 16 V.S.A. § 2844(c) is amended to read:

6 (c) Vermont resident students enrolled at the ~~medical college~~ Medical
7 College of the University of Vermont or enrolled in a program leading to the
8 degree of Doctor of Veterinary Medicine shall be eligible to apply for an
9 incentive grant and shall be subject to the provisions of subsection (b) of this
10 section. In addition, veterinary students ~~entering in 1996 and thereafter~~ shall
11 be eligible for grants not to exceed twice the amount of the average grant
12 award made to full-time undergraduate students in the previous year under
13 subsection (a) of this section.

14 Sec. 187. 16 V.S.A. § 2845 is redesignated to read:

15 § 2845. TRUST FUND; GRANTS; STUDENTS IN ~~DCF~~ DEPARTMENT
16 FOR CHILDREN AND FAMILIES CUSTODY

17 Sec. 188. 16 V.S.A. § 2869 is amended to read:

18 § 2869. LOAN CANCELLATION; MATHEMATICS, SCIENCE, AND
19 COMPUTER SCIENCE TEACHERS

20 (a) Loans obtained under this subchapter may be partially or completely
21 cancelled and forgiven; for a borrower who is employed for a complete

1 academic school year as a full-time licensed teacher:

2 (1) in a Vermont elementary or secondary school ~~which~~ that is approved
3 by the ~~state board of education~~ State Board; and

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

6 (b) Annually the board of the corporation shall determine, after
7 consultation with the ~~commissioner~~ Secretary, whether a critical shortage of
8 licensed teachers exists in each of the subject areas of mathematics, science,
9 and computer science.

10 (c) The board shall determine the amount of loan to be cancelled for each
11 complete academic year of teaching service. The amount ~~so~~ cancelled for each
12 year shall not exceed 25 percent of the original principal amount plus any
13 accrued interest.

14 (d) This section is subject to the availability of funds specifically
15 appropriated for loan cancellations under this section.

16 Sec. 189. 16 V.S.A. § 2875 is amended to read:

17 § 2875. ~~LEGISLATIVE FINDINGS AND INTENT~~

18 (a) The general welfare and well-being of the ~~state~~ State are directly related
19 to the educational levels and skills of its citizens.

1 (b) It is the policy of the ~~state~~ State to advance postsecondary education
2 opportunities by ~~utilizing~~ using the ~~state's~~ State's limited resources in an
3 effective, efficient, and equitable manner.

4 (c) Given the cost of postsecondary education to students, families, and the
5 taxpayers of the ~~state~~ State, it is in the public interest of the ~~state~~ State to
6 support supplemental means ~~which will~~ that enable its citizens to pursue their
7 educational aspirations.

8 (d) It is a valid and vital public purpose ~~of the state~~ to create a means of
9 encouraging the savings and investing of funds for future postsecondary
10 education, in compliance with the Internal Revenue Code of 1986, as amended.

11 (e) The implementation ~~and effectuation~~ of the Vermont higher education
12 investment plan as provided by this subchapter furthers this public purpose.

13 Sec. 190. 16 V.S.A. § 2877(a) is amended to read:

14 (a) There is created a program of the ~~state~~ State to be known as the
15 Vermont ~~higher education investment plan~~ Higher Education Investment Plan
16 to be administered by the Vermont ~~student assistance corporation~~ Student
17 Assistance Corporation as an instrumentality of the ~~state~~ State.

18 Sec. 191. 16 V.S.A. § 2885(d) and (e) are amended to read:

19 (d)(1) During the first quarter of each fiscal year, the ~~secretary of~~
20 ~~administration or the secretary's designee and the higher education~~
21 ~~subcommittee of the prekindergarten-16 council~~ created Secretary of

1 Administration or the Secretary's designee and the individuals identified in
2 ~~section subsection~~ 2905(d) of this title may authorize the ~~state treasurer~~ State
3 Treasurer to make an amount equal to ~~up to~~ no more than two percent of the
4 assets available, in equal amounts, to ~~Vermont public institutions~~ the
5 University of Vermont and the Vermont State Colleges for the purpose of
6 creating or increasing a permanent endowment.

7 (2) In this subsection, "assets" means the average of the fund's market
8 values at the end of each quarter for the most recent 12 quarters, or all quarters
9 of operation, whichever is less. ~~Therefore, up~~ Up to two percent of the fund
10 assets are hereby annually allocated pursuant to this section, provided that the
11 amount allocated shall not exceed an amount ~~which~~ that would bring the fund
12 balance below the initial funding made in fiscal year 2000 plus any additional
13 contributions to the principal. One-half of the amount allocated shall be
14 available to the University of Vermont and one-half shall be available to the
15 Vermont State Colleges. The University of Vermont ~~or~~ and the Vermont State
16 Colleges may withdraw funds upon certification by the withdrawing institution
17 to the ~~commissioner of finance and management~~ Commissioner of Finance and
18 Management that it has received private donations ~~which~~ that are double the
19 amount it plans to withdraw.

20 (e) Annually, by September 30, the ~~state treasurer~~ Treasurer shall render a
21 financial report on the receipts, disbursements, and earnings of the fund for the

1 preceding fiscal year to the ~~secretary of administration or the secretary's~~
2 ~~designee and the higher education subcommittee~~ Secretary of Administration
3 and the individuals identified in subsection 2905(d) of this title.

4 Sec. 192. 16 V.S.A. § 2902 is amended to read:

5 § 2902. EDUCATIONAL SUPPORT SYSTEM AND EDUCATIONAL
6 SUPPORT TEAM

7 * * *

8 (c) The educational support team for each public school in the district shall
9 be composed of staff from a variety of teaching and support positions and
10 shall:

11 * * *

12 (6) Report no less than annually to the ~~commissioner~~ Secretary, in a
13 form the ~~commissioner~~ Secretary prescribes, on the ways in which the
14 educational support system has addressed the needs of students who require
15 additional assistance in order to succeed in school or to complete secondary
16 school and on the additional financial costs of complying with this
17 subsection (c).

18 * * *

19 (e) The ~~commissioner~~ Secretary shall establish guidelines for teachers and
20 administrators in following federal laws relating to provision of services for
21 children with disabilities and the implementation of this section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

Sec. 193. 16 V.S.A. § 2904 is amended to read:

§ 2904. REPORTS

Annually, each superintendent shall report to the ~~commissioner~~ Secretary in a form prescribed by the ~~commissioner~~ Secretary, on the status of the educational support systems in each school in the supervisory union. The report shall describe the services and supports that are a part of the education support system, how they are funded, and how building the capacity of the educational support system has been addressed in the school action plans, and shall be in addition to the report required of the educational support team in subdivision 2902(c)(6) of this chapter. The superintendent's report shall include a description and justification of how funds received due to Medicaid reimbursement under section 2959a of this title were used.

Sec. 194. 16 V.S.A. § 2905 is amended to read:

§ 2905. PREKINDERGARTEN-16 COUNCIL

* * *

(b) The ~~council~~ Council shall be composed of:

- (1) the ~~commissioner of education~~ Secretary of Education or designee;

* * *

(d) Together with the ~~secretary of administration or the secretary's designee, a higher education subcommittee of the council~~ Secretary of

1 Administration or the Secretary's designee, the following members of the
2 Council shall perform any statutory or other duties required of ~~it~~ them,
3 including duties in connection with the ~~higher education endowment trust fund~~.
4 ~~The following members of the council shall be the members of the higher~~
5 ~~education subcommittee~~ Higher Education Endowment Trust Fund: the
6 ~~president~~ President of the University of Vermont, the ~~chancellor~~ Chancellor of
7 the Vermont State Colleges, the ~~president~~ President of the Vermont Student
8 Assistance Corporation, the ~~president~~ President of the Association of Vermont
9 Independent Colleges, the representative from the business and industry
10 community, the member of the ~~house of representatives~~ House of
11 Representatives, and the member of the ~~senate~~ Senate.

12 (e) The legislative and higher education staff shall provide support to the
13 ~~council~~ Council as appropriate to accomplish its tasks. Primary administrative
14 support shall be provided by the ~~legislative council~~ Office of Legislative
15 Council.

16 * * *

17 (h) ~~The council~~ Notwithstanding the provisions of 2 V.S.A. § 2(a) to the
18 contrary, the Council shall report on its activities to the ~~house and senate~~
19 ~~committees on education and to the state board of education~~ House and Senate
20 Committees on Education and to the State Board each year in January.

21 Sec. 195. 16 V.S.A. § 2941 is amended to read:

1 § 2941. POLICY AND PURPOSE

2 It is the policy of the ~~state~~ State to ensure equal educational opportunities
3 for all children in Vermont. ~~As applied to children with disabilities, this~~ This
4 means that ~~such~~ children with disabilities are entitled to receive a free
5 appropriate public education. It is further the policy of the ~~state~~ State to pay
6 60 percent of the statewide costs expended by public education ~~to~~ for children
7 with disabilities. The purpose of this chapter is to enable the ~~state department~~
8 ~~of education~~ Agency to ensure the provision of the special educational
9 facilities and instruction ~~which are~~ necessary to meet the needs of children
10 with disabilities.

11 Sec. 196. 16 V.S.A. § 2942 is amended to read:

12 § 2942. DEFINITIONS

13 As used in this chapter

14 * * *

15 (4) “Federal law” means the ~~Education of the Handicapped Act, codified~~
16 ~~at~~ Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1485, and its
17 implementing regulations, as amended from time to time.

18 (5) “Residential placement” means the placement of an eligible child, as
19 part of an individualized education ~~plan~~ program, in a 24-hour residential
20 facility within or outside Vermont which provides educational services
21 consistent with the child’s ~~plan~~ program.

1 emotional disturbance in accordance with the provisions of 33 V.S.A. chapter
2 43 and may accept gifts, grants, or other donations to carry out the purpose of
3 this chapter.

4 Sec. 198. 16 V.S.A. § 2944(d) and (e) are amended to read:

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

10 (e) Within the limits of the funds made available for the purposes of this
11 chapter, the ~~commissioner~~ Secretary may provide for the extension of special
12 education to a person with a disability, having attained the age of 21, in order
13 to complete a program of special education in which the person has
14 participated. Reimbursement and state aid provisions of this chapter shall
15 apply to individuals provided education under this subsection.

16 Sec. 199. 16 V.S.A. § 2945 is amended to read:

17 § 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

18 (a) There is created an ~~advisory council on special education~~ Advisory
19 Council on Special Education that shall consist of 19 members. All members
20 of the ~~council~~ Council shall serve for a term of three years or until their
21 successors are appointed. Terms shall begin on April 1 of the year of

1 appointment. A majority of the members shall be either individuals with
2 disabilities or parents of children with disabilities.

3 (1) Seventeen of the members shall be appointed by the ~~governor~~
4 Governor with the advice of the ~~commissioner of education~~ Secretary. Among
5 the gubernatorial appointees shall be:

6 * * *

7 (d) The ~~advisory council~~ Council shall:

8 (1) assume all responsibilities required of the state advisory panel by
9 federal law;

10 (2) review periodically the rules, regulations, standards, and guidelines
11 pertaining to special education and recommend to the ~~state board of education~~
12 State Board any changes ~~which~~ it finds necessary;

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

15 (4) advise the ~~state board of education~~ State Board in the development
16 of any state plan for provision of special education.

17 Sec. 200. 16 V.S.A. § 2948(g) is amended to read:

18 (g) Notwithstanding any law to the contrary, a child with a disability who is
19 residing in a state school, hospital, or community residential facility or in a
20 ~~state approved~~ state-approved private residential facility shall be provided
21 special education in accordance with this chapter by the school district in

1 which the facility is located; provided, however, that this special education
2 may be directly provided by the facility in which the child resides when the
3 child's individualized education program and treatment plans indicate that the
4 facility is the most appropriate educational placement for the child. Programs
5 of special education provided by a facility described in this subsection shall be
6 subject to the approval of the ~~commissioner~~ Secretary.

7 Sec. 201. 16 V.S.A. § 2950 is amended to read:

8 § 2950. STATE-PLACED STUDENTS

9 (a) School district reimbursement. The school district responsible for
10 educating a state-placed student under section 1075 of this title may claim and
11 the ~~commissioner~~ Secretary shall reimburse 100 percent of all special
12 education costs for the student, including costs for mainstream services. As a
13 condition of receiving this reimbursement, the district shall provide
14 documentation in support of its claim, sufficient to enable the ~~commissioner~~
15 Secretary to determine whether to recommend appropriate cost-saving
16 alternatives. The ~~commissioner~~ Secretary may approve any costs incurred in
17 educating a state-placed student who is not eligible for special education that
18 are incurred due to the special needs of the student, and, if approved, the
19 ~~commissioner~~ Secretary shall pay those costs. When a state agency places and
20 registers a student in a new district, the district may request and the ~~department~~
21 ~~of education~~ Agency of Education, the agency that placed the student, or both,

1 shall provide prompt consultative and technical assistance to the receiving
2 district.

3 (b) Residential payments.

4 (1) For a student in the care and custody of the ~~commissioner for~~
5 ~~children and families~~ Commissioner for Children and Families who is placed
6 in a 24-hour residential facility within or outside Vermont, the ~~commissioner~~
7 ~~of education~~ Secretary of Education shall pay the education costs, and the
8 ~~commissioner for children and families~~ Commissioner for Children and
9 Families shall arrange for the payment of the remainder of the costs. However,
10 if the state interagency team, as defined in 33 V.S.A. § 4302, finds such
11 placement inappropriate for the student's education needs, then the
12 ~~commissioner of education~~ Secretary of Education shall pay none of the
13 education costs of the placement and the ~~commissioner for children and~~
14 ~~families~~ Commissioner for Children and Families shall arrange for the
15 payment of the full cost of the placement.

16 (2) For a student who is placed in a 24-hour residential facility within or
17 outside Vermont by a Vermont licensed child placement agency, a designated
18 community mental health agency, any other agency as defined by the
19 ~~commissioner of education~~ Secretary of Education, or a Vermont state agency
20 or department other than the ~~department of corrections or the department for~~
21 ~~children and families, the commissioner of education~~ Department of

1 Corrections or the Department for Children and Families, the Secretary of
2 Education shall pay the education costs and the agency or department in whose
3 care the student is placed shall arrange for the payment of the remainder of the
4 costs. However, if the state interagency team, as defined in 33 V.S.A. § 4302,
5 finds such placement inappropriate for the student's education needs, then the
6 ~~commissioner of education~~ Secretary shall pay none of the education costs of
7 the placement and the agency or department in whose care the student is placed
8 shall arrange for payment of the full cost of the placement. This subdivision
9 does not apply to a student for whom a residential placement is:

10 (A) specified in the student's individualized education program; and

11 (B) funded in collaboration with another agency.

12 (c) Out-of-state placement: For a state-placed student who is placed
13 outside Vermont and who is attending a public school outside Vermont, the
14 ~~commissioner of education~~ Secretary of Education shall pay the education
15 costs for the student.

16 Sec. 202. 16 V.S.A. § 2958 is amended to read:

17 § 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL
18 PLACEMENTS

19 (a) A school district shall notify the parents and the ~~commissioner~~
20 Secretary when it believes residential placement is a possible option for
21 inclusion in a child's individualized education ~~plan~~ program.

