

Vermont School Boards Association - current as of 4/28/25

## Comparison of H.454 As Passed By House To Draft 4.1 of H.454

H.454 As Passed House	H.454 Senate Draft 4.1
<b>School District Boundaries: Members</b>	
Subcommittee composed of nine members ( <b>five former superintendents, business managers, school board member and four legislators</b> ) must determine most efficient number of <b>school districts and proposed boundary lines</b> .	School district boundary task force composed of <b>six legislators</b> must determine the most efficient number of <b>school districts and supervisory unions and proposed boundary lines</b> .
<b>School District Boundaries: Factors</b>	
<ol style="list-style-type: none"> <li>1. Increase <b>equitable</b> access to educational opportunity;</li> <li>2. maximize opportunities for <b>modern, regional middle and high schools</b>, with the least disruption to students;</li> <li>3. provide access to education for their resident students in grades kindergarten through 12;</li> <li>4. provide access to career and technical education (CTE) for all eligible students;</li> <li>5. to the extent practical, not separate towns within school districts as those boundaries exist on July 1, 2025;</li> <li>6. to the extent practical, consider the availability of regional services for students, such as designated agencies, and how those services would integrate into the new proposed school district boundaries;</li> <li>7. to the extent practical, result in <b>school districts with a minimum average daily membership of approximately 4,000 students</b>; and</li> <li>8. to the extent practical, consider historic attendance patterns in geographic areas that do not operate public schools at all grade levels from kindergarten through grade 12.</li> </ol>	<ol style="list-style-type: none"> <li>1. Increase access to <b>excellent</b> educational opportunities for all students;</li> <li>2. maximize opportunities for <b>modern, local elementary schools, central middle schools, and regional high schools</b>, with the least disruption to students;</li> <li>3. provide access to education for their resident students in grades kindergarten through 12;</li> <li>4. provide access to career and technical education (CTE) for all grade-eligible students;</li> <li>5. to the extent practical, not separate towns within school districts as those boundaries exist on July 1, 2025;</li> <li>6. to the extent practical, consider the availability of regional services for students, such as designated agencies, and how those services would integrate into the new proposed school district boundaries;</li> <li>7. <b>allow for the continuation of a tuitioning system that provides continued access to independent schools</b> that have served geographic areas that do not operate public schools for the grades served by the independent schools.</li> </ol>
<b>Number of Boundary Proposals Required; CTE</b>	
The subcommittee shall recommend <b>not more than three</b> school	The Task Force shall recommend <b>not less than one</b> school

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<p>district boundary proposals to the General Assembly and may consult with the Vermont Association of Career and Technical Education Directors regarding how to incorporate career and technical education into the proposals.</p>	<p>district and supervisory union boundary proposal to the General Assembly. All recommendations shall maintain the use of supervisory unions and supervisory districts. In making its recommendations, the Task Force may also consider and make recommendations for the optimal location of schools, including CTE programs.</p>
<b>Alternative Proposals Required</b>	
Not applicable	<p>The Task Force shall also make recommendations for <b>an alternative process to encourage and incentivize school districts to move toward larger, consolidated, and sustainable models of education governance</b> should the General Assembly fail to enact new school district and supervisory union boundaries not later than January 31, 2026. The Task Force's recommendations shall require the use of the union school district exploration, formation, and organization processes governed by 16 V.S.A. 20 chapter 11.</p>
<b>Deadline to Submit</b>	
Subcommittee deadline is <b>December 1, 2025</b> (report and maps)	Task Force deadline is <b>November 15, 2025</b> (proposed legislation and map)
<b>Public Engagement</b>	
<p>The district boundary subcommittee shall engage and coordinate with the Commission's public engagement subcommittee and the <b>public engagement consultant to maximize public input and feedback</b> regarding the development of the proposed new school district boundaries.</p>	<p>The Task Force shall <b>maximize public input and feedback</b> regarding the development of both the proposed new school district and supervisory union boundaries, as well as the alternative consolidation process recommendations.</p>
<b>Assistance</b>	
<p>The district boundary subcommittee shall have the assistance of the <b>Agency of Digital Services, Vermont Center for Geographic Information</b>, which may also retain the services of one or more independent third parties to provide facilitation and mediation services to the subcommittee.</p>	<p>The Task Force shall have the administrative, technical, and legal assistance of the <b>Office of Legislative Operations, the Office of Legislative Counsel, the Joint Fiscal Office, and the Agency of Digital Services, Vermont Center for Geographic Information</b>. The Joint Fiscal Office may also retain the services of one or more independent third parties to provide facilitation and mediation services to the Task Force.</p>

