An act relating to making miscellaneous amendments to education laws

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

* * * Technical Corrections; Miscellaneous * * *

Sec. 1. 16 V.S.A. § 563(12) is amended to read:

(12) Shall employ such persons as may be required to carry out the work of the school district and dismiss any employee when necessary. The school board shall consider the recommendation of the superintendent before
employing or dismissing any person pursuant to the provisions of subdivision
242(3) of this title.

Sec. 2. 16 V.S.A. § 1122 is amended to read:

§ 1122. PUPILS OVER SIXTEEN

A person having the control of a child over sixteen years of age who
allows such the child to become enrolled in a public school, shall cause such
the child to attend such the school continually for the full number of the school
days of the term in which he or she is so enrolled, unless such the child is
mentally or physically unable to continue, or is excused in writing by the
superintendent or a majority of the school directors. In case of such
enrollment, such the person, and the teacher, child, superintendent, and school
directors shall be under the laws and subject to the penalties relating to the
attendance of children between the ages of seven six and sixteen years.

Sec. 3. 16 V.S.A. § 1221 is amended to read:

§ 1221. CONTROL AND REGULATION

The board of school directors shall control and regulate the transportation
and board of pupils in the schools under its charge as hereinafter provided, and
contracts therefor shall be made by it. To transport such pupils properly, the
board may purchase, maintain and operate the necessary equipment in the
name of the school district pursuant to section 559 of this title.
Sec. 4. 16 V.S.A. § 2945(a) and (b) are amended to read:

(a) There is created an advisory council on special education which shall consist of 17 members. Fifteen of the members shall be appointed by the governor with the advice of the commissioner of education. Among the gubernatorial appointees shall be teachers of children with disabilities, representatives of other state agencies involved in the financing or delivery of related services to children with disabilities, representatives of independent schools, at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities, representatives from the state juvenile and adult corrections agency, handicapped individuals with disabilities, parents of children with disabilities, local education administrators or school board members, and special education program administrators. A majority of the members shall be either individuals with disabilities or parents of children with disabilities. In addition, two members of the general assembly shall be appointed, one from the house of representatives and one from the senate. The house member shall be appointed by the speaker, and the senate member shall be appointed by the committee on committees. All members of the council shall serve for a term of three years, beginning from April 1 of the year of appointment or until their successors are appointed. For the purpose of...
implementing this section, the governor shall make initial appointments as
follows: Approximately one-third of the members shall be appointed to one-
year terms, one-third to two-year terms, and one-third to three-year terms. As
the terms expire, the new appointees shall be appointed to fill three-year terms.

(b) The council shall elect its own chairman from among its
membership. The council shall meet annually at the call of the chairman,
and other meetings may be called by the chairman at such times and
places as he or she may determine to be necessary.

Sec. 5. 16 V.S.A. § 2967(b) is amended to read:

(b) The total expenditures made by the state in any fiscal year pursuant to
this chapter shall be 60 percent of the statewide total special education
expenditures of funds which are not derived from federal sources. Special
education expenditures shall include:

(1) costs eligible for grants and reimbursements under sections 2961
through 2963a of this title;

(2) costs for services for the visually impaired and hearing
impaired;

(3) costs for the interdisciplinary team program;

(4) costs for regional multi-handicapped specialists in multiple
disabilities;
(5) funds expended for training and programs to meet the needs of students with emotional behavioral problems under subsection 2969(c) of this title; and

(6) funds expended for training under subsection 2969(d) of this title.

Sec. 6. 16 V.S.A. § 4014(d) is amended to read:

(d) The commissioner shall evaluate proposals based on the following criteria:

(1) The program will serve additional children with special needs, such as those who are economically disadvantaged, those who have limited English language skills, those with handicapping conditions or those who have suffered from or are at risk of, abuse or neglect.

* * *

(8) The program enables children with handicapping conditions to be served in settings with their nonhandicapped peers who do not have a disability.

(9) The program includes voluntary training for parents.

