

Journal of the House

Tuesday, April 23, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kevin “Coach” Christie of Hartford.

Pledge of Allegiance

Page Juliet Lyon-Horne of South Hero led the House in the Pledge of Allegiance.

Pending Entry on the Notice Calendar Bill Referred to Committee on Ways and Means

S. 310

Senate bill, entitled

An act relating to natural disaster government response, recovery, and resiliency

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

House Resolution Referred to Committee

H.R. 19

House resolution, entitled

House resolution providing requirements for bills creating new State-directed spending obligations on the Education Fund

Offered by: Representative Sibilila of Dover

Resolved by the House of Representatives:

That this legislative body adds Rule 41a of the Rules and Orders of the House of Representatives as follows:

41a. Each bill that would create new State-directed spending obligations on the Education Fund shall be drafted and introduced as a stand-alone bill. As used in this rule, “State-directed spending” means supplemental State aid that’s appropriated from the Education Fund to school districts for specific purposes

and that shall not be included in a school district's education spending. On such a bill, a vote to pass it on third reading, any vote on a Senate proposal of amendment, and a vote to adopt a committee of conference report shall require a vote of two-thirds of members present

Was read by title, treated as a bill, and referred to the Committee on Rules pursuant to House Rule 52.

Ceremonial Reading

H.C.R. 202

House concurrent resolution congratulating Esta Broutsas Smith of Brattleboro on her centennial birthday

Offered by: Representatives Burke of Brattleboro, Kornheiser of Brattleboro, and Toleno of Brattleboro

Offered by: Senators Harrison and Hashim

Whereas, the citizens of Brattleboro are well acquainted with the Broutsas family: the late Michael Broutsas, a veteran State representative, was the first Vermont legislator born in Greece; and his daughter, Esta Broutsas Smith, has contributed in many ways to the quality of life in Brattleboro, and

Whereas, Esta Broutsas was born in January 1924 in Greenfield, Massachusetts, and her family moved to Brattleboro shortly after her birth, and

Whereas, although she started kindergarten unable to speak English, as a teacher for over half a century, Esta Broutsas Smith maximized the reading ability of many students, even those with learning challenges, and

Whereas, at 19 years of age, Esta Broutsas became the sole teacher at a one-room schoolhouse in Guilford; for many years, she was a special educator at the Green Street School in Brattleboro; and, although she concluded her career as a full-time teacher at 75 years of age, her career in education continued as she volunteered to assist prisoners in the improvement of their reading skills, and

Whereas, the arts are important in her life, and she frequently attended drama and music performances at local venues, and, even today, she remains a regular virtual attendee, and

Whereas, her love of outdoor recreation and her appreciation for Vermont's natural beauty were exemplified through daily road or woods hikes, cross-country skiing, and avidly playing tennis until she reached 90 years of age, and

Whereas, Esta Broutsas Smith's strong sense of justice complemented the humanitarian values of the Unitarian Universalist Church, her spiritual home, and

Whereas, she has resided in the same house since 1956, situated on the farm with the large red barn that her father purchased in 1928, and

Whereas, Esta Broutsas Smith's active lifestyle, healthy diet, continuing interest in the surrounding world, and her large, supportive extended family, have all contributed to her life's reaching the century milestone, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Esta Broutsas Smith of Brattleboro on her centennial birthday, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Esta Broutsas Smith.

Having been adopted in concurrence on Friday, April 5, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 204

House concurrent resolution congratulating Jaden Coppins of Colchester on her individual title victory at the inaugural New England girls' wrestling championship

Offered by: Representatives Austin of Colchester, Brennan of Colchester, Chase of Colchester, and Taylor of Colchester

Offered by: Senator Mazza

Whereas, high school wrestling is often considered a boys' sport, but, in recent years, girls have become enthusiastic competitors, and

Whereas, the vibrancy of girls' high school wrestling was apparent recently when the first New England championship was held in Providence, Rhode Island, and

Whereas, this historic tournament featured a special Vermont aspect as several Vermonters earned podium positions in their respective weight classes, and

Whereas, most significant was the achievement of Colchester High School senior Jaden Coppins, who earned top honors, winning her match in the 120-pound weight class, which was truly a memorable event for the young wrestler, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Jaden Coppins of Colchester on her individual title victory at the inaugural New England girls' wrestling championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Jaden Coppins at Colchester High School.

Having been adopted in concurrence on Friday, April 5, 2024 in accord with Joint Rule 16b, was read.

**Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 30

Senate bill, entitled

An act relating to creating a Sister State Program

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 109

Senate bill, entitled

An act relating to Medicaid coverage for doula services

Was taken up, read the third time, and passed in concurrence.

Bill Committed

S. 259

Senate bill, entitled

An act relating to climate change cost recovery

Was taken up and, pending second reading, **Rep. Sheldon of Middlebury** moved that the bill be committed to the Committee on Judiciary, which was agreed to.

Recess

At ten o'clock and thirty-six minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

Message from the Senate No. 50

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 629. An act relating to changes to property tax abatement and tax sales.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 54. Joint resolution relating to weekend adjournment on April 26, 2024.

In the adoption of which the concurrence of the House is requested.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 23rd day of April 2024, he signed a bill originating in the House of the following title:

H. 543 An act relating to Vermont's adoption of the Social Work Licensure Compact and to emergency housing eligibility documentation

At one o'clock and eight minutes in the afternoon, the Speaker called the House to order.

**Committee Bill; Second Reading; Bill Amended;
Amendments Offered; Amendments Offered and Withdrawn;
Third Reading Ordered**

H. 887

Rep. Kornheiser of Brattleboro spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: In Sec. 1, the Commission on the Future of Public Education, in subsection (c), by striking out “the Speaker of the House and the President Pro Tempore shall jointly appoint three members of the Commission” and inserting in lieu thereof “the Speaker of the House shall appoint two members of the Commission, the Committee on Committees shall appoint one member of the Commission”

Second: In Sec. 1, the Commission on the Future of Public Education, in subdivision (d)(1)(D), by striking out the word “President” and inserting in lieu thereof the word “Chancellor”

Third: In Sec. 1, the Commission on the Future of Public Education, by striking out subsection (j) in its entirety

Fourth: By adding one new section to be Sec. 1a to read as follows:’

Sec. 1a. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME
APPROPRIATIONS

* * *

(r) \$200,000.00 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force and the Commission on the Future of Public Education.

