

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; school district governance; consolidation; supervisory
4 unions; maintenance of public schools; tuition

5 Statement of purpose of bill as introduced: This bill proposes to <Purpose>

6 An act relating to <Title>

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

8 * * * Repeal of Existing 16 V.S.A. chapter 9 * * *

9 Sec. 1. REPEAL OF EXISTING 16 V.S.A. CHAPTER 9

10 16 V.S.A. chapter 9 is repealed.

11 * * * Enactment of Updated 16 V.S.A. chapter 9 * * *

12 Sec. 2. 16 V.S.A. chapter 9 is added to read:

13 CHAPTER 9. SCHOOL DISTRICTS

14 Subchapter 1. School District Membership

15 § 361. SCHOOL DISTRICT #1 (Chittenden-Central SD)

16 School District #1 is an operating school district and is formed of the
17 member towns of Essex, Essex Junction, Westford, Milton, Colchester,
18 Winooski, Isle La Motte, North Hero, South Hero, and Grand Isle.

1 § 362. SCHOOL DISTRICT #2 (Chittenden-South SD)

2 School District #2 is an operating school district and is formed of the
3 member towns of Underhill, Jericho, Bolton, Richmond, Hinesburg, Charlotte,
4 Williston, South Burlington, Burlington, Shelburne, St. George, Huntington,
5 and Buels Gore.

6 § 363. SCHOOL DISTRICT #3 (Western SD)

7 School District #3 is an operating school district and is formed of the
8 member towns of Starksboro, Monkton, Vergennes, Ferrisburgh, Panton,
9 Waltham, Addison, New Haven, Bristol, Lincoln, Bridport, Weybridge,
10 Cornwall, Middlebury, Lincoln, Ripton, Shoreham, Whiting, Salisbury,
11 Leicester, Goshen, Orwell, Sudbury, Brandon, Benson, Pittsford, Hubbardton,
12 West Haven, Fair Haven, Castleton, Proctor, West Rutland, Rutland City, and
13 Poultney.

14 § 364. SCHOOL DISTRICT #4 (Central SD)

15 School District #4 is an operating school district and is formed of the
16 member towns of Belvidere, Waterville, Eden, Craftsbury, Johnson, Hyde
17 Park, Cambridge, Morristown, Elmore, Stowe, Worcester, Waterbury,
18 Duxbury, Middlesex, Calais, Marshfield, Plainfield, Montpelier, East
19 Montpelier, Fayston, Waitsfield, Moretown, Berlin, Barre Town, Northfield,
20 Williamstown, Roxbury, Warren, and Barre City.

1 § 365. SCHOOL DISTRICT #5 (Northern SD)

2 School District #5 is an operating school district and is formed of the
3 member towns of Alburgh, Highgate, Swanton, St. Albans City, St. Albans
4 Town, Georgia, Fletcher, Fairfax, Fairfield, Bakersfield, Sheldon, Enosburgh,
5 Franklin, Berkshire, Richford, Montgomery, Westfield, Jay, Lowell, Troy,
6 Coventry, Newport Town, Newport City, Derby, Holland, Morgan, Charleston,
7 and Brighton.

8 § 366. SCHOOL DISTRICT #6 (Southeast SD)

9 School District #6 is an operating school district and is formed of the
10 member towns of Cavendish, Baltimore, Chester, Springfield, Andover,
11 Grafton, Windham, Rockingham, Athens, Jamaica, Townshend, Westminster,
12 Wardsboro, Putney, Newfane, Dover, Dummerston, Wilmington, Marlboro,
13 Brattleboro, Halifax, Guilford, Vernon, Readsboro, and Stamford.

14 § 367. SCHOOL DISTRICT #7 (Southwest SU—operate all grades)

15 School District #7 is an operating school district and is formed of the
16 member towns of Pownal, Bennington, Woodford, Shaftsbury, Arlington,
17 Clarendon, Shrewsbury, Tinmouth, and Wallingford.

18 § 368. SCHOOL DISTRICT #8 (Southwest SU—tuition all grades)

19 School District #8 is a nonoperating district and is formed of the member
20 towns of Searsburg, Glastonbury, Somerset, Stratton, Sandgate, Winhall, and
21 Ira.

1 § 369. SCHOOL DISTRICT #9 (Southwest SU—tuition grades 9–12)

2 School District #9 operates grades kindergarten through eight, tuitions
3 grades nine through 12, and is formed of the member towns of Sunderland,
4 Manchester, Dorset, Peru, Londonderry, Landgrove, Weston, Danby, Mount
5 Tabor, Ludlow, Mount Holly, Rutland Town, Mendon, and Chittenden.

6 § 370. SCHOOL DISTRICT #10 (Southwest SU—tuition grades 7–12)

7 School District #10 operates grades kindergarten through six, tuitions
8 grades seven through 12, and is formed of the member towns of Rupert,
9 Pawlet, Wells, and Middletown Springs.

10 § 371. SCHOOL DISTRICT #11 (Southwest SU—tuition grades K–6)

11 School District #11 tuitions grades kindergarten through six, operates
12 grades seven through 12 and is formed of the Village of North Bennington.