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<b>School District Voting Ward Task Force</b>	
<p>The Task Force's recommendations shall include: (1) the optimal number of school board members per school board to maximize public representation and democratic input while maintaining effective school board size; and (2) boundaries for school district voting wards within each school district, with alternative options if necessary, including detailed maps clearly and unambiguously delineating ward boundaries that respect current municipal boundary lines.</p>	Not applicable.
<b>Scale; Intent</b>	
<p>It is the intent of the General Assembly to transform education in Vermont by leveraging <b>attainable and research-based scale to increase equity of opportunity and promote efficiency and affordability.</b></p>	Not applicable.
<b>EQS/Class Size Standards</b>	
<p>The average class size <b>minimum for kindergarten classes shall be 8 students. The average class size minimum for grades one through four shall be 15 students. The average class size minimum for grades five through 12 in all required content area classes shall be 18 students.</b> Multiage classrooms for grades kindergarten through eight shall be limited to two grade levels per classroom. Prekindergarten, career and technical education, flexible pathways, terminal courses, advanced placement courses, courses that require specialized equipment, and driver's education classes shall be excluded from the class size minimum requirements in this subdivision. Small group services for the purpose of providing special education, supplemental or targeted academic intervention, or English learner instruction shall also be excluded from the class size minimum requirements in this subdivision.</p>	Not applicable.
<b>Class Size Minimum Waivers</b>	
<p>If a school board determines that it operates a school that is unable to comply with the class size minimum standards <b>due to geographic isolation, or a school has developed an implementation plan to meet the standards contained in this subdivision that may include consolidation or merger, the school board may ask the</b></p>	Not applicable.

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<p><b>State Board of Education to grant it waiver from this subdivision (9). The State Board shall define what qualifies as geographic isolation in its rules adopted pursuant to subdivision (a)(3) of this section. The State Board's decision shall be final.</b></p>	
<p><b>State Board of Education Rules</b></p>	
<p>(1) The State Board of Education shall initiate rulemaking to amend the Education Quality Standards rule 2000 series::</p> <p>(A) <b>on or before August 1, 2026, to ensure compliance with the class size minimum standards</b> set pursuant to 16 V.S.A. § 165(a)(9); and</p> <p>(B) <b>on or before July 1, 2027, to adopt standards for statewide proficiency-based graduation requirements</b> based on standards adopted by the State Board and recommendations from the Agency of Education, which shall take effect beginning in the 2027–2028 school year for the graduating class of 2031 and every graduating class thereafter.</p> <p>(2) <b>On or before August 1, 2026</b>, the State Board of Education shall initiate rulemaking to <b>amend the approved independent school rule 2200 series to require approved independent schools that intend to accept public tuition to comply with the class size minimum standards</b> set pursuant to 16 V.S.A. § 165(a)(9). The amendments shall also create a process for review by the State Board for failure to meet the class size minimum requirements and the corresponding actions the Board may take for such noncompliance; provided, however, that the <b>Board shall provide an approved independent school a substantially similar opportunity to come into compliance with class size minimum standards that it would provide to a public school.</b></p>	<p>(1) <b>On or before July 1, 2027</b>, State Board of Education shall initiate rulemaking to amend the Education Quality Standards rule 2000 series: to <b>adopt standards for statewide proficiency-based graduation requirements</b> based on standards adopted by the State Board and recommendations from the Agency of Education, which shall take effect beginning in the 2027–2028 school year for the graduating class of 2031 and every graduating class thereafter.</p> <p>(2) <b>On or before August 1, 2026</b>, the State Board of Education shall initiate rulemaking to <b>amend the approved independent school rule 2200 series to ensure compliance with the requirements of 16 V.S.A. § 828</b> applicable to approved independent schools.</p>
<p><b>School Size; Intent</b></p>	
<p>(a) It is the <b>intent of the General Assembly to encourage the efficient use of public funds to modernize school infrastructure</b> to deliver identified 21st century educational goals.</p> <p>(b) It is further the <b>intent of the General Assembly that each public school operating grades six through 12, or some subset of those grades, shall have a minimum average daily membership of at least 450 students, at least in part by providing a robust State aid for school construction program</b> that is driven by standards for</p>	<p>Not applicable.</p>