1 (b) The ~~commissioner~~ Secretary may establish from within the ~~department~~
2 ~~a residential placement review team~~ Agency a Residential Placement Review
3 Team. At the discretion of the ~~commissioner~~ Secretary, other persons not
4 employed by the ~~department~~ Agency may be appointed to serve on the
5 ~~residential placement review team~~ Team. The ~~team~~ Team shall make every
6 effort to assist school districts and parents in understanding the range of
7 educational options available as early as possible in the planning process for
8 the child. The ~~team~~ Team shall:

9 * * *

10 (c) The ~~state board of education~~ State Board shall by rule establish policies
11 and procedures for the operations of the ~~residential placement review team~~
12 Residential Placement Review Team. The rules shall be consistent with
13 federal law and, at minimum, shall include the following:

14 (1) provision for the ~~commissioner~~ Secretary to initiate a due process
15 proceeding to challenge the need for residential placement where the team
16 believes that a less restrictive educational placement is both available and
17 appropriate for the child with a disability, and to reimburse the school district
18 and the parents or guardian of the child for reasonable costs and ~~attorney~~
19 attorney's fees in the event the ~~commissioner~~ Secretary does not prevail;
20 (2) provision for technical assistance, a plan for correction, or
21 withholding of funds under this section where a school district places a child in

1 a residential facility more expensive than an available and appropriate
2 alternative residential facility, however, such withholding of funds shall not
3 exceed the difference between the cost of the two facilities and the rule shall
4 provide an opportunity for appeal of the withholding; and

5 (3) procedures and timelines to ensure that residential placement of
6 ~~children~~ a child with disabilities is not delayed or disrupted so as to adversely
7 affect the ~~children~~ child.

8 (d) Whenever a residential placement is determined to be necessary and
9 appropriate for a child with a disability, the ~~residential placement review team~~
10 Residential Placement Review Team shall include in the child's ~~plan~~
11 individualized education program goals and objectives designed to reintegrate
12 the child into a local school district.

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

17 Sec. 203. 16 V.S.A. § 2959 is amended to read:

18 § 2959. RULEMAKING; MEDIATION

19 (a) The ~~state board~~ State Board shall adopt rules governing the
20 determination of a child's eligibility for special education, accounting and
21 financial reporting standards, program requirements, procedural requirements,

1 and the identification of the district or agency responsible for each child with a
2 disability.

3 (b) Subject to rules established by the ~~state board, the commissioner~~ State
4 Board, the Secretary shall offer mediation to parents, children with disabilities,
5 and districts and agencies involved in special education disputes.

6 Sec. 204. 16 V.S.A. § 2959a is amended to read:

7 § 2959a. EDUCATION MEDICAID RECEIPTS

8 (a) It is the intent of the ~~general assembly~~ General Assembly that the ~~state~~
9 State of Vermont shall maximize its receipt of federal Medicaid dollars
10 available for reimbursement of ~~medically-related~~ medically related services
11 provided to students who are Medicaid eligible. It is further the intent that:

12 (1) Each supervisory union identify special education and other students
13 eligible for Medicaid reimbursement and, to the extent possible, submit
14 Medicaid bills for services reimbursement.

15 (2) The ~~department of education and the agency of human services~~
16 Agencies of Education and of Human Services work with local school districts
17 to maximize reimbursements, including services to non-IEP students.

18 (b) A Medicaid ~~reimbursement special fund~~ Reimbursement Special Fund
19 is established within the ~~department of education~~ Agency of Education. Funds
20 received by the ~~state~~ State under this section shall be transferred to the

1 Medicaid ~~reimbursement special fund~~ Reimbursement Special Fund. The ~~fund~~
2 Fund receipts shall be allocated in accordance with this section.

3 (c) At least annually, the ~~commissioner of education~~ Secretary of
4 Education shall pay to each supervisory union submitting Medicaid bills under
5 this section, 50 percent of the reimbursed funds generated by the supervisory
6 union's bill, excluding claims generated by state-placed students. Unless the
7 supervisory union has agreed to use the funds to operate a supervisory
8 unionwide program or to distribute the funds in a different manner, upon
9 receipt, the supervisory union shall distribute the funds to its member school
10 districts based on how the funds were generated. The ~~commissioner of~~
11 ~~education~~ Secretary may withhold payment due a school district pursuant to
12 section 2950 of ~~Title 16~~ this title for a Medicaid-eligible state-placed student if
13 the school district has not submitted a Medicaid claim for reimbursable
14 services for that student.

15 (d) If the amount of Medicaid reimbursement funds received for services
16 provided in the prior state fiscal year exceeds \$25,000,000.00, in addition to
17 the 50 percent of ~~said~~ the funds paid to supervisory unions submitting
18 Medicaid bills, 25 percent of the amounts in excess of the \$25,000,000.00 shall
19 be paid into an incentive fund ~~hereby~~ created in the ~~department of education~~
20 Agency of Education. These funds shall be used for an incentive payment to
21 supervisory unions with student participation rates of over 80 percent in

1 accordance with a formula to be developed by the ~~department of education~~
2 Agency, in consultation with the Vermont Superintendents Association. For
3 any incentive payments made subsequent to fiscal year 2007, the
4 \$25,000,000.00 threshold of this subsection shall be increased by the
5 percentage increase of the most recent New England Economic Project
6 cumulative price index, as of November 15, for state and local government
7 purchases of goods and services from fiscal year 2005 through the fiscal year
8 for which the payment is being determined, plus an additional one-tenth of one
9 percent.

10 (e) School districts shall ~~utilize~~ use funds received under this section to pay
11 for reasonable costs of administering the Medicaid claims process, and for
12 prevention and intervention programs in ~~grades pre-K~~ prekindergarten through
13 grade 12. The programs shall be designed to facilitate early identification of
14 and intervention with children with disabilities and to ensure all students
15 achieve rigorous and challenging standards ~~adopted in the Vermont framework~~
16 ~~of standards and learning opportunities~~ approved and adopted by the State
17 Board or locally adopted standards. A school district shall provide an annual
18 written justification to the ~~commissioner of education~~ Secretary of Education
19 of the use of the funds. Such annual submission shall show how the funds' use
20 is expressly linked to those provisions of the school district's action plan that
21 directly relate to improving student performance. A school district shall

1 include in its annual report the amount of the prior year's Medicaid
2 reimbursement revenues and the use of Medicaid funds consistent with the
3 purposes set forth in this subsection.

4 (f) Up to 30 percent of Medicaid reimbursements received under this
5 section shall be available for ~~agency of human services and department of~~
6 ~~education~~ administrative costs of the Agencies of Education and of Human
7 Services related to the collection, processing, and reporting of education
8 Medicaid reimbursements and statewide programs. The ~~commissioner of~~
9 ~~education and the secretary of human services~~ Secretaries of Education and of
10 Human Services shall expend monies from the ~~fund~~ Fund only as appropriated
11 by the ~~general assembly~~ General Assembly.

12 (g) Remaining reimbursed funds shall be deposited into the ~~education fund~~
13 Education Fund.

14 Sec. 205. 16 V.S.A. § 2962(c) is amended to read:

15 (c) As used in this subchapter, "extraordinary special education
16 expenditures" means a school district's allowable expenditures ~~which~~ that for
17 any one child exceed \$50,000.00 for a fiscal year. In this subsection, child
18 means a ~~pupil~~ student with disabilities who is three years of age or older in the
19 current school year. The ~~state board~~ State Board shall define allowable
20 expenditures ~~which~~ that shall include any expenditures required under federal

1 law, and any costs of mediation conducted by a mediator who is approved by
2 the ~~commissioner~~ Secretary.

3 Sec. 206. 16 V.S.A. § 2963a is amended to read:

4 § 2963a. EXCEPTIONAL CIRCUMSTANCES

5 (a) ~~The commissioner of education, in place~~ In lieu of reimbursement under
6 section 2963 of this title, the Secretary shall reimburse a school district for 80
7 percent of the following expenditures:

8 * * *

9 (b) An eligible school district may apply to the ~~commissioner~~ Secretary to
10 receive reimbursement under this section. The ~~commissioner~~ Secretary shall
11 award reimbursement to a school district under this section if the ~~commissioner~~
12 Secretary makes a determination that the school district considered all the
13 cost-effective and appropriate available alternatives for placement and
14 programs for students before incurring these costs. A decision of the
15 ~~commissioner~~ Secretary shall be final.

16 Sec. 207. 16 V.S.A. § 2964 is amended to read:

17 § 2964. SERVICE PLAN

18 (a) As a condition of receiving assistance under this subchapter, a
19 supervisory union ~~or supervisory district~~ shall file a service plan with the
20 ~~commissioner~~ Secretary annually on or before October 15. The service plan
21 shall contain the anticipated special education expenditures for the following

1 school year. The plan shall be in a form prescribed by the ~~commissioner~~
2 Secretary and shall include information on services planned and anticipated
3 expenditures.

4 (b) If a supervisory union ~~or district~~ fails to file a service plan by
5 October 15, the ~~commissioner~~ Secretary may withhold any funds due the
6 supervisory district or school districts under this title until a service plan is
7 filed and accepted by the ~~commissioner~~ Secretary as properly completed.

8 Sec. 208. 16 V.S.A. § 2965 is amended to read:

9 § 2965. WITHHOLDING OF AID

10 If a district or agency fails to meet its legally established obligations toward
11 a child with a disability or the child's parent, and as a result the ~~department of~~
12 ~~education~~ Agency of Education incurs costs to meet these obligations beyond
13 those otherwise incurred under this chapter, the ~~commissioner~~ Secretary shall
14 withhold the amount of funds ~~so~~ incurred from any grants due the district or
15 agency under this subchapter.

16 Sec. 209. 16 V.S.A. § 2967 is amended to read:

17 § 2967. AID PROJECTION; STATE SHARE

18 (a) On or before December 15, the ~~commissioner~~ Secretary shall publish an
19 estimate, by town school district, city school district, union school district,
20 unified union school district, incorporated school district, and the member
21 school districts of an interstate school district, of the amount of state assistance

1 necessary to fully fund sections 2961 through 2963 of this title in the ensuing
2 school year.

3 (b) The total expenditures made by the ~~state~~ State in any fiscal year
4 pursuant to this chapter shall be 60 percent of the statewide total special
5 education expenditures of funds that are not derived from federal sources.
6 Special education expenditures shall include:

7 (1) costs eligible for grants and reimbursements under sections 2961
8 through 2963a of this title;

9 (2) costs for services for ~~the~~ persons who are visually impaired and
10 ~~hearing impaired~~ persons who are deaf and hard of hearing;

11 (3) costs for the interdisciplinary team program;

12 (4) costs for regional specialists in multiple disabilities;

13 (5) funds expended for training and programs to meet the needs of
14 students with emotional behavioral problems under subsection 2969(c) of this
15 title; and

16 (6) funds expended for training under subsection 2969(d) of this title.

17 Sec. 210. 16 V.S.A. § 2968 is amended to read:

18 § 2968. REPORTS

19 (a) On or before November 15, March 15, and August 1 of each school
20 year, each supervisory union and ~~supervisory~~ school district shall file a
21 financial report with the ~~commissioner~~ Secretary in a form prescribed by the

1 ~~commissioner~~ Secretary. The report shall describe total expenditures for
2 special education actually incurred during the preceding period, and shall
3 describe revenues derived from different funding sources, including ~~but not~~
4 ~~limited to~~ federal assistance, state assistance under this section, and local
5 effort.

6 (b) If a supervisory union or school district fails to file a complete report by
7 August 1, until the properly completed August 1 report is filed and accepted by
8 the ~~commissioner~~ Secretary, the ~~commissioner~~ Secretary may withhold any
9 funds due the supervisory union or school district under this title and shall
10 subtract \$100.00 per business day from funds due to the supervisory union or
11 school district under this title for that fiscal year. The ~~commissioner~~ Secretary
12 may waive the \$100.00 penalty required under this subsection upon appeal by
13 the supervisory union or school district. The ~~commissioner by rule~~ Secretary
14 shall establish procedures for administration of this subsection.

15 (c) The ~~commissioner~~ Secretary shall review and monitor the reports ~~set~~
16 ~~forth in~~ received pursuant to subsection (a) of this section as well as the service
17 plans ~~set forth in~~ received pursuant to section 2964 of this title, and shall assist
18 supervisory unions and school districts to complete and submit these
19 documents in a timely and accurate fashion.

1 (d) Special education receipts and expenditures shall be included within the
2 audits required of supervisory unions and school districts pursuant to sections
3 323 and 563(17) of this title.

4 Sec. 211. 16 V.S.A. § 2969(c) and (d) are amended to read:

5 (c) For the purpose of meeting the needs of students with emotional
6 behavioral problems, each fiscal year the ~~commissioner~~ Secretary shall use for
7 training, program development, and building school and regional capacity, up
8 to one percent of the state funds appropriated under this subchapter.

9 (d) ~~Each fiscal year the commissioner shall use for~~ For the training of
10 teachers, administrators, and other personnel in the identification and
11 evaluation of, and provision of education services to children who require
12 educational supports, each fiscal year the Secretary shall use up to 0.75 percent
13 of the state funds appropriated under this subchapter. In order to set priorities
14 for the use of these funds, the ~~commissioner~~ Secretary shall identify effective
15 practices and areas of critical need. The ~~commissioner~~ Secretary may expend
16 up to five percent of these funds for statewide training and shall distribute the
17 remaining funds to school districts or supervisory unions.

18 (e) School districts and supervisory unions that apply for funds under this
19 section must submit a plan for training ~~which~~ that will result in lasting changes
20 in their school systems and give assurances that at least 50 percent of the costs
21 of training including in-kind costs will be assumed by the applicant. The

1 ~~commissioner~~ Secretary shall establish written procedures and criteria for the
2 award of such funds. In addition, the ~~commissioner~~ Secretary may identify
3 schools most in need of training assistance and may pay for 100 percent of
4 ~~help~~ the assistance provided to these schools.

5 Sec. 212. 16 V.S.A. § 2973 is amended to read:

6 § 2973. INDEPENDENT SCHOOL TUITION RATES

7 (a) The ~~commissioner~~ Secretary shall establish minimum standards of
8 services for students receiving special education in independent schools in
9 Vermont; shall set, after consultation with independent schools in Vermont, the
10 maximum rates to be paid by the ~~department~~ Agency and school districts for
11 tuition, room, and board based on the level of services; and may advise
12 independent schools as to the need for certain special education services in
13 Vermont.

14 (b) Neither school districts nor any state agency shall pay rates for tuition,
15 room, and board, for students receiving special education in independent
16 schools outside of Vermont, that are in excess of allowable costs approved by
17 the authorized body in the ~~state~~ State in which the independent school is
18 located, except in exceptional circumstances or for a child who needs
19 exceptional services, as approved by the ~~commissioner~~ Secretary.

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

4 Sec. 213. 16 V.S.A. § 2974 is amended to read:

5 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

6 (a) Annually, the ~~commissioner~~ Secretary shall report to the ~~state board~~
7 State Board regarding:

8 * * *

9 (b) The ~~commissioner's~~ Secretary's report shall include the following data
10 for both high and low spending districts:

11 * * *

12 (c) The ~~commissioner~~ Secretary shall review low spending districts to
13 determine the reasons for their spending patterns and whether those districts
14 used cost-effective strategies appropriate to replicate in other districts.

15 * * *

16 (e) The ~~commissioner~~ Secretary and ~~department~~ Agency staff shall assist
17 the high spending districts, who have been identified in subsection (a) of this
18 section and have not presented an explanation for their spending that is
19 satisfactory to the ~~commissioner~~ Secretary, to identify reasonable alternatives
20 and to develop a remediation plan. Development of the remediation plan shall
21 include an on-site review. The district shall have two years to make progress

1 on the remediation plan. At the conclusion of the two years or earlier, the
2 district shall report its progress on the remediation plan.