13 § 372. SCHOOL DISTRICT #12 (White River SU—operates all grades)

14 School District #12 is an operating district and is formed of the member
15 towns of Windsor, West Windsor, Reading, Plymouth, Killington,
16 Bridgewater, Woodstock, Hartford, Pomfret, Barnard, Stockbridge, Royalton,
17 Bethel, Braintree, Randolph, and Brookfield.

18 § 373. SCHOOL DISTRICT #13 (White River SU—tuition all grades)

19 School District #13 is a nonoperating district and is formed of the member
20 towns of Granville, Hancock, and Pittsfield.

1 § 374. SCHOOL DISTRICT #14 (White River SU—tuition 9–12)

2 School District #14 operates grades kindergarten through eight, tuitions
3 grades nine through 12, and is formed of the member towns of Weathersfield,
4 Hartland, Strafford, Tunbridge, Chelsea, Washington, and Orange.

5 § 375. SCHOOL DISTRICT #15 (White River SU—tuition 7–12)

6 School District #15 operates grades kindergarten through grade six, tuitions
7 grades seven through 12, and is formed of the member towns of Sharon,
8 Thetford, Stockbridge, and Rochester.

9 § 376. SCHOOL DISTRICT #16 (Northeast SU—operates all grades)

10 School District #16 is an operating district and is formed of the member
11 towns of Bradford, Newbury, Ryegate, Groton, Cabot, Woodbury, Danville,
12 Hardwick, Greensboro, Glover, Albany, Irasburg, Barton, Westmore, Canaan,
13 and Brownington.

14 § 377. SCHOOL DISTRICT #17 (Northeast SU—tuitions all grades)

15 School District #17 is a nonoperating district and is formed of the member
16 towns of Kirby, Victory, Granby, Guildhall, East Haven, Maidstone,
17 Ferdinand, Brunswick, Bloomfield, Lemington, Lewis, Avery's Gore,
18 Warren's Gore, Averill, Warner's Grant, and Norton.

19 § 378. SCHOOL DISTRICT #18 (Northeast SU—tuition grades 9–12)

20 School District #18 operates grades kindergarten through eight, tuitions
21 grades nine through 12, and is formed of the member towns of Cornith,

1 Topsham, Barnet, Wolcott, Walden, St. Johnsbury, Waterford, Concord,
2 Lunenburg, Lyndon, Wheelock, Sheffield, Sutton, Newark, and Burke.

3 § 379. SCHOOL DISTRICT #19 (Northeast US—tuition grades 7–12)

4 School district #19 operates grades kindergarten through six, tuitions grades
5 seven through 12, and is formed of the member towns of Peacham and
6 Stannard.

7 Subchapter 2. School District Governance

8 § 401. SCHOOL DISTRICT BOARD MEMBERSHIP; SUPERVISORY
9 DISTRICTS

10 A school district that is also a supervisory district shall be governed by a
11 school board of nine members elected by the voters of the school district,
12 apportioned in such manner as to achieve substantially equal weighting of the
13 votes of all voters in the school district in the choice of school board
14 representation.

15 § 402. SCHOOL DISTRICT BOARD MEMBERSHIP; SUPERVISORY

16 UNIONS

17 A school district that is a member of a supervisory union shall be governed
18 by a school board of five members elected at-large by the voters of the school
19 district.

20 Subchapter 3. School District Powers and Duties

21 § 501. APPLICATION OF LAWS TO SCHOOL DISTRICTS (§ 551)

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

5 § 502. POWERS OF SCHOOL BOARDS; FORM OF VOTE (§ 563)

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

8 (1) Shall determine the educational policies of the school district. Board
9 policies shall be of general application to the district and shall be in writing,
10 codified, and made available to the public. Board policies shall be adopted at
11 regular or special school board meetings. A school board shall give public
12 notice of its intent to adopt a board policy, stating the substance of the
13 proposed policy, at least 10 days prior to its adoption. A school board may
14 also approve or disapprove rules and regulations proposed by the principal or
15 superintendent for the conduct and management of public schools in the
16 district.

17 (2) May take any action that is required for the sound administration of
18 the school district. The Secretary, with the advice of the Attorney General,
19 upon application of a school board, shall decide whether any action
20 contemplated or taken by a school board under this subdivision is required for

1 the sound administration of the district and is proper under this subdivision.

2 The Secretary's decision shall be final.

3 (3) Shall have the possession, care, control, and management of the
4 property of the school district, subject to the authority vested in the electorate
5 or any school district official.

6 (4) Shall keep the school buildings and grounds in good repair, suitably
7 equipped, insured, and in safe and sanitary condition at all times. The school
8 board shall regulate or prohibit firearms or other dangerous or deadly weapons
9 on school premises. At a minimum, a school board shall adopt and implement
10 a policy at least consistent with section 1166 of this title and 13 V.S.A. § 4004,
11 relating to a student who brings a firearm to or possesses a firearm at school.