* * * Data Corrections * * *

Sec. 7. 16 V.S.A. § 4030 is amended to read:

§ 4030. DATA SUBMISSION; CORRECTIONS

(a) Upon discovering an error or change in data submitted to the commissioner for the purpose of determining payments to or from the

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education fund, a school district shall report the error or change to the commissioner as soon as possible. Any budget deficit or surplus due to the error or change shall be carried forward to the following year.

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

1. the adjusted education payments due under section 4011 of this title;
2. transportation aid due under Sec. 98 of Act No. 71 of 1998 section 4016 of this title; and
3. the small school support grant due under section 4015 of this title.

(c) The commissioner shall use data corrections regarding local education budget amounts submitted on or before June 15 prior to the fiscal year which begins the following July 1, in order to calculate the amounts due each school district education payments due under section 4027 of this title.

However, the commissioner may use data submitted after June 15 and prior to July 15 due to unusual or exceptional circumstances as determined by the commissioner.

(d) The commissioner shall not use data corrected due to an error submitted following the deadlines to recalculate the equalized pupil ratio under subdivision 4001(3) of this title. The commissioner shall not adjust payments to or from the education fund average daily membership counts if an error or
change is reported more than three fiscal years following the date that the
original data was due. Adjustments to payments to or from the education fund
under this section shall be made on the earliest date possible after the fiscal
year in which the error was reported, and in accordance with the schedules set
forth in subsection 4028(a) of this title and section 5402 of Title 32, and after
the necessary appropriation by the general assembly.

(e) The board may adopt rules as necessary to implement the provisions of
this section.

* * * Agency of Human Services * * *

Sec. 8. 16 V.S.A. § 212(13) is amended to read:

(13) Ensure the provision of services to children and adolescents with a
severe emotional disturbance in coordination with the departments of mental
health and mental retardation and social and rehabilitation services in
accordance with the provisions of chapter 2 of Title 3 department of mental
health, the department for children and families, and the department of
disabilities, aging, and independent living pursuant to the provisions of chapter
43 of Title 33.
Sec. 9. 16 V.S.A. § 910 is amended to read:

§ 910. COORDINATION OF SERVICES TO CHILDREN AND ADOLESCENTS WITH A SEVERE EMOTIONAL DISTURBANCE

Each town, city, interstate, incorporated, unified, or union school district shall cooperate with the departments of mental health and mental retardation, social and rehabilitation services, the department for children and families, the department of disabilities, aging, and independent living, and the department of education in coordinating educational services to children and adolescents with a severe emotional disturbance, in accordance with the provisions of chapter 2 of Title 3 pursuant to the provisions of chapter 43 of Title 33.

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

(i) The commissioner of social and rehabilitation services for children and families shall continue to provide social services and financial support in accordance with 16 V.S.A. § section 2950 of this title on behalf of individuals under his or her care and custody while in a residential placement, until they reach their nineteenth 19th birthday.

Sec. 11. 16 V.S.A. § 1166(b)(1) is amended to read:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the
incident to the department of social and rehabilitation services for children and families.

Sec. 12. 16 V.S.A. § 2845 is amended to read:

§ 2845. TRUST FUND; GRANTS; STUDENTS IN SRS DCF CUSTODY

(a) The board shall establish a trust fund to be used to provide grants for students who do not have parental support and are or have been under the custody of the commissioner of social and rehabilitation services for children and families. The board may draw up to 90 percent of the assets in the fund for these purposes.

* * *

(e) A child who is under the custody of the commissioner of social and rehabilitation services for children and families, or a young adult between the ages of 18 and 24 who was under the custody of the commissioner of social and rehabilitation services for children and families for at least six months when that person was between the ages of 16 and 18, and who is accepted for degree study at the Vermont state colleges, the University of Vermont, or a Vermont independent college, is eligible for an annual grant under this section, to the extent that funds are available in the trust fund. Upon certification by the Vermont state colleges, the University of Vermont, or a Vermont independent college that a Vermont resident student who is eligible under this section has matriculated in a degree program at a Vermont college or
university, the student may receive a grant if the student’s financial aid eligibility leaves remaining financial need following the student and the family contributions, if any, and the availability of all other sources of gift aid. Each grant, together with the student and the family contributions, if any, and all other sources of gift aid, shall not exceed the full cost of tuition, fees, room and board, and no individual annual grant may exceed $3,000.00. The board may prorate the funds appropriated for use under this section where the collective need of the eligible applicants exceeds the funds appropriated. In addition, the board may prorate a grant based on a student’s full- or part-time enrollment status.