3 (f) Within 30 days of receipt of the district's report of progress, the
4 ~~commissioner~~ Secretary shall notify the district that its progress is either
5 satisfactory or not satisfactory.

6 (1) If the district fails to make satisfactory progress, the ~~commissioner~~
7 Secretary shall notify the district that, in the ensuing school year, the
8 ~~commissioner~~ Secretary shall withhold 10 percent of the district's special
9 education expenditures reimbursement pending satisfactory compliance with
10 the plan.

11 (2) If the district fails to make satisfactory progress after the first year of
12 withholding, 10 percent shall be withheld in each subsequent year pending
13 satisfactory compliance with the plan; provided, however, before funds are
14 withheld in any year under this subdivision (f)(2), the district shall explain to
15 the ~~state board of education~~ State Board either the reasons the district believes
16 it made satisfactory progress on the remediation plan or the reasons it failed to
17 do so. The ~~board's~~ State Board's decision whether to withhold funds under
18 this subdivision shall be final.

19 (3) If the district makes satisfactory progress under any subdivision of
20 this subsection, the ~~commissioner~~ Secretary shall release to the district any

1 special education expenditures reimbursement withheld for the prior fiscal year
2 only.

3 (g) Within 10 days after receiving the ~~commissioner's~~ Secretary's notice
4 under subdivision (f)(1) of this section, the district may challenge the
5 ~~commissioner's~~ Secretary's decision by filing a written objection to the ~~state~~
6 ~~board of education~~ State Board outlining the reasons the district believes it
7 made satisfactory progress on the remediation plan. The ~~commissioner~~
8 Secretary may file a written response within 10 days after the district's
9 objection is filed. The ~~board~~ State Board may give the district and the
10 ~~commissioner~~ Secretary an opportunity to be heard. The ~~board's~~ State Board's
11 decision shall be final. The ~~state~~ State shall withhold no portion of the
12 district's reimbursement before the ~~state board~~ State Board issues its decision
13 under this subsection.

14 (h) Nothing in this section shall prevent a school district from seeking and
15 receiving the technical assistance of ~~department~~ Agency staff to reduce its
16 special education spending.

17 Sec. 214. 16 V.S.A. § 2975 is amended to read:

18 § 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL
19 ASSISTANCE

20 The ~~commissioner~~ Secretary may use up to two percent of the funds
21 appropriated for special education expenditures, as that term is defined in

1 subsection 2967(b) of this title, to directly assist school districts with special
2 education expenditures of an unusual or unexpected nature. These funds shall
3 not be used for exceptional circumstances that are funded under section 2963a
4 of this title. The ~~commissioner's~~ Secretary's decision regarding a district's
5 eligibility for and amount of assistance shall be final.

6 ~~Sec. 215. 16 V.S.A. § 3224 is redesignated to read:~~

7 ~~§ 3224 564. ANNUAL REPORT OF TREASURER~~

8 ~~Sec. 216. 16 V.S.A. § 564 is amended to read:~~

9 ~~§ 564. ANNUAL REPORT OF TREASURER~~

10 ~~The treasurer shall report at each annual district meeting the amount of~~
11 ~~moneys received for school purposes, the source from which it was received,~~
12 ~~and how the same has been it was expended~~

Sec. 215. [Deleted.]

Sec. 216. [Deleted.]

13 Sec. 217. 16 V.S.A. § 3448 is amended to read:

14 § 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION

15 PROJECTS; RENEWABLE ENERGY

16 (a) Construction aid.

17 (1) Preliminary application for construction aid. A district or
18 independent school eligible for assistance under section 3447 of this title,
19 ~~which~~ that intends to construct or purchase a new school, or make extensive

1 additions or alterations to its existing school, and desires to avail itself of state
2 school construction aid, shall submit a written preliminary application to the
3 ~~commissioner~~ Secretary. A preliminary application shall include information
4 required by the ~~state board~~ State Board by rule and shall specify the need for
5 and purpose of the project.

6 (2) Approval of preliminary application.

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

9 * * *

10 (B) The ~~commissioner~~ Secretary may approve a preliminary
11 application if:

12 (i) ~~The~~ the project or part of the project fulfills a need
13 occasioned by:

14 (I) conditions ~~which~~ that threaten the health or safety of
15 students or employees;

16 (II) facilities ~~which~~ that are inadequate to provide programs
17 required by state or federal law or regulation;

18 (III) excessive energy use resulting from the design of a
19 building or reliance on fossil fuels or electric space heat; or

20 (IV) deterioration of an existing building;

1 (ii) ~~The~~ the need addressed by the project cannot reasonably be
2 met by another means; and

3 (iii) ~~The~~ the proposed type, kind, quality, size, and estimated cost
4 of the project are suitable for the proposed curriculum and meet all legal
5 standards.

6 (3) Priorities. Following approval of a preliminary application and
7 provided that the district has voted funds or authorized a bond for the total
8 estimated cost of a project, the ~~state board~~ State Board shall assign points to
9 the project so that the project can be placed on a priority list based on the
10 number of points received. Once a project receives points, if it does not
11 receive funding in a given year, it shall not lose points in subsequent years and,
12 pursuant to rule of the board and provided the scope of the project remains the
13 same, it shall gain points due to length of time on the list and may gain points
14 for any other reason. The points shall be assigned ~~so that~~ in the following
15 priority:

16 (A) First priority is given to emergency projects in excess of
17 \$100,000.00 ~~which~~ that address threats to the safety and health of students or
18 employees created by unanticipated circumstances or events.

19 (B) Second priority is given to construction projects in excess of
20 \$10,000.00 ~~which~~ that address a need occasioned by deterioration of an
21 existing building or equipment pursuant to subdivision (2)(A) of this

1 subsection, and ~~which~~ that extend the useful life of the building but ~~which~~ that
2 do not make additions or extensive alterations to existing school facilities in
3 which students are provided services. Examples of projects given priority
4 under this subdivision are replacement, addition, or repair to utilities; projects
5 ~~which~~ that address environmental quality issues; repair of a roof; replacement
6 of an existing space-heating, water-heating, cooling, or refrigeration system;
7 and replacement or upgrading of mechanical equipment.

8 (C) Remaining projects are given priority based on consideration of
9 the relative degree of need pursuant to subdivision (2)(A) of this subsection.

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

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

4 (B) the cost of emergency projects ~~which~~ that the ~~state board~~ State
5 Board has approved but not yet reimbursed due to insufficient funds, as well as
6 the estimated cost of those ~~which~~ that might be approved in the coming year
7 under subsection (d) of this section;

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

13 (5) Final approval for construction aid.

14 (A) Unless approved by the ~~commissioner~~ Secretary for good cause
15 in advance of commencement of construction, a school district shall not begin
16 construction before the ~~state board of education~~ State Board approves a final
17 application. A school district may submit a written final application to the
18 ~~state board~~ State Board at any time following approval of a preliminary
19 application.

20 (B) The ~~state board~~ State Board may approve a final application for a
21 project provided that:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

* * *

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

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

(E) A district may begin construction upon receipt of final approval. ~~However, the project shall remain eligible for capital construction aid, provided the project otherwise meets the requirements of this section.~~ However, a district shall not be reimbursed for debt incurred due to borrowing of funds in anticipation of aid under this section.

- (6) [Repealed.]
- (7) Award of construction aid.

1 (A) Except as provided in other subdivisions of this subdivision (7)
2 and elsewhere in law, the amount of an award shall be 30 percent of the
3 approved cost of the project.

4 (B) The amount of an award for the incremental costs associated with
5 the installation of a space heating, water heating, cooling, or refrigeration
6 system that uses biomass, a ~~geothermal/ground-source~~ geothermal
7 ground-source, wind, or solar energy as the primary heating or cooling source
8 shall be 75 percent of the approved cost of those elements of the project
9 specifically related to the renewable fuel source being used; provided that
10 those elements may include the costs of necessary equipment, a chimney, air
11 quality technology, and additional square footage necessary to house the
12 heating unit and fuel; and further provided that those elements shall not include
13 the costs of staff areas, site improvements relating to fuel delivery, and other
14 ancillary costs as determined by the ~~commissioner~~ Secretary.

15 (C) The amount of an award shall be 50 percent of the approved cost
16 of a project or applicable portion of a project ~~which~~ that results in
17 consolidation of two or more school buildings and ~~which~~ that will serve the
18 educational needs of students in a more cost-effective and educationally
19 appropriate manner as compared to individual projects constructed separately.
20 A decision of the ~~commissioner~~ Secretary as to eligibility for aid under this

1 subdivision (C) shall be final. This subdivision (C) shall apply only to a
2 project ~~which~~ that has received preliminary approval by June 30, 2013.

3 (8) Eligible construction cost.

4 (A) Space and cost parameters. Only those portions of a project shall
5 be eligible for construction aid ~~which~~ that meet space and cost parameters
6 adopted by the ~~state board~~ State Board. The parameters shall define maximum
7 square footage costs, maximum gross square footage per student by grade
8 range and school size, and ~~shall include~~ minimum and maximum square
9 footage allowances per student for programs and services.

10 (B) Eligible costs. Construction costs eligible for state aid may
11 include: the cost of a preliminary land test on an approved project as required
12 under 10 V.S.A. chapter 151; and any expenditures of federal funds for
13 retrofitting to conserve energy or for asbestos abatement. Expenditures of
14 federal funds for any other purpose shall not be eligible for reimbursement by
15 state aid under this chapter. Expenditures of funds borrowed under subdivision
16 563(21) of this title shall not be eligible for reimbursement by state aid.

17 (9) Payment. Upon satisfactory evidence that a project approved under
18 subdivision (5) of this subsection is under construction or has been
19 constructed, and upon appropriation of funds sufficient to fund the state aid
20 due under this section, the ~~state board~~ State Board shall certify an award for the
21 project to the ~~commissioner of finance and management~~ Commissioner of

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

14 (b) Refund upon sale. Upon the sale by a district of any item, building, or
15 unit that may be relocated, for which state construction aid was awarded under
16 this title, the district shall refund to the state a percentage of the sale price
17 equal to the percentage of construction aid received. In no event shall the sum
18 refunded be in excess of the amount of the original state aid received for the
19 purchase of the item, building, or unit. All refunds shall be deposited with the
20 ~~state treasurer~~ State Treasurer and used for school construction aid awards.

1 (c) Repayment as a condition of general aid. No school district shall
2 receive any state general aid unless the school district complies with subsection
3 (b) of this section.

4 (d) Emergency aid. Notwithstanding any other provision of this section,
5 the ~~commissioner~~ Secretary may grant aid pursuant to subdivision (a)(7) of this
6 section for a project the ~~commissioner~~ Secretary deems to be an emergency, up
7 to a maximum total project cost of \$100,000.00.

8 (e) Rules. The ~~state board~~ State Board shall adopt rules pertaining to
9 school construction and capital outlay.

10 (f) Aid in excess of statutory percentages. Notwithstanding any provision
11 of law to the contrary, no approved school construction project deemed eligible
12 by the ~~commissioner of education~~ Secretary for state construction aid in excess
13 of the percentages set forth in subdivision (a)(7) of this section shall be
14 guaranteed such additional funding until the additional funding is approved by
15 the ~~general assembly~~ General Assembly.

16 Sec. 218. 16 V.S.A. § 3448e is amended to read:

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

19 * * *

20 (c) Approval of regional advisory board. The ~~commissioner~~ Secretary may
21 approve a preliminary application for a project involving career technical

1 education facilities if, in addition to meeting the other requirements of this
2 chapter, the project has received the approval of the regional advisory board as
3 defined under section 1542 of this title. This subsection shall not apply to a
4 project proposed by a regional career technical center school district authorized
5 under subchapter 5A of chapter 37 of this title.

6 * * *

7 (e) Award of construction aid. The amount of an award shall be 50 percent
8 of the approved cost of the project. Where the construction of technical
9 education facilities is undertaken in conjunction with the construction of
10 nontechnical education facilities, the approved costs of the project shall be
11 allocated as determined by the ~~commissioner of education~~ Secretary.

12 Sec. 219. 16 V.S.A. § 3448f(f) is amended to read:

13 (f) State funding for energy conservation measures.

14 (1) Application for construction aid. A district that intends to construct
15 or install cost-saving measures under a performance contract and wishes to
16 receive state school construction aid in connection with those measures shall
17 submit a written application to the ~~commissioner~~ Secretary that:

18 (A) ~~Specifies~~ specifies the need for and purpose of the project,
19 including details of the cost-saving measure or measures proposed;

20 (B) ~~Provides~~ provides details concerning the qualifications of the
21 person with whom the district has entered or intends to enter into a

1 performance contract and concerning the district's adherence to the selection
2 process required by subsection (c) of this section, including detailed
3 information regarding the assistance received from Efficiency Vermont, the
4 ~~school energy management program~~ School Energy Management Program,
5 and similar entities;

6 (C) ~~Provides~~ provides detailed information concerning the energy
7 and operational cost-savings projected to result from the proposed cost-saving
8 measures;

9 (D) ~~Provides~~ provides detailed information concerning the amount
10 and schedule of payments to be made under the terms of the performance
11 contract;

12 (E) ~~Provides~~ provides any other information the ~~commissioner~~
13 Secretary deems necessary for consideration of the application.

14 (2) Approval of application. After consultation with the ~~department of~~
15 ~~buildings and general services~~ Department of Buildings and General Services
16 and any other expert resources that may be available, including Efficiency
17 Vermont and the ~~school energy management program of the Vermont~~
18 ~~superintendents association, the commissioner~~ the School Energy Management
19 Program, the Secretary may approve a complete application.

20 (3) Priorities. Following approval of a district's application, the ~~state~~
21 ~~board~~ State Board shall assign points, established by ~~board~~ Board 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~~ Board rule and provided the scope of the project remains the
6 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~~ State Board'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 (4) Award of state aid. A district shall not be reimbursed for debt
14 incurred due to borrowing funds in anticipation of aid under this section. The
15 total amount of an award shall be 20 percent of the approved total cost of the
16 project, provided the total award shall not exceed the total payment that would
17 be due from the district, less interest.

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

1 (6) Payment. Upon ~~(A)~~ completion of the construction or installation of
2 the cost-saving measure, ~~(B)~~ determination by the ~~department of buildings and~~
3 ~~general services~~ Department of Buildings and General Services that
4 implementation of the cost-saving measures is expected to result in energy and
5 operational cost savings, and ~~(C)~~ legislative appropriation sufficient to fund the
6 state aid due under this section, the ~~state board~~ State Board shall certify an
7 award for the project to the ~~commissioner of finance and management~~
8 Commissioner of Finance and Management who shall issue a warrant for the
9 payment of the award. A district awarded state aid under this section shall use
10 the state aid solely for the purpose of paying all or a portion of the obligation
11 due under the performance contract at the time the award is received.

12 Sec. 220. 16 V.S.A. § 3454 is amended to read:

13 § 3454. DEFERRED MAINTENANCE

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

19 Sec. 221. 16 V.S.A. § 3455a is amended to read:

1 § 3455a. COMPUTER AIDED DESIGN

2 Whenever a school district or independent school makes final application
3 for construction aid pursuant to ~~section~~ subdivision 3448(a)(5) of this title, the
4 district or school shall submit to the ~~commissioner~~ Secretary copies of site
5 plans and building plans either in computer-aided-design (CAD) format, if
6 used, or, if not, in the form submitted by the architect or engineer to the school
7 board or board of trustees.

