

1 H.887

2 Introduced by Committee on Ways and Means

3 Date:

4 Subject: Education finance; education policy; district quality standards;
5 taxation; education property tax; property tax yields; property
6 valuation; sales tax

7 Statement of purpose of bill as introduced: This bill proposes to set the
8 property dollar and income dollar equivalent yields for the purpose of setting
9 homestead tax rates and proposes to set the nonhomestead property tax rate.
10 This bill further proposes to make several changes to the education finance
11 system, education spending, education taxes, property valuation, and taxes
12 over the next three years.

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

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

16 * * * Commission on the Future of Public Education * * *

17 Sec. 1. THE COMMISSION ON THE FUTURE OF PUBLIC EDUCATION;

18 REPORTS

19 (a) Creation. There is hereby created the Commission on the Future of
20 Public Education in Vermont. The right to education is fundamental for the
21 success of Vermont's children in a rapidly changing society and global

1 marketplace as well as for the State's own economic and social prosperity.
2 The Commission shall study the provision of education in Vermont and make
3 recommendations for a statewide vision for Vermont's public education system
4 to ensure that all students are afforded substantially equal educational
5 opportunities in an efficient, sustainable, and stable education system. The
6 Commission shall also make recommendations for the strategic policy changes
7 necessary to make Vermont's educational vision a reality for all Vermont
8 students.

9 (b) Membership. The Commission shall be composed of the following
10 members and, to the extent possible, the members shall represent the State's
11 geographic, gender, racial, and ethnic diversity:

12 (1) the Secretary of Education or designee;

13 (2) the Chair of the State Board of Education or designee;

14 (3) the Tax Commissioner or designee;

15 (4) three current members of the House of Representatives, not all from
16 the same political party, who shall be appointed by the Speaker of the House;

17 (5) two current members of the Senate, not from the same political
18 party, who shall be appointed by the Committee on Committees;

19 (6) two representatives from the Vermont School Boards Association
20 (VSBA), appointed by the VSBA Executive Director;

21 (7) two representatives from the Vermont Principals' Association
22 (VPA), selected by the VPA Executive Director;

1 (8) three superintendents, appointed by the Executive Director of the
2 Vermont Superintendents Association, two of whom shall be appointed as
3 follows:
4 (A) one superintendent of a supervisory union that operates a career
5 and technical education center; and
6 (B) one superintendent of a supervisory union composed of at least
7 three separate school districts;
8 (9) two representatives from the Vermont National Education
9 Association (VTNEA), appointed by the VTNEA Executive Director;
10 (10) one representative from the Vermont Association of School
11 Business Officials (VASBO) with experience in school construction projects,
12 appointed by the President of VASBO;
13 (11) the Chair of the Census-Based Funding Advisory Group, created
14 under 2018 Acts and Resolves No. 173 or designee;
15 (12) the Executive Director of the Vermont Rural Education
16 Collaborative or designee; and
17 (13) one representative from the Vermont Independent Schools
18 Association (VISA), appointed by the President of VISA.
19 (c) Steering group. On or before July 1, 2024, the Speaker of the House
20 and the President Pro Tempore shall jointly appoint three members of the
21 Commission, and the Governor shall appoint two members of the Commission,
22 to serve as members of a steering group. No appointing authority shall appoint

1 two members affiliated with the same organization. The steering group shall
2 provide leadership to the Commission and shall work with a consultant to
3 analyze the issues, challenges, and opportunities facing Vermont's public
4 education system, as well as create a formal action plan to drive change and
5 innovation in the public education system. The steering group may form one
6 or more subcommittees of the Commission to address key topics in greater
7 depth.

8 (d) Collaboration and information review.

9 (1) The Commission shall seek input from and collaborate with key
10 stakeholders, as directed by the steering group. At a minimum, the
11 Commission shall consult with:

12 (A) the Department of Mental Health;

13 (B) the Department of Labor;

14 (C) the President of the University of Vermont or designee;

15 (D) the President of the Vermont State Colleges Corporation or
16 designee;

17 (E) a representative from the Prekindergarten Education
18 Implementation Committee;

19 (F) the Office of Racial Equity;

20 (G) a representative with expertise in the Community Schools model
21 in Vermont; and

22 (H) the Vermont Youth Council.

1 (2) The Commission shall also review and take into consideration
2 existing educational laws and policy, including legislative reports the
3 Commission deems relevant to its work and, at a minimum, 2015 Acts and
4 Resolves No. 46, 2018 Acts and Resolves No. 173, 2022 Acts and Resolves
5 No. 127, and 2023 Acts and Resolves No. 76.

6 (e) Duties of the Commission. The Commission shall study Vermont's
7 public education system and make recommendations to ensure all students are
8 afforded quality educational opportunities in an efficient, sustainable, and
9 equitable education system that will enable students to achieve the highest
10 academic outcomes. The result of the Commission's work shall be a
11 recommendation for a statewide vision for Vermont's public education system,
12 with recommendations for the policy changes necessary to make Vermont's
13 educational vision a reality. In creating and making its recommendations, the
14 Commission shall engage in the following:

15 (1) Public engagement. The Commission shall conduct not fewer than
16 10 public meetings to inform the work required under this section. At least
17 half of the public meetings shall be held in a different geographic region of the
18 State. The Commission shall publish a draft of its final recommendations on
19 or before October 1, 2025, solicit public feedback, and incorporate such
20 feedback into its final recommendations. When submitting its final
21 recommendations to the General Assembly, the Commission shall include all

1 public feedback received as an addendum to its final report. The public
2 feedback process shall include:

3 (A) a minimum 30-day public comment period, during which time
4 the Commission shall accept written comments from the public and
5 stakeholders; and

6 (B) a public outreach plan that maximizes public engagement and
7 includes notice of the availability of language assistance services when
8 requested.