* * *

(g) The board shall coordinate implementation of this section with the commissioner of social and rehabilitation services for children and families, the president of the association of Vermont independent colleges, the chancellor of the Vermont state colleges, and the president of the University of Vermont. The board may establish procedures and policies or adopt rules to implement this section.
Sec. 13. 16 V.S.A. § 2943 is amended to read:

§ 2943. COMMISSIONER OF EDUCATION FOR CHILDREN WITH DISABILITIES; POWERS

The commissioner of education, by virtue of his the office, shall be commissioner of education for children with disabilities, and, as such commissioner shall superintend all matters relating to the essential early education and special education of children with disabilities, and, In addition, the commissioner, in coordination with the departments of mental health and mental retardation and social and rehabilitation services department of mental health, the department of disabilities, aging, and independent living, and the department for children and families, shall ensure that appropriate educational services are provided to children and adolescents with a severe emotional disturbance in accordance with the provisions of chapter 43 of Title 33 and may accept gifts, grants, or other donations to carry out the purpose of this chapter.

Sec. 14. 16 V.S.A. § 2948(f) is amended to read:

(f) If a student is being provided education or special education or both in a school operated by the department of corrections or the department of mental health and mental retardation, the agency department of corrections shall serve the student as if the agency department were the school district of residence of the student.
Sec. 15. 16 V.S.A. § 2948(n) is amended to read:

(n) If a student is being provided education or special education, or both in a school operated by the department of social and rehabilitation services for children and families, the funding and provision of services shall be the responsibility of the department of social and rehabilitation services for children and families and special education procedural responsibility shall be the responsibility of the district of residence of the student’s parent, parents, or guardian.

Sec. 16. 16 V.S.A. § 2950(b) is amended to read:

(b) Residential payments.

(1) For a student in the care and custody of the commissioner of social and rehabilitation services for children and families who is placed in a 24-hour residential facility within or outside Vermont, the commissioner of education shall pay the education costs and the commissioner of social and rehabilitation services for children and families shall arrange for the payment of the remainder of the costs. However, if the state interagency team, as defined in section 33 V.S.A. § 4302 of Title 33, has found such placement inappropriate for the student’s education needs, the commissioner of education shall pay none of the education costs of the placement and the commissioner of social and rehabilitation services for
children and families shall arrange for the payment of the full cost of the
placement.

(2) For a student who is placed in a 24-hour residential facility within or
outside Vermont by a Vermont licensed child placement agency, a designated
community mental health agency, any other agency as defined by the
commissioner of education, or a Vermont state agency or department other
than the department of corrections or the department of social and
rehabilitation services for children and families, the commissioner of education
shall pay the education costs and the agency or department in whose care the
student is placed shall arrange for the payment of the remainder of the costs.
However, where if the state interagency team, as defined in section 33 V.S.A.
§ 4302 of Title 33, has found finds such placement inappropriate for the
student’s education needs, then the commissioner of education shall pay none
of the education costs of the placement and the agency or department in whose
care the student is placed shall arrange for payment of the full cost of the
placement. This subdivision does not apply to a student for whom a residential
placement is:

(A) specified in the student’s individualized education program; and

(B) funded in collaboration with another agency.
Sec. 17. 16 V.S.A. § 4001(8) is amended to read:

(8) “Poverty ratio” means the number of persons in the school district who are aged six through 17 and who are from economically deprived backgrounds, divided by the long-term membership of the school district. A person from an economically deprived background means a person who resides with a family unit receiving Food Stamps nutrition benefits. A person who does not reside with a family unit receiving Food Stamps nutrition benefits but for whom English is not the primary language shall also be counted in the numerator of the ratio. The commissioner shall use a method of measuring the Food Stamps nutrition benefits population which produces data reasonably representative of long-term trends. Persons for whom English is not the primary language shall be identified pursuant to subsection 4010(e) of this title.