8 Sec. 222. 16 V.S.A. § 3456 is amended to read:

9 § 3456. LIMIT OF INDEBTEDNESS

10 The amount of indebtedness of an incorporated school district, town school
11 district, or union ~~high~~ school district incurred to finance any project approved
12 under sections 3447-3456 of this title shall not be considered a part of the
13 indebtedness of such local district for the purpose of determining its debt limit,
14 as provided by ~~section~~ 24 V.S.A. § 1762 of Title 24, or otherwise.

15 Sec. 223. 16 V.S.A. § 3581 is amended to read:

16 § 3581. ACCEPTANCE

17 ~~The state board of education is hereby authorized and empowered to~~ State
18 Board may accept, use, disburse, and account for federal funds made available
19 ~~to the several states by legislation of the Congress~~ for the purposes of
20 acquisition, construction, reconstruction, remodeling, or repair of public school
21 buildings.

1 Sec. 224. 16 V.S.A. § 3582 is amended to read:

2 § 3582. FORMULATION OF PLANS

3 The ~~state board of education is further authorized and empowered to~~ State
4 Board may formulate ~~such any~~ state plan, including preparation of surveys and
5 estimates of school building needs, ~~as is necessitated by the provisions of~~
6 ~~congressional~~ required by federal legislation.

7 Sec. 225. 16 V.S.A. § 3741 is amended to read:

8 § 3741. SCHOOL BUILDINGS CONSTRUCTION; DEBT SERVICE;

9 TAXATION

10 Each town district shall ~~provide, furnish, maintain and control schoolhouses~~
11 ~~suitable for schools under the provisions of this title. When so authorized by~~
12 ~~the town district, the board of school directors shall have power to lease or~~
13 ~~purchase buildings or sites for schoolhouses, locate and erect schoolhouses,~~
14 ~~and sell or otherwise dispose of schoolhouses or sites for same. A school~~
15 district ~~which~~ that issues bonded debt to pay for capital construction costs
16 ~~under this section~~ is authorized under the provisions of sections 428 and 511 of
17 this title to levy ad valorem taxes on the grand list to pay for debt service
18 ~~therefor~~ as it becomes due and payable, and shall do so unless otherwise
19 payable from other sources.

20 Sec. 226. 16 V.S.A. § 3742 is amended to read:

21 § 3742. FLAG DISPLAY

1 ~~The board shall cause to be erected on each schoolhouse, or on the premises~~
2 ~~belonging thereto, a suitable flag pole.~~ Each school district shall erect a flag
3 pole on the building or premises of each public school and, while school is in
4 session, at such times as it directs, shall cause a United States flag, which shall
5 not be lettered or marked in any way, to be displayed ~~thereon; and may cause~~
6 ~~a.~~ A United States flag and a state State flag to may be displayed in such
7 schoolhouse inside the school building. A person who violates ~~a provision of~~
8 this section shall be fined not more than \$10.00.

9 Sec. 227. 16 V.S.A. § 3821 is amended to read:

10 § 3821. TRANSFER; ACCEPTANCE

11 An incorporated academy, institute, seminary, or other educational
12 institution, having no capital stock, by vote of at least two-thirds of ~~the~~ its
13 directors, trustees, or other governing body ~~thereof~~, may authorize the transfer
14 of all of its real and personal property, including trust funds, ~~as hereinafter~~
15 ~~provided, to the town school district or incorporated school district, in which~~
16 ~~such~~ to the school district in which the academy, institute, seminary, or other
17 educational institution is located as provided in this chapter. ~~The town school~~
18 ~~district or incorporated~~ school district, at an annual or special meeting of the
19 legal voters ~~thereof~~ warned for the purpose, may vote to accept the transfer of
20 ~~such~~ real and personal property, including trust funds, ~~as hereinafter~~ provided
21 in this chapter, to be used for school purposes.

1 Sec. 228. 16 V.S.A. § 3822 is amended to read:

2 § 3822. PROCEEDING IN SUPERIOR COURT

3 (a) An incorporated academy, institute, seminary, or other educational
4 institution, and ~~the town school district or incorporated school district, having~~
5 ~~so voted, shall, before such transfer is made,~~ a school district, upon completion
6 of the votes required by section 3821 of this title and before transfer of any
7 property, shall apply to the superior court of the county ~~where the same in~~
8 which the property is located setting forth ~~such~~ the votes and ~~such~~ any other
9 material facts ~~as may be material~~.

10 (b) The court shall issue an order stating the substance of the bill and fixing
11 the time and place of hearing ~~on the same~~. The plaintiff shall cause ~~such~~ the
12 order to be published in a newspaper named ~~therein~~ in the order, three weeks
13 successively, the last publication to be at least ten days prior to the date fixed
14 for the hearing. The plaintiff shall give ~~such~~ further notice as ~~the court in its~~
15 ~~order shall direct~~ required by the order.

16 (c) Upon hearing, the court shall determine what portion, if any, of the real
17 and personal property to be transferred is held in trust ~~and~~, may order the
18 transfer ~~thereof~~ of that property subject to the terms of the trust, ~~or~~ may make
19 ~~such~~ any other orders and decrees for the protection and disposition of the
20 same as it deems proper, and shall order the remainder of the real and personal

1 property to be transferred in accordance with the votes authorizing ~~such the~~
2 transfer for use for school purposes.

3 ~~Sec. 229. 16 V.S.A. § 3851(c) is amended to read:~~

4 (c) "Eligible institution" means any:

5 (1) nonprofit library that serves the public;

6 (2) private or independent nonprofit university, college, ~~primary~~
7 elementary school, or secondary school in the state;

8 * * *

9 (5) any:

10 * * *

11 (D) nonprofit assisted living facility, nonprofit continuing care
12 retirement facility, nonprofit residential care facility, or similar nonprofit
13 facility for the continuing care of ~~the persons who are elderly or the infirm~~
14 infirm, provided that ~~such the~~ facility is owned by or under common
15 ownership with an otherwise eligible institution, and in the case of facilities to
16 be financed for an eligible institution provided by this subdivision (5) of this
17 subsection, for which the ~~department of financial regulation~~ Department of
18 Financial Regulation, if required, has issued a certificate of need.

Sec. 229. [Deleted.]

19 Sec. 230. 16 V.S.A. § 3852 is amended to read:

20 § 3852. VERMONT EDUCATIONAL AND HEALTH BUILDINGS

1 FINANCING AGENCY; CREATION; MEMBERS

2 (a) A board of 13 members known as the Vermont ~~educational and health~~
3 ~~buildings financing agency~~ Educational and Health Buildings Financing
4 Agency is created. It is a body corporate and politic constituting a public
5 instrumentality of the ~~state~~ State. The ~~commissioner of education, the~~
6 ~~secretary of human services, the state treasurer~~ State Treasurer, or his or her
7 designee, ~~and the secretary of administration~~ the Secretaries of Education, of
8 Human Services, and of Administration shall be members ex officio. The
9 ~~governor~~ Governor, with the advice and consent of the ~~senate~~ Senate, shall
10 appoint seven members for six-year terms. The members appointed by the
11 ~~governor~~ Governor shall appoint two additional members whose term of office
12 shall be two years.

13 * * *

14 (c) ~~Notwithstanding subsection (a) of this section, to the first board the~~
15 ~~governor shall appoint two members to serve until February 1, 1968, two~~
16 ~~members to serve until February 1, 1970, and three members to serve until~~
17 ~~February 1, 1972, and the additional members to be appointed by the members~~
18 ~~appointed by the governor shall serve until February 1, 1968.~~

19 (d) Notwithstanding any general or special law to the contrary, the
20 provisions of 8 V.S.A. chapter 73 shall not apply to the ~~agency~~ Agency or to

1 any loan ~~heretofore or hereafter~~ made by the ~~agency~~ Agency in accordance
2 with this title before or after the effective date of this section.

3 Sec. 231. 16 V.S.A. § 3859(a) is amended to read:

4 (a) ~~It is hereby found, determined and declared that the~~ The creation of the
5 ~~agency~~ Agency and the carrying out of its corporate purposes is in all respects
6 for the benefit of the people of the ~~state~~ State of Vermont, and for the
7 improvement of their education, health, welfare, and prosperity, and is a public
8 purpose, ~~and that the agency.~~ The Agency will be performing an essential
9 governmental function in the exercise of the powers conferred upon it by this
10 chapter. The ~~state~~ State of Vermont covenants with the holders of the bonds
11 and notes that the ~~agency~~ Agency shall be required to pay no taxes or
12 assessments upon any of the property acquired by it or under its jurisdiction,
13 control, possession, or supervision, or upon its activities in the operation and
14 maintenance of facilities, or upon any moneys, revenues, or other income
15 received by the ~~agency~~ Agency; and that the bonds and notes of the ~~agency~~
16 Agency and the income ~~therefrom~~ from them shall at all times be exempt from
17 taxation, except for transfer and estate taxes.

18 Sec. 232. 16 V.S.A. § 3862 is amended to read:

19 § 3862. REPORTS

20 ~~The Vermont educational and health buildings finance agency~~
21 Notwithstanding the provisions of 2 V.S.A. § 20(d), the Vermont Education

1 and Health Buildings Finance Agency shall prepare and annually submit;
2 ~~consistent with 2 V.S.A. § 20(a), to the governor annually by January 15 to the~~
3 Governor a complete report listing all projects applied for, planned, in
4 progress, and completed, and a complete financial report duly audited and
5 certified by a certified public accountant.

6 ~~Sec. 233. 16 V.S.A. § 4001(G)(A) is amended to read:~~

7 ~~(A) For purposes of determining whether a proposed budget shall be~~
8 ~~presented by means of a divided question pursuant to subdivision 563(11)(A)~~
9 ~~of this title, "education spending" shall not include:~~

10 ~~(i) Spending during the budget year for approved school capital~~
11 ~~construction for a project that received preliminary approval under section~~
12 ~~3448 of this title, including interest paid on the debt; provided the district shall~~
13 ~~not be reimbursed or otherwise receive state construction aid for the approved~~
14 ~~school capital construction.~~

15 ~~(ii) For a project that received final approval for state construction~~
16 ~~aid under chapter 123 of this title:~~

17 ~~(I) Spending for approved school capital construction during the~~
18 ~~budget year that represents the district's share of the project, including interest~~
19 ~~paid on the debt;~~

1 ~~(ii) Payment during the budget year of interest on funds borrowed~~
2 ~~under subdivision 563(21) of this title in anticipation of receiving state aid for~~
3 ~~the project.~~

4 ~~(iii) For a district that provides for the education of its resident pupils~~
5 ~~in one or more grades by paying tuition and does not maintain a school that~~
6 ~~includes the grade or grades, in the district's discretion, the district's~~
7 ~~anticipated spending for tuition in the year for which the budget is proposed;~~
8 ~~alternatively, the district may choose to include within its definition of~~
9 ~~"education spending" its estimated tuition expenditures for the budget year.~~

10 ~~(iv) Spending attributable to the cost of planning the merger of a~~
11 ~~small school, which for purposes of this subdivision means a school with an~~
12 ~~average grade size of 20 or fewer students, with one or more other schools.~~

13 ~~(v) Spending attributable to the district's share of spending for 21st~~
14 ~~Century Community Learning Centers after school programs.~~

15 ~~(vi) Spending during the budget year attributable to the costs of providing~~
16 ~~alternative educational opportunities designed to encourage at risk high school~~
17 ~~students to remain enrolled in and to graduate from high school, whether~~
18 ~~offered by the district or a contracting entity. [Repealed.]~~

19 *Sec. 233 [DELETED]*

20 Sec. 234. 16 V.S.A. § 4002 is amended to read:

21 § 4002. PAYMENT; ALLOCATION

1 (a) State and federal funds appropriated for services delivered by the
2 supervisory union and payable through the ~~department of education~~ Agency
3 shall be paid to the order of the supervisory union and administered in
4 accordance with the plan adopted under subdivision 261a(4) of this title.
5 Funding for special education services under section 2969 of this title shall be
6 paid to the districts in accordance with that section.

7 (b) The ~~commissioner~~ Secretary shall notify the superintendent or chief
8 executive officer of each supervisory union in writing of federal or state funds
9 disbursed to member school districts.

10 Sec. 235. 16 V.S.A. § 4003 is amended to read:

11 § 4003. CONDITIONS

12 (a) No school district shall receive any aid under this chapter unless that
13 school district complies with the provisions of law relative to teachers'
14 salaries, appointment of superintendents, detailed financial reports to the ~~state~~
15 ~~department of education~~ Agency, and any other requirements of law.

16 (b) Aid to any district shall not be denied unless ~~such~~ the district
17 unreasonably refuses to comply with ~~such~~ the requirements of law. Any
18 school district denied aid by reason of the provisions of this section shall have
19 the right within 60 days from the date of such denial to appeal to the superior
20 court in the county where ~~such~~ the district is situated.

21 Sec. 236. 16 V.S.A. § 4010 is amended to read:

1 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

2 (a) On or before the first day of December during each school year, the
3 ~~commissioner~~ Secretary shall determine the average daily membership of each
4 school district for the current school year. The determination shall list
5 separately:

6 (1) Resident prekindergarten children;

7 (2) Resident ~~pupils~~ students being provided elementary or kindergarten
8 education; and

9 (3) Resident ~~pupils~~ students being provided secondary education.

10 (b) The ~~commissioner~~ Secretary shall determine the long-term membership
11 for each school district for each student group described in subsection (a) of
12 this section. The ~~commissioner~~ Secretary shall use the actual average daily
13 membership over two consecutive years, the latter of which is the current
14 school year. If, however, in one year, the actual average daily membership of
15 kindergarten through 12th grade increases by at least 20 students over the
16 previous year, the ~~commissioner~~ Secretary shall compute the long-term
17 membership by adding 80 percent of the actual increase, to a maximum
18 increase of 45 equalized pupils.

19 (c) The ~~commissioner~~ Secretary shall determine the weighted long-term
20 membership for each school district using the long-term membership from
21 subsection (b) of this section and the following weights for each class:

1 Prekindergarten 0.46

2 Elementary or kindergarten 1.0

3 Secondary 1.13

4 (d) The weighted long-term membership calculated under subsection (c) of
5 this section shall be increased for each school district to compensate for
6 additional costs imposed by students from economically deprived
7 backgrounds. The adjustment shall be equal to the total from subsection (c) of
8 this section, multiplied by 25 percent, and further multiplied by the poverty
9 ratio of the district.

10 (e) The weighted long-term membership calculated under subsection (c) of
11 this section shall be further increased by 0.2 for each ~~pupil~~ student in average
12 daily membership for whom English is not the ~~pupil's~~ primary language.

13 (f) For purposes of the calculation under this section, a district's equalized
14 pupils shall in no case be less than 96 and one-half percent of the district's
15 equalized pupils in the previous year.

16 (g) The ~~commissioner~~ Secretary shall ~~adopt rules as necessary~~ develop
17 guidelines to enable clear and consistent identification of ~~pupils~~ students to be
18 counted under this section.

19 (h) On December 1 each year, the ~~commissioner~~ Secretary shall determine
20 the equalized pupil count for the next fiscal year for district review. The

1 ~~commissioner~~ Secretary shall make any necessary corrections on or before
2 December 15, on which date the count shall become final for that year.

3 (i) The ~~commissioner~~ Secretary shall evaluate the accuracy of the weights
4 established in subsection (c) of this section and, at the beginning of each
5 biennium, shall propose to the ~~house and senate committees on education~~
6 House and Senate Committees on Education whether the weights should stay
7 the same or be adjusted.

