

1 H.887

2 Representative Holcombe of Norwich moves that the bill be amended as  
3 follows:

4 First: By adding a reader assistance heading and two new sections to be  
5 Secs. 20a and 20b to read as follows:

6 \* \* \* Tuitioned Students and Determination of Weighted Long-Term  
7 Membership \* \* \*

8 Sec. 20a. 16 V.S.A. § 4010 is amended to read:

9 § 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP  
10 AND PER PUPIL EDUCATION SPENDING

11 (a) Definitions. As used in this section:

12 (1) “EL pupils” means pupils described under section 4013 of this title.

13 (2) “FPL” means the Federal Poverty Level.

14 (3) “Weighting categories” means the categories listed under subsection  
15 (b) of this section.

16 (b) Determination of average daily membership and weighting categories.

17 On or before the first day of December during each school year, the Secretary  
18 shall determine the average daily membership, as defined in subdivision  
19 4001(1) of this title, of each school district for the current school year and shall  
20 perform the following tasks.

1           (1)(~~A~~) Using average daily membership, list for each school district the  
2 number of:

3           ~~(A)~~(i) pupils in prekindergarten;

4           ~~(B)~~(ii) pupils in kindergarten through grade five;

5           ~~(C)~~(iii) pupils in grades six through eight; and

6           ~~(D)~~(iv) pupils in grades nine through 12;

7           (B) Using average daily membership, but excluding students for  
8 whom the district pays tuition to one or more approved independent schools or  
9 public schools outside the district during the annual census period, list for each  
10 school district the number of:

11           ~~(E)~~(i) pupils whose families are at or below 185 percent of FPL,  
12 using the highest number of pupils in the district:

13           ~~(i)~~(I) that meet this definition under the universal income  
14 declaration form; or

15           ~~(ii)~~(II) who are directly certified for free and reduced-priced meals;

16 and

17           ~~(F)~~(ii) EL pupils.

18           (2)(A) Identify all school districts that have low population density,  
19 measured by the number of persons per square mile residing within the land  
20 area of the geographic boundaries of the district as of July 1 of the year of  
21 determination, equaling:

1 (i) fewer than 36 persons per square mile;

2 (ii) 36 or more persons per square mile but fewer than 55 persons  
3 per square mile; or

4 (iii) 55 or more persons per square mile but fewer than 100  
5 persons per square mile.

6 (B) Population density data shall be based on the best available U.S.  
7 Census data as provided to the Agency of Education by the Vermont Center for  
8 Geographic Information.

9 (C) Using average daily membership, but excluding students for  
10 whom the district pays tuition to one or more approved independent schools or  
11 public schools outside the district during the annual census period, list for each  
12 school district that has low population density the number of pupils in each of  
13 subdivisions (A)(i)–(iii) of this subdivision (2).

14 (3)(A) Identify all school districts that have one or more small schools,  
15 which are schools that have an average two-year enrollment of:

16 (i) fewer than 100 pupils; or

17 (ii) 100 or more pupils but fewer than 250 pupils.

18 (B) As used in subdivision (A) of this subdivision (3), “average two-  
19 year enrollment” means the average enrollment of the two most recently  
20 completed school years, and “enrollment” means the number of pupils who are

1 enrolled in a school operated by the district on October 1. A pupil shall be  
2 counted as one whether the pupil is enrolled as a full-time or part-time student.

3 (C) Using average two-year enrollment, list for each school district  
4 that has a small school the number of pupils in each of subdivisions (A)(i)–(ii)  
5 of this subdivision (3).

6 (c) Reporting on weighting categories to the Agency of Education. Each  
7 school district shall annually report to the Agency of Education by a date  
8 established by the Agency the information needed in order for the Agency to  
9 compute the weighting categories under subsection (b) of this section for that  
10 district. In order to fulfill this obligation, a school district that pays public  
11 tuition on behalf of a resident student (sending district) to a public school in  
12 another school district, an approved independent school, or an out-of-state  
13 school (each a receiving school) may request the receiving school to collect  
14 this information on the sending district’s resident student, and if requested, the  
15 receiving school shall provide this information to the sending district in a  
16 timely manner.

17 (d) Determination of weighted long-term membership. For each weighting  
18 category except the small schools weighting category under subdivision (b)(3)  
19 of this section, the Secretary shall compute the weighting count by using the  
20 long-term membership, as defined in subdivision 4001(7) of this title, or the

1 long-term membership excluding tuitioned students, as defined in subdivision  
2 4001(16) of this title, as specified in that category.