9 (2) Policy considerations. In developing its recommendations, the
10 Commission shall consider and prioritize the following topics:

11 (A) Governance, resources, and administration. The Commission
12 shall study and make recommendations regarding education governance at the
13 State level, including the role of the Agency of Education in the provision of
14 services and support for the education system. Recommendations under this
15 subdivision (A) shall include, at a minimum, the following:

16 (i) whether changes need to be made to the structure of the
17 Agency of Education, including whether it better serves the recommended
18 education vision of the State as an agency or a department;

19 (ii) what are the staffing needs of the Agency of Education;

20 (iii) whether changes need to be made to the composition, role,
21 and function of the State Board of Education to better serve the recommended
22 education vision of the State;

1 (iv) what roles, functions, or decisions should be a function of
2 local control and what roles, functions, or decisions should be a function of
3 control at the State level; and

4 (v) the effective integration of career and technical education in
5 the recommended education vision of the State.

6 (B) Physical size and footprint of the system. The Commission shall
7 study and make recommendations regarding how the unique geographical and
8 socioeconomic needs of different communities should factor into the provision
9 of education in Vermont, taking into account and building upon the
10 recommendations of the State Aid to School Construction Working Group.
11 Recommendations under this subdivision (B) shall include, at a minimum, the
12 following:

13 (i) an analysis of the current number and location of school
14 buildings, school districts, and supervisory unions and whether additional
15 consolidation is needed to achieve Vermont's vision for education, provided
16 that if there is a recommendation for any amount of consolidation, the
17 recommendation shall include a recommended implementation plan;

18 (ii) an analysis of the capacity and ability to staff all public
19 schools with a qualified workforce, driven by data on class-size
20 recommendations;

21 (iii) an analysis of the current town tuition program and whether,
22 and if so, what, changes are necessary to meet Vermont's vision for education.

1 including the legal and financial impact of funding independent schools and
2 other private institutions, including consideration of the following:

3 (I) the role designation, under 16 V.S.A. § 827, should play in
4 the delivery of public education; and

5 (II) the financial impact to the Education Fund of public dollars
6 being used in schools located outside Vermont; and

7 (iv) an analysis of the current use of private therapeutic schools in
8 the provision of special education services and whether, and if so, what,
9 changes are necessary to meet Vermont's special education needs, including
10 the legal and financial impact of funding private therapeutic schools.

11 (C) The role of public schools. The Commission shall study and
12 make recommendations regarding the role public schools should play in both
13 the provision of education and the social and emotional well-being of students.
14 Recommendations under this subdivision (C) shall include, at a minimum, the
15 following:

16 (i) how public education in Vermont should be delivered;

17 (ii) whether Vermont's vision for public education shall include
18 the provision of wraparound supports and collocation of services; and

19 (iii) what the consequences are for the Commission's
20 recommendations regarding the role of public schools and other service
21 providers, including what the role of public schools means for staffing.

1 funding, and any other affected system, with the goal of most efficiently
2 utilizing State funds and services and maximizing federal funding.

3 (D) Education fund. The Commission shall explore the efficacy and
4 potential equity gains of changes to the education funding system, including
5 weighted educational opportunity payments as a method to fund public
6 education. The Commission's recommendations shall be intended to result in
7 an education funding system designed to afford substantially equal access to a
8 quality basic education for all Vermont students in accordance with *State v.*
9 *Brigham*, 166 Vt. 246 (1997). Recommendations under this subdivision (D)
10 shall include, at a minimum, the following:

11 (i) allowable uses for the Education Fund that shall ensure
12 sustainable and equitable use of State funds;

13 (ii) the method for setting tax rates to sustain allowable uses of the
14 Education Fund; and

15 (iii) implementation details for any recommended changes to the
16 education funding system.

17 (E) Additional considerations. The Commission may consider any
18 other topic, factor, or issue that it deems relevant to its work and
19 recommendations.

20 (f) Reports and proposed legislation. The Commission shall prepare and
21 submit to the General Assembly the following:

1 (1) a formal, written work plan, which shall include a communication
2 plan to maximize public engagement, on or before September 15, 2024;

3 (2) a written report containing its preliminary findings and
4 recommendations, including short-term cost containment considerations for the
5 2025 legislative session, on or before December 15, 2024;

6 (3) a written report containing its final findings and recommendations
7 for a statewide vision for Vermont’s public education system and the policy
8 changes necessary to make that educational vision a reality on or before
9 December 1, 2025; and

10 (4) proposed legislative language to advance any recommendations for
11 the education funding system.

