

1 H.634

2 Introduced by Representatives Sibia of Dover, Arsenault of Williston, Brady  
3 of Williston, Burrows of West Windsor, Graning of Jericho,  
4 Holcombe of Norwich, and Stone of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Education; maintenance of public schools; designation; tuition; school  
8 closure

9 Statement of purpose of bill as introduced: This bill proposes to require school  
10 districts that close an existing elementary or high school to provide for the  
11 education of its students by designating three or fewer public elementary or  
12 high schools to serve as the public school or schools of the district.

13 An act relating to school closures and the designation of a public school to  
14 serve as the public school of the district

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

16 Sec. 1. 16 V.S.A. § 821 is amended to read:

17 § 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY  
18 SCHOOLS OR PAY TUITION

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

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

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

9 (3) the General Assembly provides otherwise.

10 (b) [Repealed.]

11 (c) Notwithstanding subsection (a) of this section, without previous  
12 authorization by the electorate, a school board in a district that operates an  
13 elementary school may pay tuition for elementary students who reside near a  
14 public elementary school in an adjacent district upon request of the student's  
15 parent or guardian, if in the board's judgment the student's education can be  
16 more conveniently furnished there due to geographic considerations. Within  
17 30 days ~~of~~ after the board's decision, a parent or guardian who is dissatisfied  
18 with the decision of the board under this subsection may request a  
19 determination by the Secretary, who shall have authority to direct the school  
20 board to pay all, some, or none of the student's tuition and whose decision  
21 shall be final.

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

8 (e) Notwithstanding subsections (a) and (d) of this section, if the electorate  
9 of a school district authorizes the school board to close an existing elementary  
10 school, or if a school board votes to close an existing elementary school, the  
11 school district shall provide for the elementary education of its students by  
12 designating three or fewer public elementary schools as the public elementary  
13 school or schools of the district, pursuant to section 827 of this title.

14 Sec. 2. 16 V.S.A. § 822 is amended to read:

15 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR

16 PAY TUITION

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

19 (1) the electorate authorizes the school board to close an existing high  
20 school and to provide for the high school education of its students by ~~paying~~  
21 ~~tuition to a public high school, an approved independent high school, or an~~

1 ~~independent school meeting education quality standards, to be selected by the~~  
2 ~~parents or guardians of the student, within or outside the State~~ designating  
3 three or fewer public high schools as the public high school or schools of the  
4 district, pursuant to section 827 of this title; or

5 \* \* \*

6 Sec. 3. 16 V.S.A. § 827 is amended to read:

7 § 827. DESIGNATION OF A ~~PUBLIC HIGH SCHOOL OR AN~~  
8 ~~APPROVED INDEPENDENT HIGH SCHOOL AS THE PUBLIC~~  
9 ~~HIGH SCHOOL OF A SCHOOL DISTRICT~~

10 (a) School designation.

11 (1) High school designation. A school district not maintaining an  
12 approved public high school may vote on such terms or conditions as it deems  
13 appropriate, to designate three or fewer approved independent or public high  
14 schools as the public high school or schools of the district.

15 (2) Elementary school designation. A school district whose electorate  
16 authorizes the school board to close an existing elementary school, or a school  
17 district whose school board votes to close an existing elementary school, shall  
18 provide for the elementary education of its students by designating three or  
19 fewer public elementary schools as the public elementary school or schools of  
20 the district.

1           (b) Tuition. Except as otherwise provided in this section, if the board of  
2 trustees or the school board of a designated school votes to accept this  
3 designation, the school shall be regarded as a public school for tuition purposes  
4 under subsection 824(b) of this title, and the sending school district shall pay  
5 tuition only to that school, and to any other school designated under this  
6 section, until such time as the sending school district or the designated school  
7 votes to rescind the designation.

8           (c) Parent requests. A parent or legal guardian who is dissatisfied with the  
9 instruction provided at a designated school or who cannot obtain for ~~his or her~~  
10 the parent's or legal guardian's child the kind of course or instruction desired  
11 there, or whose child can be better accommodated in an approved independent  
12 or public high school nearer ~~his or her~~ the child's home during the next  
13 academic year, may request on or before April 15 that the school board pay  
14 tuition to another approved independent or public high school selected by the  
15 parent or guardian.

16           (d) School board decision regarding parent requests. The school board may  
17 pay tuition to another approved high school as requested by the parent or legal  
18 guardian if in its judgment that will best serve the interests of the student. Its  
19 decision shall be final in regard to the institution the student may attend. If the  
20 board approves the parent's request, the board shall pay tuition for the student  
21 in an amount not to exceed the least of:

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

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

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

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

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

13           ~~(2) unless otherwise directed by an affirmative vote of the school~~  
14 ~~district, when the Wells Board approves parental requests to pay tuition to a~~  
15 ~~nondesignated approved independent or public school, the Board shall pay~~  
16 ~~tuition in an amount not to exceed the base education amount as determined~~  
17 ~~under section 4011 of this title for the fiscal year in which tuition is being paid;~~  
18 ~~and~~

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

1 ~~tuition to the nondesignated school pursuant to section 824 of this title for the~~  
2 ~~year in which the student is enrolled; provided, however, that it shall not pay~~  
3 ~~tuition in an amount that exceeds the tuition paid to the designated school for~~  
4 ~~the same academic year. [Repealed.]~~

5 Sec. 4. 16 V.S.A. § 830 is added to read:

6 § 830. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO

7 PAYING TUITION

8 A school district shall be prohibited from closing an existing school and  
9 providing for the education of its resident students by paying tuition for its  
10 students to attend a public or approved independent school chosen by the  
11 parents of the district's students. A school district that closes an existing  
12 school shall provide for the education of its resident students by designating a  
13 public school or schools to serve as the public school of the district in  
14 accordance with sections 821, 822, and 827 of this title, as applicable.

15 Sec. 5. EFFECTIVE DATE

16 This act shall take effect on July, 1, 2024.