

1 S.233

2 Introduced by Senators Nitka and Starr

3 Referred to Committee on Education

4 Date: January 3, 2012

5 Subject: Education; mandatory school attendance

6 Statement of purpose: This bill proposes to increase the mandatory age of  
7 school attendance to 18 in half-year increments, beginning on July 1, 2013 and  
8 ending on July 1, 2016.

~~An act relating to gradually increasing the mandatory age of school  
attendance~~ *An act relating to the mandatory age of school attendance and  
creating flexible pathways to high school completion*

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

10 ~~\*\*\* Legal School Age \*\*\*~~

11 Sec. 1. 16 V.S.A. § 1121 is amended to read:

12 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

13 A person having the control of a child between the ages of six and 16 years,  
14 183 days shall cause the child to attend a public school, an approved or  
15 recognized independent school, an approved education program, or a home  
16 study program for the full number of days for which that school is held, unless  
17 the child:

18 (1) is mentally or physically unable so to attend; or

19 ~~(2) has completed the tenth grade; or~~

1 ~~(3) is excused by the superintendent or a majority of the school directors~~  
2 as provided in this chapter; or

3 ~~(4)(3) is enrolled in and attending a postsecondary school, as defined in~~  
4 subdivision 176(b)(1) of this title, which is approved or accredited in Vermont  
5 or another state.

6 Sec. 2. 16 V.S.A. § 1121 is amended to read:

7 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

8 A person having the control of a child between the ages of six and ~~16~~ 17  
9 years, ~~183 days~~ shall cause the child to attend a public school, an approved or  
10 recognized independent school, an approved education program, or a home  
11 study program for the full number of days for which that school is held, unless  
12 the child:

13 (1) is mentally or physically unable so to attend; or

14 (2) is excused by the superintendent or a majority of the school directors  
15 as provided in this chapter; or

16 (3) is enrolled in and attending a postsecondary school, as defined in  
17 subdivision 176(b)(1) of this title, which is approved or accredited in Vermont  
18 or another state.

1 ~~Sec. 3. 16 V.S.A. § 1121 is amended to read:~~

2 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

3 A person having the control of a child between the ages of six and 17 years,  
4 183 days shall cause the child to attend a public school, an approved or  
5 recognized independent school, an approved education program, or a home  
6 study program for the full number of days for which that school is held, unless  
7 the child:

8 (1) is mentally or physically unable so to attend; or

9 (2) is excused by the superintendent or a majority of the school directors  
10 as provided in this chapter; or

11 (3) is enrolled in and attending a postsecondary school, as defined in  
12 subdivision 176(b)(1) of this title, which is approved or accredited in Vermont  
13 or another state.

14 Sec. 4. 16 V.S.A. § 1121 is amended to read:

15 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

16 A person having the control of a child between the ages of six and ~~17~~ 18  
17 years, ~~183 days~~ shall cause the child to attend a public school, an approved or  
18 recognized independent school, an approved education program, or a home  
19 study program for the full number of days for which that school is held, unless  
20 the child:

21 (1) is mentally or physically unable so to attend; or

1 ~~(2) is excused by the superintendent or a majority of the school directors~~  
2 as provided in this chapter; or

3 (3) is enrolled in and attending a postsecondary school, as defined in  
4 subdivision 176(b)(1) of this title, which is approved or accredited in Vermont  
5 or another state.

6 \* \* \* Related Provisions \* \* \*

7 Sec. 5. 16 V.S.A. § 1122 is amended to read:

8 § 1122. PUPILS OVER 16 WHO EXCEED THE LEGAL SCHOOL AGE

9 A person having the control of a child ~~over 16 years of~~ who exceeds the  
10 legal school age as established in section 1121 of this title who allows the child  
11 to become enrolled in a public school shall cause the child to attend the school  
12 continually for the full number of the school days of the term in which he or  
13 she is enrolled, unless the child is mentally or physically unable to continue, or  
14 is excused in writing by the superintendent or a majority of the school  
15 directors. In case of ~~such~~ enrollment, the person, and the teacher, child,  
16 superintendent, and school directors shall be under the laws and subject to the  
17 penalties relating to the attendance of children ~~between the ages of six and 16~~  
18 years of legal school age.

