

1 H.384

2 Introduced by Representative Sibia of Dover

3 Referred to Committee on

4 Date:

5 Subject: Education; designation; approved independent schools; public funds

6 Statement of purpose of bill as introduced: This bill proposes to require
7 approved independent schools that intend to accept public tuition to accept the
8 designation decision of a sending school district if the approved independent
9 school has the capacity to accept all students from the sending school district.

10 An act relating to requiring approved independent schools to accept
11 designation

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

13 Sec. 1. 16 V.S.A. § 166 is amended to read:

14 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

15 (a) Authority. An independent school may operate and provide elementary
16 education or secondary education if it is either approved or recognized as set
17 forth in this section.

18 (b) Approved independent schools. On application, the State Board shall
19 approve an independent school that offers elementary or secondary education
20 if it finds, after opportunity for hearing, that the school provides a minimum

1 course of study pursuant to section 906 of this title and that it substantially
2 complies with all statutory requirements for approved independent schools and
3 the Board's rules for approved independent schools. ~~An independent school
4 that intends to accept public tuition shall be approved by the State Board only
5 on the condition that the school agrees, notwithstanding any provision of law
6 to the contrary, to enroll any student who requires special education services
7 and who is placed in or referred to the approved independent school as an
8 appropriate placement and least restrictive environment for the student by the
9 student's individualized education program team or by the local education
10 agency; provided, however, that this requirement shall not apply to an
11 independent school that limits enrollment to students who are on an
12 individualized education program or a plan under Section 504 of the
13 Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to
14 a written agreement between the local education agency and the school.~~
15 Except as provided in subdivision (6) of this subsection, the Board's rules must
16 at minimum require that the school have the resources required to meet its
17 stated objectives, including financial capacity, faculty who are qualified by
18 training and experience in the areas in which they are assigned, and physical
19 facilities and special services that are in accordance with any State or federal
20 law or regulation. Approval may be granted without State Board evaluation in
21 the case of any school accredited by a private, State, or regional agency

1 recognized by the State Board for accrediting purposes, provided that the State
2 Board shall determine that the school complies with all student enrollment
3 provisions required by law.

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

11 * * *

12 (9) An approved independent school that intends to accept public tuition
13 shall be approved by the State Board to receive public tuition only if each of
14 the following conditions are met:

15 (A) The school shall enroll any student with an individualized
16 education program who requires special education services and who is placed
17 in or referred to the approved independent school as an appropriate placement
18 and least restrictive environment for the student by the student's individualized
19 education program team or by the local education agency as required under
20 section 2973 of this title; provided, however, that this requirement shall not
21 apply to an independent school that limits enrollment to students who are on an

1 individualized education program or a plan under Section 504 of the
2 Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to
3 a written agreement between the local education agency and the school.

4 (B) The approved independent school shall agree to accept
5 designation pursuant to section 827 of this title if:

6 (i) the electorate of a school district not maintaining an approved
7 public school votes to designate the school; and

8 (ii) the school has the capacity to enroll all students within the
9 designating school district.

10 * * *

11 Sec. 2. 16 V.S.A. § 827 is amended to read:

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

13 APPROVED INDEPENDENT HIGH SCHOOL AS THE PUBLIC

14 HIGH SCHOOL OF A SCHOOL DISTRICT

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

19 (b) Except as otherwise provided in this section, if the board of trustees or
20 the school board of a designated school votes to accept this designation, the
21 school shall be regarded as a public school for tuition purposes under

1 subsection 824(b) of this title, and the sending school district shall pay tuition
2 only to that school, and to any other school designated under this section, until
3 such time as the sending school district or the designated school votes to
4 rescind the designation. An approved independent school shall accept the
5 designation decision of a sending school district if the approved independent
6 school intends to accept public tuition, in accordance with subdivision
7 166(b)(9) of this title.

8 * * *

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on July 1, 2023.