* * *

Fifth: In Sec. 8, Agency of Education; education finance data analyst position, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) To the extent that funds are available, there is appropriated to the Agency of Education \$125,000.00 from the General Fund in fiscal year 2025 to fund the education finance data analyst position established in subsection (a) of this section.

Sixth: By striking out Sec. 12, repeal; Education Fund Advisory Committee; appropriation in its entirety and inserting in lieu thereof a new Sec. 12 to read:

Sec. 12. REPEAL; EDUCATION FUND ADVISORY COMMITTEE;

32 V.S.A. § 5414 (Education Fund Advisory Committee) as added by this act is repealed on July 1, 2034.

Seventh: In Sec. 20, 16 V.S.A. § 4001(6)(B), following “an amount equal to the” by striking out the word “difference” and inserting in lieu thereof the word “increase”

Eighth: In Sec. 25, effective dates, in subdivision (b)(6), following “(16 V.S.A. § 563; ballot language)” by inserting “; provided, however, that this section shall not apply to ballots used for fiscal year 2025 budgets”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Kornheiser of Brattleboro** moved to amend the bill as follows:

First: By striking out Sec. 20, 16 V.S.A. § 4001(6)(B), in its entirety and inserting in lieu thereof the following:

Sec. 20. 16 V.S.A. § 4001(6)(B) is amended to read:

(B) For all bonds approved by voters prior to July 1, 2024, voter-approved bond payments toward principal and interest shall not be included in “education spending” for purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

(i) ~~Spending during the budget year for:~~

~~(I) approved school capital construction for a project that received preliminary approval under section 3448 of this title, including interest paid on the debt, provided the district shall not be reimbursed or otherwise receive State construction aid for the approved school capital construction; or~~

~~(II) spending on eligible school capital project costs pursuant to the State Board of Education’s Rule 6134 for a project that received preliminary approval under section 3448 of this title.~~

(ii) For a project that received final approval for State construction aid under chapter 123 of this title:

~~(I) spending for approved school capital construction during the budget year that represents the district’s share of the project, including interest paid on the debt; or~~

~~(II) payment during the budget year of interest on funds borrowed under subdivision 563(21) of this title in anticipation of receiving State aid for the project.~~

~~(iii) Spending that is approved school capital construction spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future approved school capital construction costs, including that portion of tuition paid to an independent school designated as the public high school of the school district pursuant to section 827 of this title for capital construction costs by the independent school that has received approval from the State Board of~~

~~Education, using the processes for preliminary approval of public school construction costs pursuant to subdivision 3448(a)(2) of this title.~~

~~(iv) Spending attributable to the cost of planning the merger of a small school, which for purposes of this subdivision means a school with an average grade size of 20 or fewer students, with one or more other schools.~~

~~(v) Spending attributable to the district's share of special education spending that is not reimbursed as an extraordinary reimbursement under section 2962 of this title for any student in the fiscal year occurring two years prior.~~

~~(vi) A budget deficit in a district that pays tuition to a public school or an approved independent school, or both, for all of its resident students in any year in which the deficit is solely attributable to tuition paid for one or more new students who moved into the district after the budget for the year creating the deficit was passed.~~

~~(vii) For a district that pays tuition for all of its resident students and into which additional students move after the end of the census period defined in subdivision (1)(A) of this section, the number of students that exceeds the district's most recent average daily membership and for whom the district will pay tuition in the subsequent year multiplied by the district's average rate of tuition paid in that year.~~

~~(viii) Tuition paid by a district that does not operate a school and pays tuition for all resident students in kindergarten through grade 12, except in a district in which the electorate has authorized payment of an amount higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this title.~~

~~(ix) The assessment paid by the employer of teachers who become members of the State Teachers' Retirement System of Vermont on or after July 1, 2015, pursuant to section 1944d of this title.~~

~~(x) School district costs associated with dual enrollment and early college programs.~~

~~(xi) Costs incurred by a school district or supervisory union when sampling drinking water outlets, implementing lead remediation, or retesting drinking water outlets as required under 18 V.S.A. chapter 24A.~~

Second: By striking out Sec. 21, property tax credit; asset declaration; report, in its entirety and inserting in lieu thereof the following:

Sec. 21. PROPERTY TAX CREDIT; ASSET DECLARATION; REPORT

On or before December 15, 2024, the Commissioner shall recommend administrative and policy improvements for property tax credit claims, including the use of an asset declaration. The report shall be submitted to the House Committee on Ways and Means and the Senate Committee on Finance.

Third: In Sec. 25, effective dates, by striking out subsections (b) and (c) in their entireties and inserting in lieu thereof the following:

(b) Secs. 13a–16 (CLA effect on tax rates and statewide adjustment) and 19 (repeal of excess spending suspension) shall take effect July 1, 2025.

(c) Sec. 9 (16 V.S.A. § 563; powers of school boards; form of vote) shall take effect July 1, 2024, provided, however, that 16 V.S.A. § 563(11)(D) shall not apply to ballots used for fiscal year 2025 budgets.

(d) All other sections shall take effect on July 1, 2024.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Beck of St. Johnsbury** moved to amend the bill by adding a reader assistance heading and one new section to be Sec. 2a to read as follows:

* * * Teacher Retirement Payments * * *

Sec. 2a. TEACHERS' RETIREMENT SYSTEM PAYMENTS; STUDY

(a) The Office of the State Treasurer, in consultation with the Joint Fiscal Office, shall conduct a study to analyze the fiscal and administrative impacts of requiring that the employer retirement normal costs and administrative operating expenses for active teachers who are members of the State Teachers' Retirement System pursuant to 16 V.S.A. § 1935 be paid for by the independent school or school district that employs the teacher rather than appropriated directly from the Education Fund.

(b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the sum of \$5,000.00 is appropriated from the Education Fund to the Office of the State Treasurer in fiscal year 2025 to support the analysis required for this study.

(c) The Office of the State Treasurer shall provide a written report of the analysis along with any recommendations to the General Assembly on or before December 1, 2024.

Which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

First: By striking out Sec. 5, 32 V.S.A. chapter 225, subchapter 4, in its entirety and inserting in lieu thereof the following:

Sec. 5. [Deleted.]

Second: In Sec. 25, effective dates, by striking out subdivision (b)(2) in its entirety and renumbering the remaining subdivisions to be numerically correct.

Pending the question, Shall the bill be amended as offered by Rep. Shaw of Pittsford?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Shaw of Pittsford?, was decided in the negative. Yeas, 39. Nays, 104.