1 ~~Sec. 6. 16 V.S.A. § 1126 is amended to read:~~

2 § 1126. FAILURE TO ATTEND; NOTICE BY TEACHER

3 When a pupil ~~between the ages of six and 16 years~~ of legal school age as  
4 established in section 1121 of this title, who is not excused or exempted from  
5 school attendance, fails to enter school at the beginning ~~thereof~~ of the  
6 academic year, or being enrolled, fails to continue to attend the same, and  
7 when a pupil who ~~has become 16 years of~~ exceeds the legal school age  
8 becomes enrolled in a public school and fails to attend, the teacher or principal  
9 shall forthwith notify the superintendent or school directors, and the truant  
10 officer, unless the teacher or principal is satisfied upon information that the  
11 pupil is absent on account of sickness.

12 Sec. 7. 16 V.S.A. § 1128(a) is amended to read:

13 (a) A superintendent may and the truant officer shall stop a child ~~between~~  
14 ~~the ages of six and 16 years or a child 16 years of age or over and~~ of legal  
15 school age or a child who exceeds the legal school age but is enrolled in public  
16 school, wherever found during school hours, and shall, unless ~~such~~ the child is  
17 excused or exempted from school attendance, take the child to the school  
18 which she or he should attend.

19 Sec. 8. 16 V.S.A. § 1123(c) is amended to read:

20 (c) ~~The superintendent with the consent of a majority of the school board of~~  
21 ~~the town in which the pupil resides, may excuse, in writing, a pupil who has~~

1 ~~reached the age of fifteen years and has completed the work required in the~~  
2 ~~first six years of the elementary school course from further school attendance if~~  
3 ~~his services are needed for the support of those dependent upon him, or for any~~  
4 ~~other sufficient reason. [Repealed.]~~

5 Sec. 9. EFFECTIVE DATES

6 (a) Sec. 1 of this act shall take effect on July 1, 2013, but shall not apply to  
7 a child who lawfully stopped attending school prior to that date.

8 (b) Sec. 2 of this act shall take effect on July 1, 2014, but shall not apply to  
9 a child who lawfully stopped attending school prior to that date.

10 (c) Sec. 3 of this act shall take effect on July 1, 2015, but shall not apply to  
11 a child who lawfully stopped attending school prior to that date.

12 (d) Sec. 4 of this act shall take effect on July 1, 2016, but shall not apply to  
13 a child who lawfully stopped attending school prior to that date.

14 (e) This section and Secs. 5 through 8 of this act shall take effect on July 1,  
15 2012.

*\*\*\* Legal School Age \*\*\**

*Sec. 1. 16 V.S.A. § 1121 is amended to read:*

*§ 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED*

*A (a) Except as provided in subsection (b) of this section, a person having the control of a child between the ages of six and 16 years, 183 days shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a home study program for the full number of days for which that school is held, unless the child:*

*(1) is mentally or physically unable so to attend; ~~or~~*

*(2) ~~has completed the tenth grade; or has completed all requirements necessary for graduation from secondary school;~~*

*(3) is excused by the superintendent or a majority of the school directors as provided in this chapter; or*

*(4) is enrolled in and attending a postsecondary school, as defined in subdivision 176(b)(1) of this title, which is approved or accredited in Vermont or another state.*

*(b) A person having the control of a child who is enrolled in a home study program for the academic year in which the child is 15 years old shall not be subject to the provisions of subsection (a) of this section when the child is 16 years old or older.*

*Sec. 2. 16 V.S.A. § 1121(a) is amended to read:*

*(a) Except as provided in subsection (b) of this section, a person having the control of a child between the ages of six and ~~16~~ 17 years, ~~183 days~~ shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a home study program for the full number of days for which that school is held, unless the child:*

*(1) is mentally or physically unable so to attend;*

*(2) has completed all requirements necessary for graduation from secondary school;*

*(3) is excused by the superintendent or a majority of the school directors as provided in this chapter; or*

*(4) is enrolled in and attending a postsecondary school, as defined in subdivision 176(b)(1) of this title, which is approved or accredited in Vermont or another state.*

*Sec. 3. 16 V.S.A. § 1121(a) is amended to read:*

*(a) Except as provided in subsection (b) of this section, a person having the control of a child between the ages of six and 17 years, 183 days shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a home study program for the full number of days for which that school is held, unless the child:*

