

1 H.89

2 Introduced by Representatives Myers of Essex and Rodgers of Glover

3 Referred to Committee on

4 Date:

5 Subject: Corrections; community high school of Vermont

6 Purpose: This bill proposes to clarify that the corrections department
7 education program is called the community high school of Vermont; to clarify
8 that the community high school is an independent school; to clarify that the
9 community high school is subject to approval by the department of education;
10 to stipulate that the community high school shall be overseen by a licensed
11 administrator; to stipulate that education costs shall be paid for from the budget
12 of the department of education; to increase the minimum age for mandatory
13 participation in the community high school from 23 to 26 years of age; and to
14 direct the commissioners of education and of corrections to gather information
15 about pupils served by the community high school and make recommendations
16 for future legislation.

17 An act relating to the Community High School of Vermont

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

1 Sec. 1. 28 V.S.A. § 120 is amended to read:

2 § 120. ~~CORRECTIONS DEPARTMENT EDUCATION PROGRAM~~

3 COMMUNITY HIGH SCHOOL OF VERMONT; INDEPENDENT

4 SCHOOL

5 (a) ~~Authority. An education program is established~~ There is created within
6 the department of corrections an independent school to be known as the
7 community high school of Vermont for the education of persons who have not
8 completed secondary education and who are committed to the custody of the
9 commissioner of corrections.

10 (b) ~~Applicability of education provisions. The education program~~
11 community high school shall be ~~approved~~ subject to approval by the state
12 board of education as an independent school under 16 V.S.A. § 166;. In
13 addition, the school shall comply with the:

14 (1) meet school quality standards provided by 16 V.S.A. § 165;;

15 (2) offer a minimum course of study as defined in 16 V.S.A. § 906 at
16 each correctional facility and department service center, except that it shall not
17 be required to offer physical education; and shall

18 (3) be coordinated with adult education, special education, and technical
19 education services provided by other agencies or school districts funded by the
20 state or federal government.

21 (e) ~~Program supervision.~~

1 **(b)** The commissioner of corrections shall appoint an education supervisor,
2 who shall be licensed as an administrator under 16 V.S.A. chapter 51, to
3 supervise the community high school of Vermont and coordinate use of other
4 education programs by persons under the supervision of the commissioner.

5 ~~(d) Curriculum. The education program shall offer a minimum course of~~
6 ~~study, as defined in 16 V.S.A. § 906, at each correctional facility and~~
7 ~~department service center, but is not required to offer a driver training course~~
8 ~~or a physical educational course.~~

9 ~~(e) Commissioner of education's designation of special education program.~~
10 ~~Notwithstanding any law to the contrary, the~~

11 **(c)** The commissioner of education, ~~in accordance with the provisions of~~
12 ~~16 V.S.A. chapter 101~~ shall designate a program to provide for the special
13 education of eligible persons who are under the custody of the commissioner
14 of corrections. Within the limits of funds made available for this specific
15 purpose, the commissioner of education shall pay the costs of this program in
16 excess of costs defined in subsection ~~(g)~~**(d)** of this section.

17 ~~(f) Reimbursement payments. The provision of 16 V.S.A. § 4012, relating~~
18 ~~to payment for state placed students, shall not apply to the corrections~~
19 ~~education program.~~

20 ~~(g) Annual budget.~~

1 (d) Annually there shall be appropriated to the department the
2 commissioner of corrections shall request that the general assembly
3 appropriate an amount equal to the number of full-time equivalent students
4 enrolled in the corrections department education program community high
5 school of Vermont, multiplied by the average cost of public school education
6 in current expenditures per pupil for Vermont school districts, excluding debt
7 service and transportation costs, for the preceding year. That average cost
8 shall be calculated to exclude debt service and transportation costs. The annual
9 appropriation shall be used to provide educational services to students enrolled
10 in the community high school of Vermont.

11 ~~(h) Required participation.~~

12 (e) All persons under the custody of the commissioner of corrections who
13 are under the age of 23 26 and have not received a high school diploma shall
14 participate in the an education program, unless exempted by the commissioner,
15 as follows:

16 (1) those who are younger than 22 years of age shall attend the
17 community high school of Vermont;

18 (2) those who are 22 years of age or older and who are incarcerated in a
19 Vermont facility shall attend the community high school of Vermont;

1 (3) those who are 22 years of age or older and who are not incarcerated
2 shall either attend the community high school of Vermont or participate in
3 another education program upon approval by the commissioner; and

4 (4) those who are 22 years of age or older and who are incarcerated in a
5 facility outside Vermont shall participate in an education program, approved
6 by the commissioner, which is available at the facility.

7 Sec. 2. COMMUNITY HIGH SCHOOL OF VERMONT; SPECIAL
8 EDUCATION; STUDY

9 On or before January 15, 2010, the commissioner of education and the
10 commissioner of corrections shall report to the house and senate committees on
11 education, the senate committee on judiciary, and the house committee on
12 corrections and institutions regarding information gathered from the
13 community high school of Vermont and recommendations for future
14 legislation. The report shall include a description of the pupils served, current
15 funding mechanisms, and a proposed funding mechanism to meet the general
16 and special education needs of the pupils.