12 (g) Assistance. The Agency of Education shall contract with an
13 independent consultant to provide technical and legal assistance to the
14 Commission for the work required under this section. For the purposes of
15 scheduling meetings and providing administrative assistance, the Commission
16 shall have the assistance of the Agency of Education. The Agency shall also
17 provide the educational and financial data necessary to facilitate the work of
18 the Commission. School boards shall comply with requests from the Agency
19 to assist in data collections.

20 (h) Meetings.

21 (1) The Secretary of Education shall call the first meeting of the
22 Commission to occur on or before July 15, 2024.

1 (2) The Speaker of the House and the President Pro Tempore shall
2 jointly select a Commission chair.

3 (3) A majority of the membership shall constitute a quorum.

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

6 (5) The Commission shall cease to exist on December 31, 2025.

7 (i) Compensation and reimbursement. Members of the Commission shall
8 be entitled to per diem compensation and reimbursement of expenses as
9 permitted under 32 V.S.A. § 1010 for not more than 30 meetings, including
10 subcommittee meetings. These payments shall be made from monies
11 appropriated to the Agency of Education.

12 (j) Appropriation. The sum of \$100,000.00 is appropriated to the Agency
13 of Education from the General Fund in fiscal year 2025 for per diem
14 compensation and reimbursement of expenses for members of the Commission
15 and for the cost of contracting with a consultant as required under subsection
16 (g) of this section.

17 Sec. 2. PROPERTY DOLLAR EQUIVALENT YIELD, INCOME

18 DOLLAR EQUIVALENT YIELD, AND NONHOMESTEAD

19 PROPERTY TAX RATE FOR FISCAL YEAR 2025

20 For fiscal year 2025 only:

21 (1) Pursuant to 32 V.S.A. § 5402b(b), the property dollar equivalent
22 yield shall be \$9,846.00.

1 (2) Pursuant to 32 V.S.A. § 5402b(b), the income dollar equivalent yield
2 shall be \$10,060.00.

3 (3) Notwithstanding 32 V.S.A. § 5402(a)(1) and any other provision of
4 law to the contrary, the nonhomestead property tax rate shall be \$1,442 per
5 \$100.00 of equalized education property value.

6 (4)(A) For bills issued for fiscal year 2025, the Commissioner of Taxes
7 shall increase the property tax credit determined pursuant to 32 V.S.A. § 6066a
8 by 14.97 percent for each claimant.

9 (B) The increase in property tax credit provided under this
10 subdivision (4) shall not be included in the calculation required under 32
11 V.S.A. § 5402b(a)(4).

12 Sec. 3. 32 V.S.A. § 9701(60) is added to read:

13 (60) “Digital automated services” means any service transferred electronically
that uses one or more software application, but does not include:

14 _____ (A) any service that primarily involves the application of human effort by
the seller, and the human effort originated after the customer requested the service;

15 _____ (B) payment processing services;

16 _____ (C) travel agent services, including online travel services, and automated
systems used by travel agents to book reservations;

17 _____ (D) specified digital products as defined in subdivision (46) of this section;

18 _____ (E) online marketplace services that allow the person receiving the services
to make online sales of products or services;

19 (F) advertising services as defined in subdivision (18) of this section;

20 (G) internet and internet access as defined in the federal internet tax
freedom act, Title 47 U.S.C. Sec. 151 note, as existing on July 1, 2009;

21 (H) the mere storage specified digital products, as defined in subdivision
(46) of this section, digital codes, computer software, or master copies of software,
including providing space on a server for web hosting or the backing up of data or
other information;

22 (I) telecommunication services as defined in subdivision (19) of this
section; and

23 (J) live presentations, such as lectures, seminars, workshops, or courses,
where participants are connected to other participants via the internet or
telecommunications equipment.”

24 (K) For purposes of subdivision (H) of this subdivision (60):

25 (i) “Computer software” means a set of coded instructions designed to
cause a computer or automatic data processing equipment to perform a task.

26 (ii) “Digital code” means a code which provides a purchaser with a
right to obtain one or more specified digital products or products transferred
electronically to which the digital code relates. A digital code may be obtained by
any means, including email or by tangible means regardless of its designation as
“song code,” “video code” or “book code.”

27 (iii) “Master copies of software” means copies of software from which a
software developer, author, inventor, publisher, licensor, sublicensor, or distributor
makes copies for sale or license.

Commented [FM1]: Mirrored after Washington’s digital automated services (DAS) definition. Vermont can/should determine if it wants to carve out “mere storage” from taxable DAS definition.

28 (iv) “Web hosting” means an online service which provides the
facilities and infrastructure to create, publish, maintain and host a publicly accessible
internet website.

29 Sec. 4. 32 V.S.A. § 9741(57) is added to read:

30 (57) The sale of specified digital products, digital automated services, and
prewritten computer software, sold or furnished to a business for use exclusively by
the business. The use of a specified digital product, digital automated service, or
prewritten computer software fails to qualify as a use exclusively by the business if
its use for nonbusiness purposes is more than de minimis. As used in this
subdivision, “de minimis” shall be defined by the Commissioner by rule.