12 (5) Shall have discretion to furnish instruction to students who have
13 completed a secondary education and to administer early educational
14 programs.

15 (6) May relocate or discontinue use of a schoolhouse or facility, subject
16 to the provisions of sections 821 and 822 of this title.

17 (7) Shall establish and maintain a system for receipt, deposit,
18 disbursement, accounting, control, and reporting procedures that meets the
19 criteria established by the State Board pursuant to subdivision 164(15) of this
20 title and that ensures that all payments are lawful and in accordance with a
21 budget adopted or amended by the school board. The school board may

1 authorize a subcommittee, the superintendent of schools, or a designated
2 employee of the school board to examine claims against the district for school
3 expenses and draw orders for the payment of those claims. Such orders shall
4 state definitely the purpose for which they are drawn and shall serve as full
5 authority to the treasurer to make such payments. It shall be lawful for a
6 school board to submit to its treasurer a certified copy of those portions of the
7 board minutes, properly signed by the clerk and chair, or a majority of the
8 board, showing to whom and for what purpose each payment is to be made by
9 the treasurer, and such certified copy shall serve as full authority to the
10 treasurer to make the payments as thus approved.

11 (8) Shall establish with the advice and consent of the Auditor of
12 Accounts and the Secretary a system of accounts for the proper control and
13 reporting of school district finances and for stating the annual financial
14 condition of the school district.

15 (9) Shall prepare and distribute to the electorate, not fewer than 10 days
16 prior to the district's annual meeting, a report of the conditions and needs of
17 the district school system, including the superintendent's, supervisory union
18 treasurer's, and school district treasurer's annual report for the previous school
19 year and the balance of any reserve funds established pursuant to 24 V.S.A.
20 § 2804. At a school district's annual meeting, the electorate may vote to
21 provide notice of availability of the report required by this subdivision to the

1 electorate in lieu of distributing the report. If the electorate of the school
2 district votes to provide notice of availability, it must specify how notice of
3 availability shall be given, and such notice of availability shall be provided to
4 the electorate at least 30 days before the district's annual or special meeting.

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

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

18 (i) all revenues from all sources, and expenses, including as
19 separate items any assessment for a supervisory union of which it is a member
20 and any tuition to be paid to a career technical center, and including the report

1 required in subdivision 242(4)(D) of this title itemizing the component costs of
2 the supervisory union assessment;

3 (ii) the specific amount of any deficit incurred in the most recently
4 closed fiscal year and how the deficit was or will be remedied;

5 (iii) the anticipated homestead tax rate and the percentage of
6 household income used to determine income sensitivity in the district as a
7 result of passage of the budget, including those portions of the tax rate
8 attributable to supervisory union assessments; and

9 (iv) the definition of “education spending,” the number of pupils
10 and number of equalized pupils in the school district, and the district’s
11 education spending per equalized pupil in the proposed budget and in each of
12 the prior three years.

13 (C) The board shall present the budget to the voters by means of a
14 ballot in the following form:

15 “Article #1 (School Budget):

16 Shall the voters of the school district approve the school board
17 to expend \$ _____, which is the amount the school board has determined to
18 be necessary for the ensuing fiscal year?

19 The _____ District estimates that this proposed budget, if
20 approved, will result in per pupil education spending of \$ _____, which is
21 _____ % higher/lower than per pupil education spending for the current year.”

1 (11) Shall employ such persons as may be required to carry out the work
2 of the school district pursuant to the provisions of subdivision 242(3) of this
3 title.

4 (12) Shall provide, at the expense of the district, subject to the approval
5 of the superintendent, all text books, learning materials, equipment, and
6 supplies.

7 (13) Shall exercise the general powers given to a legislative branch of a
8 municipality.

9 (14) May execute contracts on behalf of the school district, including
10 contracts providing for binding arbitration, by its chair or any person
11 designated whose appointment is recorded in the minutes of the board.

12 (15) Shall allow any high school student who meets the academic
13 requirements of the high school to graduate and receive a diploma in less than
14 four years.

15 (16) Shall establish policies and procedures designed to avoid the
16 appearance of board member conflict of interest.

17 (17) Shall have the authority to engage in short-term borrowing to cover
18 the costs of those portions of projects approved by the State Board and that
19 will be reimbursed by the State Board under sections 3447–3456 of this title
20 but which payments will be delayed. However, the board shall borrow under
21 this subdivision only amounts that it would receive if the State Board could

1 fund its obligation and may borrow not earlier than the time it would have
2 received the funds. The State shall not pay for costs of borrowing funds under
3 this subdivision.

4 (18) May apply for grants and may accept and expend grants or gifts.
5 The board shall include, in its annual report, a description of all grants or gifts
6 accepted during the year and associated expenditures.

7 (19) May, at the expense of the district, present informational materials
8 to the electorate on any matter to be voted. However, such materials shall be
9 limited to those that are reasonably designed to inform, educate, and explain to
10 the electorate the board's position on the matter.

