

H.480

Introduced by Committee on Education

Date:

Subject: Education; definitions; obsolete language; RED incentives

Statement of purpose of bill as introduced: This bill proposes to make miscellaneous technical and other amendments to education laws, including adding “prekindergarten” to the definition of “elementary education” for federal grant purposes; repealing obsolete language and references to repealed statutes; updating the language of 16 V.S.A. § 2902 regarding educational support systems; and basing eligibility for RED incentives on the date on which districts receive final approval of the electorate rather than on the date on which the new district becomes operational.

An act relating to making miscellaneous technical and other amendments to education laws

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

* * * Elementary Education; Prekindergarten * * *

Sec. 1. 16 V.S.A. § 11(a)(3) is amended to read:

(3) “Elementary education” means a program of public school education adapted to the needs of students in prekindergarten, kindergarten, and the first six grades.

* * * Divided Vote; Repeal of Language No Longer in Effect * * *

Sec. 2. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; ~~FORM OF VOTE IF BUDGET
EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
AVERAGE~~

The school board of a school district, in addition to other duties and
authority specifically assigned by law:

* * *

(11)(A) Shall prepare and distribute annually a proposed budget for the
next school year according to such major categories as may from time to time
be prescribed by the ~~commissioner~~ Secretary.

~~(B) If the proposed budget contains education spending in excess of
the Maximum Inflation Amount, and the district's education spending per
equalized pupil in the fiscal year preceding the year for which the budget is
proposed was in excess of the statewide average district education spending
per equalized pupil in that same fiscal year, as determined by the commissioner
of education, then in lieu of any other statutory or charter form of budget
adoption or budget vote, the board shall present the budget to the voters by
means of a divided question, in the form of vote provided in subdivision (ii) of
this subdivision (11)(B).~~

~~(i) "Maximum Inflation Amount" in this section means:~~

1 ~~(I) the statewide average district education spending per~~
2 ~~equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year~~
3 ~~preceding the year for which the budget is proposed, as determined by the~~
4 ~~commissioner of education, multiplied by the New England Economic Project~~
5 ~~Cumulative Price Index percentage change, as of November 15 preceding~~
6 ~~distribution of the proposed budget, for state and local government purchases~~
7 ~~of goods and services for the fiscal year for which the budget is proposed, plus~~
8 ~~one percentage point; plus the district's education spending per equalized pupil~~
9 ~~in the fiscal year preceding the year for which the budget is proposed, as~~
10 ~~determined by the commissioner of education;~~

11 ~~(II) multiplied by the higher of the following amounts as~~
12 ~~determined by the commissioner of education: (aa) the district's equalized~~
13 ~~pupil count in the fiscal year preceding the year for which the budget is~~
14 ~~proposed; or (bb) the district's equalized pupil count in the fiscal year for~~
15 ~~which the budget is proposed.~~

16 ~~(ii) The ballot shall be in the following form:~~

17 ~~"The total proposed budget of \$_____ is the amount determined~~
18 ~~by the school board to be necessary to support the school district's educational~~
19 ~~program. State law requires the vote on this budget to be divided because (i)~~
20 ~~the school district's spending per pupil last year was more than the statewide~~

1 average and (ii) ~~this year's proposed budget is greater than last year's budget~~
2 ~~adjusted for inflation.~~

3 ~~"Article #1 (School Budget):~~

4 ~~Part A. Shall the voters of the school district authorize the school~~
5 ~~board to expend \$ _____, which is a portion of the amount the school board~~
6 ~~has determined to be necessary?~~

7 ~~Part B. If Part A is approved by the voters, shall the voters of the~~
8 ~~school district also authorize the school board to expend \$ _____, which is the~~
9 ~~remainder of the amount the school board has determined to be necessary?"~~

10 (C) At a school district's annual or special meeting, the electorate
11 may vote to provide notice of availability of the school budget required by this
12 subdivision to the electorate in lieu of distributing the budget. If the electorate
13 of the school district votes to provide notice of availability, it must specify how
14 notice of availability shall be given, and such notice of availability shall be
15 provided to the electorate at least 30 days before the district's annual meeting.
16 The proposed budget shall be prepared and distributed at least ten days before
17 a sum of money is voted on by the electorate. Any proposed budget shall show
18 the following information in a format prescribed by the ~~commissioner of~~
19 ~~education~~ Secretary:

20 * * *

1 Sec. 3. REPEAL

2 16 V.S.A. § 4001(6)(A) (divided vote; exceptions to education spending)
3 is repealed.