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quality for public schools, geographic accessibility, statewide enrollment trends, and capacity and scale that support substantially equal educational opportunities for all Vermont students.	
<b>Prohibition on School Closure and Transition to Paying Tuition</b>	
<p>Notwithstanding any provision of law to the contrary, <b>a school district shall be prohibited from closing an existing public school and then providing for the education of its resident students by paying tuition for its students to attend a public or approved independent school chosen by the parents of the district's students.</b> If a school district that closes an existing public school is unable to provide for the education of its affected resident students in a different school or schools operated by the district, the school district <b>shall provide for the education of its resident students by designating three or fewer public schools</b> to serve as the public school or schools of the district. Notwithstanding any provision of law to the contrary, if designation is required pursuant to this section, the designation process contained in 16 V.S.A. § 827 shall apply to schools operating grades kindergarten through grade 12, or any subset of grades therein.</p>	Not applicable.
<b>State Aid for School Construction Program</b>	
Identical language	Identical language
<b>State Aid for School Construction Advisory Board</b>	
Identical language	Identical language
<b>Prospective Repeal of State Aid for School Construction Advisory Board</b>	
Identical language.	Identical language.
<b>School Construction Aid Special Fund</b>	
Identical language.	Identical language.
<b>Approval and Funding of School Construction Projects</b>	
Identical language.	Identical language.

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<b>Appeal</b>	
Identical language.	Identical language.
<b>Transfer of Rulemaking Authority; Transfer of Rules</b>	
Identical language.	Identical language.
<b>Repeals</b>	
Identical language.	Identical language.
<b>Tuition to Approved Schools</b>	
<p>(a) A school district shall not pay the tuition of a student except to:</p> <p>(1) a public school, located in Vermont;</p> <p>(2) an approved independent school, that:</p> <p>(A) is located in Vermont;</p> <p>(B) is approved under section 166 of this title on or before July 1, 2025;</p> <p><b>(C) has at least 51 percent of its student enrollment composed of students attending on a district-funded tuition basis pursuant to chapter 21 of this title during the 2024–2025 school year; and</b></p> <p><b>(D) complies with the minimum class size requirements</b> contained in subdivision 165(a)(9) of this title and State Board rule; provided, however, that if a school is unable to comply with the class size minimum standards due to geographic isolation or a school has developed an implementation plan to meet the class size minimum requirements, the school may ask the State Board to grant it a <b>waiver</b> from this subdivision (D), which decision shall be final; (3) an independent school meeting education quality standards,;</p> <p>(4) a tutorial program approved by the State Board,;</p> <p>(5) an approved education program, or;</p> <p><b>(6) a public school located in another state;</b> or</p> <p>(7) a therapeutic approved independent school located in Vermont or another state or country that is approved under the laws of that state or country.</p> <p>(b) payment of tuition on behalf of a person shall not be denied on account of age.</p> <p>(c) Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the</p>	<p>(a) A school district shall not pay the tuition of a student except to:</p> <p>(1) a public school, located in Vermont;</p> <p>(2) an approved independent school, that:</p> <p>(A) is located in Vermont;</p> <p>(B) is approved under section 166 of this title on or before July 1, 2025;</p> <p><b>(C) is located within either :</b> (i) <b>supervisory district that does not operate a public school for some or all grades as of July 1, 2025; or</b></p> <p><b>(ii) a supervisory union with one or more member school districts that does not operate a public school for some or all grades as of July 1, 2025; and</b></p> <p><b>(D) has at least 25 percent of its student enrollment composed of students attending on a district-funded tuition basis pursuant to chapter 21 of this title during the 2023–2024 school year;</b></p> <p>(3) an independent school meeting education quality standards,;</p> <p>(4) a tutorial program approved by the State Board,;</p> <p>(5) an approved education program, or;</p> <p><b>(6) a public or independent school located in a bordering state or province,</b> provided that the school is approved under the laws of that state or province. (7) a therapeutic approved independent school located in Vermont or another state or country that is approved under the laws of that state or country.</p> <p>(b) Payment of tuition on behalf of a person shall not be denied on account of age. (c) Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for</p>