* * * Supervisory Union Duties; Transportation Employees; Transitional Language * * *


Sec. 18. TRANSITION

Each supervisory union shall provide for any transition of employment of special education and transportation staff by member districts to employment
by the supervisory union, pursuant to Sec. 9 of this act, 16 V.S.A. § 261a(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 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.
Sec. 19. 16 V.S.A. § 176 is amended to read:

§ 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

(a) Applicability. All postsecondary schools whose primary operation is in the state of Vermont are Except as provided in subsection (d) of this section, any postsecondary school that operates primarily or exclusively in the state of Vermont is subject to this section.

(b) Definitions. As used in this section:

(1) “Postsecondary school” means any person who offers or operates a program of college or professional education for credit or a degree and enrolls or intends to enroll students.

(2) “Offer” means, in addition to its usual meanings, advertising, publicizing, soliciting, or encouraging any person in this state, directly or indirectly, in any form, to perform the act described. “Offer” includes the use in the name of an institution or in its promotional material of a term such as “college,” “university,” or “institute” which is intended to indicate that the business it is an institution which offers postsecondary education.

(3) “Degree” means any award which is given by a postsecondary school for completion of a program or course and which is designated by the term degree, associate, bachelor, baccalaureate, masters, or doctorate, or any similar award which the state board includes by rule.
(4) “Operate” means to establish, keep, or maintain any facility or location from or through which education is offered or given, or educational degrees are offered or granted. The term includes contracting with any person to perform any such act.

(5) “Accredited” means accredited by any regional or national, or programmatic institutional accrediting agency recognized by the state board U.S. Department of Education.

(c) State board approval.

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

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

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

(C) notify provide written notification to each applicant for admission or enrollment in writing, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable at the discretion of the receiving school.
(2) Every postsecondary school shall secure a certificate of degree-granting authority from the state board before it confers or offers to confer a degree.

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

(1) Programs of education sponsored by a bona fide trade, labor, business, or professional organization recognized by the state board if they are:

(A) that are conducted solely for that organization’s membership or for members of the particular industries or professions served by that organization; and

(B) not available to the public on a fee basis.

(2) The University of Vermont and the Vermont State Colleges.

(3) Postsecondary schools currently licensed or approved by a Vermont state occupational licensing board.

(4) Postsecondary schools which are accredited.

(5) Nondegree-granting and noncredit-granting postsecondary schools which offer only training in the specific trades or vocations.

(6) Religious instruction which does not result in earning credits or a degree.

(e) Issuance. On proper application, the state board shall issue a certificate of approval or a certificate of degree-granting authority, or both, to an
applicant whose goals, objectives, programs, and resources, including personnel, curriculum, finances, and facilities, are found by the state board to be adequate and appropriate for the stated purpose and for the protection of students and the public interest. In the case of a course or program offered by correspondence, the applicant shall provide proof of application for a license pursuant to chapter 85 of this title. The certificate shall be for a term not exceeding five years. The certificate may be subject to conditions, terms, or limitations.

* * *

Sec. 20. 16 V.S.A. § 176a is amended to read:

§ 176a. POSTSECONDARY SCHOOLS NOT CHARTERED IN VERMONT

(a) Applicability. All postsecondary schools whose primary operation lies primarily outside the state of Vermont are, 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.
(c) State board approval. Every postsecondary school subject to this section shall:

(1) apply for a certificate of approval from the state board prior to registering its name with the secretary of state pursuant to Title 11, Title 11A, or Title 11B;

(2) secure accreditation by any regional, national, or programmatic institutional accrediting agency recognized by the U.S. Department of Education;

(3) apply for and receive a certificate of approval or a certificate of degree-granting authority or both pursuant to subsection 176(e) of this title prior to offering postsecondary credit-bearing courses or programs and prior to admitting the first student;

(3) secure a certificate of degree-granting authority from the state board before it confers or offers to confer, or conferring or offering to confer a degree to a student enrolled in its Vermont school;

(4) meet any requirements for approval in its state of primary operation for the specific degree or credit-bearing course or program that it intends to offer in Vermont as a condition of approval to operate in Vermont;

(5) register with the department of education pursuant to state board rule; and
(6) provide written notification to each applicant for admission or
enrollment, on an application, enrollment, or registration form to be signed by
the applicant, that credits earned at the school are transferable at the discretion
of the receiving school.