8 ~~Sec. 237. 16 V.S.A. § 4011 is amended to read:~~

9 ~~§ 4011. EDUCATION PAYMENTS~~

10 ~~* * *~~

11 (c) ~~Annually, each school district shall receive an education spending~~
12 ~~payment for support of education costs. An unorganized town or gore shall~~
13 ~~receive an amount equal to its adjusted education payment for that year for~~
14 ~~each student based on the weighted average daily membership count which~~
15 ~~shall not be equalized. In fiscal years 2007 and after, no A district shall not~~
16 ~~receive more than its education spending amount.~~

17 (d) [Repealed.]

18 (e) The ~~commissioner~~ Secretary shall pay an amount equal to 87 percent of
19 the base education amount to the Vermont Academy of Science and
20 Technology for each Vermont resident, 12th grade student enrolled.

1 ~~(f) Annually, the commissioner Secretary shall pay to a department or~~
2 ~~agency which an entity that provides an adult diploma program, an amount~~
3 ~~equal to 26 percent of the base education amount for each student who~~
4 ~~completed the diagnostic portion of the program, based on an average of the~~
5 ~~previous two years.~~

6 ~~(g) The commissioner Secretary shall pay to a school district a percentage~~
7 ~~of the base education amount for each resident student for whom the district is~~
8 ~~paying a technical tuition to a regional career technical center but who is not~~
9 ~~enrolled in the district and therefore not counted in the average daily~~
10 ~~membership of the district. The percentage of the base education amount to be~~
11 ~~paid shall be the percentage of the student's full-time equivalent attendance at~~
12 ~~the career technical center multiplied by 87 percent.~~

13 ~~(h) The commissioner Secretary shall make all payments required by~~
14 ~~subchapter 5 of chapter 23 of this title.~~

15 ~~(i) Annually, by October 1, the commissioner Secretary shall send to~~
16 ~~school boards for inclusion in town reports and publish on the department~~
17 ~~Agency website the following information:~~

18 ~~(1) the statewide average district spending per equalized pupil for the~~
19 ~~current fiscal year; and 125 percent of that average spending; and~~

20 ~~(2) a statewide comparison of student-teacher ratios among schools~~
21 ~~which that are similar in number of students and number of grades.~~

Sec. 237. [Deleted.]

1 Sec. 238. 16 V.S.A. § 4012 is amended to read:

2 § 4012. STATE-PLACED STUDENTS

3 (a) A district ~~which~~ that provides for the education of its students by paying
4 tuition to an approved independent school or a public school outside the
5 district, shall receive from the ~~commissioner~~ Secretary an amount equal to the
6 calculated net cost per pupil in the receiving school, as defined in section 825
7 of this title, prorated for the percentage of annual tuition billed for a
8 state-placed student. If the calculated net cost per pupil in a receiving
9 independent school or school located outside Vermont is not available, the
10 ~~commissioner~~ Secretary shall pay the tuition charged. A district shall not
11 receive funds under this section if all the student's education costs are fully
12 paid under subsection 2950(a) of this title.

13 (b) A school district shall request reimbursement under this section by
14 submitting tuition bills and documentation of payment to the ~~commissioner~~
15 Secretary. The ~~commissioner~~ Secretary shall make reimbursement twice a
16 year, once for requests submitted prior to January 1 and once for requests
17 submitted prior to May 1. Requests submitted on or following May 1 shall be
18 reimbursed in the next payment. The ~~commissioner~~ Secretary shall reconcile
19 tuition overcharges in the year following payment to the school district
20 pursuant to section 836 of this title. For the purpose of recovering any tuition

1 overcharge, the ~~commissioner~~ Secretary shall be considered a receiving
2 district.

3 Sec. 239. 16 V.S.A. § 4014 is amended to read:

4 § 4014. EARLY EDUCATION

5 (a) Grants. The ~~commissioner~~ Secretary may grant funds for voluntary
6 early education programs. The funds may be used for personnel costs, training
7 of parents and staff, materials and educational equipment, and other costs
8 related to early education programs.

9 (b) The ~~commissioner~~ Secretary shall solicit proposals for early education
10 programs from community organizations serving young children. Community
11 organizations include school districts, other public agencies, including Head
12 Start programs, and private agencies, including child care programs and
13 parent-child centers.

14 (c) The ~~commissioner~~ Secretary also shall investigate to determine those
15 areas ~~which~~ that are not served by early education programs and whose
16 children are in greatest need of such services. In those areas, the ~~commissioner~~
17 Secretary shall provide assistance in preparing proposals for grants. In
18 conducting the investigation, the ~~commissioner~~ Secretary shall collect and
19 analyze demographic factors ~~which~~ that are likely to predict unusual
20 community needs for early education services. The ~~commissioner~~ Secretary
21 shall distribute the results of the analysis to all interested persons.

1 (d) The ~~commissioner~~ Secretary shall evaluate proposals based on the
2 following criteria:

3 (1) The program will serve additional children with special needs, such
4 as those who are economically disadvantaged, those who have limited English
5 language skills, those ~~with disabling conditions~~ who have a disability, or those
6 who have ~~suffered from~~ experienced or are at risk of, abuse or neglect.

7 (2) The program will rely on early screening of children's development
8 to determine need.

9 (3) The program will provide experiential learning activities ~~which~~ that
10 are developmentally appropriate for ~~three~~ three- and four-year olds. Such
11 activities may be provided in home or group settings or a combination of the
12 two.

13 (4) The program will include active parental involvement in program
14 design and in making decisions about services.

15 (5) The program has been cooperatively developed by community and
16 school organizations that serve young children in a town or group of towns.

17 (6) There is a demonstrated need for the program.

18 (7) The program considers the transportation needs of children and
19 parents.

20 (8) The program enables children with ~~disabling conditions~~ disabilities
21 to be served in settings with peers who do not have a disability.

1 (9) The program includes voluntary training for parents.

2 (e) The ~~commissioner~~ Secretary shall give preference to programs to be
3 offered in parts of the state ~~which~~ that do not have early education services at
4 the time of the application.

5 (f) Grant proposals shall be submitted to the ~~commissioner~~ Secretary.
6 Grants shall be for one year but may be renewed. No grant may exceed
7 \$30,000.00. The ~~commissioner~~ Secretary may, in his or her discretion, set
8 other terms of the grant.

9 Sec. 240. 16 V.S.A. § 4015 is amended to read:

10 § 4015. SMALL SCHOOL SUPPORT

11 (a) In this section:

12 (1) "Eligible school district" means a school district ~~which~~ that operates
13 at least one school; and

14 (A) has a two-year average combined enrollment of fewer than 100
15 students in all the schools operated by the district; or

16 (B) has an average grade size of 20 or fewer.

17 * * *

18 (4) "Average grade size" means two-year average enrollment divided by
19 the number of grades taught in the district on October 1. For purposes of this
20 calculation, kindergarten and ~~pre-kindergarten~~ prekindergarten programs shall
21 be counted together as one grade.

1 * * *

2 (b) Small schools support grant: Annually, the ~~commissioner~~ Secretary
3 shall pay a small schools support grant to any eligible school district. The
4 amount of the grant shall be the greater of:

5 * * *

6 (e) In the event that a school or schools ~~which~~ that have received a grant
7 under this section merge in any year following receipt of a grant, and the
8 consolidated school is not eligible for a grant under this section or the small
9 school grant for the consolidated school is less than the total amount of grant
10 aid the schools would have received if they had not combined, the consolidated
11 school shall continue to receive a grant for three years following consolidation.
12 The amount of the annual grant shall be:

13 (1) In the first year following consolidation, an amount equal to the
14 amount received by the school or schools in the last year of eligibility.

15 (2) In the second year following consolidation, an amount equal to
16 two-thirds of the amount received in the previous year.

17 (3) In the third year following consolidation, an amount equal to
18 one-third of the amount received in the first year following consolidation.

1 Sec. 241. 16 V.S.A. § 4016 is amended to read:

2 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

3 (a) A school district ~~which~~ or supervisory union that incurs allowable
4 transportation expenditures shall receive a transportation reimbursement grant
5 each year. The grant shall be equal to 50 percent of allowable transportation
6 expenditures provided, however, that in any year the total amount of grants
7 under this subsection shall not exceed the total amount of adjusted base year
8 transportation grant expenditures. The total amount of base year transportation
9 grant expenditures shall be \$10,000,000.00 for fiscal year 1997, increased each
10 year thereafter by the annual price index for state and local government
11 purchases of goods and services. If in any year the total amount of the grants
12 under this subsection exceed the adjusted base year transportation grant
13 expenditures, the amount of each grant awarded shall be reduced
14 proportionately. Transportation grants paid under this section shall be paid
15 from the ~~education fund~~ Education Fund and shall be added to adjusted
16 education payment receipts paid under section 4011 of this title.

17 (b) In this section, “allowable transportation expenditures” means the costs
18 of transporting students to and from school for regular classroom services and
19 shall not include expenditures for transporting students participating in
20 curricular activities that take place off the school grounds ~~nor~~ or for
21 transporting students participating in cocurricular activities. ~~The state board of~~

1 ~~education~~ State Board shall further define allowable transportation
2 expenditures by rule.

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

17 Sec. 242. 16 V.S.A. § 4027 is amended to read:

18 § 4027. EDUCATION FUND TRANSFER AMOUNTS

19 (a) [Repealed.]

20 (b) Annually, on or before June 1, each superintendent shall report to the
21 ~~department of education~~ Agency, on a form prescribed by the ~~commissioner~~

1 Secretary, each education budget ~~which~~ that was adopted by May 1 for the
2 following fiscal year by the member districts of the supervisory union and for
3 which no petition for reconsideration has been filed. A superintendent shall
4 report a budget adopted following May 1, to the ~~department of education~~
5 Agency, between 30 to 40 days following adoption, or, if a petition for
6 reconsideration has been filed, within 10 days of final adoption of the budget.

7 Sec. 243. 16 V.S.A. § 4028 is amended to read:

8 § 4028. FUND PAYMENTS TO SCHOOL DISTRICTS

9 (a) On or before September 10, December 10, and April 30 of each school
10 year, one-third of the adjusted education payment under section 4011 of this
11 title shall become due to school districts; except that districts ~~which~~ that have
12 not adopted a budget by 30 days before the date of payment under this
13 subsection shall receive one-quarter of the base education amount, and upon
14 adoption of a budget shall receive additional amounts due under this
15 subsection.

16 (b) Payments made for special education under chapter 101 of this title, for
17 technical education under chapter 37 of this title, and for other aid and
18 categorical grants paid for support of education shall also be from the
19 ~~education fund~~ Education Fund.

20 (c)(1) Any district that has adopted a school budget ~~which~~ that includes
21 high spending, as defined in 32 V.S.A. § 5401(12), shall, upon timely notice,

1 be authorized to use a portion of its high spending penalty to reduce future
2 education spending as follows:

3 (A) ~~By~~ by entering into a contract with an operational efficiency
4 consultant or a financial systems consultant to examine issues such as
5 transportation arrangements, administrative costs, staffing patterns, and the
6 potential for collaboration with other districts;

7 (B) ~~By~~ by entering into a contract with an energy or facilities
8 management consultant; or

9 (C) ~~By~~ by engaging in discussions with other school districts about
10 reorganization or consolidation for better service delivery at a lower cost.

11 (2) To the extent approved by the ~~commissioner~~ Secretary, the
12 ~~department~~ Agency shall pay the district from the property tax revenue to be
13 generated by the high spending increase to the district's spending adjustment
14 as estimated by the ~~commissioner~~ Secretary, up to a maximum of \$5,000.00.

15 For the purposes of this subsection, "timely notice" means written notice from
16 the district to the ~~commissioner~~ Secretary by September 30 of the budget year.

17 If the district enters into a contract with a consultant pursuant to this
18 subsection, the consultant shall not be an employee of the district or of the
19 ~~department of education~~ Agency. A copy of the consultant's final
20 recommendations or a copy of the district's recommendations regarding
21 reorganization, as appropriate, shall be submitted to the ~~commissioner~~

1 Secretary, and each affected town shall include in its next town report an
2 executive summary of the consultant's or district's final recommendations and
3 notice of where a complete copy is available. No district is authorized to
4 obtain funds under this section more than one time in every five years.

5 Sec. 244. 16 V.S.A. § 4029 is amended to read:

6 § 4029. USE OF FUNDS FOR EDUCATION

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

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

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

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

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

14 (e) For the purposes of this section, notwithstanding any provision of
15 municipal law to the contrary, “legitimate items of current educational
16 expense” may include reasonable payments to a municipality for services
17 performed on behalf of a school district by its corresponding town or city
18 clerk, the town or city treasurer, or the town or city auditors.

19 (f) Annually, on a form prescribed by the ~~commissioner~~ Secretary, each
20 school district shall report for the previous school year the amount it paid to or
21 received from its corresponding municipality or municipal officials, including

1 any payments made pursuant to subsection (e) of this section, and any property
2 or in-kind services it donated to or received from its corresponding
3 municipality.

4 Sec. 245. 16 V.S.A. § 4030 is amended to read:

5 § 4030. DATA SUBMISSION; CORRECTIONS

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

11 (b) The ~~commissioner~~ Secretary shall use data submitted on or before
12 January 15 prior to the fiscal year which begins the following July 1, in order
13 to calculate the amounts due each school district for any fiscal year for the
14 following:

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

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

17 (c) The ~~commissioner~~ Secretary shall use data corrections regarding local
18 education budget amounts submitted on or before June 15 prior to the fiscal
19 year which begins the following July 1, in order to calculate the education
20 payments due under section 4011 of this title. However, the ~~commissioner~~
21 Secretary may use data submitted after June 15 and prior to July 15 due to

1 unusual or exceptional circumstances as determined by the ~~commissioner~~
2 Secretary.

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

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

10 * * * Title 3 * * *

11 Sec. 246. 3 V.S.A. § 212 is amended to read:

12 § 212. DEPARTMENTS CREATED

13 The following administrative departments are hereby created, through the
14 instrumentality of which the ~~governor~~ Governor, under the constitution, shall
15 exercise such functions as are by law assigned to each department respectively:

16 * * *

17 (6) ~~The department of education~~ [Repealed.]

18 * * *

19 Sec. 247. 3 V.S.A. § 256(b) is amended to read:

20 (b) Notwithstanding any other provision of law, all secretaries of state
21 agencies and all commissioners of state departments, ~~other than the~~

1 ~~commissioner of education~~, shall take office only with the advice and consent
2 of the ~~senate~~ Senate except in the case of an appointment to fill a vacancy
3 when the general assembly is not in session in which case the appointee may
4 take office subject to the provisions of section 257 of this title.

5 Sec. 248. 3 V.S.A. § 3026 is amended to read:

6 § 3026. PARTNERSHIPS FOR CHILDREN, FAMILIES, AND

7 INDIVIDUALS

8 (a) The ~~secretary of human services, the commissioner of education, and~~
9 ~~the president~~ Secretary of Human Services, the Secretary of Education, and the
10 President of the University of Vermont shall establish a research partnership to
11 study and make recommendations for improving the effectiveness of state and
12 local health, human services, and education programs. Critical program
13 outcomes relating to the well-being of Vermonters that should be addressed by
14 the research partnership may include, without limitation, the following:

15 * * *

16 (b) The ~~secretary of human services and the commissioner of education~~
17 Secretaries of Human Services and of Education shall collaborate with regional
18 partnerships for children, families, and individuals in each of the geographical
19 regions of the state. Regional partnerships consist of citizens, consumers of
20 health, human services, and education programs, family members,
21 governmental agencies and nongovernmental organizations providing health,

1 education, and human services, economic development representatives and
2 business leaders, and any other individuals and groups who can contribute to
3 the activities of the regional partnership. Regional partnerships shall develop
4 and implement local strategies for improving the social well-being of
5 Vermonters, and shall advise the ~~agency of human services and the department~~
6 ~~of education~~ Agencies of Human Services and of Education concerning
7 effective implementation of state and local health, human services, and
8 education programs.

