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H.295

Introduced by Representatives Smith of New Haven, Branagan of Georgia,
Clark of Vergennes, Lawrence of Lyndon, Lewis of Berlin,
Savage of Swanton and Shaw of Pittsford

Referred to Committee on

Date:

Subject: Education; elementary schools; public school choice regions

Statement of purpose: This bill proposes to expand public high school choice
policy to include public elementary school choice regions.

An act relating to creating public elementary school choice regions

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

Sec. 1. 16 V.S.A. chapter 41 is redesignated to read:

CHAPTER 41. PUBLIC ~~HIGH~~ ELEMENTARY AND SECONDARY
SCHOOL CHOICE

Sec. 2. 16 V.S.A. § 1622 is amended to read:

§ 1622. ESTABLISHMENT OF PUBLIC ~~HIGH~~ SCHOOL CHOICE
REGIONS

(a) This section applies to ~~a high school~~ any school district ~~which that~~
~~maintains a high school~~ one or more schools offering kindergarten through
grade 12 or any one or more of those grades.

1 (b) In this section, ~~“high school” means a school or that portion of a school~~
2 ~~which offers grades 9, 10, 11, or 12; “high school district” refers to a school~~
3 ~~district which maintains a high school; and wherever the context so indicates,~~
4 ~~“student” refers to the student if the student is not a minor, and to the student’s~~
5 ~~parent or guardian if the student is a minor or under guardianship~~ “school
6 district” means a school district that maintains one or more schools.

7 (c) If a school district board determines that participation in a public ~~high~~
8 school choice region would adversely affect its resident students ~~in its high~~
9 school, it may petition the commissioner for an exemption. The
10 commissioner’s decision shall be final.

11 (d) ~~On or before September 1, 2001, each high~~ Each school district shall
12 enter into an agreement with at least one other ~~high~~ school district to establish
13 a public ~~high~~ school choice region. A ~~high~~ school district may belong to more
14 than one public ~~high~~ school choice region. ~~On or before October 15, 2012, the~~
15 The commissioner of education shall assign any ~~high~~ school district ~~which that~~
16 has not entered into an agreement ~~by September 1~~ to a region or regions, and
17 the assigned school shall comply with the terms and conditions of the
18 agreement entered into by the districts in that region. A decision of the
19 commissioner shall be final.

1 (e) ~~Beginning on July 1, 2002, a~~ A student may choose to attend any public
2 ~~high~~ school within the public ~~high~~ school choice region of residence subject to
3 the constraints of this section.

4 (f) Unless all the school district boards within the public ~~high~~ school choice
5 region have agreed to a different arrangement, the ~~high~~ school boards within a
6 public ~~high~~ school choice region shall not charge or pay tuition or other costs,
7 except as provided in this subsection, for a student who transfers under this
8 section. However, the sending district shall pay special education or technical
9 education costs pursuant to the provisions of this title.

10 (g) If a student who is eligible for and receiving special education services
11 chooses to enroll in a school district other than the district of residence under
12 this ~~subsection~~ section, the receiving school district shall carry out the
13 individualized education plan, including placement, developed by the sending
14 district. If the receiving district thinks that a student not on an individualized
15 education plan may be eligible for special education services or that an existing
16 individualized education plan should be altered, it shall notify the sending
17 district. When a sending district considers eligibility, development of an
18 individualized education plan, or changes to a plan, it shall give notice of
19 meetings to the receiving district and provide an opportunity for
20 representatives of the district to attend the meetings and participate in the
21 decision-making.

1 (h) ~~For school year 2002-2003, a high school board may refuse to allow~~
2 ~~more than three percent of the students enrolled or six students, whichever is~~
3 ~~fewer, to transfer from one school to another school under this section in one~~
4 ~~year. Following school year 2002-2003, a high~~ A school board may refuse to
5 allow more than five percent of the students enrolled or 10 students, whichever
6 is fewer, to transfer from one school to another school under this section in one
7 year.

8 (i) Prior to accepting applications under this section, each ~~public high~~
9 school district board in a public school choice region shall define its capacity
10 to accept students and shall annually review and redefine its capacity limits.
11 The commissioner shall develop guidelines for consideration by the boards
12 when they define capacity limits. Guidelines may include limits based on the
13 capacity of the program, class, grade, school building or measurable adverse
14 financial impact.

15 (j) If more than the allowable number of students wishes to transfer to or
16 from a school under this section, the sending school board shall devise a
17 nondiscriminatory lottery system for determining which students may transfer.

18 (k) A school is not required to provide services to a student during a period
19 of suspension or expulsion imposed in another school district.

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

4 (1) The student graduates.

5 (2) The student is no longer a Vermont resident.

6 (3) The student is expelled from school in accordance with adopted
7 school policy.

8 (m) The superintendents of schools in school districts in a public ~~high~~
9 school choice region shall establish a clearinghouse for families needing
10 information about transportation options that will help them to exercise school
11 choice.

12 (n) The state board of education may adopt rules as necessary to implement
13 this section.

14 (o) Unless the districts in a choice region agree to different procedures, the
15 procedures for applying for entry into a district in the choice region shall be as
16 follows:

17 (1) Acceptance of applications through March 1 of the school year
18 preceding the school year for which the student is applying.

19 (2) Notification to the student of acceptance or rejection of the
20 application by April 1 of the school year preceding the school year for which
21 the student is applying.

1 (3) A requirement that the student notify the sending and receiving
2 schools of a decision to enter the receiving school district by April 15 of the
3 school year preceding the school year for which the student has applied.
4 Following notification, the student may enter a school other than the receiving
5 school only if the student, receiving school, and the school to which the student
6 wishes to transfer agree. ~~However, if~~ If the student becomes a resident of a
7 different school district, however, the student may enroll in the school of the
8 new district of residence at the time of the move.

9 (4) If a student notifies the school of residence by July 15 of the intent to
10 return to that school the following school year, a student enrolled in a public
11 ~~high~~ school in a receiving district shall be permitted to return to the public ~~high~~
12 school in the district of residence without acquiring agreement of the receiving
13 district and the sending district.

14 Sec. 3. TRANSITION

15 (a) On or before September 1, 2012, each school district that is subject to
16 the provisions of Sec. 2 of this act shall enter into an agreement with at least
17 one other school district to establish a public school choice region pursuant to
18 Sec. 2, 16 V.S.A. § 1622(d), of this act. On or before October 15, 2012, the
19 commissioner of education shall assign any school district that has not entered
20 into an agreement by September 1 to a region or regions.

1 (e) Beginning on July 1, 2013, a student may choose to attend any public
2 school within the public school choice region of residence pursuant to the
3 provisions of Sec. 2, 16 V.S.A. § 1622, of this act.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.