*(1) is mentally or physically unable so to attend;*

*(2) has completed all requirements necessary for graduation from secondary school;*

*(3) is excused by the superintendent or a majority of the school directors as provided in this chapter; or*

*(4) is enrolled in and attending a postsecondary school, as defined in subdivision 176(b)(1) of this title, which is approved or accredited in Vermont or another state.*

*Sec. 4. 16 V.S.A. § 1121(a) is amended to read:*

*(a) Except as provided in subsection (b) of this section, a person having the control of a child between the ages of six and ~~17~~ 18 years, ~~183 days~~ shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a home study program for the full number of days for which that school is held, unless the child:*

*(1) is mentally or physically unable so to attend;*

*(2) has completed all requirements necessary for graduation from secondary school;*

*(3) is excused by the superintendent or a majority of the school directors as provided in this chapter; or*

*(4) is enrolled in and attending a postsecondary school, as defined in subdivision 176(b)(1) of this title, which is approved or accredited in Vermont or another state.*

*\* \* \* Related Provisions \* \* \**

*Sec. 5. 16 V.S.A. § 1121a is added to read:*

*§ 1121a. PUPILS WHO ARE 16 YEARS OLD AND OLDER*

*(a) A child who is at least 16 years old but is younger than the legal school age established in section 1121 of this title and who is not subject to the exceptions set out in subdivisions (a)(1)–(4) or subsection (b) of that section may terminate his or her secondary education in a public school, an approved or recognized independent school, or an approved education program if the child and at least one of the child’s parents or the child’s legal guardian personally appear before the superintendent to sign a notice of withdrawal. The notice shall include a statement signed by the student, the parent or guardian, and the principal or headmaster of the school in which the child is enrolled that the child and the parent or guardian attended a final counseling session with the principal, headmaster, or school guidance counselor that included a discussion of alternative educational opportunities available to the child, including workforce development programs eligible to receive funding from the department of labor, and other services available to support the child,*



including Linking Learning to Life, Inc., Spectrum Youth and Family Services, Inc., Vermont Youth Build, and the Vermont Youth Conservation Corps, Inc.

(b) A school district shall contact each child who has voluntarily withdrawn from school pursuant to subsection (a) of this section within three months after the date of withdrawal to encourage the child to enroll in a public school, an approved or recognized independent school, a home study program, an approved education program, or a workforce development program or to pursue some other alternative educational or training opportunity.

(c) The departments of labor and of education shall publish and update at least annually a list of alternative education and workforce development programs under their respective jurisdictions that would be available to a student who has not completed secondary school.

Sec. 6. 16 V.S.A. § 1122 is amended to read:

§ 1122. PUPILS ~~OVER 16~~ WHO EXCEED THE LEGAL SCHOOL AGE

A person having the control of a child ~~over 16 years of~~ who exceeds the legal school age as established in section 1121 of this title who allows the child to become enrolled in a public school shall cause the child to attend the school continually for the full number of the school days of the term in which he or she is enrolled, unless 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, 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 six and 16 years~~ of legal school age.

Sec. 7. 16 V.S.A. § 1126 is amended to read:

§ 1126. FAILURE TO ATTEND; NOTICE BY TEACHER

When a pupil ~~between the ages of six and 16 years~~ of legal school age, as established in section 1121 of this title, who is not excused or exempted from school attendance, fails to enter school at the beginning ~~thereof~~ of the academic year, or being enrolled, fails to continue to attend the same, and when a pupil who ~~has become 16 years of~~ exceeds the legal school age becomes enrolled in a public school and fails to attend, the teacher or principal shall forthwith notify the superintendent or school directors, and the truant officer, unless the teacher or principal is satisfied upon information that the pupil is absent on account of sickness.

