

1 S.167

2 Introduced by Senator Champion

3 Referred to Committee on Education

4 Date: January 3, 2024

5 Subject: Education; public construction bids; accredited postsecondary  
6 institutions

7 Statement of purpose of bill as introduced: This bill proposes to make  
8 miscellaneous amendments to education law, including (1) amending the cost  
9 threshold for public school construction bids and (2) amending the list of  
10 postsecondary schools chartered in Vermont.

11 An act relating to miscellaneous amendments to education law

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

13 ~~\*\*\* Public Construction Bids \*\*\*~~

14 Sec. 1. 16 V.S.A. § 559 is amended to read:

15 § 559. PUBLIC BIDS

16 (a) Cost threshold. ~~When the cost exceeds \$40,000.00, a~~ A school board or  
17 supervisory union board shall publicly advertise or invite three or more bids  
18 from persons deemed capable of providing items or services if costs are in  
19 ~~excess of \$40,000.00 for any of the following.~~

1 ~~(1) \$100,000.00 for the construction, purchase, lease, or improvement~~  
2 of any school building; or

3 ~~(2) \$40,000.00 for:~~

4 ~~(2)(A) the purchase or lease of any item or items required for supply,~~  
5 equipment, maintenance, repair, or transportation of students; or

6 ~~(3)(B) a contract for transportation, maintenance, or repair services.~~

7 \* \* \*

8 (e) Application of this section. Any contract entered into or purchase made  
9 in violation of the provisions of this section shall be void; provided, however,  
10 that:

11 (1) The provisions of this section shall not apply to contracts for the  
12 purchase of books or other materials of instruction.

13 (2) A school board may name in the specifications and invitations for  
14 bids under this section the particular make, kind, or brand of article or articles  
15 to be purchased or contracted.

16 (3) Nothing in this section shall apply to emergency repairs.

17 (4) ~~Nothing in this section shall be construed to prohibit a school board~~  
18 ~~from awarding a school nutrition contract after using any method of bidding or~~  
19 ~~requests for proposals permitted under federal law for award of the contract.~~

20 Notwithstanding the monetary amount in subsection (a) of this section for

21 ~~which a school board is required to advertise publicly or invite three or more~~

1  ~~bids or requests for proposal, a school board is required to publicly advertise~~  
2  ~~or invite three or more bids or requests for proposal for purchases made from~~  
3  ~~the nonprofit school food service account for purchases in excess of the federal~~  
4  ~~simplified acquisition threshold when purchasing food or in excess of~~  
5  ~~\$25,000.00 when purchasing nonfood items, unless a municipality sets a lower~~  
6  ~~threshold for purchases from the nonprofit school food service account. The~~  
7  ~~provisions of this section shall not apply to contracts for the purchase of food~~  
8  ~~made from a nonprofit school food services account.~~

9 \* \* \*

10 \* \* \* Postsecondary Schools Chartered in Vermont \* \* \*

11 Sec. 2. 16 V.S.A. § 176(d) is amended to read:

12 (d) Exemptions. The following are exempt from the requirements of this  
13 section except for the requirements of subdivision (c)(1)(C) of this section:

14 \* \* \*

15 (4) Postsecondary schools that are accredited. The following  
16 postsecondary institutions are accredited, meet the criteria for exempt status,  
17 and are authorized to operate educational programs beyond secondary  
18 education, including programs leading to a degree or certificate: Bennington  
19 College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green~~  
20 ~~Mountain College~~, Landmark College, Marlboro College, Middlebury College,  
21 ~~New England Culinary Institute, Norwich University, Saint Michael's College,~~

1 ~~SIT Graduate Institute, Southern Vermont College, Sterling College, Vermont~~  
2 ~~College of Fine Arts, and Vermont Law School. This authorization is provided~~  
3 ~~solely to the extent necessary to ensure institutional compliance with federal~~  
4 ~~financial aid-related regulations, and it does not affect, rescind, or supersede~~  
5 ~~any preexisting authorizations, charters, or other forms of recognition or~~  
6 ~~authorization.~~

7 \* \* \*

8 \* \* \* Effective Date \* \* \*

9 Sec. 3. EFFECTIVE DATE

10 ~~This act shall take effect on July 1, 2024.~~

\* \* \* *Public Construction Bids* \* \* \*

*Sec. 1. 16 V.S.A. § 559 is amended to read:*

*§ 559. PUBLIC BIDS*

\* \* \*

*(b) High-cost construction contracts. When a school construction contract exceeds \$500,000.00 \$2,000,000.00:*

*(1) The State Board shall establish, in consultation with the Commissioner of Buildings and General Services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The Department of Buildings and General Services, upon notice by the Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.*

*(2) At least 60 days prior to the proposed bid opening on any construction contract to be awarded by a school board that exceeds \$500,000.00 \$2,000,000.00, the school board shall publicly advertise for contractors interested in bidding on the project. The advertisement shall indicate that the school board has established prequalification criteria that a contractor must meet and shall invite any interested contractor to apply to the*

*school board for prequalification. All interested contractors shall submit their qualifications to the school board, which shall determine a list of eligible prospective bidders based on the previously established criteria. At least 30 days prior to the proposed bid opening, the school board shall give written notice of the board's determination to each contractor that submitted qualifications. The school board shall consider all bids submitted by prequalified bidders meeting the deadline.*

*(c) Contract award.*

*(1) A contract for any such item or service to be obtained pursuant to subsection (a) of this section shall be ~~awarded to one of~~ selected from among the three or fewer lowest responsible bids conforming to specifications, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and ~~his or her~~ the bidder's ability to render satisfactory service. A board shall have the right to reject any or all bids.*