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

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

1 (22) Annually, shall inform each secondary student and the student’s
2 parents or guardians of the right to opt out of the federal requirement that
3 student contact information be provided to military recruiters or institutions of
4 higher education pursuant to 20 U.S.C. § 7908(a). A school board shall enable
5 the secondary student and the student’s parents or guardians to disallow
6 provision of student contact information to either military recruiters or
7 institutions of higher education, while allowing provision of information to the
8 other. For purposes of this subdivision, “secondary student” means a student
9 in grade 9, 10, 11, or 12.

10 (23) Annually, shall inform students and their parents or guardians of
11 their options for school choice under applicable laws or policy.

12 (24) Shall assign an employee to annually:

13 (A) inform parents of students with life-threatening allergies and life-
14 threatening chronic illnesses of applicable provisions of Section 504 of the
15 Rehabilitation Act of 1973 and other applicable federal statutes, State statutes,
16 federal regulations, and State rules;

17 (B) inform appropriate school staff of their responsibilities; and

18 (C) provide necessary training to carry out these responsibilities.

19 (25) May make available school facilities and equipment for specified
20 public purposes if such purposes appear, in the judgment of the board, to be in

1 the best interests of the district and are an efficient, economical, and
2 appropriate use of the facilities and equipment.

3 (26) Subject to the requirements of section 571 of this title, may enter
4 into contracts with other school boards to provide joint programs, services,
5 facilities, and professional or other staff.

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

10 § 503. POWERS OF ELECTORATE (§ 562)

11 At a school district meeting, the electorate:

12 (1) Shall conduct meetings in accordance with Robert's Rules of Order,
13 unless other rules of order are specifically adopted at a meeting.

14 (2) Shall elect a moderator at the annual meeting who shall preside at
15 the district meetings, regulate the business thereof, decide questions of order,
16 and make a public declaration of every vote. The moderator may administer
17 oaths to district officers and newly elected school board members. In the
18 moderator's absence, a moderator pro tempore shall be chosen to preside.

19 (3) May elect a school district clerk at the annual meeting who shall
20 keep a true record of all proceedings at each district meeting, certify its
21 records, make an attested copy of any records of the district for any person

1 upon request and tender of reasonable fees therefor, if so appointed serve as
2 secretary of the school board, and perform such other duties as may be
3 required by law.

4 (4) May authorize the school board to retain a public accountant,
5 licensed in this State, to examine the accounts of the treasurer and the school
6 board at the close of each fiscal year and at such other times whenever
7 necessary, and report to the district whether the same are correctly cast and
8 properly vouched.

9 (5) May vote annual salaries for school board members.

10 (6) May authorize the payment of actual and necessary expenses of
11 school board members when traveling in the performance of duty.

12 (7) May authorize the school board to enter into leases of real property
13 for more than three years, to purchase buildings or sites for school purposes, to
14 locate and erect schoolhouses, and to sell, or otherwise dispose of,
15 schoolhouses or sites for same.

16 (8) Shall authorize at each annual school district meeting an amount of
17 money from all revenue sources to be expended by the board for the support of
18 public schools; and, except for one-time purchase items that the board warns as
19 a separate article, the board shall determine how the authorized funds shall be
20 expended.

(9) May authorize the school board to borrow money not in excess of anticipated revenue for the school year by issuing bonds or notes.

(10) Shall elect school board directors and other officers as are required for each class of school district.

(11) May grant general authority to the school board, at the request of the board, to incur debt at any time within the subsequent five years to finance the cost of school-building energy improvements not to exceed \$350,000.00 per building in any three-year period and payable over a maximum term coextensive with the useful life of the financed improvements, but not to exceed 10 years, provided that the avoided costs attributable to the financed improvements exceed the annual payment of principal and interest of the indebtedness. No indebtedness shall be incurred under this subdivision unless the entity appointed as an energy efficiency utility under 30 V.S.A. § 209(d)(2), an independent licensed engineer, or an independent licensed architect has certified to the district the cost of the improvements to be financed, the avoided costs attributable to the improvements, and the adequacy of debt service coverage from the avoided costs over the term of the proposed indebtedness.

* * * Supervisory Unions * * *

Sec. 3. 16 V.S.A. chapter 7 is amended to read:

CHAPTER 7. SUPERVISORY UNIONS

Subchapter 1. Generally

§ 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY
UNIONS

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

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

~~(2) Any group of school districts that have so voted at their respective
annual school district meeting, regardless of whether the districts are members
of the same supervisory union, may request that the State Board adjust existing
supervisory union boundaries and move one or more nonrequesting districts to
a different supervisory union if such adjustment would assist the requesting
districts to realign their governance structures into a unified union school
district pursuant to chapter 11 of this title.~~

~~(3) The State Board shall act on a request made pursuant to this subsection within 75 days of receipt of the request and may regroup the school districts in the area so as to ensure reasonable supervision of all of these public schools. [Repealed.]~~

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

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

* * *

Subchapter 4. Supervisory Union Membership

§ 331. SUPERVISORY UNION #1

Supervisory Union #1 shall be a supervisory district formed of School District #1.