31 ~~Sec. 4. 32 V.S.A. § 9701(7) is amended to read:~~

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

38 Sec. 5. 32 V.S.A. § 9771 is amended to read:

39 § 9771. IMPOSITION OF SALES TAX

40 Except as otherwise provided in this chapter, there is imposed a tax on retail
41 sales in this State. The tax shall be paid at the rate of six percent of the sales
42 price charged for but in no case shall any one transaction be taxed under more
43 than one of the following:

44 _____ * * *

45 (7) tangible personal property to an advertising agency for its use in
46 providing advertising services or creating advertising materials for transfer in
47 conjunction with the delivery of advertising service; or

48 (8) specified digital products transferred electronically to an end user
49 regardless of whether for permanent use or less than permanent use and
50 regardless of whether or not conditioned upon continued payment from the
51 purchaser; and

52 (9) digital automated services.

53 Sec. 6. 32 V.S.A. § 9773 is amended to read:

54 § 9773. IMPOSITION OF COMPENSATING USE TAX

55 Unless property or telecommunications service has already been or will be
56 subject to the sales tax under this chapter, there is imposed on every person a
57 use tax at the rate of six percent for the use within this State, except as
58 otherwise exempted under this chapter:

59 _____ * * *

60 (4) specified digital products transferred electronically to an end user;
61 and

62 (5) telecommunications service except coin-operated telephone service,
63 private telephone service, paging service, private communications service, or
64 value-added non-voice data service; and

65 (6) digital automated services.

66 Sec. ~~4~~ 7. REPEAL

67 2015 Acts and Resolves No. 51, Sec. G.8 (prewritten software accessed

68 remotely) is repealed.

1 Sec. ~~5~~ 8. 32 V.S.A. chapter 225, subchapter 4 is added to read:

2 Subchapter 4. Short-term Rental Impact Surcharge

3 § 9301. IMPOSITION; SHORT-TERM RENTAL IMPACT

4 SURCHARGE

5 (a) An operator shall collect a surcharge of 1.5 percent of the rent of each
6 occupancy that is a short-term rental. As used in this subchapter, “short-term
7 rental” means a furnished house, condominium, or other dwelling room or self-
8 contained dwelling unit rented to the transient, traveling, or vacationing public
9 for a period of fewer than 30 consecutive days and for more than 14 days per
10 calendar year. As used in this subchapter, “short-term rental” does not mean
11 an occupancy in a lodging establishment licensed under 18 V.S.A. chapter 85.

12 (b) The surcharge shall be in addition to any tax assessed under section
13 9241 of this chapter. The surcharge assessed under this section shall be paid,
14 collected, remitted, and enforced under this chapter in the same manner as the
15 rooms tax assessed under section 9241 of this title.

16 Sec. ~~6~~ 9. 16 V.S.A. § 4025 is amended to read:

17 § 4025. EDUCATION FUND

18 (a) The Education Fund is established to comprise the following:

19 (1) all revenue paid to the State from the statewide education tax on
20 nonhomestead and homestead property under 32 V.S.A. chapter 135;

21 (2) [Repealed.]

- 1 (3) revenues from State lotteries under 31 V.S.A. chapter 14 and from
2 any multijurisdictional lottery game authorized under that chapter;
- 3 (4) 25 percent of the revenues from the meals and rooms taxes imposed
4 under 32 V.S.A. chapter 225;
- 5 (5) one-third of the revenues raised from the purchase and use tax
6 imposed by 32 V.S.A. chapter 219, notwithstanding 19 V.S.A. § 11(1);
- 7 (6) revenues raised from the sales and use tax imposed by 32 V.S.A.
8 chapter 233; ~~and~~
- 9 (7) Medicaid reimbursement funds pursuant to subsection 2959a(f) of
10 this title;
- 11 (8) land use change tax revenue deposited pursuant to 32 V.S.A.
12 § 3757(d);
- 13 (9) uniform capacity tax revenue deposited pursuant to 32 V.S.A.
14 § 8701(b)(3);
- 15 (10) wind-powered electric generating facilities tax deposited pursuant
16 to 32 V.S.A. § 5402c; and
- 17 (11) revenues from the short-term rental surcharge under 32 V.S.A.
18 § 9301.

19

* * *

1 Sec. 7 10. RESERVE FUND ACCOUNT STANDARDS; DISTRICT QUALITY
2 STANDARDS; RULEMAKING

3 On or before January 1, 2025, the Agency of Education shall initiate
4 rulemaking pursuant to 3 V.S.A. chapter 25 to update the District Quality
5 Standards rules contained in Agency of Education, District Quality Standards
6 (CVR 23-020), to include recommended reserve fund account standards. Prior
7 to initiating rulemaking, the Agency shall consult with local school officials.

8 Sec. 8. AGENCY OF EDUCATION; EDUCATION FINANCE DATA
9 ANALYST POSITION

10 (a) One new permanent classified position, to be an education finance data
11 analyst, is established in the Agency of Education in fiscal year 2025 to receive
12 and analyze education finance data to support the field, Secretary, and General
13 Assembly in their respective roles within the education finance system.

14 (b) It is the intent of the General Assembly that the position created in
15 subsection (a) of this section shall enable the Agency to provide a wider range
16 of accessible and transparent data related to school budgets and education
17 spending, including analysis of trends, to school districts, the General
18 Assembly, and the public at large. It is also the intent of the General Assembly
19 that this position shall enable the Agency to provide robust support to
20 legislative committees and maintain education finance data calculators and
21 models used within the education finance system.

