

1 Sec. 1. 16 V.S.A. § 563 is amended to read:

2 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

3 The school board of a school district, in addition to other duties and
4 authority specifically assigned by law:

5 * * *

6 (33) Shall establish policies and procedures for assigning each resident
7 student to a public school operated by the district for each grade for which the
8 district is organized to provide education for its resident students; provided,
9 however, that if the district determines there is no reasonably accessible public
10 school operated by the district for some or all resident students, the district
11 may contract with a public school located outside the district or an approved
12 independent school located either within the district or outside the district to
13 provide education for its resident students, subject to the provisions of section
14 827 of this title.

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

16 § 827. DESIGNATION OF A PUBLIC ~~HIGH~~ SCHOOL OR AN

17 ~~APPROVED INDEPENDENT HIGH SCHOOL AS THE PUBLIC~~

18 ~~HIGH SCHOOL OF A SCHOOL DISTRICT~~

19 (a) Designation. A school district ~~not maintaining an approved public high~~
20 ~~school may vote on such terms or conditions as it deems appropriate, to with~~
21 one or more resident students for whom there is no reasonably accessible

1 public school in some or all grades shall designate three or fewer approved
2 independent or public ~~high schools as the public high school or schools of the~~
3 ~~district~~ to provide education for such resident students, in accordance with
4 district policies and procedures adopted pursuant to section 563 of this title.

5 (b) ~~Except as otherwise provided in this section, if~~ Designation contract. If
6 the board of trustees or the school board of a designated school votes to accept
7 this designation, ~~the school shall be regarded as a public school for tuition~~
8 ~~purposes under subsection 824(b) of this title, and the sending school district~~
9 ~~shall pay tuition only to that school, and to any other school designated under~~
10 ~~this section, until such time as the sending school district or the designated~~
11 ~~school votes to rescind the designation~~ the district and the designated school
12 shall enter into a contract in accordance with this section.

13 (1) All contracts. The contract between a sending school district and a
14 receiving public school district or approved independent school shall:

15 (A) specify the duration of the contract;

16 (B) contain any other provisions the parties deem necessary;

17 (C) be ratified by a majority vote of each of the governing bodies
18 party to the contract;

19 (D) be filed with the Secretary of Education; and

20 (E) satisfy any additional requirements established pursuant to this
21 section, as applicable.

1 (2) Approved independent schools. If the designated school is an
2 approved independent school, the contract shall, in addition to satisfying the
3 requirements contained in subdivision (1) of this subsection, require the
4 receiving approved independent school to, at a minimum:

5 (A) notwithstanding any provision of law to the contrary, enroll any
6 student sent by the sending district who requires special education services;

7 (B) provide the sending district with an attendance report for students
8 attending the receiving school pursuant to the designation contract, at an
9 interval determined by and in a format approved by the Agency;

10 (C) provide the sending district with a report of the academic
11 progress of students attending the receiving school pursuant to the designation
12 contract at an interval determined by and in a format approved by the Agency;

13 (D) provide the sending district with a report of any enrollment
14 change for students, including withdrawals;

15 (E) comply with the provisions of sections 1161a and 1162 of this
16 title, as well as notify the school board of the sending district at least 24 hours
17 prior to suspending or expelling a student attending the receiving school;

18 (F) adopt and implement policies and procedures to comply with the
19 Vermont Public Accommodations Act, 9 V.S.A. chapter 139, and the Vermont
20 Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6;

1 (G) refrain from using an admissions process for students attending
2 pursuant to a designation contract that includes mandatory interviews,
3 academic entrance exams, academic history, mandatory campus visits, or
4 consideration of ability to pay for any costs or fees, provided that the school
5 may request proof of a student's most recently completed grade;

6 (H) provide the results of all State-mandated assessments of students
7 on public tuition to the Agency of Education, which shall publish the results on
8 its website in a manner consistent with the publication of the same results for
9 public school students;

10 (I) refrain from charging students an application fee, an academic fee,
11 or any fees for academic materials; and

12 (J) attest on or before August 1 of each year to compliance with the
13 requirements of this subdivision (b)(2), all other statutory requirements for
14 approved independent schools, and the Board's rules for approved independent
15 schools, on a form created by the Agency, including documentation of the
16 following:

17 (i) a statement of nondiscrimination, posted on the school's
18 website and included in the school's application materials, that is consistent
19 with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, and the
20 Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6;

1 (ii) an assurance, signed by the head of school, that the school
2 complies with the Vermont Public Accommodations Act in all aspects of the
3 school's admissions and operations; and

4 (iii) an assurance, signed by the head of school, that no public
5 funds were used to subsidize the tuition of private payer students.

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

14 (1) "Reasonably accessible public school" means a public school located
15 within X miles by district-operated transportation of a resident student's legal
16 residence as that term is defined in section 1075 of this title.

17 (2) "Student" means a student from the sending school district attending
18 a receiving school pursuant to a designation contract executed pursuant to this
19 section.

20 (d) ~~The school board may pay tuition to another approved high school as~~
21 ~~requested by the parent or legal guardian if in its judgment that will best serve~~

1 ~~the interests of the student. Its decision shall be final in regard to the institution~~
2 ~~the student may attend. If the board approves the parent's request, the board~~
3 ~~shall pay tuition for the student in an amount not to exceed the least of:~~

4 ~~(1) The statewide average announced tuition of Vermont union high~~
5 ~~schools.~~

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

10 ~~(3) The tuition charged by the approved nondesignated school in the year~~
11 ~~in which the student is enrolled. [Repealed.]~~

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

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

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

1 ~~(3) unless otherwise directed by an affirmative vote of the school district,~~
2 ~~when the Strafford Board approves a parental request to pay tuition to a~~
3 ~~nondesignated approved independent or public school, the Board shall pay~~
4 ~~tuition to the nondesignated school pursuant to section 824 of this title for the~~
5 ~~year in which the student is enrolled; provided, however, that it shall not pay~~
6 ~~tuition in an amount that exceeds the tuition paid to the designated school for~~
7 ~~the same academic year. [Repealed.]~~