(d) Renewal. After receiving initial approval, a postsecondary school
subject to this section shall register annually with the state board of education
by providing evidence of accreditation and approval by the state in which it
primarily operates and any other documentation the board requires. The state
board may refuse or revoke registration at any time for good cause.

(e) Exemptions. The following are exempt from all the requirements of
this section except for the requirements of subdivision (e)(2) of this section: the
provisions of this section:

(1) Programs of education sponsored by a bona fide trade, labor,
business, or professional organization recognized by the state board if they that
are:

(A) conducted solely for that organization’s membership or for
members of the particular industries or professions served by that organization;

and

(B) not available to the public on a fee basis.

(2) Postsecondary schools currently licensed or approved by a Vermont
occupational licensing board.
(3) Nondegree-granting or noncredit-granting postsecondary schools which offer only training in the specific trades or vocations.

(4) Religious instruction which does not result in earning credits or a degree.

(5) Programs of education offered solely via correspondence, the Internet, or electronic media, provided that the postsecondary school has no physical presence in Vermont. Evidence of a “physical presence” includes the existence of administrative offices, seminars conducted by a person who is physically present at the seminar location, the provision of direct services to students, and required physical gatherings.

(e) Other provisions:

(1) All provisions of subsections (e) through (l) of 16 V.S.A. § 176 shall apply to all postsecondary schools subject to this section.

(2) All postsecondary schools subject to this section shall notify each applicant for enrollment in writing, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable only at the discretion of the receiving school.
Sec. 21. 16 V.S.A. § 177 is amended to read:

§ 177. COSTS OF APPROVAL; FEES

(a) Fees for certification of postsecondary schools shall be $2,000.00, except that certification for degree-granting schools shall be $2,500.00. A postsecondary school subject to section 176 of this title shall pay:

(1) a fee of $4,000.00 for an application for approval to offer credit-bearing courses;

(2) a fee of $5,000.00 for an application for degree-granting authority if the postsecondary school is approved to offer credit-bearing courses; and

(3) a fee of $7,500.00 if the school seeks approval under subdivisions (1) and (2) of this subsection simultaneously;

(b) Fees for a postsecondary school that is subject to section 176 of this title seeking and is operating within an unexpired certification period files an application to offer a new degree at the same level as a degree previously approved by the state board, while operating within a certification period previously granted by the state board, then the fee shall be based upon the actual costs to the department but shall not be less than $1,000.00 for each new degree.

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

(1) the fees set forth in subsection (a) of this section for initial review and approval pursuant to subdivision 176a(c)(3) of this title:
(2) a fee of $1,000.00 for initial registration with the department pursuant to subdivision 176a(c)(5) of this title; and

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

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

(e) These fees shall be credited to a special fund established and managed pursuant to chapter 7, subchapter 5 of Title 32, and shall be available to the department to offset the costs of approval.

* * * School Food Services * * *

Sec. 22. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

Subchapter 2. School Lunches

§ 1261a. DEFINITIONS

For the purposes of this subchapter:

(1) “Food programs” means provisions of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq., and any amendment thereto, and in the Child Nutrition Act, 42 U.S.C. § 1779 et seq., and any amendments thereto.

(2) “School board” means the governing body responsible for the administration of a public school.
(3) “Independent school board” means a governing body responsible for the administration of a nonprofit independent school exempt from United States income taxes.

§ 1262a. AWARD OF GRANTS

(a)(1) The state board of education may, from funds appropriated for this subsection to the department of education, award grants to:

(A) supervisory unions for the use of member school boards which that establish and operate food programs, provided the:

(B) independent school board that establish and operate food programs; and

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

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

(b) The state board may, from funds available to the department of education for this subsection, award grants to supervisory unions consisting of one or more school districts which that need to initiate or expand food
programs in order to meet the requirements of section 1264 of this title and

which seek assistance in meeting the cost of initiation or expansion. The

amount of the grants shall be limited to seventy-five percent of the cost
deemed necessary by the commissioner to construct, renovate or acquire
additional facilities and equipment to provide lunches to all pupils, and shall be
reduced by the amount of funds available from federal or other sources,
including those funds available under section 3448 of this title. The state
board, upon recommendation of the commissioner, shall direct school districts

supervisory unions seeking grants under this section to share facilities and
equipment within the supervisory union and with other supervisory unions for
the provision of lunches wherever more efficient and effective operation of
food programs can be expected to result.