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<p>amount of tuition payable, or the school the person may attend, may appeal to the State Board and its decision shall be final.</p> <p>(d) As used in this section, “therapeutic approved independent school” means an approved independent school that limits enrollment for publicly funded students residing in Vermont to students who are on an individualized education program or plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or who are enrolled pursuant to a written agreement between a local education agency and the school or pursuant to a court order.</p>	<p>tuition payments, the amount of tuition payable, or the school the person may attend, may appeal to the State Board and its decision shall be final.</p> <p>(d) As used in this section, “therapeutic approved independent school” means an approved independent school that limits enrollment for publicly funded students residing in Vermont to students who are on an individualized education program or plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or who are enrolled pursuant to a written agreement between a local education agency and the school or pursuant to a court order</p>
<b>Tuition Transition</b>	
Identical language.	Identical language.
<b>AOE; School Calendar, Graduation Requirements; Report</b>	
<p>(a) Statewide graduation requirements. On or before January 1, 2026, the Agency of Education shall recommend to the State Board of Education standards for statewide proficiency-based graduation requirements based on standards adopted by the State Board.</p> <p>(b) Statewide school calendar.</p> <p>(1) On or before January 15, 2027, the Secretary of Education shall develop and publish a statewide calendar for the public schools of the State, including career and technical centers, that shall be in effect in the 2028–2029 academic year and after.</p> <p>(2) On or before January 15, 2027, the Secretary shall present to the House and Senate Committees on Education a list of the statutory amendments necessary to effect the intent of this subsection.</p> <p>(c) Report. On or before December 1, 2025, the Agency of Education shall submit a written report and recommended legislative language, as applicable, to the House and Senate Committees on Education with the following:</p> <p>(1) In consultation with educators and administrators, a proposed implementation plan for statewide financial data and student information systems.</p> <p>(2) Recommendations for a school construction division within the Agency of Education, including position descriptions and job duties for each position within the division, a detailed description of the assistance the division would provide to the field, and the overall role</p>	<p>Language identical for statewide graduation requirements and AOE Report.</p> <p>No statewide calendar requirement.</p>