1 (6) one member of the public with expertise in education financing, who
2 shall be appointed by the Governor;

3 (7) the President of the Vermont Association of School Business
4 Officials or designee;

5 (8) one representative from the Vermont School Boards Association
6 (VSBA) with expertise in education financing, selected by the Executive
7 Director of VSBA;

8 (9) one representative from the Vermont Superintendents Association
9 (VSA) with expertise in education financing, selected by the Executive
10 Director of VSA; and

11 (10) one representative from the Vermont National Education
12 Association (VTNEA) with expertise in education financing, selected by the
13 Executive Director of VTNEA.

14 (c) Powers and duties.

15 (1) Annually, on or before December 15, the Committee shall make
16 recommendations to the General Assembly regarding:

17 (A) updating the weighting factors using the weighting model and
18 methodology used to arrive at the weights enacted under 2022 Acts and
19 Resolves No. 127, which may include recalibration, recalculation, adding or
20 eliminating weights, or any combination of these actions, as necessary;

21 (B) changes to, or the addition of new or elimination of existing,
22 categorical aid, as necessary;

1 (C) changes to income levels eligible for a property tax credit under
2 section 6066 of this title;

3 (D) means to adjust the revenue sources for the Education Fund;

4 (E) means to improve equity, transparency, and efficiency in
5 education funding statewide;

6 (F) the amount of the Education Fund stabilization reserve;

7 (G) school district use of reserve fund accounts; and

8 (H) any other topic, factor, or issue the Committee deems relevant to
9 its work and recommendations.

10 (2) The Committee shall review and recommend updated weights,
11 categorical aid, and changes to the excess spending threshold to the General
12 Assembly not less than every three years, which may include a
13 recommendation not to make changes where appropriate. In reviewing and
14 recommending updated weights, the Committee shall use the weighting model
15 and methodology used to arrive at the weights enacted under 2022 Acts and
16 Resolves No. 127.

17 (d) Assistance. The Committee shall have the administrative, technical,
18 and legal assistance of the Department of Taxes and the Agency of Education.

19 (e) Meetings.

20 (1) The Commissioner of Taxes shall call the first meeting of the
21 Committee to occur on or before July 15, 2025.

1 (2) The Committee shall select a chair from among its members at the
2 first meeting.

3 (3) A majority of the membership shall constitute a quorum.

4 (f) Compensation and reimbursement. Members of the Committee shall be
5 entitled to per diem compensation and reimbursement of expenses as permitted
6 under section 1010 of this title for up to four meetings per year.

7 Sec. 12. REPEAL; EDUCATION FUND ADVISORY COMMITTEE;
8 APPROPRIATION

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

11 (b) Appropriation. The sum of \$1,500.00 is appropriated from the General
12 Fund to the Agency of Education in fiscal year 2025 for per diem
13 compensation and reimbursement expenses for members of the Education
14 Fund Advisory Committee.

15 * * * Common Level of Appraisal; Statewide Adjustments * * *

16 Sec. ~~13~~ 14. STATE OUTREACH; STATEWIDE ADJUSTMENTS

17 On or before September 1, 2024, the Secretary of Education, in consultation
18 with the Commissioner of Taxes, shall conduct outreach to inform school
19 districts, public education stakeholders, and the general public of the use of
20 statewide adjustments under this act. The outreach shall include an
21 explanation of how statewide adjustments are used to calculate tax rates and

1 how using the statewide adjustment differs from the previous method for
2 calculating tax rates.

3 Sec. ~~13a~~ 14a. 32 V.S.A. § 5401 is amended to read:

4 § 5401. DEFINITIONS

5 As used in this chapter:

6 * * *

7 (13)(A) “Education property tax spending adjustment” means the
8 greater of one or a fraction in which:

9 (i) the numerator is the district’s per pupil education spending plus
10 excess spending for the school year, and

11 (ii) the denominator is the property dollar equivalent yield for the
12 school year, as defined in subdivision (15) of this section, multiplied by the
13 statewide adjustment.

14 (B) “Education income tax spending adjustment” means the greater
15 of one or a fraction in which the numerator is the district’s per pupil education
16 spending plus excess spending for the school year, and the denominator is the
17 income dollar equivalent yield for the school year, as defined in subdivision
18 (16) of this section.

19 * * *

20 (15) “Property dollar equivalent yield” means the amount of per pupil
21 education spending that would result ~~if the~~ in a district having a homestead tax
22 ~~rate were~~ of \$1.00 per \$100.00 of equalized education property value ~~and the~~

1 ~~statutory reserves under 16 V.S.A. § 4026 and section 5402b of this title were~~
2 ~~maintained.~~

3 (16) “Income dollar equivalent yield” means the amount of per pupil
4 education spending that would result ~~if the~~ in a district having an income
5 percentage in subdivision 6066(a)(2) of this title ~~were of 2.0 percent and the~~
6 ~~statutory reserves under 16 V.S.A. § 4026 and section 5402b of this title were~~
7 ~~maintained.~~

8 (17) “Statewide adjustment” means the ratio of the aggregate education
9 property tax grand list of all municipalities to the aggregate value of the
10 equalized education property tax grand list of all municipalities.

