

1 S.136

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; drop-out rate; identification of “at-risk” students; high
5 school completion program; alternative paths to graduation

6 Statement of purpose: This bill proposes to:

7 (1) Establish the goal of reducing the drop-out rate in Vermont
8 secondary schools to zero by the year 2020.

9 (2) Ensure the early identification of students who are at risk of not
10 completing secondary school and the availability of flexible, evidence-based
11 academic supports and accommodations for these students.

12 (3) Expand eligibility for the state’s high school completion program so
13 that a student may remain enrolled in high school when participating in the
14 program.

15 (4) Require the commissioner of education to:

16 (A) Establish uniform definitions of and procedures for monitoring
17 the number of public school students who do not complete secondary school.

18 (B) Identify the prevalence and evaluate the success of
19 evidence-based practices currently used by Vermont schools to identify and
20 support students at risk of not completing secondary school.

1 (a) It is the policy of the state that each local school district develop and
2 maintain, in consultation with parents, a comprehensive system of education
3 that will result, to the extent appropriate, in all students succeeding in the
4 general education environment. A comprehensive system of education
5 includes a full range of services and accommodations ~~which~~ that are needed by
6 students in the district. These services could include a separate alternative
7 program if the district finds that some of its students could be better served in
8 an environment outside the classroom, or if the district finds that separate
9 placement is the best way to provide services to a student who is disrupting the
10 class or having difficulty learning in a traditional school setting for
11 educational, emotional, or personal reasons and thereby impairing the ability of
12 the classroom teacher to provide quality services to that student or to ~~the~~ other
13 ~~pupils~~ students. This chapter does not replace or expand entitlements created
14 by federal law, nor is it the intent of this chapter to create a higher standard for
15 maintaining a student in the general classroom than the standard created in the
16 following federal laws: 20 U.S.C. § 1401 et seq., Individuals with Disabilities
17 Act; 29 U.S.C. § 794, Section 504 of the Rehabilitation Act; and 42 U.S.C.
18 § 12101 et seq., Americans with Disabilities Act.

19 (b) [Repealed.]

20 (c) No individual entitlement or private right of action is created by this
21 section.

1 § 2902. EDUCATIONAL SUPPORT SYSTEM AND EDUCATIONAL
2 SUPPORT TEAM

3 (a) Within each school district's comprehensive system of educational
4 services, each public school shall develop and maintain an educational support
5 system for ~~children~~ students who require additional assistance in order to
6 succeed or to be challenged to meet their full potential in the general education
7 environment. For each school it maintains, a school district board shall assign
8 responsibility for developing and maintaining the educational support system
9 either to the superintendent pursuant to a contract entered into under section
10 267 of this title; or to the principal. The educational support system shall, at a
11 minimum, include an educational support team and a range of support and
12 remedial services, including instructional and behavioral interventions and
13 accommodations.

14 (b) The educational support system shall:

15 (1) Be integrated to the extent appropriate with the general education
16 curriculum.

17 (2) Be designed to increase the ability of the general education system to
18 meet the needs of all students.

19 (3) Be designed to provide students the support needed regardless of
20 eligibility for categorical programs.

1 (4) Provide clear procedures and methods for ~~handling a student who~~
2 addressing student behavior that is disruptive to the learning environment and
3 ~~shall~~ include ~~provision of~~ educational options, support services, and
4 consultation or training for staff where appropriate. Procedures may include
5 ~~provision for~~ removal of ~~the~~ a student from the classroom or the school
6 building for as long as appropriate, consistent with state and federal law and
7 the school's policy on student discipline; and after reasonable effort has been
8 made to support the student in the regular classroom environment.

9 (5) Ensure collaboration with families, community supports, and the
10 system of health and human services.

11 (c) Each educational support system shall include an educational support
12 team ~~which~~ that shall:

13 (1) ~~Provide a procedure for timely referral for evaluation for special~~
14 ~~education eligibility when warranted.~~

15 ~~(2)~~ Be composed of staff from a variety of teaching and support services
16 positions.

17 (2) Provide a procedure for timely referral for evaluation for special
18 education eligibility when warranted.

19 (3) Screen referrals to determine what classroom accommodations and
20 remedial services have been tried.

1 (4) Assist teachers in planning and providing services and
2 accommodations to students in need of classroom supports or enrichment
3 activities.

4 (5) Evaluate all students enrolled in the sixth grade to identify each
5 student whose academic progress, behavior, attendance record, level of
6 engagement with the school community, or other evidence-based indicators
7 identified by the school suggest a high level of risk that the student will not
8 complete his or her secondary education. The commissioner shall develop and
9 publish guidelines for the evaluation. The educational support team may also
10 evaluate an individual student in any grade for the student's risk of
11 non-completion.

12 (6) Maintain a written record of its actions.

