

1 H.381

2 Introduced by Representative Smith of New Haven

3 Referred to Committee on

4 Date:

5 Subject: Education; elementary schools; public school choice

6 Statement of purpose of bill as introduced: This bill proposes to expand public
7 high school choice to include kindergarten through grade 8.

8 An act relating to creating elementary and middle school public school
9 choice

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

11 Sec. 1. 16 V.S.A. § 822a is amended to read:

12 § 822a. PUBLIC ~~HIGH~~ SCHOOL CHOICE

13 (a) Definitions. In this section:

14 (1) "~~High school~~ School" means a public school or that portion of a
15 public school that offers ~~grades 9~~ kindergarten through grade 12 or some
16 subset of those grades.

17 (2) "Student" means a student's parent or guardian if the student is a
18 minor or under guardianship and means a student himself or herself if the
19 student is not a minor.

1 (b) Limits on transferring students. A sending ~~high~~ school board may limit
2 the number of resident students who transfer to another ~~high~~ school under this
3 section in each year; provided that in no case shall it limit the potential number
4 of new transferring students to fewer than five percent of the resident students
5 enrolled in the sending ~~high~~ school as of October 1 of the academic year in
6 which the calculation is made or 10 students, whichever is fewer; and further
7 provided that in no case shall the total number of transferring students in any
8 year exceed 10 percent of all resident ~~high~~ school students or 40 students,
9 whichever is fewer.

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

17 (d) Lottery.

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

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

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

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

10 (e) Application and notification.

11 (1) A ~~high~~ school district shall accept applications for enrollment until
12 March 1 of the school year preceding the school year for which the student is
13 applying.

14 (2) A ~~high~~ school district shall notify each student of acceptance or
15 rejection of the application by April 1 of the school year preceding the school
16 year for which the student is applying.

17 (3) An accepted student shall notify both the sending and the receiving
18 ~~high~~ schools of his or her decision to enroll or not to enroll in the receiving
19 ~~high~~ school by April 15 of the school year preceding the school year for which
20 the student has applied.

1 (4) After sending notification of enrollment, a student may enroll in a
2 school other than the receiving ~~high~~ school only if the student, the receiving
3 ~~high~~ school, and the ~~high~~ school in which the student wishes to enroll agree. If
4 the student becomes a resident of a different school district, the student may
5 enroll in the ~~high~~ school maintained by the new district of residence.

6 (5) If a student who is enrolled in a ~~high~~ school other than in the school
7 district of residence notifies the school district of residence by July 15 of the
8 intent to return to that school for the following school year, the student shall be
9 permitted to return to the ~~high~~ school in the school district of residence without
10 requiring agreement of the receiving district or the sending district.

11 (f) Continued enrollment. An enrolled nonresident student shall be
12 permitted to remain enrolled in the receiving ~~high~~ school without renewed
13 applications in subsequent years unless:

14 (1) the student graduates;

15 (2) the student is no longer a Vermont resident; or

16 (3) the student is expelled from school in accordance with adopted
17 school policy.

18 (g) Tuition and other costs.

19 (1) Unless the sending and receiving schools agree to a different
20 arrangement, ~~no tuition or other cost~~ shall be charged by the receiving district
21 ~~or~~ and paid by the sending district for a student transferring to a different ~~high~~

1 school under this section; ~~provided, however, a.~~ A sending ~~high~~ school district
2 shall also pay special education and technical education costs for resident
3 students pursuant to the provisions of this title.

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

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

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

1 district and provide an opportunity for representatives of that district to attend
2 the meetings and participate in making decisions.

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

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

9 (k) Nonapplicability of other laws. The provisions of subsections 824(b)
10 and (c) (~~amount of secondary school tuition~~), 825(b) and (c) (maximum tuition
11 rate), and 826(a) (notice of tuition change) and ~~section~~ of sections 823
12 (elementary tuition) and 836 (tuition overcharge and undercharge) of this
13 chapter shall not apply to enrollment in a ~~high~~ school pursuant to this section.

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

18 (m) Report. Notwithstanding 2 V.S.A. § 20(d), the ~~commissioner~~
19 Secretary shall report annually in January to the ~~senate and house committees~~
20 ~~on education~~ Senate and House Committees on Education on the
21 implementation of public ~~high~~ school choice as provided in this section,

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

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage and shall apply to enrollments in
6 kindergarten through grade eight in academic year 2014–2015 and after.