9 (c) The ~~secretary of human services and the commissioner of education~~
10 Secretaries of Human Services and of Education shall collaborate with the state
11 team for children, families, and individuals, consisting of representatives of the
12 agencies and departments of state government which serve children, families,
13 and individuals, state coordinators of interagency teams, directors of private
14 sector service and advocacy organizations, institutions of higher education,
15 coordinators for the regional partnerships, and any other individual or group
16 who can contribute to the activities of the state team. The state team shall
17 support the activities of the regional partnerships, and participate in the
18 development and implementation of state policies and programs designed to
19 improve the well-being of Vermonters.

20 (d) [Repealed.]

21 * * * Title 6 * * *

1 Sec. 249. 6 V.S.A. § 4701(b) is amended to read:

2 (b) A ~~sustainable agriculture council~~ Sustainable Agriculture Council is
3 established, to be chaired by the ~~secretary of agriculture, food and markets~~
4 Secretary of Agriculture, Food and Markets. The ~~council~~ Council shall include
5 the ~~commissioner of education~~ Secretary of Education and representatives,
6 appointed by the ~~secretary of agriculture, food and markets~~ Secretary of
7 Agriculture, Food and Markets, of the ~~college of agriculture~~ College of
8 Agriculture at the University of Vermont, the ~~extension service~~ Extension
9 Service at the University of Vermont, Vermont Technical College and farm
10 organizations, and a representative of the low input sustainable agriculture
11 program of the ~~United States~~ U.S. Department of Agriculture. The ~~council~~
12 Council shall meet on call of the secretary and shall make recommendations
13 regarding:

14 * * *

15 Sec. 250. 6 V.S.A. § 4721(c) is amended to read:

16 (c) The ~~secretary and the commissioner of education~~ Secretaries of
17 Agriculture, Food and Markets and of Education, in consultation with farmers,
18 food service workers, and educators, shall jointly adopt rules relating to the
19 content of the grant application and the criteria for making awards.

20 Sec. 251. 6 V.S.A. § 4722(b) is amended to read:

1 (b) For the purposes of this section and section 4723 of this title, the
2 secretary may provide funds to one or more technical assistance providers to
3 provide farm-to-school education and teacher training to more school districts
4 and to assist the ~~secretary and the commissioner of education~~ Secretaries of
5 Agriculture, Food and Markets and of Education to carry out farmer and food
6 service worker training.

7 Sec. 252. 6 V.S.A. § 4723 is amended to read:

8 § 4723. PROFESSIONAL DEVELOPMENT FOR FOOD SERVICE

9 PERSONNEL

10 (a) The ~~commissioner of education~~ Secretary of Education shall offer
11 expanded regional training sessions for public school food service personnel
12 and child care resource development specialists as funds are made available.
13 Training shall include information about strategies for purchasing, processing,
14 and serving locally grown foods, as well as information about nutrition, obesity
15 prevention, coping with severe food allergies, and food service operations.
16 The ~~commissioner of education~~ Secretary of Education may use a portion of
17 the funds appropriated for this training session to pay a portion of or all
18 expenses for attendees and to develop manuals or other materials to help in the
19 training.

20 (b) The ~~commissioner of education~~ Secretary of Education shall train
21 people as funds are made available to provide technical assistance to school

1 food service personnel and use a portion of the funds appropriated for this
2 purpose to enable the trained people to provide technical assistance at the
3 school and school district levels.

4 (c) Training provided under this section shall promote the policies
5 established in the Vermont nutrition and fitness policy guidelines developed by
6 the agency of agriculture, food and markets, the department of education, and
7 the department of health, dated November 2005, or the guidelines' successor.

8 * * * Title 10 * * *

9 Sec. 253. 10 V.S.A. § 544 is amended to read:

10 § 544. VERMONT CAREER INTERNSHIP PROGRAM

11 (a)(1) The ~~department of labor~~ Department of Labor, in consultation with
12 the ~~department of education~~ Agency of Education, shall develop and
13 implement a statewide Vermont career internship program for Vermonters who
14 are in high school or in college and for those who are recent graduates of 24
15 months or less.

16 * * *

17 (b) The ~~department of labor~~ Department of Labor, in collaboration with the
18 ~~agency of agriculture, food and markets, the department of education~~ Agencies
19 of Agriculture, Food and Markets and of Education, state-funded
20 postsecondary educational institutions, the ~~workforce development council~~

1 Workforce Development Council, and other state agencies and departments
2 that have workforce development and training monies, shall:

3 * * *

4 Sec. 254. 10 V.S.A. § 1526(b) is amended to read:

5 (b) The ~~department of education~~ Agency of Education may incorporate
6 information on this chapter in educational material which it normally
7 distributes to primary and secondary educational institutions within the ~~state~~
8 State. The ~~department~~ Agency may cooperate with the ~~agency of natural~~
9 ~~resources~~ Agency of Natural Resources in distributing any additional
10 informative material on this chapter to schools in the ~~state~~ State.

11 * * * Title 15 * * *

12 Sec. 255. 15 V.S.A. § 1173(a)(3)(Q) is amended to read:

13 (Q) the ~~commissioner of the department of education~~ Secretary of
14 Education or designee.

15 * * * Title 18 * * *

16 Sec. 256. 18 V.S.A. § 1123 is amended to read:

17 § 1123. IMMUNIZATION RULES AND REGULATIONS

18 The ~~health department~~ Department of Health shall adopt rules for
19 administering this subchapter. Such rules shall be developed in consultation
20 with the ~~department of education~~ Agency of Education with respect to
21 immunization requirements for Vermont schools, and in consultation with the

1 ~~department for children and families~~ Department for Children and Families
2 with respect to immunization requirements for child care facilities. Such rules
3 shall establish which immunizations shall be required and the manner and
4 frequency of their administration, and may provide for exemptions as
5 authorized by this subchapter.

6 Sec. 257. 18 V.S.A. § 7401 is amended to read:

7 § 7401. POWERS AND DUTIES

8 Except insofar as this part of this title specifically confers certain powers,
9 duties, and functions upon others, the ~~commissioner~~ Commissioner shall be
10 charged with its administration. The ~~commissioner~~ Commissioner may:

11 * * *

12 (17) ensure the provision of services to children and adolescents with or
13 at risk for a severe emotional disturbance in coordination with the
14 ~~commissioner of education and the commissioner for children and families~~
15 Secretary of Education and the Commissioner for Children and Families in
16 accordance with the provisions of 33 V.S.A. chapter 43;

17 Sec. 258. 18 V.S.A. § 9503(d) is amended to read:

18 (d) The ~~department of education~~ Agency of Education shall administer
19 school-based programs.

1 Sec. 259. 18 V.S.A. § 9504(b) is amended to read:

2 (b) The ~~board~~ Board shall consist of 14 members, including ex officio the
3 ~~commissioner of health and the commissioner of education~~ Commissioner of
4 Health and the Secretary of Education, or their designees; the ~~commissioner of~~
5 ~~the department of liquor control~~ Commissioner of Liquor Control or designee;
6 the ~~attorney general~~ Attorney General or designee; a member of the ~~house of~~
7 ~~representatives~~ House of Representatives appointed by the ~~speaker of the~~
8 ~~house~~ Speaker of the House; a member of the ~~senate~~ Senate appointed by the
9 ~~committee on committees~~ Committee on Committees; a member representing a
10 nonprofit organization qualifying under Section 501(c)(3) of the Internal
11 Revenue Code and dedicated to anti-tobacco activities appointed by the
12 ~~speaker of the house~~ Speaker of the House; a member representing the low
13 income community appointed by the ~~senate committee on committees~~ Senate
14 Committee on Committees; two persons under the age of 30, one appointed by
15 the ~~speaker of the house~~ Speaker of the House and one appointed by the ~~senate~~
16 ~~committee on committees~~ Committee on Committees; and four members
17 appointed by the ~~governor~~ Governor with the advice and consent of the ~~senate~~
18 Senate, including: one K-12 educator involved in prevention education; one
19 tobacco use researcher; one member representing the health care community;
20 and one tobacco industry countermarketing expert. The public members shall
21 serve for three-year terms, beginning on July 1 of the year in which the

1 appointment is made, except that the first members appointed by the ~~governor~~
2 Governor to the ~~board~~ Board shall be appointed, two for a term of two years,
3 one for a term of three years and one for a term of four years. Vacancies shall
4 be filled in the same manner as the original appointment for the unexpired
5 portion of the term vacated.

6 Sec. 260. 18 V.S.A. § 9505 is amended to read:

7 § 9505. GENERAL POWERS AND DUTIES

8 The ~~board~~ Board shall have all the powers necessary and convenient to
9 carry out and effectuate the purposes and provisions of this section, and shall:

10 * * *

11 (5) review and make recommendations to the overall plan and any
12 memorandum of understanding developed jointly by the ~~department of health~~
13 ~~and department of education~~ Department of Health and Agency of Education
14 for school-based programs funded through the tobacco program fund;

15 * * *

16 * * * Title 20 * * *

17 Sec. 261. 20 V.S.A. § 3152(a) is amended to read:

18 (a) The Vermont ~~fire service training council~~ Fire Service Training Council
19 is created. The ~~council~~ Council shall consist of 12 members. The
20 ~~commissioner of labor, the commissioner of public safety, the director of fire~~
21 ~~safety, the commissioner of forests, parks and recreation, the commissioner of~~

1 education, and the commissioner of health Commissioner of Labor, the
2 Commissioner of Public Safety, the Director of Fire Safety, the Commissioner
3 of Forests, Parks and Recreation, the Secretary of Education, and the
4 commissioner of health, or their designees, shall serve as ex officio members
5 of the ~~council~~ Council. Six members shall be appointed by the ~~governor~~
6 Governor for three-year terms. Of the appointed members, the ~~governor~~
7 Governor shall appoint one member who during incumbency is a
8 representative of the Vermont ~~career fire chiefs association~~ Career Fire Chiefs
9 Association; one member who, at the time of appointment, is a representative
10 of the ~~professional firefighters~~ Professional Firefighters of Vermont; one
11 member, who, at the time of appointment, is a representative of the Vermont
12 ~~fire chiefs association~~ Fire Chiefs Association and who is a fire chief of a
13 volunteer fire department; one member who, at the time of appointment, is a
14 representative of the Vermont ~~state firefighters association~~ State Firefighters
15 Association and who is a volunteer firefighter; one member who during
16 incumbency is an employee, officer, or director of an insurance company
17 domiciled in this ~~state~~ State and subject to the assessment under 32 V.S.A.
18 § 8557; and one member of the public who is not involved in fire service. To
19 the extent possible, appointments shall be geographically representative.

1 When so ordered by the ~~commissioner of education~~ Secretary of Education,
2 the superintendent of schools for the school district where the child under
3 16 years of age resides shall examine the child for the purpose of determining
4 the child's eligibility for employment in accordance with the provisions of
5 sections 432 and 433 of this title and shall, upon the completion of the
6 examination, make a written report to the ~~commissioner of education~~ Secretary
7 of Education who shall transmit a copy of the report to the ~~commissioner~~
8 Commissioner.

9 Sec. 264. 21 V.S.A. § 1101 is amended to read:

10 § 1101. APPRENTICESHIP DIVISION AND COUNCIL

11 The ~~apprenticeship division and state apprenticeship council, hereinafter~~
12 referred to as the "council," Apprenticeship Division and the State
13 Apprenticeship Council (Council) shall be located within the ~~department of~~
14 ~~labor~~ Department of Labor. The ~~commissioner of labor~~ Commissioner of
15 Labor shall supervise the work of the ~~division~~ Division, and shall be the chair
16 of the ~~council~~ Council. The ~~council~~ Council shall consist of 12 members, four
17 ex officio members and eight members who shall be appointed by the ~~governor~~
18 Governor. Of the ex officio members, one shall be the ~~commissioner of labor~~
19 Commissioner of Labor or designee, one shall be the ~~commissioner of public~~
20 ~~safety~~ Commissioner of Public Safety or designee, one shall be the
21 ~~commissioner of education~~ Secretary of Education or designee, and one shall

1 be the ~~director~~ Director of the ~~apprenticeship division~~ Apprenticeship Division
2 who shall act as secretary of the ~~council~~ Council without vote. The ~~council~~
3 Council shall be composed of persons familiar with apprenticeable
4 occupations. Of the appointed members, three shall be individuals who
5 represent employers, three shall be individuals who represent employee
6 organizations, and two shall be members of the public. Appointment of the
7 employer and the employee members shall be made for the term of three years
8 except the employer and employee members first appointed shall be appointed
9 for the term of one, two, and three years respectively. The ~~governor~~ Governor
10 shall annually designate one member of the council as chair. Each member of
11 the ~~council~~ Council who is not a salaried official or employee of the ~~state~~ State
12 shall be entitled to compensation and expenses as provided in 32 V.S.A.
13 § 1010.

14 Sec. 265. 21 V.S.A. § 1152(a) is amended to read:

15 (a) There is created a ~~youth in agriculture, natural resources, and food~~
16 ~~production consortium~~ Youth in Agriculture, Natural Resources, and Food
17 Production Consortium of program providers in order that programs to build
18 pathways to careers in agriculture, natural resources, and food production may
19 be connected, developed, and supported in a coordinated manner. The
20 ~~consortium~~ Consortium shall comprise employees of the ~~department of labor~~
21 Department of Labor assigned by the ~~commissioner of labor~~ Commissioner of

1 Labor; employees of the ~~department of education~~ Agency of Education
2 assigned by the ~~commissioner of education~~ Secretary of Education; employees
3 of the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food
4 and Markets appointed by the ~~secretary of agriculture, food and markets~~
5 Secretary of Agriculture, Food and Markets; employees of the ~~agency of~~
6 ~~natural resources~~ Agency of Natural Resources appointed by the ~~secretary of~~
7 ~~natural resources~~ Secretary of Natural Resources; representatives of the
8 Extension Service of the University of Vermont selected by the ~~service~~
9 Service; and representatives from agriculture, food, and natural resources
10 businesses appointed by the ~~secretary of agriculture, food and markets~~
11 Secretary of Agriculture, Food and Markets.

12 Sec. 266. 21 V.S.A. § 1153(c) is amended to read:

13 (c) The consortium shall report by January 15, 2005 to the ~~commissioner of~~
14 ~~labor, the secretary of agriculture, food and markets, the secretary of natural~~
15 ~~resources, the commissioner of education, and the house and senate~~
16 ~~committees on agriculture and on education~~ Commissioner of Labor, the
17 Secretary of Natural Resources, the Secretary of Education, and the house and
18 Senate Committees on Agriculture and on Education on its progress, outcomes,
19 and recommendations for expansion, development, and coordination of
20 programs and pathways to careers in agriculture, natural resources, and food
21 production in the ~~state~~ State.

1 Sec. 267. 21 V.S.A. § 1232(c) is amended to read:

2 (c) The ~~commissioner~~ Commissioner shall coordinate with existing
3 services and other related state and federal organizations to assure
4 communication and cooperation among programs and to share efforts and
5 resources for new services and programs for displaced homemakers, including,
6 ~~but not limited to: the department of education, the department for children and~~
7 ~~families, VISTA, the state colleges, the University of Vermont, the Vermont~~
8 ~~extension service, and the governor's commission on women~~ the Secretary of
9 Education, the Department for Children and Families, VISTA, the Vermont
10 State Colleges, the University of Vermont, the Vermont Extension Service, and
11 the Governor's Commission on Women.