Those who voted in the affirmative are:

Bartley of Fairfax	Gregoire of Fairfield	Morrissey of Bennington
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Canfield of Fair Haven	Hooper of Randolph	Quimby of Lyndon
Clifford of Rutland City	Labor of Morgan	Sammis of Castleton
Corcoran of Bennington	Laroche of Franklin	Shaw of Pittsford
Demar of Enosburgh	Lipsky of Stowe	Smith of Derby
Dickinson of St. Albans Town	Maguire of Rutland City	Taylor of Milton
Donahue of Northfield	Marcotte of Coventry	Toof of St. Albans Town
Galfetti of Barre Town	Mattos of Milton	Walker of Swanton
Goslant of Northfield	McCoy of Poultney	Williams of Granby
Graham of Williamstown	McFaun of Barre Town	
	Morgan of Milton	

Those who voted in the negative are:

Andrews of Westford	Dodge of Essex	Morris of Springfield
Andriano of Orwell	Dolan of Essex Junction	Mrowicki of Putney
Anthony of Barre City	Dolan of Waitsfield	Nicoll of Ludlow
Arrison of Weathersfield	Durfee of Shaftsbury	Notte of Rutland City
Arsenault of Williston	Elder of Starksboro	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Pajala of Londonderry
Black of Essex	Graning of Jericho	Patt of Worcester
Bluemle of Burlington	Headrick of Burlington	Pearl of Danville
Bongartz of Manchester	Holcombe of Norwich	Pouech of Hinesburg
Bos-Lun of Westminster	Hooper of Burlington	Priestley of Bradford
Boyden of Cambridge	Houghton of Essex Junction	Rachelson of Burlington
Brown of Richmond	Hyman of South Burlington	Rice of Dorset

Brownell of Pownal	James of Manchester *	Roberts of Halifax
Brumsted of Shelburne	Jerome of Brandon	Satcowitz of Randolph
Burke of Brattleboro	Kornheiser of Brattleboro	Scheu of Middlebury
Burrows of West Windsor	Krasnow of South	Sheldon of Middlebury
Buss of Woodstock	Burlington	Sibilia of Dover
Campbell of St. Johnsbury	LaBounty of Lyndon	Sims of Craftsbury
Carpenter of Hyde Park	Lalley of Shelburne	Small of Winooski
Carroll of Bennington	LaLonde of South	Squirrell of Underhill
Casey of Montpelier	Burlington	Stebbins of Burlington
Chapin of East Montpelier	LaMont of Morristown	Stevens of Waterbury
Chase of Chester	Lanpher of Vergennes	Stone of Burlington
Chase of Colchester	Leavitt of Grand Isle	Surprenant of Barnard
Chesnut-Tangerman of Middletown Springs	Logan of Burlington	Taylor of Colchester
Christie of Hartford	Long of Newfane	Toleno of Brattleboro
Cina of Burlington	Masland of Thetford	Torre of Moretown
Coffey of Guilford	McCann of Montpelier	Troiano of Stannard
Cole of Hartford	McCarthy of St. Albans City	Waters Evans of Charlotte
Conlon of Cornwall	McGill of Bridport	White of Bethel
Cordes of Lincoln	Mihaly of Calais	Whitman of Bennington
Demrow of Corinth	Minier of South Burlington	Williams of Barre City
		Wood of Waterbury

Those members absent with leave of the House and not voting are:

Brady of Williston	Howard of Rutland City	Templeman of Brownington
Burditt of West Rutland	Oliver of Sheldon	

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

I’m voting no on this amendment because striking this proposed revenue from the yield bill will increase the burden on property tax rates – both homestead and non-homestead – in a year when so many Vermonters will be struggling to pay.”

Pending the question, Shall the bill be read a third time?, **Reps. Toof of St. Albans Town and Taylor of Milton** moved to amend the bill as follows:

First: By adding a Sec. 3a to read as follows:

Sec. 3a. 32 V.S.A. § 9701(7) is amended to read:

(7) “Tangible personal property” means personal property that may be seen, weighed, measured, felt, touched, or in any other manner perceived by the senses. “Tangible personal property” includes electricity, water, gas, steam, and prewritten computer software ~~regardless of the method in which the prewritten computer software is paid for, delivered, or accessed, including remotely or hosted by a vendor or the vendor’s designee, or both, except that~~

tangible personal property shall not include prewritten software accessed remotely.

Second: In Sec. 25, effective dates, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) Secs. 3a (sunset of cloud tax), 13a–15 (CLA effect on tax rates and statewide adjustment), and 19 (repeal of excess spending suspension) shall take effect on July 1, 2025.

Third: By adding a Sec. 5a to read as follows:

Sec. 5a. REPEALS

32 V.S.A. chapter 225, subchapter 4, is repealed on July 1, 2025.

Fourth: In Sec. 25, effective dates, by striking out subdivision (b)(2) in its entirety and inserting in lieu thereof the following:

(2) Secs. 5 and 5a (short-term rental surcharge; sunset);

Pending the question, Shall the bill be amended as offered by Rep. Toof of St. Albans Town and Rep. Taylor of Milton?, **Rep. Toof of St. Albans Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Toof of St. Albans Town and Rep. Taylor of Milton?, was decided in the negative. Yeas, 41. Nays, 100.

Those who voted in the affirmative are:

Arrison of Weathersfield	Gregoire of Fairfield	Morgan of Milton
Bartley of Fairfax	Hango of Berkshire	Morrissey of Bennington
Beck of St. Johnsbury	Harrison of Chittenden	Noyes of Wolcott
Branagan of Georgia	Higley of Lowell	Page of Newport City
Brennan of Colchester	Hooper of Randolph	Parsons of Newbury
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon *
Clifford of Rutland City	LaMont of Morristown	Quimby of Lyndon
Demar of Enosburgh	Laroche of Franklin	Sammis of Castleton
Dickinson of St. Albans Town	Lipsky of Stowe	Shaw of Pittsford
Donahue of Northfield *	Maguire of Rutland City	Smith of Derby
Galfetti of Barre Town	Marcotte of Coventry	Taylor of Milton
Goslant of Northfield	Mattos of Milton	Toof of St. Albans Town
Graham of Williamstown	McCoy of Poultney	Walker of Swanton
	McFaun of Barre Town	Williams of Granby *

Those who voted in the negative are:

Andrews of Westford	Demrow of Corinth	Morris of Springfield
Andriano of Orwell	Dodge of Essex	Mrowicki of Putney
Anthony of Barre City	Dolan of Essex Junction	Nicoll of Ludlow
Arsenault of Williston	Dolan of Waitsfield	Notte of Rutland City
Austin of Colchester	Durfee of Shaftsbury	Nugent of South Burlington