Sec. 8. 16 V.S.A. § 1128(a) is amended to read:

(a) A superintendent may and the truant officer shall stop a child ~~between the ages of six and 16 years or a child 16 years of age or over and~~ of legal

~~school age or a child who exceeds the legal school age but is enrolled in public school, wherever found during school hours, and shall, unless such the child is excused or exempted from school attendance, take the child to the school which she or he should attend.~~

Sec. 9. 16 V.S.A. § 1123(c) is amended to read:

~~(c) The superintendent with the consent of a majority of the school board of the town in which the pupil resides, may excuse, in writing, a pupil who has reached the age of fifteen years and has completed the work required in the first six years of the elementary school course from further school attendance if his services are needed for the support of those dependent upon him, or for any other sufficient reason. [Repealed.]~~

\* \* \* Human Services \* \* \*

Sec. 10. 33 V.S.A. § 5102(3) is amended to read:

(3) "Child in need of care or supervision (CHINS)" means a child who:

\* \* \*

~~(D) is under the age of 16 and is habitually and without justification truant from compulsory school attendance.~~

\* \* \* Flexible Pathways to Graduation; Dual Enrollment \* \* \*

Sec. 11. 16 V.S.A. chapter 23, subchapter 6 is amended to read:

Subchapter 6. Flexible Pathways to Secondary School Completion;

Adult Education and Literacy

§ 1049. PROGRAMS FLEXIBLE PATHWAYS; POLICY; INITIATIVE; GUIDELINES; DEFINITIONS

~~(a) The commissioner of education may provide programs designed to fit the individual needs and circumstances of adult students. Programs authorized under this section shall give priority to those adult persons with the lowest levels of literacy skills.~~

~~(b)(1) Fees for general educational development shall be \$3.00 for a transcript.~~

~~(2) The adult diploma program (ADP) means an assessment process administered by the Vermont department of education through which an adult can receive a local high school diploma granted by one of the program's participating high schools.~~

~~(3) General educational development (GED) means a testing program administered jointly by the Vermont department of education, the GED testing service, and approved local testing centers through which an adult can receive~~

~~a secondary school equivalency certificate based on successful completion of the tests of general educational development.~~

~~(e) Fees collected under this section 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 providing those services.~~

~~(a) Policy. It is the policy of the state:~~

~~(1) to take all necessary measures to increase the Vermont secondary school completion rate to 100 percent;~~

~~(2) to promote opportunities for every Vermont student to have high-quality educational experiences; and~~

~~(3) to create opportunities for every Vermont student to achieve career and college readiness while respecting diverse student goals and personal learning styles and abilities.~~

~~(b) Flexible pathways initiative. There is created within the department a flexible pathways initiative:~~

~~(1) to promote opportunities for Vermont students to complete secondary school and achieve career and college readiness through high-quality educational experiences that acknowledge individual goals, learning styles, and abilities; and~~

~~(2) to encourage and support the creativity of school districts as they develop or expand high-quality alternative educational experiences that advance the policies set forth in subsection (a) of this section.~~

~~(c) Flexible pathways guidance. The commissioner of education shall develop, publish, and regularly update guidance, in the form of technical assistance, sharing of best practices, legal interpretations, and other support, designed to encourage and assist school districts:~~

~~(1) to identify and support elementary and secondary students who require additional assistance to succeed in school, including individual students identified under subsection 2902(c) of this title, or who would otherwise benefit from flexible pathways to graduation;~~

~~(2) to encourage movement toward development of a personalized learning plan by every student, in consultation with a representative of the school and the student's parents or legal guardian;~~

~~(3) to implement strategies and flexible pathways components such as:~~

~~(A) the provision of targeted assistance, including individual tutoring, evidence-based literacy instruction, alternative and extended~~

scheduling, and the provision of a variety of opportunities to earn credits or demonstrate proficiency necessary to earn a high school diploma;

(B) the assignment of one or more adults from within the school community to provide continuity to the student;

(C) the opportunity to acquire knowledge and skills through applied or work-based learning opportunities, including those that foster appropriate social interactions with adults and other students;

(D) the opportunity to participate in dual enrollment courses with tutorial support provided as needed;

(E) assessments that allow the student to demonstrate proficiency by applying his or her knowledge and skills to tasks that are of interest to that student; and

(4) to oversee implementation of publicly funded components of flexible pathways established in this subchapter, including:

(A) the high school completion program as set forth in section 1049a;

(B) the dual enrollment program as set forth in section 1049b;

(C) other innovative components as set forth in section 1049c; and

(D) the adult diploma and general educational development programs as set forth in section 1049d.

(d) Definitions. In this title:

(1) "Approved provider" means an entity approved by the commissioner to provide educational services that may be awarded credits or used to determine proficiency necessary for a high school diploma.

(2) "Career and college readiness" means the ability to enter the workforce or pursue postsecondary education or training without the need for remediation.