12 * * * Title 23 * * *

13 Sec. 268. 23 V.S.A. § 607 is amended to read:

14 § 607. JUNIOR OPERATOR'S LICENSE

15 (a) A junior operator's license may be issued initially only to persons who:

16 (1) are 16 and 17 years of age;

17 (2) have passed the driver examination required in subchapter 2 of this

18 chapter and a driver education and training course approved by the

19 ~~commissioner of motor vehicles and the commissioner of education~~

20 Commissioner of Motor Vehicles and the Secretary of Education;

21 * * *

1 Sec. 269. 23 V.S.A. § 2012 is amended to read:

2 § 2012. EXEMPTED VEHICLES

3 No certificate of title need be obtained for:

4 (1) A vehicle owned by the United States, unless it is registered in this
5 ~~state~~ State;

6 (2) A vehicle owned by a manufacturer or dealer and held for sale, even
7 though incidentally moved on the highway or used for purposes of testing or
8 demonstration, or used by an educational institution approved by the
9 ~~department of education~~ Agency of Education for driver training purposes, or a
10 vehicle used by a manufacturer solely for testing;

11 * * *

12 * * * Title 24 * * *

13 Sec. 270. 24 V.S.A. § 1523(b) is amended to read:

14 (b) When a school district at the end of the fiscal year contemplated by
15 section 1683 of this title has a deficit, unless the voters have voted to borrow
16 funds to repay the deficit over a term of three years or less, or unless the deficit
17 has been refunded pursuant to chapter 53 of this title, the school board shall
18 add an amount sufficient to pay the deficit to its next adopted budget and
19 report the total to the ~~commissioner of education~~ Secretary of Education for
20 purposes of calculating education spending.

1 Sec. 271. 24 V.S.A. § 2804(b) is amended to read:

2 (b) If a reserve fund is established under subsection (a) of this section to
3 pay a school district's future school capital construction costs approved under
4 ~~chapter 123 of Title 16 V.S.A. chapter 123~~, any funds raised by the district as
5 part of its education spending to pay for those future costs shall be considered
6 "approved school capital construction spending" in calculating excess
7 spending under 32 V.S.A. § 5401(12). Districts shall submit to the ~~department~~
8 ~~of education~~ Agency of Education annually a report of deposits into and
9 expenditures from a school capital construction reserve fund. If the
10 ~~department of education~~ Agency of Education determines that any amount in
11 the reserve fund has not been used for approved school capital construction
12 within five years after deposit into the fund, then 150 percent of that amount
13 shall be added to the district's education spending in the then-current year for
14 purposes of calculating the excess spending penalty. The definitions in ~~chapter~~
15 ~~133 of Title 16 V.S.A. chapter 133~~ shall apply to this subsection.

16 Sec. 272. 24 V.S.A. § 4413(a) is amended to read:

17 (a) The following uses may be regulated only with respect to location, size,
18 height, building bulk, yards, courts, setbacks, density of buildings, off-street
19 parking, loading facilities, traffic, noise, lighting, landscaping, and screening
20 requirements, and only to the extent that regulations do not have the effect of
21 interfering with the intended functional use:

- 1 (1) State- or community-owned and operated institutions and facilities.
2 (2) Public and private schools and other educational institutions certified
3 by the ~~state department of education~~ Agency of Education.

4 * * *

5 * * * 24 Appendix * * *

6 Sec. 273. 24 App. V.S.A., chapter 107, § 6.6 is amended to read:

7 § 6.6. GENERAL POWERS AND RESPONSIBILITIES OF THE SCHOOL
8 DIRECTORS

9 The school directors are responsible for the administration and maintenance
10 of the public schools; and, in addition to other duties specifically assigned by
11 law (See 16 V.S.A. § 563), shall:

12 * * *

13 (9) Establish, with the advice and consent of the ~~state auditor of~~
14 ~~accounts and the commissioner of education~~ Vermont Auditor of Accounts and
15 Secretary of Education, an accounting system for the proper control of school
16 district finances and for stating the annual financial condition of the school
17 district.

18 * * *

19 Sec. 274. 24 App. V.S.A. chapter 129, § 603 is amended to read:

20 § 603. RESPONSIBILITIES, POWERS AND DUTIES

21 * * *

1 (b) In particular, in addition to other duties specifically assigned by law, the
2 Superintendent shall be the chief executive officer for the School Board and on
3 behalf of the School Board shall:

4 * * *

5 (4) Furnish the ~~commissioner of education~~ Secretary of Education such
6 data and information as ~~he/she~~ he or she may require.

7 * * *

8 * * * Title 26 * * *

9 Sec. 275. 26 V.S.A. § 3402(d) is amended to read:

10 (d) Nothing in subsection (a) of this section shall prevent a student from
11 performing acupuncture under the supervision of a competent licensed
12 acupuncturist instructor:

13 (1) within a school or a college or an acupuncture department of a
14 college or university ~~which~~ that is licensed by the Vermont ~~state department of~~
15 ~~education~~ Agency of Education or certified by the Accreditation Commission
16 for Acupuncture and Oriental Medicine; or

17 (2) as a student in a director-approved apprenticeship; or

18 (3) as an intern in any hospital.

19 Sec. 276. 26 V.S.A. § 4451(4) is amended to read:

20 (4) ~~“Department” means the department of education~~ “Agency” means
21 the Agency of Education.

1 Sec. 277. 26 V.S.A. § 4455(a) is amended to read:

2 (a) The ~~secretary~~ Secretary, in consultation with the ~~commissioner of~~
3 ~~education~~ Secretary of Education, shall appoint two individuals to serve as
4 advisors in matters related to audiology and speech-language pathology. One
5 advisor shall be a licensed speech-language pathologist, and one advisor shall
6 be an audiologist. Advisors who are speech-language pathologists or
7 audiologists shall have not less than three years' experience as audiologists or
8 speech-language pathologists immediately preceding appointment, and shall be
9 actively engaged in the practice of audiology or speech-language pathology in
10 Vermont during incumbency. The advisors shall be appointed for staggered
11 terms of three years, and shall serve at the pleasure of the secretary. One of the
12 initial appointments may be for less than a three-year term.

13 Sec. 278. 26 V.S.A. § 4456 is amended to read:

14 § 4456. ~~COMMISSIONER~~ SECRETARY OF EDUCATION; DUTIES

15 (a) The ~~commissioner of education~~ Secretary of Education shall administer
16 the application and renewal process for all licensees under this chapter, and
17 shall:

18 * * *

19 (b) The ~~department~~ Agency may contract with the ~~secretary~~ Secretary of
20 State for provision of adjudicative services of one or more administrative law

1 officers and other investigative, legal, and administrative services related to
2 licensure and discipline of speech-language pathologists and audiologists.

3 * * * Title 28 * * *

4 Sec. 279. 28 V.S.A. § 121(a) is amended to read:

5 (a) A board is established for the purpose of advising the ~~director of~~
6 ~~corrections education~~ Director of Corrections Education when serving as the
7 ~~superintendent~~ Superintendent of the Community High School of Vermont, the
8 independent school established in section 120 of this title. The board shall
9 have supervision over policy formation for the Community High School of
10 Vermont, except as otherwise provided, shall recommend school policy to the
11 director of corrections education, may create a structure for local advisory
12 boards as it deems appropriate, and shall perform such other duties as
13 requested from time to time by the ~~commissioner of education or of corrections~~
14 Secretary of Education or Commissioner of Corrections.

15 * * * Title 29 * * *

16 Sec. 280. 29 V.S.A. § 152(a)(15) is amended to read:

17 (15) The ~~commissioner of buildings and general services~~ Commissioner
18 of Buildings and General Services is authorized to consult with the
19 ~~commissioner of education~~ Secretary of Education, when requested by the
20 ~~commissioner of education~~ Secretary, concerning school construction projects.

21 Sec. 281. 29 V.S.A. § 152(a)(26) is amended to read:

1 (B) in excess of 125 percent of the statewide average district
2 education spending per equalized pupil in the prior fiscal year, as determined
3 by the ~~commissioner of education~~ Secretary of Education on or before
4 November 15 of each year based on the passed budgets to date.

5 Sec. 284. 32 V.S.A. § 5402(c) is amended to read:

6 (c) The treasurer of each municipality shall by December 1 of the year in
7 which the tax is levied and on June 1 of the following year pay to the ~~state~~
8 ~~treasurer~~ State Treasurer for deposit in the education fund ~~one-half~~ one-half of
9 the municipality's statewide nonresidential tax and ~~one-half~~ one-half of the
10 municipality's homestead education tax, as determined under subdivision

11 (b)(1) of this section. The ~~commissioner of education~~ Secretary of Education
12 shall determine the municipality's net nonresidential education tax payment
13 and its net homestead education tax payment to the ~~state~~ State based on grand
14 list information received by the ~~commissioner~~ Secretary no later than the
15 March 15 prior to the June 1 net payment. Payment shall be accompanied by a
16 return prescribed by the ~~commissioner of education~~ Secretary of Education.

17 The municipality may retain 0.225 of one percent of the total education tax
18 collected, only upon timely remittance of net payment to the ~~state treasurer~~
19 State Treasurer. The municipality may also retain \$15.00 for each late
20 property tax adjustment claim filed after April 15 and before September 2, as

1 notified by the ~~department~~ Department of Taxes, for the cost of issuing a new
2 property tax bill.

3 Sec. 285. 32 V.S.A. § 5402b(a) is amended to read:

4 (a) Annually, by December 1, the ~~commissioner of taxes~~ Commissioner of
5 Taxes shall recommend to the ~~general assembly~~ General Assembly, after
6 consultation with the ~~department of education, the secretary of administration~~
7 ~~and the joint fiscal office~~ Agency of Education, the Secretary of
8 Administration and the Joint Fiscal Office, the following adjustments in the
9 statewide education tax rates under subdivisions 5402(a)(1) and (2) of this title:

10 * * *

11 Sec. 286. 32 V.S.A. § 5404(c) is amended to read:

12 (c) If a town clerk or the legislative body fails without good cause, as
13 determined by the ~~commissioner~~ Commissioner, to transmit the grand list data
14 or the tax data in a timely manner and in the format required by the director,
15 the ~~commissioner~~ Commissioner shall notify the ~~secretary of transportation~~
16 Secretary of Transportation and the ~~commissioner of education~~ Secretary of
17 Education, who shall withhold all general and other aid payments owing to the
18 municipality until the grand list information is filed as required by the director
19 under subsection (b) of this section. Federal funds are exempt from
20 withholding if ~~the either~~ either secretary ~~or commissioner~~ has an opinion of counsel
21 that withholding would be a violation of federal law.

1 Sec. 287. 32 V.S.A. § 5406(b) is amended to read:

2 (b) Not later than April 1 of each year, the director shall certify to the
3 ~~commissioner of education~~ Secretary of Education the equalized education
4 property value and coefficient of dispersion for the prior year of every
5 municipality of the state.

6 Sec. 288. 32 V.S.A. § 5408(b) is amended to read:

7 (b) Upon receipt of a petition for redetermination under subsection (a) of
8 this section, the director shall, after written notice, grant a hearing upon the
9 petition to the aggrieved town. The director shall thereafter notify the town
10 and the ~~commissioner of education~~ Secretary of Education of his or her
11 redetermination of the equalized education property value and coefficient of
12 dispersion of the town or district, in the manner provided for notices of original
13 determinations under section 5406 of this title.

14 * * * Title 33 * * *

15 ~~Sec. 289. 33 V.S.A. § 703(b) is amended to read:~~

16 (b) The council shall consist of ~~eleven~~ 11 members:

17 (1) the ~~secretary of the agency of human services, commissioner of~~
18 ~~public safety, commissioner of education, commissioner of liquor control, and~~
19 ~~commissioner of motor vehicles~~ Secretary of Human Services, the
20 Commissioner of Public Safety, the Secretary of Education, the Commissioner
21 ~~of Liquor Control, and the Commissioner of Motor Vehicles,~~

1 ~~(2) one member shall be a member of a mental health agency who shall~~
2 ~~be appointed by the ~~governor~~ Governor; and~~

3 ~~(3) five members shall be appointed by the ~~governor~~ Governor of which~~
4 ~~every consideration shall be given, if possible, to equal geographic~~
5 ~~apportionment. One of these members shall be a certified practicing teacher~~
6 ~~and one of these members shall be a school administrator.~~

Sec. 289. [Deleted.]

7 Sec. 290. 33 V.S.A. § 706(c) is amended to read:

8 (c) Under the direction of the ~~commissioner of health~~ Commissioner of
9 Health, the director shall review and approve all alcohol and drug programs
10 developed or administered by any state agency or department, except for
11 alcohol and drug education programs developed by the ~~department of~~
12 ~~education~~ Agency of Education in conjunction with the ~~alcohol and drug abuse~~
13 ~~council~~ Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.

14 Sec. 291. 33 V.S.A. § 1106(a) is amended to read:

15 (a) The ~~commissioner~~ Commissioner shall provide participating families
16 case management services, periodic reassessment of service needs and the
17 family development plan, and referral to any agencies or programs that provide
18 the services needed by participating families to improve the family's prospects
19 for job placement and job retention, including the following:

20 * * *

1 (9) Services for teen parents through the teen parent education program
2 established in cooperation with the ~~department of education~~ Agency of
3 Education.

4 (10) Any other services identified in the family development plan and
5 determined by the ~~commissioner~~ Commissioner to be necessary and
6 appropriate to achieve the purposes of this chapter.

7 Sec. 292. 33 V.S.A. § 1107(d) is amended to read:

8 (d) The ~~commissioner of education~~ Secretary of Education, with the
9 assistance and support of the ~~commissioner for children and families, the~~
10 ~~commissioner of disabilities, aging, and independent living, and the~~
11 ~~commissioner of labor~~ Commissioner for Children and Families, the
12 Commissioner of Disabilities, Aging, and Independent Living, and the
13 Commissioner of Labor, shall develop and implement comparable and
14 reciprocally recognized literacy assessment protocols that will be used for all
15 clients seeking adult basic education, related services of the ~~department of~~
16 ~~education~~ Agency of Education, or the services of the ~~department of~~
17 ~~disabilities, aging, and independent living, the department of labor, or the~~
18 ~~department for children and families~~ Department of Disabilities, Aging, and
19 Independent Living, the Department of Labor, or the Department for Children
20 and Families, when such services are being sought for the purpose of
21 developing or strengthening competencies or skills related to the clients'

1 current or future employment. Such protocols shall, to the extent practicable,
2 utilize the same terminology and apply comparable criteria, consistent with
3 individual program purposes and authorization, in determining when testing,
4 other standardized measurement tools, or referrals to relevant
5 professionals for evaluation or diagnosis are appropriate.

6 Sec. 293. 33 V.S.A. § 3304(b) is amended to read:

7 (b) By July 1, 1984, the ~~council~~ Council shall submit a prevention plan to
8 the ~~governor and to the senate and house committees on health and welfare and~~
9 ~~appropriations~~ Governor and to the House Committees on Health Care and on
10 Human Services, the Senate Committee on Health and Welfare, and the House
11 and Senate Committees on Appropriations. Such plan shall incorporate and
12 consolidate the proposals and recommendations for primary prevention
13 developed by:

14 (1) ~~department of education~~ Agency of Education;

15 * * *

16 Sec. 294. 33 V.S.A. § 3502 is amended to read:

17 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC
18 SCHOOLS; 21ST CENTURY FUND

19 (a) Unless exempted under subsection (b) of this section, a person shall not
20 operate a child care facility without a license, or operate a family child care
21 home without registration from the department.