1 § 332. SUPERVISORY UNION #2

2 Supervisory Union #2 shall be a supervisory district formed of School
3 District #2.

4 § 333. SUPERVISORY UNION #3

5 Supervisory Union #3 shall be a supervisory district formed of School
6 District #3.

7 § 334. SUPERVISORY UNION #4

8 Supervisory Union #4 shall be a supervisory district formed of School
9 District #4.

10 § 335. SUPERVISORY UNION #5

11 Supervisory Union #5 shall be a supervisory district formed of School
12 District #5.

13 § 336. SUPERVISORY UNION #6

14 Supervisory Union #6 shall be a supervisory district formed of School
15 District #6.

16 § 337. SUPERVISORY UNION #7

17 Supervisory Union #7 shall be a supervisory union formed of the member
18 school districts of School District #7, School District #8, School District #9,
19 School District #10, and School District #11.

20 § 338. SUPERVISORY UNION #8

1 Supervisory Union #8 shall be a supervisory union formed of the member
2 school districts of School District #12, School District #13, School District
3 #14, and School District #15.

4 § 339. SUPERVISORY UNION #9

5 Supervisory Union #9 shall be a supervisory union formed of the member
6 school districts of School District #16, School District #17, School District
7 #18, and School District #19.

8 * * * Maintenance of Public Schools; Tuition * * *

9 Sec. 4. 16 V.S.A. chapter 21 is amended to read:

10 CHAPTER 21. MAINTENANCE OF PUBLIC SCHOOLS

11 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY

12 SCHOOLS OR PAY TUITION

13 (a) Each school district shall maintain one or more approved schools within
14 the district in which elementary education for its resident students in
15 kindergarten through grade six is provided unless:

16 (1) the electorate authorizes the school board to provide for the
17 elementary education of the students by paying tuition in accordance with law
18 to one or more public elementary schools in one or more school districts;

19 (2) the school district is organized to provide only high school education
20 for its students; or

21 (3) the General Assembly provides otherwise.

1 (b) [Repealed.]

2 (c) Notwithstanding subsection (a) of this section, without previous
3 authorization by the electorate, a school board in a district that operates an
4 elementary school may pay tuition for elementary students who reside near a
5 public elementary school in an adjacent district upon request of the student's
6 parent or guardian, if in the board's judgment the student's education can be
7 more conveniently furnished there due to geographic considerations. Within
8 30 days of following the board's decision, a parent or guardian who is
9 dissatisfied with the decision of the board under this subsection may request a
10 determination by the Secretary, who shall have authority to direct the school
11 board to pay all, some, or none of the student's tuition and whose decision
12 shall be final.

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

20 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
21 PAY TUITION

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

3 (1) the electorate authorizes the school board to close an existing high
4 school and to provide for the high school education of its students by paying
5 tuition to a public high school, an approved independent high school, or an
6 independent school meeting education quality standards, to be selected by the
7 parents or guardians of the student, within or outside the State; or

8 (2) the school district is organized to provide only elementary education
9 for its students.

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

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

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

19 (B) to an approved independent school or an independent school
20 meeting education quality standards if the school board judges that a student

1 has unique educational needs that cannot be served within the district or at a
2 nearby public school.

3 (2) The judgment of the board shall be final in regard to the institution
4 the students may attend at public cost.

5 § 822a. PUBLIC HIGH SCHOOL CHOICE

6 (a) Definitions. In this section:

7 (1) “High school” means a public school or that portion of a public
8 school that offers grades 9 through 12 or some subset of those grades.

9 (2) “Student” means a student’s parent or guardian if the student is a
10 minor or under guardianship and means a student himself or herself if the
11 student is not a minor.

12 (b) Limits on transferring students. A sending high school board may limit
13 the number of resident students who transfer to another high school under this
14 section in each year; provided that in no case shall it limit the potential
15 number of new transferring students to fewer than five percent of the resident
16 students enrolled in the sending high school as of October 1 of the academic
17 year in which the calculation is made or 10 students, whichever is fewer; and
18 further provided that in no case shall the total number of transferring students
19 in any year exceed 10 percent of all resident high school students or 40
20 students, whichever is fewer.

1 (c) Capacity. On or before February 1 each year, the board of a high school
2 district shall define and announce its capacity to accept students under this
3 section. The Secretary shall develop, review, and update guidelines to assist
4 high school district boards to define capacity limits. Guidelines may include
5 limits based on the capacity of the program, class, grade, school building,
6 measurable adverse financial impact, or other factors, but shall not be based on
7 the need to provide special education services.

8 (d) Lottery.

9 (1) Subject to the provisions of subsection (f) of this section, if more
10 than the allowable number of students wish to transfer to a school under this
11 section, then the board of the receiving high school district shall devise a
12 nondiscriminatory lottery system for determining which students may transfer.

13 (2) Subject to the provisions of subsection (f) of this section, if more
14 than the allowable number of students wish to transfer from a school under this
15 section, then the board of the sending high school district shall devise a
16 nondiscriminatory lottery system for determining which students may transfer;
17 provided, however:

18 (A) a board shall give preference to the transfer request of a student
19 whose request to transfer from the school was denied in a prior year; and

20 (B) a board that has established limits under subsection (b) of this
21 section may choose to waive those limits in any year.