11 Sec. ~~44 15.~~ 32 V.S.A. § 5402 is amended to read:

12 § 5402. EDUCATION PROPERTY TAX LIABILITY

13 (a) A statewide education tax is imposed on all nonhomestead and
14 homestead property at the following rates:

15 (1) The tax rate for nonhomestead property shall be \$1.59 per \$100.00
16 divided by the statewide adjustment.

17 (2) The tax rate for homestead property shall be \$1.00 multiplied by the
18 education property tax spending adjustment for the municipality per \$100.00 of
19 equalized education property value as most recently determined under section
20 5405 of this title. The homestead property tax rate for each municipality that is
21 a member of a union or unified union school district shall be calculated as
22 required under subsection (e) of this section.

- 1 (b) The statewide education tax shall be calculated as follows:
- 2 (1) The Commissioner of Taxes shall determine for each municipality
- 3 the education tax rates under subsection (a) of this section divided by the
- 4 number resulting from dividing the municipality's most recent common level
- 5 of appraisal by the statewide adjustment. The legislative body in each
- 6 municipality shall then bill each property taxpayer at the homestead or
- 7 nonhomestead rate determined by the Commissioner under this subdivision,
- 8 multiplied by the education property tax grand list value of the property,
- 9 properly classified as homestead or nonhomestead property and without regard
- 10 to any other tax classification of the property. Statewide education property
- 11 tax bills shall show the tax due and the calculation of the rate determined under
- 12 subsection (a) of this section, divided by the number resulting from dividing
- 13 the municipality's most recent common level of appraisal by the statewide
- 14 adjustment, multiplied by the current grand list value of the property to be
- 15 taxed. Statewide education property tax bills shall also include language
- 16 provided by the Commissioner pursuant to subsection 5405(g) of this title.
- 17 (2) Taxes assessed under this section shall be assessed and collected in
- 18 the same manner as taxes assessed under chapter 133 of this title with no tax
- 19 classification other than as homestead or nonhomestead property; provided,
- 20 however, that the tax levied under this chapter shall be billed to each taxpayer
- 21 by the municipality in a manner that clearly indicates the tax is separate from
- 22 any other tax assessed and collected under chapter 133, including an

1 itemization of the separate taxes due. The bill may be on a single sheet of
2 paper with the statewide education tax and other taxes presented separately and
3 side by side.

4 (3) If a district has not voted a budget by June 30, an interim homestead
5 education tax shall be imposed at the base rate determined under subdivision
6 (a)(2) of this section, divided by the number resulting from dividing the
7 municipality's most recent common level of appraisal by the statewide
8 adjustment, but without regard to any spending adjustment under subdivision
9 5401(13) of this title. Within 30 days after a budget is adopted and the
10 deadline for reconsideration has passed, the Commissioner shall determine the
11 municipality's homestead tax rate as required under subdivision (1) of this
12 subsection.

13 * * *

14 Sec. ~~15~~ 16. 32 V.S.A. § 5402b is amended to read:

15 § 5402b. STATEWIDE EDUCATION TAX YIELDS;

16 RECOMMENDATION OF THE COMMISSIONER

17 (a) Annually, ~~no~~ not later than December 1, the Commissioner of Taxes,
18 after consultation with the Secretary of Education, the Secretary of
19 Administration, and the Joint Fiscal Office, shall calculate and recommend a
20 property dollar equivalent yield, an income dollar equivalent yield, and a
21 nonhomestead property tax rate for the following fiscal year. In making these
22 calculations, the Commissioner shall assume:

1 (1) the homestead base tax rate in subdivision 5402(a)(2) of this title is
2 \$1.00 per \$100.00 of equalized education property value;

3 (2) the applicable percentage in subdivision 6066(a)(2) of this title is
4 2.0;

5 (3) the statutory reserves under 16 V.S.A. § 4026 and this section were
6 maintained at five percent; ~~and~~

7 (4) the percentage change in the average education tax bill applied to
8 nonhomestead property and the percentage change in the average education tax
9 bill of homestead property and the percentage change in the average education
10 tax bill for taxpayers who claim a credit under subsection 6066(a) of this title
11 are equal;

12 (5) the equalized education grand list is multiplied by the statewide
13 adjustment in calculating the property dollar equivalent yield; and

14 (6) the nonhomestead rate is divided by the statewide adjustment.

15 (b) For each fiscal year, the property dollar equivalent yield and the income
16 dollar equivalent yield shall be the same as in the prior fiscal year, unless set
17 otherwise by the General Assembly.

18 (c) Annually, on or before December 1, the Joint Fiscal Office shall prepare
19 and publish an official, annotated copy of the Education Fund Outlook. The
20 Emergency Board shall review the Outlook at its meetings. As used in this
21 section, "Education Fund Outlook" means the projected revenues and expenses

1 associated with the Education Fund for the following fiscal year, including
2 projections of different categories of educational expenses and costs.

3 (d) Along with the recommendations made under this section, the
4 Commissioner shall include the range of per pupil spending between all
5 districts in the State for the previous year.