1 (b) The following persons are exempted from the provisions of subsection
2 (a) of this section:

3 * * *

4 (5) An after-school program that serves students in one or more grades
5 from kindergarten through secondary school, that receives funding through the
6 21st Century Community Learning Centers program, and that is overseen by
7 the ~~department of education~~ Agency of Education, unless the after-school
8 program asks to participate in the child care subsidy program.

9 * * *

10 (d)(1) Regulations pertaining to child care facilities and family child care
11 homes shall be designed to ensure that children in child care facilities and
12 family child care homes are provided with wholesome growth and educational
13 experiences, and are not subjected to neglect, mistreatment, or immoral
14 surroundings.

15 (2) A licensed child care facility shall ensure that all individuals
16 working at the facility receive orientation, based on materials recommended by
17 the ~~agency of human services~~ Agency of Human Services and the ~~department~~
18 ~~of education~~ Agency of Education, on the prevention, identification, and
19 mandatory reporting of child abuse, including child sexual abuse, signs and
20 symptoms of sexual abuse, sexual violence, grooming processes, recognizing

1 the dangers of child sexual abuse in and close to the home, and other predatory
2 behaviors of sex offenders.

3 * * *

4 Sec. 295. 33 V.S.A. § 4302 is amended to read:

5 § 4302. STATE INTERAGENCY TEAM

6 (a) A state interagency team is created and shall consist of eight members:

7 (1) the ~~director~~ Director of the division responsible for special education
8 for the ~~department of education~~ Agency of Education;

9 (2) the ~~department of education's~~ Agency of Education's consultant for
10 children and adolescents with a severe emotional disturbance;

11 (3) the ~~director~~ Director of the division responsible for children's mental
12 health services for the ~~department of developmental and mental health services~~
13 Department of Mental Health;

14 (4) the ~~children's program specialist for~~ Chief of the division
15 ~~responsible for mental health services~~ Children, Adolescents, and Family Unit
16 in the Division of Children's Mental Health Services for the ~~department of~~
17 ~~developmental and mental health services~~ Department of Mental Health;

18 (5) the ~~director of the division responsible for social services for the~~
19 ~~department of social and rehabilitation services~~ Deputy Commissioner for the
20 Family Services Division of the Department for Children and Families;

1 (6) the placement consultant for the ~~division responsible for social~~
2 ~~services for the department of social and rehabilitation services~~ Family
3 Services Division of the Department for Children and Families;

4 (7) a representative of the ~~secretary of the agency of human services~~
5 Secretary of Human Services; and

6 (8) a parent of a child or adolescent with a severe emotional disturbance.
7 ~~Such~~ The parent shall receive compensation in accordance with the provisions
8 of ~~section 1010 of Title 32 V.S.A. § 1010,~~ and ~~such~~ the compensation shall be
9 paid for by the ~~agency of human services~~ Agency of Human Services.

10 (b) The state interagency team shall have the following powers and duties:

11 (1) submit an annual report to the ~~commissioners of developmental and~~
12 ~~mental health services, social and rehabilitation services~~ Commissioners of
13 Mental Health and for Children and Families and the Secretary of Education
14 on the status of programs for children and adolescents with a severe emotional
15 disturbance which shall include a system of care plan. The system of care plan
16 shall identify the characteristics and number of children and adolescents with a
17 severe emotional disturbance in need of services, describe the educational,
18 residential, mental health, or other services needed, describe the programs and
19 resources currently available, recommend a plan to meet the needs of such
20 children and adolescents, and recommend priorities for the continuation or
21 development of programs and resources;

1 (2) ~~ensure that local interagency teams are established by January 1,~~
2 ~~1989;~~

3 ~~(3)~~ develop and coordinate the provision of services to children and
4 adolescents with a severe emotional disturbance;

5 ~~(4)~~(3) make recommendations to the local interagency team for
6 resolution of any case of a child or adolescent with a severe emotional
7 disturbance referred by a local interagency team under subsection 4303(f) of
8 this chapter; and

9 ~~(5)~~(4) recommend to the ~~secretary of the agency of human services and~~
10 ~~to the commissioners of the departments of education, developmental and~~
11 ~~mental health services, and social and rehabilitation services~~ Secretaries of
12 Human Services and of Education and the Commissioners of Mental Health
13 and for Children and Families any fiscal, policy, or programmatic change at
14 the local, regional, or state level necessary to enhance the ~~state's~~ State's system
15 of care for children and adolescents with a severe emotional disturbance and
16 their families.

17 Sec. 296. 33 V.S.A. § 4305 is amended to read:

18 § 4305. COORDINATED SYSTEM OF CARE

19 (a)(1) Services provided by or through the ~~departments of developmental~~
20 ~~and mental health services, social and rehabilitation services and education~~
21 Departments of Mental Health and for Children and Families and the Agency

1 of Education to children and adolescents with a severe emotional disturbance
2 shall be pursuant to a coordinated services plan, developed in accordance with
3 the provisions of this chapter.

4 (2) Nothing in the provisions of this chapter shall be construed to grant
5 an entitlement to any child or adolescent with a severe emotional disturbance
6 to receive any educational, residential, mental health, or other service until and
7 unless the ~~general assembly~~ General Assembly further provides that such
8 children and adolescents or any subgroup thereof are so entitled.

9 * * *

10 (c) The ~~commissioners of developmental and mental health services, social~~
11 ~~and rehabilitation services and education~~ Commissioners of Mental Health and
12 for Children and Families and the Secretary of Education shall jointly submit
13 to the ~~general assembly~~ General Assembly a report on the status of programs
14 for children and adolescents with a severe emotional disturbance and their
15 families which shall include a system of care plan. The report shall be
16 submitted together with the general appropriation bill provided for by ~~section~~
17 ~~701 of Title 32~~ V.S.A. § 701. The system of care plan shall:

18 * * *

19 Sec. 297. 33 V.S.A. § 4509(b) is amended to read:

20 (b) The ~~secretary~~ Secretary may, with the cooperation of the ~~commissioner~~
21 ~~of education, the state board of education~~ Secretary of Education, the State

1 Board of Education, and the Vermont State Dental Society, establish an
2 educational program for public school educators and pupils, covering
3 adequately the fundamentals of oral hygiene, diet, and nutrition education.

4 Sec. 298. 33 V.S.A. § 4602(a) is amended to read:

5 (a) The ~~building bright futures program~~ Building Bright Futures Program
6 shall be governed by a statewide council comprising no more than 23
7 members. The ~~building bright futures council's~~ Building Bright Futures
8 Council's membership shall be as follows:

9 * * *

10 (3) the ~~commissioner of education~~ Secretary of Education;

11 * * *

12 Sec. 299. 33 V.S.A. § 4603 is amended to read:

13 § 4603. POWERS AND DUTIES

14 The council established by section 4602 of this title shall have the following
15 powers and duties necessary and appropriate to effectuating the purposes of
16 this chapter:

17 * * *

18 (5) Work with the ~~secretaries of human services and of commerce and~~
19 ~~community development and the commissioner of education~~ Secretaries of
20 Human Services, of Commerce and Community Development, and of

1 Education to ensure the coordination of existing budgets and policies that
2 affect the care, health, and education of young children.

3 * * *

4 (7) Work with the ~~agencies of human services and of commerce and~~
5 ~~community development, the department of education~~ Agencies of Human
6 Services, of Commerce and Community Development, and of Education, and
7 the regional councils to coordinate and integrate the development of an early
8 childhood budget that reflects alignment of funding with priorities identified in
9 the system plan.

10 * * *

11 (14) Ensure children from birth to six years of age are included in
12 statistical data systems developed by the ~~department of education~~ Agency of
13 Education and other state agencies and that all such systems are interoperable.

14 * * *

15 Sec. 300. 33 V.S.A. § 4702 is amended to read:

16 § 4702. SYSTEM FOR SERVICES TO CHILDREN AT RISK OF SCHOOL
17 FAILURE

18 * * *

19 (b) The ~~secretary of human services and the commissioner of education~~
20 Secretaries of Human Services and of Education shall develop and implement,
21 through community-based organizations, a coordinated system of state and

1 local agencies that identifies children at risk of school failure, makes available
2 to them and their families, as eligible and willing, coordinated early education
3 and support services individually designed with each family and based on a
4 family's identified needs, and encourages parents to use these services. After
5 an informational meeting and prior to family participation in any screenings or
6 services to be conducted in the home, the provider visiting the home shall
7 explain the confidentiality policies and abuse and neglect reporting
8 requirements. A parent shall be required to sign a form acknowledging their
9 awareness of these policies and requirements. All services shall be voluntary,
10 and when a local community chooses to offer services in the home, an
11 alternative site shall be provided for families desiring services but not home
12 visits.

13 (c) This system shall be accessible to local public review and comment in
14 the agency of human services districts where these programs are in service
15 through two warned public meetings per year. Two weeks in advance of these
16 meetings, documents which fully describe program activities, including
17 reports, budgets, plans, and working guidelines, shall be made available to
18 school boards in program service areas and at the area lead agency. These
19 meetings shall be co-chaired by an elected school board director or
20 superintendent in the district and an official of the program's lead agency. The
21 lead agency in each district, in cooperation with the ~~agency of human services~~

1 ~~and the department of education~~ Agencies of Human Services and of
2 Education, shall annually present a report of its activities and expenditures to
3 appropriate committees of the legislature General Assembly.

4 (d) The ~~department of education and the agency of human services~~ Agency
5 of Education and the Agency of Human Services shall have authority to adopt
6 rules under ~~chapter 25 of Title 3 V.S.A. chapter 25~~ as necessary to implement
7 this chapter. In addition, ~~the department or agency~~ either agency shall initiate
8 rule-making if requested by a majority of the involved community-based lead
9 agencies, or by the public as provided in ~~subsection 831(e) of Title 3 V.S.A.~~
10 § 831(c).

11 (e) Nothing in this chapter shall create an entitlement.

12 Sec. 301. 33 V.S.A. § 5318(c) is amended to read:

13 (c) Sixteen- to 17.5-year-olds. In the event that custody of a 16- to
14 17.5 year-old is transferred to the ~~department~~ Department pursuant to a petition
15 filed under subsection 5309(d) of this title services to the child and to his or her
16 family shall be provided through a coordinated effort by the ~~agency of human~~
17 ~~services, the department of education,~~ Agencies of Human Services and of
18 Education and community-based interagency teams.

19 * * * Statutory Revision; Effective Date * * *

20 Sec. 302. STATUTORY REVISION; TITLE 16 REPUBLICATION

1 In its statutory revision capacity under 2 V.S.A. § 424, the Office of
2 Legislative Council shall, where appropriate,

3 (1) replace the word “pupil” with the word “student” except when
4 referring to “the net cost per pupil,” “equalized pupils,” “per pupil tuition,”
5 “full-time equivalent pupils,” and “legal pupils;”

6 (2) replace the words “technical education” with “career technical
7 education” or “CTE” and the words “technical center” with “career technical
8 center” or “CTE center;”

9 (3) replace the word “commissioner” with the word “Secretary” and the
10 word “department” with the word “Agency” when referring to the Secretary of
11 Education and the Agency of Education and make related grammatical
12 changes; and

13 (4) replace the word “plan” with the word “program” when referring to
14 an individualized education program.

15 ~~Sec. 303. EFFECTIVE DATE~~

16 ~~This act shall take effect on passage~~

** * * Special Education Employees; Transition to Employment*

*by Supervisory Unions * * **

*Sec. 303. 2010 Acts and Resolves No. 153, Sec. 18, as amended by 2011 Acts
and Resolves No. 58, Sec. 18, is further amended to read:*

Sec. 18. TRANSITION

(a) Each supervisory union shall provide for any transition of employment of special education and transportation ~~staff~~ employees by member districts to employment by the supervisory union, pursuant to Sec. 9 of this act, 16 V.S.A. § 261a(a)(6), and (8)(E) by:

(1) providing that the supervisory union assumes all obligations of each existing collective bargaining agreement in effect between the member districts and their special education employees and their transportation employees until the agreement's expiration, subject to employee compliance with performance standards and any lawful reduction in force, layoff, nonrenewal, or dismissal;

(2) providing, in the absence of an existing recognized representative of its employees, for the immediate and voluntary recognition by the supervisory union of the recognized representatives of the employees of the member districts as the recognized representatives of the employees of the supervisory union;

(3) ensuring that an employee of a member district who is not a probationary employee shall not be considered a probationary employee upon transition to the supervisory union; and

(4) ~~containing an agreement~~ negotiating a collective bargaining agreement, addressing special education employees, with the recognized representatives of the employees of the member districts ~~that is effective on the day the supervisory union assumes obligations of existing agreements~~

~~regarding how the supervisory union, prior to reaching its first collective bargaining agreement with its special education employees and with its transportation employees, will address issues of seniority, reduction in force, layoff, and recall , which, for the purposes of this section, shall be: the exclusive representative of special education teachers; the exclusive representative of the special education administrators; and the exclusive bargaining agent for special education paraeducators if the supervisory union has elected to employ special education paraeducators pursuant to subdivision (b)(3) of this section. The supervisory union shall become the employer of these employees on the date specified in the ratified agreement.~~

~~(b) For purposes of this section and Sec. 9 of this act, “special education employee” shall include a special education teacher, a special education administrator, and a special education paraeducator, which means a teacher, administrator, or paraeducator whose job assignment consists of providing special education services directly related to students’ individualized education programs or to the administration of those services. Provided, however, that “special education employee” shall include a “special education paraeducator” only if the supervisory union board elects to employ some or all special education paraeducators because it determines that doing so will lead to more effective and efficient delivery of special education services to students. If the supervisory union board does not elect to employ~~

all special education paraeducators, it must use objective, nondiscriminatory criteria and identify specific duties to be performed when determining which categories of special education paraeducators to employ.

(c) Education-related parties to negotiations under either Title 16 or 21 shall incorporate in their current or next negotiations matters addressing the terms and conditions of special education employees.

(d) If a supervisory union has not entered into a collective bargaining agreement with the representative of its prospective special education employees by August 15, 2015, it shall provide the Secretary of Education with a report identifying the reasons for not meeting the deadline and an estimated date by which it expects to ratify the agreement.

Sec. 304. 16 V.S.A. § 1981(8) is amended to read:

(8) "School board negotiations council" means, for a supervisory district, its school board, and, for school districts within a supervisory union, the body comprising representatives designated by each school board within the supervisory union and by the supervisory union board to engage in professional negotiations with a teachers' or administrators' organization.

Sec. 305. 21 V.S.A. § 1722(18) is amended to read:

(18) "School board negotiations council" means, for a supervisory district, its school board, and, for school districts within a supervisory union, the body comprising representatives designated by each school board within

the supervisory union and by the supervisory union board to engage in collective bargaining with their school employees' negotiations council.

Sec. 306. APPLICABILITY

Only school districts and supervisory unions that have not completed the transition of special education employees to employment by the supervisory union or have not negotiated transition provisions into current master agreements as of the effective dates of Secs. 303 through 305 of this act are subject to the employment transition provisions of those sections.

Sec. 307. REPORT

On or before January 1, 2017, the Secretary of Education shall report to the House and Senate Committees on Education regarding the decisions of supervisory unions to exercise or not to exercise the flexibility regarding employment of special education paraeducators provided in Sec. 303 of this act and may propose amendments to Sec. 303 or to related statutes as he or she deems appropriate.

Sec. 308. EFFECTIVE DATE

This act shall take effect on passage.