(3) "Contracting agency" means an entity that enters into a contract with the department to provide "flexible pathways to graduation" services itself or in conjunction with one or more approved providers in Vermont.

(4) "Dual enrollment" means enrollment by a secondary student in a course offered by an accredited postsecondary institution as defined in section 913 of this title 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.

(5) “Flexible pathways to graduation” means any combination of high-quality academic and experiential components leading to secondary school completion and career and college readiness.

(6) “Personalized learning plan” means a written document developed by a student, a representative of the school, and, if the student is a minor, the student’s parents or legal guardian that describes a flexible pathway to graduation that is unique to the individual student. The plan shall define the scope and rigor of services necessary for the student to attain a high school diploma and may describe educational services to be provided by a public school, an approved independent school, an approved provider, a contracting agency, or a combination of these.

(e) Other initiatives. Nothing in this subchapter shall be construed as limiting the authority of any school district to develop or continue to provide alternative educational opportunities for its students that are otherwise permitted, including participation in dual enrollment programs with out-of-state postsecondary institutions or the provision of advanced placement courses.

(f) Scope. No individual entitlement or private right of action is created by this section.

#### § 1049a. HIGH SCHOOL COMPLETION PROGRAM

(a) In this section:

(1) “Graduation education plan” means a written plan leading to a high school diploma for a person who is 16 to 22 years of age and has not received a high school diploma, who may or may not be enrolled in a public or approved independent school. The plan shall define the scope and rigor of services necessary for the student to attain a high school diploma, and may describe educational services to be provided by a public high school, an approved independent high school, an approved provider, or a combination of these.

(2) “Approved provider” means an entity approved by the commissioner to provide educational services which may be counted for credit toward a high school diploma.

(3) “Contracting agency” means an agency that has entered into a contract with the department of education to provide adult education services in Vermont. There is created a high school completion program to be a potential component of a flexible pathway for any student who is at least 16

years old, who has not received a high school diploma, and who may or may not be enrolled in a public or approved independent school.

*(b) If a person who wishes to work on a ~~graduation-education~~ personalized learning plan leading to graduation through the high school completion program is not enrolled in a public or approved independent school, then the commissioner shall assign the prospective student to a high school district, which shall be the district of residence whenever possible. The school district in which a student is enrolled or to which a non-enrolled student is assigned shall work with the contracting agency and the student to develop a ~~graduation-education~~ personalized learning plan. The school district shall award a high school diploma upon successful completion of the plan.*

*(c) The commissioner shall reimburse, and net cash payments where possible, a school district that has agreed to a ~~graduation-education~~ personalized learning plan under this section in an amount:*

*(1) established by the commissioner for development of the ~~graduation-education~~ personalized learning plan and for other educational services typically provided by the assigned district or an approved independent school pursuant to the plan, such as counseling, health services, participation in cocurricular activities, and participation in academic or other courses, provided this amount shall not be available to a district that provides services under this section to an enrolled student; and*

*(2) negotiated by the commissioner and the contracting agency, with the approved provider, for services and outcomes purchased from the approved provider on behalf of the student pursuant to the ~~graduation-education~~ personalized learning plan.*

§ 1049b. DUAL ENROLLMENT PROGRAM

*(a) Program created. There is created a statewide dual enrollment program to be a potential component of a student's flexible pathway and through which a Vermont secondary student who is enrolled in a Vermont public school or a Vermont-approved independent school at public expense or who is assigned to a public school through the high school completion program may enroll in postsecondary courses for which neither the student nor the student's parent or guardian shall be required to pay tuition.*

*(b) Courses. The dual enrollment program shall include college courses offered on the campus of an accredited postsecondary institution and college courses offered by an accredited postsecondary institution on the campus of a secondary school. The program may include online college courses or components. Provided, however, a personalized learning plan that includes a dual enrollment course offered by an accredited postsecondary institution that*

is not approved pursuant to section 176 or 176a of this title shall be submitted to the program manager for review prior to enrollment in the course. The program manager may approve enrollment if it determines that the institution meets quality standards established by the manager or state board rule, that the student does not have access to the same or a comparable course offered by an institution approved pursuant to section 176 or 176a of this title, and that enrollment is in the best interest of the student. A student may appeal a decision of the program manager to the commissioner, whose decision shall be final.

(c) Postsecondary institutions.