6 * * * Act 84 Amendments * * *

7 Sec. ~~16~~ 17. 2024 Acts and Resolves No. 84, Sec. 3(c) is amended to read:

8 (c) Notwithstanding 16 V.S.A. chapter 133, 32 V.S.A. chapter 135, or any
9 other provision of law to the contrary, a school district shall receive a decrease
10 to its homestead property tax rate in fiscal year 2025 equal to \$0.01 for every
11 relative percent decrease calculated under subsection (b) of this section divided
12 by the statewide adjustment, rounded to the nearest whole cent. The tax rate
13 decrease shall phase out in the following manner:

14 (1) A district shall receive a decrease to its homestead property tax rate
15 in fiscal year 2026 equal to 80 percent of the rate decrease it received under
16 subsection (b) of this section.

17 (2) A district shall receive a decrease to its homestead property tax rate
18 in fiscal year 2027 equal to 60 percent of the rate decrease it received under
19 subsection (b) of this section.

20 (3) A district shall receive a decrease to its homestead property tax rate
21 in fiscal year 2028 equal to 40 percent of the rate decrease it received under
22 subsection (b) of this section.

1 (4) A district shall receive a decrease to its homestead property tax rate
2 in fiscal year 2029 equal to 20 percent of the rate decrease it received under
3 subsection (b) of this section.

4 Sec. ~~17~~ 18. 2024 Acts and Resolves No. 84, Sec. 3(g) is added to read:

5 (g)(1) In the event that a district with an equalized homestead property tax
6 rate that was decreased by this section merges with another district or districts,
7 the combined district shall receive the greatest decrease under the section
8 available to any of the merged districts.

9 (2) In the event that a district withdraws from a district with an
10 equalized homestead property tax rate that was decreased by this section, the
11 withdrawing district shall not receive any decrease under this section and the
12 remaining district shall continue to have the same decrease in its equalized
13 homestead property tax rate. If a district is instead dissolved, there shall be no
14 decreased equalized homestead property tax rate for the resulting districts.

15 * * * Excess Education Spending * * *

16 Sec. ~~18~~ 19. 32 V.S.A. § 5401(12) is amended to read:

17 (12) “Excess spending” means:

18 (A) The ~~per equalized pupil~~ per pupil spending amount of the
19 district’s education spending, as defined in 16 V.S.A. § 4001(6), plus any
20 amount required to be added from a capital construction reserve fund under 24
21 V.S.A. § 2804(b).

1 (B) In excess of ~~424~~ 120 percent of the statewide average district per
2 pupil education spending ~~per equalized pupil~~ increased by inflation, as
3 determined by the Secretary of Education on or before November 15 of each
4 year based on the passed budgets to date. As used in this subdivision,
5 “increased by inflation” means increasing the statewide average district per
6 pupil education spending ~~per equalized pupil~~ for fiscal year ~~2015~~ 2025 by the
7 most recent New England Economic Project cumulative price index, as of
8 November 15, for state and local government purchases of goods and services,
9 from fiscal year ~~2015~~ 2025 through the fiscal year for which the amount is
10 being determined.

11 Sec. ~~19~~ 20. REPEALS

12 2022 Acts and Resolves No. 127, Sec. 8(a) (suspension of laws) is repealed.

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

14 (B) For districts with a voter-approved bond, an amount equal to the
15 difference between voter-approved bond payments toward principal and
16 interest made in the prior year and the current year shall not be included in
17 “education spending” for purposes of calculating excess spending pursuant to
18 32 V.S.A. § 5401(12), “education spending” shall not include:

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

20 ~~(1) approved school capital construction for a project that~~
21 ~~received preliminary approval under section 3448 of this title, including~~
22 ~~interest paid on the debt, provided the district shall not be reimbursed or~~

1 otherwise receive State construction aid for the approved school capital
2 construction; or

3 (H) spending on eligible school capital project costs pursuant to
4 the State Board of Education's Rule 6134 for a project that received
5 preliminary approval under section 3448 of this title.

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

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

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

14 (iii) Spending that is approved school capital construction spending
15 or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future approved
16 school capital construction costs, including that portion of tuition paid to an
17 independent school designated as the public high school of the school district
18 pursuant to section 827 of this title for capital construction costs by the
19 independent school that has received approval from the State Board of
20 Education, using the processes for preliminary approval of public school
21 construction costs pursuant to subdivision 3448(a)(2) of this title.

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

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

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

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

19 ~~(viii) Tuition paid by a district that does not operate a school and~~
20 ~~pays tuition for all resident students in kindergarten through grade 12, except~~
21 ~~in a district in which the electorate has authorized payment of an amount~~

1 ~~higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this~~
2 ~~title.~~

3 ~~(ix) The assessment paid by the employer of teachers who become~~
4 ~~members of the State Teachers' Retirement System of Vermont on or after July~~
5 ~~1, 2015, pursuant to section 1944d of this title.~~

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

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

11 * * * Property Tax Credit Claims * * *

12 Sec. ~~21~~ 22. PROPERTY TAX CREDIT; ASSET DECLARATION; REPORT

13 On or before December 15, 2025, the Commissioner shall recommend
14 administrative and policy improvements for property tax credit claims,
15 including the use of an asset declaration. The report shall be submitted to the
16 House Committee on Ways and Means and the Senate Committee on Finance.