4 * * * School Boards; Designation; Technical Correction * * *

5 Sec. 4. 16 V.S.A. § 563(31) is amended to read:

6 (31) Subject to the requirements of section 571 of this title, may enter
7 into contracts with other school boards to provide joint programs, services,
8 facilities, and professional or other staff. ~~Nothing herein shall be construed to~~
9 ~~permit the designation by a school district that does not maintain a secondary~~
10 ~~school of another school district's secondary school as the secondary school of~~
11 ~~the district.~~

12 * * * Sight and Hearing Testing; Equipment * * *

13 Sec. 5. REPEAL

14 16 V.S.A. § 1421 (sight and hearing testing equipment) is repealed.

15 * * * Tiered System of Supports * * *

16 Sec. 6. 16 V.S.A. § 2902 is amended to read:

17 § 2902. ~~EDUCATIONAL SUPPORT SYSTEM~~ TIERED SYSTEM OF
18 SUPPORTS AND EDUCATIONAL SUPPORT TEAM

19 (a) Within each school district's comprehensive system of educational
20 services, each public school shall develop and maintain ~~an educational support~~
21 ~~system for students who require additional assistance in order~~ a tiered system

1 of academic and behavioral supports for the purpose of providing all students
2 with the opportunity to succeed or to be challenged in the general education
3 environment. For each school it maintains, a school district board shall assign
4 responsibility for developing and maintaining the ~~educational support system~~
5 tiered system of supports either to the superintendent pursuant to a contract
6 entered into under section 267 of this title or to the school principal. ~~The~~
7 ~~educational support system~~ The school shall provide all students a full and fair
8 opportunity to access the system of supports and achieve educational success.
9 The tiered system of supports shall, at a minimum, include an educational
10 support team ~~and a range of support and remedial services, including,~~
11 instructional and behavioral interventions, and accommodations that are
12 available as needed for any student who requires support beyond what can be
13 provided in the general education classroom, and may include intensive,
14 individualized interventions for any student requiring a higher level of support.

15 (b) ~~The educational support system~~ tiered system of supports shall:

16 (1) Be ~~integrated to the extent~~ aligned as appropriate with the general
17 education curriculum.

18 (2) Be designed to ~~increase~~ enhance the ability of the general education
19 system to meet the needs of all students.

(5) ~~Ensure~~ Provide all students with a continuum of evidence-based and research-based behavior practices that teach and encourage prosocial skills and behaviors schoolwide.

* * *

* * * Small School Support; Outdated References * * *

Sec. 7. REPEAL

16 V.S.A. § 4015(d) (small school support; references to two repealed provisions) is repealed.

* * * Education Fund; Technical Correction * * *

Sec. 8. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

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

* * *

~~(4) Revenue from the electric generating plant education property tax under 32 V.S.A. § 5402a.~~ [Repealed.]

* * *

* * * District Spending Adjustment; Repeal of Exception * * *

Sec. 9. 32 V.S.A. § 5401(13) is amended to read:

(13) “District spending adjustment” means the greater of: one or a fraction in which the numerator is the district’s education spending plus excess spending, per equalized pupil, for the school year; and the denominator is the base education amount for the school year, as defined in 16 V.S.A. § 4001.
~~For 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 and which has decided by a majority vote of its school board to opt into this provision, the~~

1 ~~district spending adjustment shall be the average of the district spending~~
2 ~~adjustment calculated under this subdivision for the previous year and for the~~
3 ~~current year. Any district opting for a two-year average under this subdivision~~
4 ~~may not opt out of such treatment, and the averaging shall continue until the~~
5 ~~district no longer qualifies for such treatment.~~

6 * * * Voluntary Mergers; Incentives * * *

7 Sec. 10. 2010 Acts and Resolves No. 153, Sec. 2(a), as amended by 2012
8 Acts and Resolves No. 156, Sec. 1, is further amended to read:

9 (a) Program created. There is created a school district merger incentive
10 program under which the incentives outlined in Sec. 4 of this act shall be
11 available to each new unified union school district created pursuant to Sec. 3 of
12 this act and to each new district created under Sec. 3 of this act by the merger
13 of districts that provide education by paying tuition; and to the Vermont
14 members of any new interstate school district if the Vermont members jointly
15 satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district
16 meets all other requirements of Sec. 3 of this act. Incentives shall be available,
17 however, only if the ~~effective date of merger is on or before July 1, 2017~~
18 merger receives final approval of the electorate prior to November 30, 2017.

Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES

(h) ~~This section is repealed on July 1, 2017. The incentives provided in~~

* * * Effective Date * * *

This act shall take effect on July 1, 2015.