3 (1) The Secretary shall first apply grade level weights. Each pupil  
4 included in long-term membership shall count as one, multiplied by the  
5 following amounts:

6 (A) prekindergarten—negative 0.54;

7 (B) grades six through eight—0.36; and

8 (C) grades nine through 12—0.39.

9 (2) The Secretary shall next apply a weight for pupils whose family is at  
10 or below 185 percent of FPL. Each pupil included in long-term membership  
11 excluding tuitioned students whose family is at or below 185 percent of FPL  
12 shall receive an additional weighting amount of 1.03.

13 (3) The Secretary shall next apply a weight for EL pupils. Each EL pupil  
14 included in long-term membership excluding tuitioned students shall receive  
15 an additional weighting amount of 2.49.

16 (4) The Secretary shall then apply a weight for pupils living in low  
17 population density school districts. Each pupil included in long-term  
18 membership excluding tuitioned students residing in a low population density  
19 school district, measured by the number of persons per square mile residing  
20 within the land area of the geographic boundaries of the district as of July 1 of  
21 the year of determination, shall receive an additional weighting amount of:

1 (A) 0.15, where the number of persons per square mile is fewer than  
2 36 persons;

3 (B) 0.12, where the number of persons per square mile is 36 or more  
4 but fewer than 55 persons; or

5 (C) 0.07, where the number of persons per square mile is 55 or more  
6 but fewer than 100.

7 (5) The Secretary shall lastly apply a weight for pupils who attend a  
8 small school. If the number of persons per square mile residing within the land  
9 area of the geographic boundaries of a school district as of July 1 of the year of  
10 determination is 55 or fewer, then, for each pupil listed under subdivision  
11 (b)(3)(C) of this section (pupils who attend small schools):

12 (A) where the school has fewer than 100 pupils in average two-year  
13 enrollment, the school district shall receive an additional weighting amount of  
14 0.21 for each pupil included in the small school's average two-year enrollment;  
15 or

16 (B) where the small school has 100 or more but fewer than 250  
17 pupils, the school district shall receive an additional weighting amount of 0.07  
18 for each pupil included in the small school's average two-year enrollment.

19 (6) A school district's weighted long-term membership shall equal long-  
20 term membership plus the cumulation of the weights assigned by the Secretary  
21 under this subsection.

1 (e) Hold harmless. A district’s weighted long-term membership shall in no  
2 case be less than 96 and one-half percent of its actual weighted long-term  
3 membership the previous year prior to making any adjustment under this  
4 subsection.

5 (f) Determination of per pupil education spending. As soon as reasonably  
6 possible after a school district budget is approved by voters, the Secretary shall  
7 determine the per pupil education spending for the next fiscal year for the  
8 school district. Per pupil education spending shall equal a school district’s  
9 education spending divided by its weighted long-term membership.

10 (g) Guidelines. The Secretary shall develop guidelines to enable clear and  
11 consistent identification of pupils to be counted under this section.

12 (h) Updates to weights. On or before January 1, 2027 and on or before  
13 January 1 of every fifth year thereafter, the Agency of Education and the Joint  
14 Fiscal Office shall calculate, based on their consensus view, updates to the  
15 weights to account for cost changes underlying those weights and shall issue a  
16 written report on their work to the House and Senate Committees on  
17 Education, the House Committee on Ways and Means, and the Senate  
18 Committee on Finance. The General Assembly shall update the weights under  
19 this section and transportation reimbursement under section 4016 of this title  
20 not less than every five years and the implementation date for the updated  
21 weights and transportation reimbursement shall be delayed by a year in order

1 to provide school districts with time to prepare their budgets. Updates to the  
2 weights may include recalibration, recalculation, adding or eliminating  
3 weights, or any combination of these actions.

4 20b. 16 V.S.A. § 4001 is amended to read:

5 § 4001. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

8 (16) “Long-term membership excluding tuitioned students” of a school  
9 district in any school year means the:

10 (A) average of the district’s average daily membership, excluding  
11 both the full-time equivalent enrollment of State-placed students and students  
12 for whom the district pays tuition to one or more approved independent  
13 schools or public schools outside the district during the annual census period,  
14 over two school years, the latter of which is the current school year, plus

15 (B) full-time equivalent enrollment of State-placed students for the  
16 most recent of two years.

17 Third: In Sec. 25, effective dates, in subdivision (b)(13) by striking out  
18 “and”

19 Fourth: In Sec. 25, effective dates, in subdivision (b)(14), following “(Act  
20 127 conforming amendments)” by striking out “.” and inserting in lieu thereof  
21 “, and”



1        Fifth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision  
2        (15) to read:  
3                (15) Secs. 20a and 20b (tuitioned students and determination of  
4        weighted long-term membership).