(1) Vermont's public postsecondary institutions shall work together to ensure that dual enrollment opportunities are available throughout the state. Other nonprofit accredited postsecondary institutions may participate in the dual enrollment program pursuant to criteria established by this section, the state board, and the program manager.

(2) Each participating postsecondary institution shall:

(A) define how it will determine whether a student is sufficiently prepared to succeed academically in a dual enrollment course;

(B) develop the curriculum and select instructors for dual enrollment courses;

(C) maintain the postsecondary academic record of each participating student and provide transcripts on request;

(D) agree to accept as full payment for a dual enrollment course the tuition set forth in subsection (f) of this section; and

(E) to the extent permitted under the Family Educational Rights and Privacy Act, collect and send data related to student participation and success to the student's secondary school and the commissioner.

(d) Secondary schools. A public secondary school, regional technical center as defined in section 1522 of this title, and approved independent secondary school that receives publicly funded tuition dollars shall:

(1) provide access for eligible students to participate in dual enrollment courses offered on the campus of the secondary school;

(2) accept postsecondary credit awarded for dual enrollment courses as meeting secondary school graduation requirements;

(3) collect enrollment data as prescribed by the department for longitudinal review and evaluation;

(4) identify and provide necessary support for participating students and continue to provide services for students with disabilities; and

(5) provide support for a seamless transition to postsecondary enrollment upon graduation.

(e) Students.

(1) A Vermont resident in any flexible pathway who has completed grade 10 but has not received a high school diploma is eligible to participate in the dual enrollment program if:

(A) the student is enrolled in a Vermont public school or a Vermont approved independent school at public expense or is assigned to a public school through the high school completion program;

(B) dual enrollment is an element included within the student's personalized learning plan; and

(C) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

(2) Subject to available funding, an eligible student may enroll in up to four dual enrollment courses under this section prior to completion of secondary school for which neither the student nor the student's parent or guardian shall be required to pay tuition. A student may enroll in courses offered while secondary school is in session and during the summer.

(3) A student's personalized learning plan shall include provisions for support services, including transitional support for students with disabilities and including academic, emotional, and other support services as appropriate.

((f) Tuition.

(1) For any course for which the postsecondary institution pays the instructor, tuition shall not exceed the Community College of Vermont tuition rate charged at the time the dual enrollment course is offered.

(2) For any course that is taught by an instructor who is paid as part of employment by a secondary school, tuition shall not exceed 50 percent of the Community College of Vermont tuition rate charged at the time the dual enrollment course is offered.

(g) Program management. The department shall manage or may contract for the management of the dual enrollment program in Vermont by:



(1) coordinating secondary and postsecondary partners to ensure success of the programs, including assisting partners to develop memoranda of understanding;

(2) marketing of the dual enrollment program to students and their families throughout the state;

(3) evaluating all aspects of the dual enrollment program;

(4) coordinating with secondary and postsecondary partners to understand and define student academic readiness;

(5) assessing what is needed to support student success;

(6) reviewing program costs;

(7) managing distribution of tuition funds;

(8) coordinating the use of technology to ensure access and coordination of the program;

(9) ensuring overall quality and accountability;

(10) convening regular meetings of interested parties to explore and develop improved student support services; and

(11) performing other necessary or related duties.

(h) Annually in January, the commissioner and program manager shall report to the house and senate committees on education regarding the dual enrollment program, including data relating to student demographics, levels of participation, and program success.

§ 1049c. INNOVATIVE COMPONENTS OF FLEXIBLE PATHWAYS

(a) The commissioner may use sums appropriated for the high school completion program to support other innovative components of a flexible pathway that are available to a student instead of or in addition to the high school completion program by reimbursing or awarding grants to Vermont public schools, Vermont career and technical education centers, Vermont supervisory unions, approved providers, and contracting agencies for activities that create opportunities for Vermont students to have high-quality educational experiences and achieve career and college readiness while respecting diverse student goals and personal learning styles and abilities, including:

(1) implementation of innovative, comprehensive programs offered by and within a school; and

(2) implementation of innovative, comprehensive programs offered through the school by entities other than the school or offered at a location

other than the school campus, including work-based learning, virtual or blended learning, career and technical education, dual enrollment, and programs operated by the Vermont Youth Conservation Corps, Inc.

(b) Money awarded by the commissioner under this section shall be pursuant to criteria established in rule by the state board.