13 (d) No individual entitlement or private right of action is created by this
14 section.

15 (e) The commissioner shall establish guidelines for teachers and
16 administrators in following federal laws relating to provision of services for
17 children with disabilities and the implementation of this section.

18 (f) It is the intent of the general assembly that a gifted and talented student
19 shall be able to take advantage of services that an educational support team can
20 provide. It is not the intent of the general assembly that funding under chapter
21 101 of this title shall be available for a gifted and talented student unless the

1 student has been otherwise determined to be a student for whom funding under
2 that chapter is available.

3 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING

4 INSTRUCTION

5 (a) Statement of policy. The ability to read is critical to success in learning.
6 Children who fail to read by the end of the first grade will likely fall further
7 behind in school. The personal and economic costs of reading failure are
8 enormous both while the student remains in school and long afterward. All
9 students need to receive systematic reading instruction in the early grades from
10 a teacher who is skilled in teaching reading through a variety of instructional
11 strategies that take into account the different learning styles and language
12 backgrounds of the students. Some students may require intensive
13 supplemental instruction tailored to the unique difficulties encountered.

14 (b) Foundation for literacy. The state board of education, in collaboration
15 with the agency of human services, higher education, literacy organizations,
16 and others, shall develop a plan for establishing a comprehensive system of
17 services for early education in the first three grades to ensure that all students
18 learn to read by the end of the third grade. The plan shall be submitted to the
19 general assembly by January 15, 1998 and shall be updated at least once every
20 five years.

1 (c) Reading instruction. A public school ~~which~~ that offers instruction in
2 grades one, two, or three shall provide highly effective, ~~research-based~~
3 evidence-based reading instruction to all students. In addition, for ~~any~~ a
4 student in grade four or higher whose reading performance falls below the
5 level expected in order to achieve third grade reading proficiency, as defined
6 under subdivision 164(9) of this title, the school in which the student is
7 enrolled shall work to improve the student's reading skills by providing
8 additional ~~research-based~~ evidence-based reading instruction ~~to the student,~~
9 and by providing support and information to parents and other family
10 members.

11 § 2903a. SECONDARY SCHOOL COMPLETION; FLEXIBLE

12 PATHWAYS TO GRADUATION

13 (a) Targeted assistance. If a student is identified as being at risk under
14 subdivision 2902(c)(5) of this chapter or otherwise, and either the student's
15 reading performance falls two or more grades below grade-level expectations
16 or the student has a five-Carnegie-unit deficit for on-time graduation, then the
17 school district in which the student is enrolled shall provide targeted academic
18 supports and accommodations, such as individual tutoring, evidence-based
19 literacy instruction, alternative and extended scheduling, and opportunities to
20 earn necessary credits, pursuant to guidelines developed by the commissioner.

1 (b) Flexible alternatives. Each school district operating a school shall
2 develop and enhance flexible, evidence-based programs designed to provide
3 each student identified as being at risk under subdivision 2902(c)(5) of this
4 chapter with the supports and accommodations necessary to complete
5 secondary school with the education and skills critical for success after
6 graduation. The commissioner shall develop and publish guidelines to assist
7 districts to meet the requirements of this subsection. Examples of potential
8 program components include:

9 (1) The assignment of one or more adult mentors from within the school
10 community to provide continuity in the form of individual academic, career,
11 and emotional support to the student from the time the student is identified as
12 being at risk until the student's completion of secondary school.

13 (2) The development of a personal education plan by the student, the
14 adult mentor or another representative of the district, and the student's parent
15 or legal guardian, whose participation the district shall make all reasonable
16 efforts to ensure. The plan, which shall be reviewed and updated at least
17 annually, shall identify the strategies necessary for the student to complete
18 secondary school with the skills and education necessary for success after
19 graduation.

20 (3) The opportunity to acquire knowledge and skills through applied or
21 work-based learning opportunities.

1 (3) “Contracting agency” means an agency that has entered into a
2 contract with the department of education to provide adult education services
3 in Vermont.

4 (b) ~~The commissioner shall assign~~ If a student who wishes to work on a
5 graduation education plan is not enrolled in a public or approved independent
6 school, then the commissioner shall assign the student to a high school district,
7 which shall be the district of residence whenever possible. ~~Upon assignment,~~
8 ~~the~~ The school district in which the student is enrolled or to which he or she
9 has been assigned shall work with an agency which has entered into contract
10 ~~with the department of education to provide adult education services in~~
11 ~~Vermont~~ the contracting agency and the student to develop a graduation
12 education plan. The school district shall award a high school diploma upon
13 successful completion of the plan.