Bartholomew of Hartland	Elder of Starksboro	O'Brien of Tunbridge
Berbeco of Winooski	Emmons of Springfield	Ode of Burlington
Birong of Vergennes	Farlice-Rubio of Barnet	Pajala of Londonderry
Black of Essex	Garofano of Essex	Patt of Worcester
Bluemle of Burlington	Goldman of Rockingham	Pouech of Hinesburg
Bongartz of Manchester	Headrick of Burlington	Priestley of Bradford
Bos-Lun of Westminster	Holcombe of Norwich	Rachelson of Burlington
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brown of Richmond	Houghton of Essex Junction	Roberts of Halifax
Brownell of Pownal	Hyman of South Burlington	Satcowitz of Randolph
Brumsted of Shelburne	James of Manchester	Scheu of Middlebury
Burke of Brattleboro	Jerome of Brandon	Sheldon of Middlebury
Burrows of West Windsor	Kornheiser of Brattleboro	Sibilia of Dover *
Buss of Woodstock	Krasnow of South	Sims of Craftsbury
Campbell of St. Johnsbury	Burlington	Small of Winooski
Carpenter of Hyde Park	LaBounty of Lyndon	Squirrell of Underhill
Carroll of Bennington	Lalley of Shelburne	Stebbins of Burlington
Casey of Montpelier	LaLonde of South	Stevens of Waterbury
Chapin of East Montpelier	Burlington	Stone of Burlington
Chase of Chester	Lanpher of Vergennes	Surprenant of Barnard
Chase of Colchester	Leavitt of Grand Isle	Taylor of Colchester
Chesnut-Tangerman of	Logan of Burlington	Toleno of Brattleboro
Middletown Springs	Long of Newfane	Torre of Moretown
Christie of Hartford	Masland of Thetford	Troiano of Stannard
Cina of Burlington	McCann of Montpelier	Waters Evans of Charlotte
Coffey of Guilford	McCarthy of St. Albans	White of Bethel
Cole of Hartford	City	Whitman of Bennington
Conlon of Cornwall	McGill of Bridport	Williams of Barre City
Corcoran of Bennington	Mihaly of Calais	Wood of Waterbury
Cordes of Lincoln	Minier of South Burlington	

Those members absent with leave of the House and not voting are:

Brady of Williston	Howard of Rutland City	Templeman of Brownington
Burditt of West Rutland	Oliver of Sheldon	
Graning of Jericho	Pearl of Danville	

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

We have a misfit when we refuse to initiate even interim changes that actually address our Education Fund stressors – we say we shouldn’t move that fast – yet reject a sunset on what should be solely a stop-gap measure, not permanent new taxes.”

Rep. Peterson of Clarendon explained his vote as follows:

“Madam Speaker:

Instead of taxing hard working Vermont businesspeople, we should tax the cannabis industry, which hooks our kids on poison and degrades our schools.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

I’m voting no on behalf of my constituents who have asked Montpelier to pay for their education spending and stop pushing that State level spending onto local property taxes.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

I vote yes for the constituents of my district. They only have two requests that I shall echo again and again. Stop passing bills that restrict our ability to survive and thrive on our low incomes. And stop taxing us to death!”

Pending the question, Shall the bill be read a third time?, **Reps. Sibilia of Dover, Arsenault of Williston, Burrows of West Windsor, Carpenter of Hyde Park, and Graning of Jericho** moved that the bill be amended as follows:

First: By adding a new section to be Sec. 8a to read as follows:

Sec. 8a. 32 V.S.A. § 5402b(d) is added to read:

(d) The Commissioner shall include in the recommendations made pursuant to subsection (a) of this section an estimate of all State-directed spending for the following fiscal year. As used in this subsection, “State-directed spending” means supplemental State aid appropriated from the Education Fund to school districts for specific purposes as well as appropriations made from the Education Fund under 16 V.S.A. § 4025(b)(2)–(5). State-directed spending shall not be included in a school district’s education spending and shall be considered offsetting revenue. State-directed spending shall not include special education funding under 16 V.S.A. chapter 101 and reimbursement for transportation expenditures under 16 V.S.A. § 4016.

Second: In Sec. 25, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) This section and the following sections shall take effect on passage:

(1) Sec. 1 (Commission on the Future of Public Education);

- (2) Sec. 2 (property tax rates and yields);
- (3) Sec. 8a (December 1 letter; State-directed spending);
- (4) Sec. 13 (State outreach; statewide adjustments); and
- (5) Sec. 17 (Act 84 application to district mergers, withdrawals, and dissolutions).

Thereupon, **Rep. Sibilia of Dover** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time?, **Rep. Harrison of Chittenden** moved to amend the bill by striking out Sec. 18, 32 V.S.A. § 5401(12), in its entirety and inserting in lieu thereof the following:

Sec. 18. ALLOWABLE EDUCATION SPENDING FOR FISCAL YEARS
2026 AND 2027

(a) Notwithstanding any other provision of law, for fiscal years 2026 and 2027 only, “excess spending” under 32 V.S.A. § 5401(12) means the per pupil education spending, as defined in 16 V.S.A. § 4001(14), adjusted to include any amount required to be added to education spending from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b), that is in excess of the district’s per pupil education spending in the prior fiscal year, plus the district’s allowable spending.

(b) For fiscal years 2026 and 2027 only, the “allowable spending” for any individual school district is an amount equal to the actual amount of per pupil education spending in the district in the prior fiscal year, multiplied by the district’s “allowable spending percentage.” A district’s “allowable spending percentage” means the greater of:

(1) a percentage that results from the following equation: the highest per pupil education spending in any district in the State, excluding gores, in the prior fiscal year, divided by the actual amount of per pupil education spending in the district in the prior fiscal year, minus one, multiplied by five and one-half percent; or

(2) the percentage change in the New England Economic Project Cumulative Price Index, as of November 15, for state and local government purchases of goods and services between the prior fiscal year and the current fiscal year.

(c) For the purpose of the calculations made under this section, the term “per pupil education spending” shall exclude all the adjustments under 16 V.S.A. § 4001(6)(B).

(d) Notwithstanding any provision of law to the contrary, for fiscal years 2026 and 2027 only, the school budget language required under 16 V.S.A. § 563(11)(D) shall be replaced with the following:

“Article #1 (School Budget):

Shall the voters of the school district approve the school board to expend \$ _____, which is the amount the school board has determined to be necessary for the ensuing fiscal year?