(c) On a quarterly basis, from state funds appropriated to the department of
education for this subsection, the state board shall award to each school district

supervisory union, independent school board, and approved education program

as described in subsection (a) of this section a sum equal to the amount that
would have been the student share of the cost of all breakfasts actually
provided in the district during the previous quarter to students eligible for a
reduced price breakfast under the federal school breakfast program.
§ 1262b. REGULATIONS

The state board of education shall adopt regulations governing grants under section 1262a of this title. Such regulations shall provide for grants to local school programs from state funds in accordance with guidelines of food programs as defined under federal law. The state board of education may adopt such other rules and regulations as are necessary to carry out the provisions of this subchapter.

§ 1264. FOOD PROGRAM

(a)(1) Each school board operating a public school shall cause to operate within the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) At least 50 percent of the students in a school in the district were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;
(B) The district operates or funds the summer educational or
recreational program or camp; and

(C) The summer educational or recreational program or camp is
offered 15 or more hours per week.

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

(c) The state shall be responsible for the student share of the cost of
breakfasts provided to all students eligible for a reduced price breakfast under
the federal school breakfast program.

§ 1265. EXEMPTION; PUBLIC DISCUSSION

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

(b) If a public school board is exempt from operating offering a breakfast or lunch program, annually its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with subsection 1 V.S.A. § 312(c) of Title 1, and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the commissioner and to the superintendent of the supervisory union at least ten days prior to the meeting.

Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.

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

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

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

* * * Dual Enrollment; Secondary Credits * *

Sec. 23. 16 V.S.A. § 913 is added to read:

§ 913. DUAL ENROLLMENT; SECONDARY CREDITS; POLICY

(a) Each public school and approved independent school offering secondary education shall award credit toward graduation requirements to a student who successfully completes a course offered by an accredited postsecondary institution. The secondary school shall determine the number and nature of credits it will award to the student for successful completion of the course, including whether the course will satisfy one or more requirements of the school, and shall inform the student prior to enrollment. Credits awarded shall be based on performance and not solely on Carnegie units; provided, however, that unless the school determines otherwise, a three-credit postsecondary course shall be presumed to equal one-half of a Carnegie unit. A student may request that the superintendent review the school’s determination regarding credits. The superintendent’s decision shall be final.

(b) It is the policy of the state of Vermont to:

(1) encourage and support increased access to dual enrollment opportunities for publicly funded students enrolled in public and approved independent secondary schools:
(2) encourage and support increased dual enrollment opportunities for a wide range of students, particularly those from groups who attend college at disproportionately low rates, which will contribute to the statewide intent to increase the rigor of high school coursework, improve high school graduation rates, raise postsecondary aspiration rates, and better prepare more secondary students for the transition to college and career;

(3) encourage and support increased opportunities for secondary students to enroll in dual enrollment courses and earn both transcripted high school credit and transcripted postsecondary credit for successful completion of the course;

(4) recognize that instructors for dual enrollment courses are selected by the postsecondary institution and may include qualified high school faculty;

and

(5) recognize that dual enrollment courses may be taught at the secondary school, on the postsecondary campus, or by means of electronic or other distance media.

(c) For purposes of this section:

(1) “Accredited postsecondary institution” means a postsecondary institution that has been accredited by the New England Association of Schools and Colleges or a similar national or regional accrediting agency recognized by the U.S. Department of Education.
(2) “Carnegie unit” means a time-based unit of measuring secondary student attainment under which one unit equals 50 minutes of class time if the class is taken five days per week for 30 weeks.

