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S.233

Representative Branagan of Georgia moves that the House agree to the Senate Proposal of Amendment to Senate Bill No. 233 entitled “An act relating to amending Act 46” and that the bill be further amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2015 Acts and Resolves No. 46, Sec. 37 is amended to read:

Sec. 37. ALLOWABLE GROWTH IN EDUCATION SPENDING FOR  
FISCAL YEARS 2017 AND 2018

(a)(1) Notwithstanding any other provision of law, for fiscal year 2017 only, “excess spending” under 32 V.S.A. § 5401(12) shall be calculated as follows:

(A) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) either stays the same or increases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

1           (B) For districts where the total amount of exclusions in 16 V.S.A.  
2           § 4001(6)(B) decreases from the prior fiscal year to the current fiscal year,  
3           “excess spending” means the per-equalized-pupil amount of the district’s  
4           education spending, plus any amount required to be added from a Capital  
5           Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the  
6           district’s per-equalized-pupil amount of total education spending in the prior  
7           fiscal year, plus the district’s allowable growth. As used in this subdivision,  
8           “education spending” means education spending as defined in 16 V.S.A.  
9           § 4001(6) before the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

10           (2) Notwithstanding any other provision of law, for fiscal years 2017  
11           and 2018 fiscal year 2018 only, “excess spending” under 32 V.S.A. § 5401(12)  
12           means the per-equalized-pupil amount of the district’s education spending, as  
13           defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a  
14           Capital Construction Reserve Fund under 24 V.S.A. § 2804(b), that is in  
15           excess of the district’s per-equalized-pupil amount of education spending in  
16           the prior fiscal year, plus the district’s allowable growth. As used in this  
17           subdivision, “education spending” means education spending as defined in  
18           16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are  
19           subtracted.

20           (b) For fiscal years 2017 and 2018, the “allowable growth” for any  
21           individual school district is an amount equal to the actual amount of

1 per-equalized-pupil education spending in the district in the prior fiscal year,  
2 multiplied by the district’s “allowable growth percentage.” A district’s  
3 “allowable growth percentage” means a percentage that results from the  
4 following equation: the highest per-equalized-pupil amount of the education  
5 spending in any district in the State in the prior fiscal year, divided by the  
6 actual amount of per-equalized-pupil education spending in the district in the  
7 prior fiscal year, minus one, multiplied by five and one-half percent. For the  
8 purpose of the calculations made under this subsection, the term “education  
9 spending” refers to education spending as used to calculate excess spending  
10 under 16 V.S.A. § 4001(6), including all the adjustments under 16 V.S.A.  
11 § 4001(6)(B).

12 (c) Notwithstanding any other provision of law, for fiscal years 2017 and  
13 2018 only:

14 (1) The allowable growth percentage calculated in subsection (b) of this  
15 section shall be increased by adding 0.9 percentage points to the allowable  
16 growth percentage for each district.

17 (2) The education property tax spending adjustment under 32 V.S.A.  
18 § 5401(13)(A) and the education income tax spending adjustment under  
19 32 V.S.A. § 5401(13)(B) shall be calculated by using only 40 percent of the  
20 district’s excess spending.

1           (3) Notwithstanding subdivision (c)(2) of this section, for any district  
2           where the actual per-equalized-pupil amount of education spending in the prior  
3           fiscal year is below the statewide average per-equalized-pupil amount of  
4           education spending in the prior fiscal year, the education property tax spending  
5           adjustment under 32 V.S.A. § 5401(13)(A) and the education income tax  
6           spending adjustment under 32 V.S.A. § 5401(13)(B) shall be calculated  
7           without any addition for excess spending. As used in this subdivision, “the  
8           statewide average per-equalized-pupil amount of education spending in the  
9           prior fiscal year” means the total statewide per-equalized-pupil amount of  
10           education spending in the prior fiscal year divided by the total number of  
11           equalized pupils for that year. As used in this subdivision, “education  
12           spending” shall have the same meaning as in 16 V.S.A. § 4001(6) after the  
13           exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

14           Sec. 2. EFFECTIVE DATE

15           This act shall take effect on passage.

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