The _____ District estimates that this proposed budget, if approved, will result in per pupil education spending of \$ _____, which is _____ % higher/lower than per pupil education spending for the current year. This proposed per pupil education spending is \$ _____ over the amount designated for the district’s per pupil allowable spending under Vermont law.”

Which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Reps. Carpenter of Hyde Park, Arsenault of Williston, Burrows of West Windsor, Chapin of East Montpelier, Christie of Hartford, Cole of Hartford, Cordes of Lincoln, Dolan of Waitsfield, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Krasnow of South Burlington, LaMont of Morrystown, Leavitt of Grand Isle, Lipsky of Stowe, McGill of Bridport, Ode of Burlington, Roberts of Halifax, and Sibia of Dover** moved that the bill be amended as follows:

First: By adding a reader assistance heading and one new section to be Sec. 24a to read as follows:

* * * Tuition after School Closure * * *

Sec. 24a. 16 V.S.A. § 830 is added to read:

§ 830. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO
PAYING TUITION

Notwithstanding any provision of law to the contrary, a school district shall be prohibited from closing an existing school and 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. A school district that closes an existing school shall provide for the education of its resident students by designating three or fewer of the following schools to serve as the public school or schools of the district, in accordance with section 827 of this title:

(1) a public school located outside the district; or

(2) an independent school approved under section 166 of this title that meets at least three of the following four criteria:

(A) the approved independent school serves as a regional career and technical education center as defined in section 1522 of this title;

(B) the approved independent school was established through the granting of a charter by the Vermont General Assembly;

(C) the approved independent school qualified as a public school under the definition of "public school" in effect on June 30, 1991, under subdivision 11(a)(7) of this title; or

(D) the approved independent school is designated under section 1935 of this title as an employer of teachers within the meaning of chapter 55 of this title (State Teachers' Retirement System of Vermont).

Second: In Sec. 25, effective dates, in subdivision (b)(13) by striking out "and"

Third: In Sec. 25, effective dates, in subdivision (b)(14), following "(Act 127 conforming amendments)" by striking out "." and inserting in lieu thereof ", and"

Fourth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read:

(15) Sec. 24a (tuition and school closure).

Thereupon, **Rep. Carpenter of Hyde Park** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time?, **Reps. Toleno of Brattleboro, Arsenault of Williston, Burrows of West Windsor, Carpenter of Hyde Park, Dolan of Waitsfield, Goldman of Rockingham, Graning of Jericho, Holcombe of Norwich, and Sibiliala of Dover** moved that the bill be amended as follows:

First: By adding 13 new sections to be Secs. 24a–24m and their reader assistance heading to read as follows:

* * * State-Level Education Governance * * *

Sec. 24a. REPEAL

3 V.S.A. chapter 49 (education) is repealed.

Sec. 24b. 16 V.S.A. § 161 is amended to read:

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF
MEMBERS; TERM; VACANCY

The State Board shall consist of ~~ten~~ 10 members. Two of the members shall be secondary students in Vermont public schools, one of whom shall be a full member and the other of whom shall be a junior member who may not vote. ~~All members shall be appointed by the Governor with the advice and consent of the Senate.~~ In the appointment of the nonstudent members, priority shall be given to the selection of persons with a demonstrated commitment to ensuring quality education for Vermont students. To the extent possible, the members shall represent the State's geographic, gender, racial, and ethnic diversity. The representation of the Board shall reflect the enrollment of students, such that if 94 percent of publicly funded students are enrolled in public schools, not less than 90 percent of members of the Board shall reside in a school district that operates public schools, have worked in public schools, or have sent the member's children to public schools. Not more than one member shall be appointed from the same school district and its member towns. The ~~Secretary~~ Commissioner shall serve on the State Board as a nonvoting member. The members shall be appointed as follows:

(1) Six members shall be appointed by the Governor, including the secondary student members.

(2) Two members shall be appointed by the Senate Committee on Committees, none of whom may be legislators. Members shall be chosen from among not fewer than six candidates proposed by the Senate Committee on Education.

(3) Two members shall be appointed by the Speaker of the House, none of whom may be legislators. Members shall be chosen from among not fewer than six candidates proposed by the House Committee on Education.

(4) Upon the expiration of the respective terms of those members of the Board previously appointed, excluding the student members, the ~~Governor~~ appointing authority that made the initial appointment to the expired term shall, biennially in the month of February ~~with the advice and consent of the Senate~~, appoint members for terms of ~~six~~ five years. The terms shall begin March 1 of the year in which the appointments are made. A member serving a term of ~~six~~ five years shall not be eligible for reappointment for successive terms.

~~(2)~~(5) In the event of any vacancy occurring in the membership of the Board, the ~~Governor~~ appointing authority that made the initial appointment to the vacated term shall fill the vacancy within 60 days with a qualified person whose appointment shall be for the unexpired portion of the term. Vacancies

in terms initially filled by the Senate Committee on Committees or the Speaker of the House shall be filled by choosing from among the original list of candidates for the vacant term proposed by the applicable committee of jurisdiction.

~~(3)~~(6) Biennially, the Board shall choose a member of the Board to be its chair.

~~(4)~~(7) Annually, using an application process that is open and accessible to all eligible students, the Governor shall appoint a Vermont secondary school student who will continue to be a secondary student for at least two years following taking office, to serve on the State Board for two years, beginning on July 1 of the year of appointment. The student member shall not vote during the first year and shall be a full and voting member during the second year of ~~his or her~~ the student's term.

(8) As part of the annual report due to the Governor and General Assembly under subdivision 164(21) of this title, the Board shall include information on the representative nature of the composition of the Board.

Sec. 24c. TRANSITION PERIOD STATE BOARD MEMBER

APPOINTMENTS

Members currently serving on the State Board of Education may continue to serve for the duration of the term to which they were appointed. Beginning on July 1, 2024, as terms of currently serving members expire, appointments of successors shall be made in accordance with the qualifications and considerations required under 16 V.S.A. § 161 and shall be made in the following order:

(1) For the terms expiring on February 28, 2025, one shall be made by the Senate Committee on Committees and one shall be made by the Speaker of the House.

(2) For the terms expiring on February 28, 2027, one shall be made by the Governor, one shall be made by the Senate Committee on Committees, and one shall be made by the Speaker of the House.

(3) For the term expiring on February 29, 2028, the appointment shall be made by the Governor.

(4) For the term expiring on February 28, 2029, the appointment shall be made by the Governor.