(3) “Dual enrollment” means enrollment by a secondary student in a course offered by an accredited postsecondary institution and for which, upon successful completion of the course, the student will receive:

(A) credit toward graduation from the secondary school in which the student is enrolled; and

(B) postsecondary credit from the institution that offered the course if the course is a credit-bearing course at that institution.

* * * Reports * * *

Sec. 24. DRIVER EDUCATION; RESTRUCTURING

(a) The department of education, in consultation with the department of motor vehicles, the Vermont Driver and Traffic Safety Education Association, the Vermont Superintendents Association, and other interested entities, shall explore options for restructuring the delivery of driver education to Vermonters between the ages of 15 and 20, including consideration of:

(1) the development, implementation, evaluation, and enforcement of standards for teen driver education programs and instructors;

(2) the development and public dissemination of information regarding teen driver education issues;

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(3) the creation of an advisory board to oversee all teen driver education programs, program instructors, and public communication efforts; and

(4) available funding sources for driver education programs and advisory board responsibilities.

(b) On or before January 15, 2012, the department shall present a detailed restructuring proposal to the house and senate committees on education and on transportation.

Sec. 25. TECHNOLOGY IN SCHOOLS; REPORT

On or before January 15, 2012, the department of education shall report to the senate and house committees on education regarding the current and planned use of technology in public schools designed to increase educational opportunities for students, including:

(1) efforts to increase the availability of individual learning opportunities, dual enrollment, online, and other alternative learning programs;

(2) the expansion of flexible learning environments, including efforts to develop and increase opportunities with out-of-state providers;

(3) results of the department’s research concerning the possible development of a statewide open document format that could be standardized across the K-12 structure in Vermont, including consideration of tools available, security risk inherent in each, and the viability of state agencies to
join efforts to help standardize systems and reduce costs on proprietary
software and solutions;

(4) implementation of the department’s communication and
collaboration tool during the summer of 2011, focusing on uses of the tool by
both schools and department staff and addressing incentives and value-added
aspects of the tool; and

(5) review by the department and the state board of education of the
school quality standards and consideration of amendments focusing on the
continued evolution of teaching and learning supported by technology.

Sec. 26. SPECIAL EDUCATION INFORMATION MANAGEMENT
SYSTEM; REPORT AND PROPOSAL

(a) The department of education, in consultation with the Vermont
Superintendents Association, the Vermont School Boards Association, the
Vermont Principals’ Association, the Vermont-National Education
Association, the Vermont council of special education administrators, and the
Vermont association for school business officials, shall investigate, evaluate,
and develop proposals for a statewide special education information
management system designed to improve the delivery of special education
services and student outcomes and to support:

(1) the department’s mandated auditing responsibilities:
(2) the development and implementation of individualized education
plans pursuant to 16 V.S.A. § 261a(a)(6) and chapter 101;

(3) the integration and dissemination of financial and educational
information to supervisory unions and school districts necessary for effective
operation of the new management system; and

(4) a uniform approach to Medicaid reimbursement.

(b) On or before January 15, 2012, the department shall provide a report to
the senate and house committees on education detailing its proposal for the
information system designed pursuant to subsection (a) of this section and
identifying all statutory amendments necessary to implement the system.

Sec. 27. EARLY EDUCATION OFFERED BY AND THROUGH PUBLIC
SCHOOLS; REGULATION; REPORT

(a) The departments of education and for children and families, in
consultation with the Vermont Superintendents Association, the Vermont
School Boards Association, the Vermont Principals’ Association, the
Vermont-National Education Association, the Vermont council of special
education administrators, Pre-K Vermont, the Vermont community preschool
collaborative, and other interested entities, shall review the statutes and rules
regarding prekindergarten education programs offered by and through school
districts and supervisory unions and shall determine ways in which the
regulation of these programs can be simplified.
(b) On or before January 15, 2012, the departments shall report jointly to
the senate and house committees on education detailing their proposal for
simplified regulations and identifying all statutory amendments necessary to
implement the proposal.

* * * Effective Dates * * *

Sec. 28. EFFECTIVE DATES

(a) Secs. 3 and 18 of this act shall take effect on July 1, 2012.

(b) This section and all sections of this act not referenced in subsection (a)
of this section shall take effect on passage.