§ 1049d. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL DEVELOPMENT PROGRAM

(a) The department shall maintain an adult diploma program (“ADP”), which shall be an assessment process administered by the department through which an individual who is at least 20 years old can receive a local high school diploma granted by one of the program’s participating high schools.

(b) The department shall maintain a general educational development (“GED”) program, which it shall administer jointly with the GED testing service and approved local testing centers and through which an individual who is at least 16 years old and who is not enrolled in secondary school can receive a secondary school equivalency certificate based on successful completion of the GED tests.

(c) The commissioner of education may provide additional programs designed to address the individual needs and circumstances of adult students, particularly students with the lowest levels of literacy skills.

§ 1049f. REPORT

Notwithstanding provisions of 2 V.S.A. § 20(d) to the contrary, the prekindergarten–16 council created in section 2905 of this title, in cooperation with the department of education, shall report annually in January to the senate and house committees on appropriations and on education, the senate committee on finance, and the house committee on ways and means regarding the flexible pathways initiative and its potential components as set forth in this subchapter 6, including detailed data regarding and analysis of:

(1) the annual expenditures from the education fund for dual enrollment courses and other alternative programs under this subchapter, including a breakdown of the amount spent for each program statewide and by each participating secondary school;

(2) the annual number of students accessing dual enrollment and alternative programs including, to the extent permitted by the Federal Educational Rights and Privacy Act, a breakdown by secondary school of:

(A) the total number of students eligible to participate;

(B) the number of students accessing each program;

(C) the per-student tuition and other costs paid for each program;

(D) the number of students in the school who are eligible for free and reduced-price lunch and, of those, the number of students accessing each program;

(E) the number of students in the school whose parents have not completed a postsecondary degree and, of those, the number of students accessing each program;

(3) the geographic areas of the state that are underserved or unable to access dual enrollment programs and each other type of alternative program; and

(4) whether participation in dual enrollment and other alternative programs has improved high school completion rates, student aspiration, college and career readiness, and completion of college or other postsecondary education or training.

Sec. 12. 16 V.S.A. § 2885(c) and (g) are amended to read:

(c) In August of each fiscal year, ~~beginning in the year 2000~~, the state treasurer shall withdraw and divide an amount equal to five percent of the assets equally among the University of Vermont, the Vermont ~~state colleges~~ State Colleges, and the Vermont ~~student assistance corporation~~ Student Assistance Corporation. In this subsection, "assets" means the average of the fund's market values at the end of each quarter for the most recent 12 quarters, or all quarters of operation, whichever is less. Therefore, up to five percent of the fund assets are hereby annually allocated pursuant to this section, provided that the amount allocated shall not exceed an amount which would bring the fund balance below the initial funding made in fiscal year 2000 plus any additional contributions to the principal. The University of Vermont and the Vermont ~~state colleges~~ State Colleges shall use the funds to provide nonloan financial aid to Vermont students attending their institutions; the Vermont ~~student assistance corporation~~ Student Assistance Corporation shall use the funds to provide nonloan financial aid to Vermont students attending a Vermont postsecondary institution. For purposes of this section, "nonloan financial aid" includes tuition paid for financially needy Vermont students to access early college and dual enrollment programs.

(g) The University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation shall review expenditures made from the fund, evaluate the impact of the expenditures on higher education in Vermont, and report this information to the state treasurer each year in January. In addition, in November of each year, the three entities shall report

to the joint fiscal committee regarding expenditures made in connection with early college and dual enrollment programs.

*Sec. 13. EFFECTIVE DATES*

(a) Sec. 1 of this act shall take effect on July 1, 2013, but shall not apply to a child who lawfully stopped attending school prior to that date.

(b) Sec. 2 of this act shall take effect on July 1, 2014, but shall not apply to a child who lawfully stopped attending school prior to that date.

(c) Sec. 3 of this act shall take effect on July 1, 2015, but shall not apply to a child who lawfully stopped attending school prior to that date.

(d) Sec. 4 of this act shall take effect on July 1, 2016, but shall not apply to a child who lawfully stopped attending school prior to that date.

(e) This section and Secs. 5 through 12 of this act shall take effect on July 1, 2012.

(f) The commissioner of education shall ensure that both new and updated guidance documents required by this act are published no later than July 1, 2012.