(5) For the term expiring on February 28, 2030, the appointment shall be made by the Governor.

(6) The Governor shall continue to make annual secondary student appointments in accordance with 16 V.S.A. § 161.

(7) After each appointing authority has made its initial transition period appointments under this section, all appointments shall be made by the appointing authority that made the initial appointment to the vacated or expired term in accordance with 16 V.S.A. § 161.

Sec. 24d. 16 V.S.A. § 163 is amended to read:

§ 163. STAFF OFFICE; MEETINGS

(a) The Board shall be supported by adequate staff, who shall report to the Board office of the Board shall be the office of the Commissioner of Education.

(b) The Board shall meet monthly and shall hold special meetings as required for the performance of its duties. The times and places for regular and special meetings shall be designated by the Chair of the Board. The Chair shall call a special meeting upon the written request of any two members.

(c) The Board shall develop and update an annual policy manual for its operation, including when and how to evaluate the Commissioner of Education. The Board shall meet without the Commissioner for at least part of its evaluation process.

(d) Board meetings shall be conducted in accordance with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

Sec. 24e. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

The State Board shall have supervision over and management of the Department of Education and the public school system, except as otherwise provided; shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor, Commissioner, and General Assembly; engage local school board members and the broader education community and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise; and act in accordance with legislative mandates, including the adoption of rules and executing special assignments; ensure and support continuous improvement of teaching and learning; ensure clear, coherent, and consistent goals and rules for students and publicly funded education; and establish and advance education policy for the State of Vermont. In addition to other specified duties, the Board shall:

* * *

(4) Biennially cause to be prepared a recommended budget for all money to be expended by the Department of Education. The Board will review and comment on the budget prepared by the Commissioner.

* * *

(10) Establish an information clearinghouse and accessible database to help districts and the public share information about student performance and well-being in all publicly funded education settings, as well as information about educational programs and practices that improve student performance and well-being. Educational programs and practices include those designed to create and sustain a safe learning environment.

* * *

(19) Develop, in consultation with the Secretary of State, and make available to school boards, sample ballot language for items that may be voted on by Australian ballot and for which no statutory language exists.

* * *

Sec. 24f. 16 V.S.A. chapter 5 is redesignated to read:

CHAPTER 5. SECRETARY COMMISSIONER OF EDUCATION

Sec. 24g. 16 V.S.A. chapter 5, subchapter 1 is redesignated to read:

Subchapter 1. Secretary Commissioner of Education

Sec. 24h. 16 V.S.A. § 212 is amended to read:

§ 212. SECRETARY'S COMMISSIONER'S DUTIES GENERALLY

The Secretary Commissioner shall execute those policies adopted by the State Board in the legal exercise of its powers and shall:

* * *

(14) Annually, communicate to each superintendent a list of information that a supervisory union, a school board, a school district, a school, a school district employee, or a supervisory union employee is required under State or federal law to make available to the electorate, community members, parents, or students. It is the intent of this subdivision that the Secretary Commissioner shall make a good faith effort to compile a complete list of the information to be made available. Due to the difficult nature of compiling such a list, it is also the intent that failure to include relevant information on the list shall not constitute grounds for an action against the Secretary Commissioner.

* * *

~~(19) Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices that improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment. [Repealed.]~~

~~(20) Develop, in consultation with the Secretary of State, and make available to school boards sample ballot language for issues that may be decided by Australian ballot and for which no statutory language exists. [Repealed.]~~

~~(21) Prepare a budget for the Agency and submit it to the Governor after review by the State Board. [Repealed.]~~

~~(22) Annually, prior to September 1, present the Governor's education policy priorities to the State Board. [Repealed.]~~

Sec. 24i. 16 V.S.A. § 211 is added to read:

§ 211. APPOINTMENT; REPORTS

(a) Subject to the approval of the Governor, the State Board shall employ a competent chief executive officer and secretary of the Board who shall have had special training and experience in educational work and who shall be called the Commissioner of Education. The Commissioner shall be appointed for an indefinite term and shall be subject to removal upon the majority vote of the entire Board.

(b) The Commissioner at all times and in such detail as the Board directs shall make reports to the Board concerning the public educational system, together with such recommendations as the Commissioner deems proper for the promotion of the educational interests of the State.

Sec. 24j. 3 V.S.A. § 212 is amended to read:

§ 212. DEPARTMENTS CREATED

The following administrative departments are hereby created, through the instrumentality of which the Governor, under the Constitution, shall exercise such functions as are by law assigned to each department respectively:

* * *

(6) The Department of Education

* * *

Sec. 24k. 3 V.S.A. § 256(b) is amended to read:

(b) Notwithstanding any other provision of law, all secretaries of State agencies and all commissioners of State departments, other than the Commissioner of Education, shall take office only with the advice and consent

of the Senate except in the case of an appointment to fill a vacancy when the General Assembly is not in session in which case the appointee may take office subject to the provisions of section 257 of this title.

Sec. 24l. COMMISSIONER OF EDUCATION; TRANSITION; POWERS
AND DUTIES

On January 1, 2025:

(1) The Commissioner of Education shall assume all powers, duties, rights, and responsibilities of the Secretary of Education; provided, however, that if a Commissioner appointed by the State Board has not assumed office on or before January 1, 2025, then the Secretary or acting Secretary of the Agency on that date shall continue to perform the duties until the day on which the Commissioner assumes office but shall report to the Board and not the Governor.

(2) The Department of Education shall assume all the powers, duties, rights, and responsibilities of the Agency of Education.

Sec. 24m. LEGISLATIVE COUNSEL; PREPARATION OF A DRAFT BILL

On or before January 15, 2026, the Office of Legislative Counsel shall prepare and submit a draft bill to the House and Senate Committees on Education that makes statutory amendments of a technical nature and identifies all statutory sections that the General Assembly shall amend substantively to effect the intent of the act.

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

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

Fourth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read as follows:

(15) Secs. 24a–24m (Agency to Department of Education amendments).

Thereupon, **Rep. Toleno of Brattleboro** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be read a third time?, **Rep. Holcombe of Norwich** moved to amend the bill as follows:

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

* * * Tuitioned Students and Determination of Weighted Long-Term
Membership * * *

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

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

(a) Definitions. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(F)(ii)~~ EL pupils.