14 (c) The commissioner shall reimburse, and net cash payments where
15 possible, a ~~town school district, city school district, union school district,~~
16 ~~unified union school district, incorporated school district, or member school~~
17 ~~district of an interstate school district which~~ that has agreed to a graduation
18 education plan in an amount:

19 (1) established by the commissioner for development of the graduation
20 education plan and for other educational services typically provided by the
21 district or an approved independent school pursuant to the plan, such as

1 counseling, health services, participation in ~~co-curricular~~ cocurricular
2 activities, and participation in academic or other courses, provided this amount
3 shall be available only to a school district to which a nonenrolled student has
4 been assigned; and

5 (2) negotiated by the commissioner and the contracting agency ~~which~~
6 ~~has entered into contract with the department of education to provide adult~~
7 ~~education services in Vermont~~, with the approved provider, for services and
8 outcomes purchased from the approved provider on behalf of the student
9 pursuant to the graduation education plan.

10 (d) On or before January 30 of each year, ~~beginning in 2008~~, the
11 commissioner shall report to the senate and house committees on education on
12 the number of students participating in a graduation education plan, the
13 number completing a plan, and the amount paid. The commissioner shall
14 present the information organized by school district, approved independent
15 school, and approved provider.

16 Sec. 4. HIGH SCHOOL COMPLETION PROGRAM; GRADUATION
17 EDUCATION PLAN; GUIDELINES

18 (a) The graduation education plan for each 16- and 17-year-old student
19 shall include services relevant to the student's goals, such as:

20 (A) Career exploration.

21 (B) Workforce training.

1 (C) Workplace readiness training.

2 (D) Preparation for postsecondary training or education and
3 transitioning assistance.

4 (b) The graduation education plan for each student who is 18 years of age
5 or older should include services relevant to the student's goals, such as those
6 listed in subsection (a) of this section.

7 (c) The commissioner shall develop and publish guidelines to assist in the
8 implementation of this section.

9 Sec. 5. MEASURING SECONDARY SCHOOL DROP-OUT RATES

10 (a) On or before December 31, 2009, the commissioner of education shall
11 develop an accurate, uniform, and reliable method for defining and measuring
12 secondary school drop-out rates on a school-by-school basis, including
13 appropriate cohort identification, and shall set benchmarks for assessing
14 individual school performance relative to the goal of reducing the rate to zero
15 by the year 2020.

16 (b) On or before January 15 of each year through January 2020, the
17 commissioner shall report to the senate and house committees on education
18 regarding the state's progress in achieving the goal of a zero percent drop-out
19 rate. At the time of the report, the commissioner shall also recommend other
20 initiatives, if any, to improve both graduation rates and secondary school
21 success for all Vermont students.

1 (c) Annually through 2020, each school district operating one or more
2 secondary schools shall report to the taxpayers at the time school budgets are
3 presented for approval regarding the district's progress in achieving the goal of
4 a zero percent drop-out rate.

5 Sec. 6. FLEXIBLE PATHWAYS TO GRADUATION

6 (a) Research by commissioner. On or before January 15, 2010, the
7 commissioner of education shall:

8 (1) Evaluate the prevalence and success of flexible, evidence-based
9 programs and practices currently used by Vermont schools to identify and
10 support students at risk of not completing secondary school and shall identify
11 schools that need assistance to begin or enhance their practices.

12 (2) Develop guidelines to assist school districts to identify and support,
13 pursuant to Sec. 2 of this act, students at risk of not completing secondary
14 school.

15 (b) Responsibilities of school districts. On or before September 1, 2010,
16 each school district that operates a school, as applicable, shall:

17 (1) Establish the process necessary to identify at-risk students pursuant
18 to Sec. 2 of this act and begin the identification required by that section.

19 (2) Develop a plan by which it will implement flexible, evidence-based
20 programs and practices to support students at risk of not completing secondary
21 school; provided:

1 (A) Initial implementation of the planned programs and practices
2 shall begin no later than September 1, 2010.

3 (B) Full implementation of the planned programs and practices shall
4 occur no later than September 1, 2013.

5 (c) From monies appropriated to the department during the 2009 legislative
6 session from the federal State Fiscal Stabilization Fund, the commissioner shall
7 provide funding to school districts to assist them to plan, begin, or enhance
8 flexible, evidence-based programs as set forth in this act during the 2009–2010
9 academic year. Priority shall be given to school districts that intend to create
10 supports where none have existed or improve inadequate support systems. By
11 September 1, 2009, the commissioner shall develop and announce the process
12 by which school districts may apply for funding under this subsection.

13 (d) Each school district that operates a school shall use Medicaid funding
14 received under 16 V.S.A. § 2959a or shall restructure existing operations
15 within the district, or both, to sustain the programs and practices beyond the
16 initial phase funded by subsection (c) of this section so that they do not cause
17 increased education property tax rates.

18 (e) On or before January 15 of each year through January 2020, the
19 commissioner shall report to the senate and house committees on education
20 regarding implementation of this section.