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<p>the Agency would play within a State aid to school construction program.</p> <p>(3) A progress report regarding the development of clear, unambiguous guidance that would be provided to school officials and school board members regarding the business processes and transactions that would need to occur to facilitate school district mergers into larger, consolidated school districts, including the merging of data systems, asset and liability transfers, and how to address collective bargaining agreements for both educators and staff. The report shall include a detailed description of how the Agency will provide support and consolidation assistance to the field in each of these areas and an estimate of the costs associated with such work.</p> <p>(4) In consultation with superintendents, directors of therapeutic independent schools, special education directors, and, in the opinion of the Agency, other experts, recommendations for the need for cooperative education services and the oversight of therapeutic schools within the school governance framework both at a State and local level.</p>	
<b>State level governance; intent</b>	
<p>It is the intent of the General Assembly to <b>ensure that the State Board of Education is the independent, transparent, and public facing body</b> for public education and to ensure the Board maintains its ability provide an important outlet for the public to engage in the rulemaking process and regularly provide public comment regarding the state of Vermont's education system.</p>	<p>Not applicable.</p>
<b>State Board of Education; Appointment of Members; Term; Vacancy</b>	
<p>Eight members, including the two student members, shall be appointed by the Governor with the advice and consent of the Senate. <b>One member shall be appointed by the Speaker of the House and one member shall be appointed by the Senate Committee on Committees.</b></p>	<p>Maintains current law: all members appointed by the Governor.</p>
<b>Tuition</b>	
<p>(a) Tuition for students shall be paid by the district in which the student is a resident. The district shall pay to a receiving school an amount equal to the <b>base amount contained in subdivision 4001(16) of this</b></p>	<p>Draft 4.1 does not contain changes to current law on tuition payment.</p>

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<p><b>title multiplied by the sum of one and any weights applicable to the resident student</b> under section 4010 of this title, for each resident student attending the receiving school.</p>	
<p><b>State of Special Education Delivery; AOE; Report</b></p>	
<p>(a) On or before September 1, 2025, the Agency of Education shall submit a <b>written report</b> to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance <b>addressing the factors contributing to growth in extraordinary special education reimbursement costs</b>. The report shall include detailed information regarding the current state of special education delivery in Vermont, including an update on the implementation of special education changes enacted pursuant to Act 173. The report shall include a description of the current state of support for students with disabilities in Vermont and recommended changes to structure, practice, and law with the goal of:</p> <ul style="list-style-type: none"> <li>(1) improving the delivery of special education services and managing the rising extraordinary special education costs as Vermont's special education finance system transitions from a census block grant to a weight for special education costs;</li> <li>(2) ensuring better, more inclusive services in the least restrictive environment in a way that makes efficient and effective use of limited resources while resulting in the best outcomes;</li> <li>(3) responding to the challenges of fully implementing Act 173 and the lessons learned from implementation efforts to date;</li> <li>(4) ensuring that the delivery of special education is responsive to student needs; and</li> <li>(5) addressing drivers of growth of extraordinary expenditures in special education.</li> </ul> <p>(b) The report shall include:</p> <ul style="list-style-type: none"> <li>(1) An analysis of the costs of and services provided for students with extraordinary needs in specialized settings, separated by school-district operated specialized programs, independent nonprofit programs, and independent for-profit programs. The report shall include a geographic map with the location of all specialized programs within the State of Vermont, as well as the following information for each individual specialized program:</li> <li>(A) disability categories served;</li> <li>(B) grade levels served;</li> <li>(C) the number of students with IEPs and the average duration of 10</li> </ul>	<p>Identical language.</p>

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<p>time each student spent in the program over the last 10 years;</p> <p>(D) average cost per pupil, inclusive of extraordinary spending and any costs in excess of general tuition rates;</p> <p>(E) years of experience, training, and tenure of licensed special education staff;</p> <p>(F) a review of the findings of all investigations conducted by the Agency of Education; and</p> <p>(G) a review of the Agency's public assurance capabilities, with respect to special education programs in all settings, and an analysis of the effectiveness of current oversight or rule, and recommended changes if needed.</p> <p>(2) An evaluation of the state of implementation of Act 173, including examples of where implementation has been successful, where it has not, and why.</p> <p>(3) Identification of drivers of accelerating costs within the special education system.</p> <p>(4) Identification of barriers to the success of students with disabilities.</p> <p>(5) A description of how specialized programs for students with extraordinary needs operated by school districts, independent nonprofit schools, and independent for-profit schools are funded, with an analysis of the benefits and risks of each funding model.</p> <p>(6) An assessment of whether Vermont's current special education laws ensure equitable access for all students with disabilities to education alongside their peers in a way that is consistent with the Vermont education quality standards for public schools and the right to a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act, 20 U.S.C. 16 §§ 1400–1482.</p> <p>(7) A review of the capacity of the Agency to support and guide school districts on the effective support of students with disabilities, as well as compliance with federal law, which shall include:</p> <p>(A) a review of final reports of investigations conducted by the Agency in school-district-operated specialized programs, independent nonprofit programs, and independent for-profit programs in the previous 10 years and an evaluation of what practices could reduce adverse findings in these settings;</p> <p>(B) an assessment of the ability of the State to ensure State resources are used in the most efficient and effective way possible to support the success of students with disabilities and their access to a free and appropriate public education; (C) a review of any pending and recent federal findings against the State or school districts, as well as</p>	