1 (e) Application and notification.

2 (1) A high school district shall accept applications for enrollment until
3 March 1 of the school year preceding the school year for which the student is
4 applying.

5 (2) A high school district shall notify each student of acceptance or
6 rejection of the application by April 1 of the school year preceding the school
7 year for which the student is applying.

8 (3) An accepted student shall notify both the sending and the receiving
9 high schools of his or her decision to enroll or not to enroll in the receiving
10 high school by April 15 of the school year preceding the school year for which
11 the student has applied.

12 (4) After sending notification of enrollment, a student may enroll in a
13 school other than the receiving high school only if the student, the receiving
14 high school, and the high school in which the student wishes to enroll agree. If
15 the student becomes a resident of a different school district, the student may
16 enroll in the high school maintained by the new district of residence.

17 (5) If a student who is enrolled in a high school other than in the school
18 district of residence notifies the school district of residence by July 15 of the
19 intent to return to that school for the following school year, the student shall be
20 permitted to return to the high school in the school district of residence without
21 requiring agreement of the receiving district or the sending district.

1 (f) Enrollment.

2 (1) An enrolled nonresident student shall be permitted to remain
3 enrolled in the receiving high school without renewed applications in
4 subsequent years unless:

5 (A) the student graduates;

6 (B) the student is no longer a Vermont resident; or

7 (C) the student is expelled from school in accordance with adopted
8 school policy.

9 (2) A career technical education (CTE) center serving the region in
10 which a receiving high school district is located shall be the CTE center in
11 which a nonresident student under this section is eligible to enroll. The
12 nonresident student shall be eligible to use any transportation the district
13 provides for resident students attending the CTE center.

14 (g) Tuition and other costs.

15 (1) Unless the sending and receiving schools agree to a different
16 arrangement, no tuition or other cost shall be charged by the receiving district
17 or paid by the sending district for a student transferring to a different high
18 school under this section; provided, however, a sending high school district
19 shall pay special education and career technical education costs for resident
20 students pursuant to the provisions of this title.

1 (2) A student transferring to a different high school under this section
2 shall pay no tuition, fee, or other cost that is not also paid by students residing
3 in the receiving district.

4 (3) A district of residence shall include within its average daily
5 membership any student who transfers to another high school under this
6 section; a receiving school district shall not include any student who transfers
7 to it under this section.

8 (h) Special education. If a student who is eligible for and receiving special
9 education services chooses to enroll in a high school other than in the high
10 school district of residence, then the receiving high school shall carry out the
11 individualized education program, including placement, developed by the
12 sending high school district. If the receiving high school believes that a
13 student not on an individualized education program may be eligible for special
14 education services or that an existing individualized education program should
15 be altered, it shall notify the sending high school district. When a sending high
16 school district considers eligibility, development of an individualized
17 education program, or changes to a program, it shall give notice of meetings to
18 the receiving high school district and provide an opportunity for
19 representatives of that district to attend the meetings and participate in making
20 decisions.

1 (i) Suspension and expulsion. A sending high school district is not
2 required to provide services to a resident student during a period of suspension
3 or expulsion imposed by another high school district.

4 (j) Transportation. Jointly, the superintendent of each supervisory union
5 shall establish and update a statewide clearinghouse providing information to
6 students about transportation options among the high school districts.

7 (k) Nonapplicability of other laws. The provisions of subsections 824(b)
8 and (c) (amount of tuition), 825(b) and (c) (maximum tuition rate), and 826(a)
9 (notice of tuition change) and section 836 (tuition overcharge and undercharge)
10 of this chapter shall not apply to enrollment in a high school pursuant to this
11 section.

12 (l) Waiver. If a high school board determines that participation under this
13 section would adversely affect students in its high school, then it may petition
14 the Secretary for an exemption. The Secretary's decision shall be final.

15 (m) Report. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report
16 annually in January to the Senate and House Committees on Education on the
17 implementation of public high school choice as provided in this section,
18 including a quantitative and qualitative evaluation of the program's impact on
19 the quality of educational services available to students and the expansion of
20 educational opportunities.

1 § 823. ELEMENTARY TUITION

2 (a) Tuition for elementary students shall be paid by the district in which the
3 student is a resident. The district shall pay the full tuition charged its students
4 attending a public elementary school. [weighted foundation amount for each
5 individual student?] If a payment made to a public elementary school is three
6 percent more or less than the calculated net cost per elementary pupil in the
7 receiving school district for the year of attendance, the district shall be
8 reimbursed, credited, or refunded pursuant to section 836 of this title.

9 Notwithstanding the provisions of this subsection or of subsection 825(b) of
10 this title, the boards of both the receiving and sending districts may enter into
11 tuition agreements with terms differing from the provisions of those
12 subsections, provided that the receiving district must offer identical terms to all
13 sending districts, and further provided that the statutory provisions apply to
14 any sending district that declines the offered terms.