17 * * * Act 127 Conforming Amendments * * *

18 Sec. ~~22~~ 23. 16 V.S.A. § 4016 is amended to read:

19 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

20 (a) A school district or supervisory union that incurs allowable
21 transportation expenditures shall receive a transportation reimbursement grant
22 each year. The grant shall be equal to 50 percent of allowable transportation

1 expenditures; provided, however, that in any year the total amount of grants
2 under this subsection shall not exceed the total amount of adjusted base year
3 transportation grant expenditures. The total amount of base year transportation
4 grant expenditures shall be \$10,000,000.00 for fiscal year 1997, increased each
5 year thereafter by the annual price index for state and local government
6 purchases of goods and services. If in any year the total amount of the grants
7 under this subsection exceed the adjusted base year transportation grant
8 expenditures, the amount of each grant awarded shall be reduced
9 proportionately. Transportation grants paid under this section shall be paid
10 from the Education Fund and shall be added to ~~adjusted~~ education spending
11 payment receipts paid under section 4011 of this title.

12 * * *

13 (c) A district or supervisory union may apply and the Secretary may pay
14 for extraordinary transportation expenditures incurred due to geographic or
15 other conditions such as the need to transport students out of the school district
16 to attend another school because the district does not maintain a public school.
17 The State Board shall define extraordinary transportation expenditures by rule.
18 The total amount of base year extraordinary transportation grant expenditures
19 shall be \$250,000.00 for fiscal year 1997, increased each year thereafter by the
20 annual price index for state and local government purchases of goods and
21 services. Extraordinary transportation expenditures shall not be paid out of the
22 funds appropriated under subsection (b) of this section for other transportation

1 expenditures. Grants paid under this section shall be paid from the Education
2 Fund and shall be added to ~~adjusted~~ education spending payment receipts paid
3 under section 4011 of this title.

4 Sec. ~~23~~ 24. 16 V.S.A. § 4026 is amended to read:

5 § 4026. EDUCATION FUND BUDGET STABILIZATION RESERVE;

6 CREATION AND PURPOSE

7 (a) It is the purpose of this section to reduce the effects of annual variations
8 in State revenues upon the Education Fund budget of the State by reserving
9 certain surpluses in Education Fund revenues that may accrue for the purpose
10 of offsetting deficits.

11 * * *

12 (e) The enactment of this chapter and other provisions of the Equal
13 Educational Opportunity Act of which it is a part have been premised upon
14 estimates of balances of revenues to be raised and expenditures to be made
15 under the act for such purposes as ~~adjusted~~ education spending payments,
16 categorical State support grants, provisions for property tax income sensitivity,
17 payments in lieu of taxes, current use value appraisals, tax stabilization
18 agreements, the stabilization reserve established by this section, and for other
19 purposes. If the stabilization reserve established under this section should in
20 any fiscal year be less than 5.0 percent of the prior fiscal year's appropriations
21 from the Education Fund, as defined in subsection (b) of this section, the Joint
22 Fiscal Committee shall review the information provided pursuant to 32 V.S.A.

1 § 5402b and provide the General Assembly its recommendations for change
2 necessary to restore the stabilization reserve to the statutory level provided in
3 subsection (b) of this section.

4 Sec. ~~24~~ 25. 16 V.S.A. § 4028 is amended to read:

5 § 4028. FUND PAYMENTS TO SCHOOL DISTRICTS

6 (a) On or before September 10, December 10, and April 30 of each school
7 year, one-third of the ~~adjusted~~ education spending payment under section 4011
8 of this title shall become due to school districts, except that districts that have
9 not adopted a budget by 30 days before the date of payment under this
10 subsection shall receive one-quarter of the base education amount and upon
11 adoption of a budget shall receive additional amounts due under this
12 subsection.

13 * * *

14 * * * Effective Dates * * *

15 Sec. ~~25~~ 26. EFFECTIVE DATES

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

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

18 (2) Sec. 2 (property tax rates and yields);

19 (3) Sec. 13 (State outreach; statewide adjustments); and

20 (4) Sec. 17 (Act 84 application to district mergers, withdrawals, and
21 dissolutions).

22 (b) The following sections shall take effect on July 1, 2024:

- 1 (1) Secs. 3 and 4 (cloud tax);
- 2 (2) Sec. 5 (short-term rental surcharge);
- 3 (3) Sec. 6 (16 V.S.A. § 4025);
- 4 (4) Sec. 7 (school district reserve fund standards rulemaking);
- 5 (5) Sec. 8 (AOE education finance data analyst position);
- 6 (6) Sec. 9 (16 V.S.A. § 563; ballot language);
- 7 (7) Sec. 10 (repeal of ballot language suspension);
- 8 (8) Sec. 11 (Education Fund Advisory Committee);
- 9 (9) Sec. 12 (repeal; Education Fund Advisory Committee;
10 appropriation);
- 11 (10) Sec. 16 (Act 84 conforming amendments);
- 12 (11) Sec. 18 (excess spending threshold);
- 13 (12) Sec. 20 (16 V.S.A. § 4001(6)(B); education spending exclusions);
- 14 (13) Sec. 21 (PTC report); and
- 15 (14) Secs. 22–24 (Act 127 conforming amendments).
- 16 (c) Secs. 13a–15 (CLA effect on tax rates and statewide adjustment) and
17 19 (repeal of excess spending suspension) shall take effect July 1, 2025.