(2)(A) Identify all school districts that have low population density, measured by the number of persons per square mile residing within the land

area of the geographic boundaries of the district as of July 1 of the year of determination, equaling:

- (i) fewer than 36 persons per square mile;
- (ii) 36 or more persons per square mile but fewer than 55 persons per square mile; or
- (iii) 55 or more persons per square mile but fewer than 100 persons per square mile.

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

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

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

- (i) fewer than 100 pupils; or
- (ii) 100 or more pupils but fewer than 250 pupils.

(B) As used in subdivision (A) of this subdivision (3), “average two-year enrollment” means the average enrollment of the two most recently completed school years, and “enrollment” means the number of pupils who are enrolled in a school operated by the district on October 1. A pupil shall be counted as one whether the pupil is enrolled as a full-time or part-time student.

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

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

receiving school shall provide this information to the sending district in a timely manner.

(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3) of this section, the Secretary shall compute the weighting count by using the long-term membership, as defined in subdivision 4001(7) of this title, or the long-term membership excluding tuitioned students, as defined in subdivision 4001(16) of this title, as specified in that category.

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

- (A) prekindergarten—negative 0.54;
- (B) grades six through eight—0.36; and
- (C) grades nine through 12—0.39.

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

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

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

- (A) 0.15, where the number of persons per square mile is fewer than 36 persons;
- (B) 0.12, where the number of persons per square mile is 36 or more but fewer than 55 persons; or
- (C) 0.07, where the number of persons per square mile is 55 or more but fewer than 100.

(5) The Secretary shall lastly apply a weight for pupils who attend a small school. If the number of persons per square mile residing within the land area of the geographic boundaries of a school district as of July 1 of the

year of determination is 55 or fewer, then, for each pupil listed under subdivision (b)(3)(C) of this section (pupils who attend small schools):

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

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

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

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

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

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

(h) Updates to weights. On or before January 1, 2027 and on or before January 1 of every fifth year thereafter, the Agency of Education and the Joint Fiscal Office shall calculate, based on their consensus view, updates to the weights to account for cost changes underlying those weights and shall issue a written report on their work to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance. The General Assembly shall update the weights under this section and transportation reimbursement under section 4016 of this title not less than every five years and the implementation date for the updated weights and transportation reimbursement shall be delayed by a year in order to provide school districts with time to prepare their budgets. Updates to the weights may include recalibration, recalculation, adding or eliminating weights, or any combination of these actions.

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

§ 4001. DEFINITIONS

As used in this chapter:

* * *

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

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

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

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

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

Fifth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read:

(15) Secs. 20a and 20b (tuitioned students and determination of weighted long-term membership).

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

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

* * * Tuitioned Students and Determination of Weighted Long-Term
Membership * * *

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

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

(a) Definitions. As used in this section:

- (1) “EL pupils” means pupils described under section 4013 of this title.
- (2) “FPL” means the Federal Poverty Level.

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

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

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

- ~~(A)~~(i) pupils in prekindergarten;
- ~~(B)~~(ii) pupils in kindergarten through grade five;
- ~~(C)~~(iii) pupils in grades six through eight; and
- ~~(D)~~(iv) pupils in grades nine through 12;

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

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

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

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

~~(F)~~(ii) EL pupils.

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

(i) fewer than 36 persons per square mile;

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

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

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

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

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

- (i) fewer than 100 pupils; or
- (ii) 100 or more pupils but fewer than 250 pupils.

(B) As used in subdivision (A) of this subdivision (3), “average two-year enrollment” means the average enrollment of the two most recently completed school years, and “enrollment” means the number of pupils who are enrolled in a school operated by the district on October 1. A pupil shall be counted as one whether the pupil is enrolled as a full-time or part-time student.

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

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

(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3) of this section, the Secretary shall compute the weighting count by using the long-term membership, as defined in subdivision 4001(7) of this title, or the long-term membership excluding tuitioned students, as defined in subdivision 4001(16) of this title, as specified in that category.

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

- (A) prekindergarten—negative 0.54;
- (B) grades six through eight—0.36; and
- (C) grades nine through 12—0.39.

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

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

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

- (A) 0.15, where the number of persons per square mile is fewer than 36 persons;
- (B) 0.12, where the number of persons per square mile is 36 or more but fewer than 55 persons; or
- (C) 0.07, where the number of persons per square mile is 55 or more but fewer than 100.

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

- (A) where the school has fewer than 100 pupils in average two-year enrollment, the school district shall receive an additional weighting amount of 0.21 for each pupil included in the small school's average two-year enrollment; or
- (B) where the small school has 100 or more but fewer than 250 pupils, the school district shall receive an additional weighting amount of 0.07 for each pupil included in the small school's average two-year enrollment.

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

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

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

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

(h) Updates to weights. On or before January 1, 2027 and on or before January 1 of every fifth year thereafter, the Agency of Education and the Joint Fiscal Office shall calculate, based on their consensus view, updates to the weights to account for cost changes underlying those weights and shall issue a written report on their work to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance. The General Assembly shall update the weights under this section and transportation reimbursement under section 4016 of this title not less than every five years and the implementation date for the updated weights and transportation reimbursement shall be delayed by a year in order to provide school districts with time to prepare their budgets. Updates to the weights may include recalibration, recalculation, adding or eliminating weights, or any combination of these actions.

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

§ 4001. DEFINITIONS

As used in this chapter:

* * *

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

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

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

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

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

Fifth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read:

(15) Secs. 20a and 20b (tuitioned students and determination of weighted long-term membership).

Thereupon, **Rep. Holcombe of Norwich** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 94. Nays, 38.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	Nicoll of Ludlow
Andriano of Orwell	Dolan of Waitsfield	Notte of Rutland City
Anthony of Barre City	Durfee of Shaftsbury	Noyes of Wolcott
Arsenault of Williston *	Emmons of Springfield	Nugent of South Burlington
Austin of Colchester	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Pajala of Londonderry
Bluemle of Burlington	Headrick of Burlington	Patt of Worcester
Bongartz of Manchester	Hooper of Burlington	Pouech of Hinesburg
Bos-Lun of Westminster	Houghton of Essex Junction	Priestley of Bradford
Boyden of Cambridge	Hyman of South Burlington	Rachelson of Burlington
Brown of Richmond *	James of Manchester	Rice of Dorset
Brownell of Pownal	Jerome of Brandon	Roberts of Halifax *
Brumsted of Shelburne	Kornheiser of Brattleboro	Satcowitz of Randolph
Burke of Brattleboro	Krasnow of South	Scheu of Middlebury *
Burrows of West Windsor	Burlington	Sheldon of Middlebury
Buss of Woodstock	Lalley of Shelburne	Sibilia of Dover
Carpenter of Hyde Park	LaLonde of South	Sims of Craftsbury *
Carroll of Bennington	Burlington	Small of Winooski
Casey of Montpelier	LaMont of Morristown	Squirrell of Underhill
Chapin of East Montpelier	Lanpher of Vergennes	Stebbins of Burlington
Chase of Chester	Leavitt of Grand Isle	Stevens of Waterbury
Chase of Colchester	Logan of Burlington	Stone of Burlington *
	Long of Newfane	Surprenant of Barnard