*(2) A contract for any property, construction, good, or service to be obtained pursuant to subsection (b) of this section shall be awarded to the lowest responsible bid conforming to specifications. However, when considering the base contract amount and without considering cost overruns, if the two lowest responsible bids are within one percent of each other, the board may award the contract to either bidder. A board shall have the right to reject any bid found not to be responsible or conforming to specifications or to reject all bids.*

*\* \* \**

*\* \* \* Postsecondary Schools Chartered in Vermont \* \* \**

*Sec. 2. 16 V.S.A. § 176(d) is amended to read:*

*(d) Exemptions. The following are exempt from the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:*

*\* \* \**

*(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Champlain College, ~~College of St. Joseph,~~ Goddard College, ~~Green Mountain College,~~ Landmark College, ~~Marlboro College,~~ Middlebury College, ~~New England Culinary Institute,~~ Norwich University, Saint Michael's College, SIT Graduate Institute, ~~Southern Vermont College,~~ Sterling College, Vermont College of Fine Arts, and Vermont Law and Graduate School. This*

*authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.*

*\* \* \**

*Sec. 3. 2023 Acts and Resolves No. 29, Sec. 6(c) is amended to read:*

*(c) Sec. 2 (16 V.S.A. § 1480) shall take effect on ~~July 1, 2024~~ July 1, 2025.*

*\* \* \* Holocaust Education \* \* \**

*Sec. 4. HOLOCAUST EDUCATION; DATA COLLECTION; REPORT*

*(a) On or before December 1, 2024, the Agency of Education shall request from all supervisory unions a report containing information regarding whether and where Holocaust education is taught in the prekindergarten through grade 12 supervisory union-wide curriculum. The request required under this subsection shall be developed in consultation with the Vermont Holocaust Memorial.*

*(b) On or before September 1, 2025, Supervisory unions shall report back to the Agency with the information requested pursuant to subsection (a) of this section.*

*(c) On or before January 1, 2026, the Agency shall submit a written report to the Senate and House Committees on Education with information, organized by supervisory union, regarding the inclusion of Holocaust education in curriculum across the State. Additionally, the report shall include an explanation of how curricula are developed, including an analysis of how Holocaust education fits into the standards for student performance adopted by the State Board of Education pursuant to 16 V.S.A. § 164(9).*

*(d) On or before January 1, 2026, the Agency shall provide all supervisory unions with Holocaust education resources, which shall be developed in consultation with the Vermont Holocaust Memorial.*

*\* \* \* Virtual Learning \* \* \**

*Sec. 5. 16 V.S.A. § 948 is added to read:*

*§ 948. VIRTUAL LEARNING*

*(a) The Agency of Education shall maintain access to and oversight of a virtual learning provider for the purpose of offering virtual learning opportunities to Vermont students.*

*(b) A student may enroll in virtual learning if:*

(1) the student is enrolled in a Vermont public school, including a Vermont career technical center;

(2) virtual learning is determined to be an appropriate learning pathway outlined in the student's personalized learning plan; and

(3) the student's learning experience occurs under the supervision of an appropriately licensed educator and aligns with State expectations and standards, as adopted by the Agency and the State Board of Education, as applicable.

(c) The Agency of Education shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement this section.

(d) A school district shall count a student enrolled in virtual learning in the school district's average daily membership, as defined in section 4001 of this title, if the student meets all of the criteria in subsection (b) of this section.

Sec. 6. 16 V.S.A. § 942(13) is amended to read:

(13) "Virtual learning" means learning in which the teacher and student communicate concurrently through real-time telecommunication. "Virtual learning" also means online learning in which communication between the teacher and student does not occur concurrently and the student works according to his or her own schedule in an intentionally designed learning environment for online teaching and learning using online design principles and teachers trained in the delivery of online instruction. This instruction may take place either in a self-paced environment or a real-time environment.

\* \* \* Home Study Program \* \* \*

Sec. 7. 16 V.S.A. § 166b is amended to read:

§ 166b. HOME STUDY PROGRAM

\* \* \*

(e) Hearings after enrollment. If the Secretary has information that reasonably could be expected to justify an order of termination under this section, the Secretary may call a hearing. At the hearing, the Secretary shall establish one or more of the following:

(1) the home study program has substantially failed to comply with the requirements of this section;

(2) the home study program has substantially failed to provide a student with the minimum course of study; or

(3) the home study program will not provide a student with the minimum course of study.

(f) Notice and procedure. Notice of a hearing shall include a brief summary of the material facts and shall be sent to each parent or guardian and each instructor of the student or students involved who are known to the Secretary. The hearing shall occur within 30 days following the day that notice is given or sent. The hearing shall be conducted by an impartial hearing officer appointed by the Secretary from a list approved by the State Board. At the request of the child's parent or guardian, the hearing officer shall conduct the hearing at a location in the vicinity of the home study program.

(g) Order following hearing. After hearing evidence, the hearing officer shall enter an order within 10 working days. The order shall provide that enrollment be continued or that the enrollment be terminated. An order shall take effect immediately. Unless the hearing officer provides for a shorter period, an order terminating enrollment shall extend until the end of the following school year, as defined in this title. If the order is to terminate the enrollment, a copy shall be given to the appropriate superintendent of schools, who shall take appropriate action to ensure that the child is enrolled in a school as required by this title. Following a hearing, the Secretary may petition the hearing officer to reopen the case only if there has been a material change in circumstances.

\* \* \*

\* \* \* Effective Date \* \* \*

*Sec. 8. EFFECTIVE DATE*

This act shall take effect on July 1, 2024.