15 (b) Unless the electorate of a school district authorizes payment of a higher
16 amount at an annual or special meeting warned for the purpose, the tuition paid
17 to an approved independent elementary school or an independent school
18 meeting education quality standards shall not exceed the least of:

19 (1) the average announced tuition of Vermont union elementary schools
20 for the year of attendance;

1 (2) the tuition charged by the approved independent school for the year
2 of attendance; or

3 (3) the average per-pupil tuition the district pays for its other resident
4 elementary students in the year in which the student is enrolled in the approved
5 independent school.

6 § 824. HIGH SCHOOL TUITION

7 (a) Tuition for high school students shall be paid by the school district in
8 which the student is a resident. [weighted foundation amount for each
9 individual student?]

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

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

20 (2) Notwithstanding the provisions of this subsection or of subsection
21 825(b) of this title, the board of the receiving public school district, public or

1 approved independent school functioning as an area career technical center, or
2 independent school meeting education quality standards may enter into tuition
3 agreements with the boards of sending districts that have terms differing from
4 the provisions of those subsections, provided that the receiving district or
5 school must offer identical terms to all sending districts, and further provided
6 that the statutory provisions apply to any sending district that declines the
7 offered terms.

8 (c) The district shall pay an amount not to exceed the average announced
9 tuition of Vermont union high schools for the year of attendance for its
10 students enrolled in an approved independent school not functioning as a
11 Vermont area career technical center, or any higher amount approved by the
12 electorate at an annual or special meeting warned for that purpose.

13 § 825. MAXIMUM TUITION RATE; CALCULATED NET COST PER
14 PUPIL DEFINED

15 (a) Calculated net cost per pupil for purposes of this chapter shall be
16 defined by the Secretary. Expenditures shall include those for equipment and
17 school building construction, additions, or renovations. Expenditures excluded
18 shall be:

19 (1) transportation costs incurred by the receiving school district for its
20 resident students;

1 (2) transportation costs for which the receiving school district receives
2 reimbursement;

3 (3) that portion of the total cost that is provided by direct grants from
4 State or federal sources for salaries or other specific expenses;

5 (4) expenditures for maintenance, and payments of principal and interest
6 for buildings used exclusively for boarding students if any;

7 (5) expenditures for special education; and

8 (6) tuition payments for career technical education.

9 (b) In no case shall the tuition charged be such that the ratio of the total
10 tuition received to the total cost of operation of the receiving school, or school
11 district, exceeds the ratio of the number of tuition-paying students to the total
12 number of students enrolled in the receiving school, or school district.

13 (c) The Secretary shall investigate complaints by a school board regarding
14 tuition and may, within the limits of funds appropriated for this specific
15 purpose, contract for limited scope audits of the annual statistical reports
16 submitted by school districts for the purpose of determining the accuracy of the
17 allocation of revenues and expenditures to elementary and secondary tuition
18 rates.

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

20 (a) A school board, or the board of trustees of an independent school
21 meeting education quality standards, that proposes to increase tuition charges

1 shall notify the school board of the school district from which its nonresident
2 students come, and the Secretary, of the proposed increase on or before
3 January 15 in any year; such increases shall not become effective without the
4 notice and not until the following school year.

5 (b) A school board or the board of trustees of an independent school
6 meeting education quality standards may establish a separate tuition for one or
7 more special education programs. No such tuition shall be established unless
8 the State Board has by rule defined the program as of a type that may be
9 funded by a separate tuition. Any such tuition shall be announced in
10 accordance with the provisions of subsection (a) of this section. The amount
11 of tuition shall reflect the net cost per pupil in the program. The announcement
12 of tuition shall describe the special education services included or excluded
13 from coverage. Tuition for part-time students shall be reduced proportionally.

14 (c) Excess special education costs incurred by a supervisory union in
15 providing special education services to a student beyond those covered by
16 tuition may be charged to the student's supervisory union for the district of
17 residence. However, only actual costs or actual proportionate costs attributable
18 to the student may be charged.

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

1 § 827. DESIGNATION OF A PUBLIC HIGH SCHOOL OR AN

2 APPROVED INDEPENDENT HIGH SCHOOL AS THE PUBLIC

3 HIGH SCHOOL OF A SCHOOL DISTRICT

4 (a) A school district not maintaining an approved public high school may
5 vote on such terms or conditions as it deems appropriate, to designate three or
6 fewer approved independent or public high schools as the public high school or
7 schools of the district.

8 (b) Except as otherwise provided in this section, if the board of trustees or
9 the school board of a designated school votes to accept this designation, the
10 school shall be regarded as a public school for tuition purposes under
11 subsection 824(b) of this title, and the sending school district shall pay tuition
12 only to that school, and to any other school designated under this section, until
13 such time as the sending school district or the designated school votes to
14 rescind the designation.

15 (c) A parent or legal guardian who is dissatisfied with the instruction
16 provided at a designated school or who cannot obtain for his or her child the
17 kind of course or instruction desired there, or whose child can be better
18 accommodated in an approved independent or public high school nearer his or
19 her home during the next academic year, may request on or before April 15
20 that the school board pay tuition to another approved independent or public
21 high school selected by the parent or guardian.