Chesnut-Tangerman of Middletown Springs	Masland of Thetford	Taylor of Colchester
Christie of Hartford	McCann of Montpelier	Toleno of Brattleboro
Cina of Burlington	McCarthy of St. Albans City	Torre of Moretown
Coffey of Guilford	McGill of Bridport	Troiano of Stannard
Cole of Hartford	Mihaly of Calais *	Waters Evans of Charlotte
Conlon of Cornwall *	Minier of South Burlington	Whitman of Bennington
Cordes of Lincoln	Morris of Springfield	Williams of Barre City
Demrow of Corinth *	Mrowicki of Putney	Wood of Waterbury
Dodge of Essex		

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	McCoy of Poultney
Beck of St. Johnsbury	Gregoire of Fairfield	McFaun of Barre Town
Branagan of Georgia	Hango of Berkshire	Morgan of Milton
Brennan of Colchester	Harrison of Chittenden	Morrissey of Bennington
Canfield of Fair Haven	Higley of Lowell	Page of Newport City
Clifford of Rutland City	Hooper of Randolph	Peterson of Clarendon
Corcoran of Bennington	Labor of Morgan	Quimby of Lyndon
Demar of Enosburgh	LaBounty of Lyndon	Shaw of Pittsford
Dickinson of St. Albans Town	Laroche of Franklin	Smith of Derby *
Donahue of Northfield	Lipsky of Stowe	Taylor of Milton
Elder of Starksboro	Maguire of Rutland City	Toof of St. Albans Town
Galfetti of Barre Town	Marcotte of Coventry	Walker of Swanton
	Mattos of Milton	Williams of Granby

Those members absent with leave of the House and not voting are:

Arrison of Weathersfield	Graham of Williamstown	Pearl of Danville
Bartholomew of Hartland	Graning of Jericho	Sammis of Castleton
Black of Essex	Holcombe of Norwich	Templeman of Brownington
Brady of Williston	Howard of Rutland City	White of Bethel
Burditt of West Rutland	Oliver of Sheldon	
Campbell of St. Johnsbury	Parsons of Newbury	

Rep. Arsenault of Williston explained her vote as follows:

“Madam Speaker:

I vote yes, but not without reservation. The excess spending provision has not been properly modeled and I fear it may lead to unintended and negative educational consequences.”

Rep. Brown of Richmond explained her vote as follows:

“Madam Speaker:

I voted yes because H.887 will help us set the course for a strong future for public education in Vermont. Education is one of the most important functions of government, one of our most fundamental responsibilities, and essential to a

functioning democracy. And in Vermont, it is a right that must be equally available to all students. And those students are the heart of this work.”

Rep. Conlon of Cornwall explained his vote as follows:

“Madam Speaker:

The Commission on the Future of Public Education in Vermont created in H. 887 will lay the groundwork for the General Assembly to address the most difficult questions and challenges in our public education system in a thoughtful, well-vetted way. That foundation will help us to build upon it a high-quality education for all Vermont students at a cost Vermonters can afford.”

Rep. Demrow of Corinth explained his vote as follows:

“Madam Speaker:

H.887 funds the school budgets passed by voters around the State. It puts cost containment measures in place for FY’26 and beyond. And it begins the process of designing a better education system – and the funding for that system. I vote yes.”

Rep. Mihaly of Calais explained his vote as follows:

“Madam Speaker:

I voted yes on H.887 to create a real forum to discuss before our Vermont public the complex issues of education policy and finance and to set the stage for the Legislature to act in the next biennium.”

Rep. Roberts of Halifax explained his vote as follows:

“Madam Speaker:

I vote Yes on H.887 as a vote for a strong public education system. While this bill focuses on the cost side of the equation, and those are hard to stomach, I look forward to the dividends we will reap tomorrow from today’s necessary undertaking.”

Rep. Scheu of Middlebury explained her vote as follows:

“Madam Speaker:

As we have seen from the debate today, we care deeply about education in our State. It is past time for us to assess and transform public education and indeed, we have made a commitment to do so. This bill provides us with the means, the opportunity, and a roadmap to make a difference for our children and our taxpayers. I vote yes.”

Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

I vote yes to bring immediate relief to property taxpayers this year, to put in place cost containment measured for next year, and to set us on the path to rethink the funding formula for the future. We are going slow to go fast.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

I voted no! I sincerely hope that the taxpaying, hard-working Vermonters remember what the Super Majority did to them today! I wouldn’t be able to sleep at night.”

Rep. Stone of Burlington explained her vote as follows:

“Madam Speaker:

I voted yes because I am hopeful this body will recognize the importance of this moment. I look forward to doing the hard work needed to uplift our public schools and the students they serve. After all, public schools are a bedrock of our democracy and the time to support them is now.”

Action on Bill Postponed

H. 881

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Burlington

Was taken up and, pending second reading of the bill, on motion of **Rep. Hooper of Burlington**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed

H. 40

House bill, entitled

An act relating to nonconsensual removal of or tampering with a condom

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Rachelson of Burlington**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed**S. 191**

Senate bill, entitled

An act relating to New American educational grant opportunities

Was taken up and, pending second reading of the bill, on motion of **Rep. Conlon of Cornwall**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed**H. 861**

House bill, entitled

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Carpenter of Hyde Park**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed**H. 659**

House bill, entitled

An act relating to captive insurance

Was taken up and, pending consideration of the Senate proposal of amendment to the House proposal of amendment to the Senate proposal of amendment, on motion of **Rep. Marcotte of Coventry**, action on the bill was postponed until April 25, 2024.

Action on Bill Postponed**S. 209**

Senate bill, entitled

An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers

Was taken up and, pending third reading of the bill, on motion of **Rep. Arsenault of Williston**, action on the bill was postponed until April 24, 2024.

**Pending Entry on the Notice Calendar
Bill Referred to the Committee on Ways and Means**

H. 885

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Berlin

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Adjournment

At four o'clock and forty-eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.