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<p>progress on corrective actions;</p> <p>(D) a review of the Agency's staffing and capacity to review and conduct monitoring and visits to schools, especially independent settings;</p> <p>(E) a description of the process and status of reviews and approvals of approved independent schools that provide special education and therapeutic schools; and</p> <p>(F) recommendations for whether the Agency has capacity to ensure timely review of approved independent schools and provide sufficient oversight for specialized programs in nonprofit independent schools and for profit independent schools.</p> <p>(8) Recommendations for needed capacity at the Agency to provide technical assistance and support to school districts in the provision of special education services.</p> <p>(9) An analysis of whether more strategic support for better primary first instruction and more successful implementation of Act 173 needs to be in place for a weighted funding model for special education to succeed, including a suggested transition timeline, with indicators, to be incorporated into the Agency's strategic plan.</p> <p>(10) If warranted, a review of options for changes to practice, structure, and law that ensure students with disabilities are provided access to quality education, in the least restrictive environment, in a cost-effective way that is consistent with State and federal law, which may include a review of the possible role of BOCES and the impact of larger districts on effective, high quality support for students with disabilities.</p>	
<b>Special Education Strategic Plan; Agency of Education</b>	
<p>(a) Strategic plan. In consultation with the State Advisory Panel on Special Education established under 16 V.S.A. § 2945, the <b>Agency of Education shall develop a three-year strategic plan for the delivery of special education services in Vermont</b>. The strategic plan shall include unambiguous measurable outcomes and a timeline for implementation. The strategic plan shall be informed by the analysis and findings of the report required of the Agency under Sec. 31 of this act and be designed to ensure successful implementation processes that need to be in place for the transition to a weighted funding model for special education to succeed, including a suggested transition timeline, with benchmarks for success. The strategic plan</p>	Identical language

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<p>shall also include contingency recommendations for special education funding in the event federal special education funding under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400–1482, is no longer available or transitions to a system that requires more planning and management on the part of the State to ensure funds are distributed equitably.</p> <p>(b) Reports.</p> <p>(1) On or before December 1, 2025, the Agency shall submit the three year strategic plan created pursuant to subsection (a) of this section to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance.</p> <p>(2) On or before December 1 of 2026, 2027, 2028, and 2029, the Agency shall submit a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance with a detailed update on the Agency's implementation of its strategic plan and any recommendations for legislative changes needed to ensure a successful transition to a weighted funding model and continued successful implementation of Act 173.</p>	
<b>Position; Agency of Education</b>	
<p>(a) Establishment of <b>one new permanent, classified position</b> is authorized in the Agency of Education in fiscal year 2026, to support development and implementation of the three-year strategic plan required under Sec. 32 of this act.</p> <p>(b) The sum of \$150,000.00 is appropriated from the General Fund to the Agency of Education's base budget in fiscal year 2026 for the purposes of funding the position created in subsection (a) of this section. The Agency shall include funding for this permanent position in their annual base budget request in subsequent years.</p>	Identical language
<b>H.454 as passed by the House sections 34-95</b>	
Sections 34-95 cover state funding of public education.	Senate has not yet proposed language on state funding of public education.