1 (d) The school board may pay tuition to another approved high school as
2 requested by the parent or legal guardian if in its judgment that will best serve
3 the interests of the student. Its decision shall be final in regard to the
4 institution the student may attend. If the board approves the parent's request,
5 the board shall pay tuition for the student in an amount not to exceed the least
6 of:

7 (1) The statewide average announced tuition of Vermont union high
8 schools.

9 (2) The per-pupil tuition the district pays to the designated school in the
10 year in which the student is enrolled in the nondesignated school. If the district
11 has designated more than one school pursuant to this section, then it shall be
12 the lowest per-pupil tuition paid to a designated school.

13 (3) The tuition charged by the approved nondesignated school in the
14 year in which the student is enrolled.

15 (e) Notwithstanding any other provision of law to the contrary:

16 (1) the school districts of Pawlet, Rupert, and Wells may designate a
17 public high school located in New York as the public high school of the district
18 pursuant to the provisions of this section;

19 (2) unless otherwise directed by an affirmative vote of the school
20 district, when the Wells Board approves parental requests to pay tuition to a
21 nondesignated approved independent or public school, the Board shall pay

1 tuition in an amount not to exceed the base education amount as determined
2 under section 4011 of this title for the fiscal year in which tuition is being paid;
3 and

4 (3) unless otherwise directed by an affirmative vote of the school
5 district, when the Strafford Board approves a parental request to pay tuition to
6 a nondesignated approved independent or public school, the Board shall pay
7 tuition to the nondesignated school pursuant to section 824 of this title for the
8 year in which the student is enrolled; provided, however, that it shall not pay
9 tuition in an amount that exceeds the tuition paid to the designated school for
10 the same academic year.

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

12 (a) A school district shall not pay the tuition of a student except to:

13 (1) a public school; located in Vermont;

14 (2) an approved independent school that is located within the boundaries
15 of a supervisory union with multiple member school districts and at least 25
16 percent of the school's students were publicly tuitioned pursuant to this chapter
17 on July 1, 2025; provided, however, that this subdivision shall not apply to a
18 therapeutic approved independent school;

19 (3) ~~an independent school meeting education quality standards,~~ a tutorial
20 program approved by the State Board;

21 (4) an approved education program, ~~or;~~

(5) an independent school in another state or country that is approved under the laws of that state or country, located within 25 miles of the Vermont State border, that complies with the reporting requirement under subsection 4010(c) of this title; provided, however, that this subdivision shall not apply to a therapeutic approved independent school;

(6) a public school located in another state; or

(7) a therapeutic approved independent school located in another state or
country that is approved under the laws of that state or country.

(b) ~~nor shall payment~~ Payment of tuition on behalf of a person shall not be denied on account of age.

(c) Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the amount of tuition payable, or the school the person may attend, may appeal to the State Board and its decision shall be final.

(d) As used in this section, “therapeutic approved independent school” means an approved independent school that limits enrollment to students who are on an individualized education program or plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and who are enrolled pursuant to a written agreement between a local education agency and the school.

* * *

1 § 835. ~~LEMINGTON, BLOOMFIELD, BRUNSWICK, GRANBY,~~
2 ~~GUILDHALL, AND MAIDSTONE; TUITIONING OF~~
3 ~~ELEMENTARY STUDENTS~~

4 ~~The Lemington, Bloomfield, Brunswick, Granby, Guildhall, and Maidstone~~
5 ~~school districts may provide for the elementary education of the students~~
6 ~~residing in their districts by paying tuition to public elementary schools in the~~
7 ~~State of New Hampshire. Notwithstanding the provisions of section 823 of this~~
8 ~~title, school districts affected by this section shall pay the full tuition charged~~
9 ~~by a public elementary school in New Hampshire. [Repealed.]~~

10 § 836. TUITION OVERCHARGE OR UNDERCHARGE

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

20 (b) If the sending district has paid tuition charges in excess of three percent
21 of the calculated net cost per elementary or secondary pupil and is not sending

1 enough students to the receiving district to use the overcharge funds as credit
2 against tuition, the receiving district shall refund the overcharge money by July
3 31; provided, however, that the refund shall be in the amount that exceeded a
4 three-percent overcharge. Interest owed the sending district on overcharge
5 monies shall begin to accrue on December 1, at the rate of one-half percent per
6 month.

7 (c) If the receiving district has undercharged tuition in an amount three
8 percent or more than the calculated net cost per elementary or secondary pupil,
9 the sending district shall pay the receiving district an amount equal to the
10 amount of the undercharge that is between three percent and ~~ten~~ 10 percent of
11 the net cost per pupil. If payment is not made by July 31 of the year following
12 the year in which the undercharge was determined, interest owed the receiving
13 district on undercharge monies shall begin to accrue on August 1, at the rate of
14 one percent per month.

15 * * *

16 * * * Effective Date * * *

17 Sec. 5. EFFECTIVE DATE

18 This act shall take effect on **TBD.**