

1 H.361

2 Representatives Buxton of Tunbridge, Juskiewicz of Cambridge, Komline
3 of Dorset, Long of Newfane, Olsen of Londonderry, and Sibia of Dover move
4 that the bill be amended as follows:

5 First: After Sec. 12 (small school support; effective fiscal year 2020),
6 before the reader assistance, by inserting a new section to be Sec. 12a to read:

7 Sec. 12a. SMALL SCHOOL SUPPORT; METRICS

8 On or before July 1, 2018, the State Board of Education shall adopt and
9 publish metrics by which it will make determinations whether to award small
10 school support pursuant to 16 V.S.A. § 4015 on and after July 1, 2019, as
11 amended by Sec. 12 of this act.

12 Second: By striking out Secs. 15 and 16 (publicly funded tuition; schools
13 outside Vermont) and the related reader assistance in their entirety and
14 inserting in lieu thereof the following:

15 Sec. 15. [Deleted.]

16 Sec. 16. [Deleted.]

17 Third: By striking out Secs. 27 (education spending cap) and 28 (sunset) in
18 their entirety and inserting in lieu thereof new Secs. 27 and 28 to read:

1 Sec. 27. EDUCATION SPENDING CAP

2 (a) Intent. It is the intent of the General Assembly that, to the extent
3 possible, adherence to the education spending cap is accomplished by
4 adjustment of the student-to-adult ratio.

5 (b) Definitions. As used in this section:

6 (1) “District allowable growth rate” means 2.0 percent divided by the
7 district spending index.

8 (2) “District spending index” means a district’s education spending per
9 equalized pupil in the prior year divided by the statewide average education
10 spending per equalized pupil in the prior year.

11 (c) Adjusted district education spending cap. Subject to Sec. 28 of this act
12 and notwithstanding any other provision of law to the contrary, there shall be
13 an adjusted district education spending cap amount for each school district that
14 shall be determined in each fiscal year by multiplying the district’s allowable
15 growth rate by the greater of either:

16 (1) the total district education spending amount adopted in the previous
17 year’s budget; or

18 (2) the district education spending per equalized pupil amount adopted
19 in the previous year’s budget multiplied by the district’s equalized pupil count
20 in the current year.

1 (d) Nonoperating and partially operating districts.

2 (1) Nonoperating districts. Notwithstanding any other provisions of
3 law, in the case of nonoperating districts, in no case shall elementary and
4 secondary tuition, as appropriate, paid by a district exceed the highest amount
5 of tuition paid by the district for one student in the fiscal year for which the
6 amount is being determined, increased by the district allowable growth rate. A
7 public school district shall not charge any additional tuition to the student, the
8 student's parent or guardian, or the student's school district of residence, but
9 may require the student or the student's parent or guardian to pay fees and
10 other charges that nonpublicly funded students are also required to pay.

11 (2) Partially operating districts. If a district provides for the education
12 of its resident students both by operating a school for all students in one or
13 more grades and by paying tuition for all students in the remaining grade or
14 grades, then:

15 (A) the cap set forth in subsection (c) of this section shall apply to
16 that portion of the district's budget that is not attributable to tuition
17 payments; and

18 (B) the cap set forth in subdivision (1) of this subsection (d) shall
19 apply to that portion of the district's budget that is attributable to tuition
20 payments.

1 (e) School budget. If any school district approves a budget that contains
2 education spending in excess of the applicable cap described in subsection (c)
3 of this section, then the budget shall be deemed to have failed to pass.

4 (f) Appeals.

5 (1) A school district shall have the right to appeal the amount of the
6 education spending cap to the Secretary of Education if the appeal is submitted
7 three months or more prior to the date that the school district votes on the
8 budget. The Secretary shall make a determination to grant or deny an appeal
9 within 30 days of receipt of an appeal, and his or her decision shall be final and
10 not subject to review.

11 (2) The Secretary is authorized to grant an appeal for extraordinary
12 expenses, including a 20 percent projected increase in the costs of special
13 education needs and emergency infrastructure repair projects.

14 (3) The Secretary shall adopt guidelines to administer this subsection.

15 Sec. 28. EDUCATION SPENDING CAP; APPLICABILITY

16 The education spending cap in Sec. 27 of this act shall apply solely to
17 proposed school budgets for fiscal years 2018 and 2019; provided, however:

18 (1) The cap shall apply to proposed school budgets for fiscal year 2018
19 only if the statewide average education spending in fiscal year 2017 increases
20 by more than 2.95 percent above the statewide average education spending in
21 fiscal year 2016.

1 (2) If the cap did not apply to proposed school budgets for fiscal year
2 2018, then the cap shall apply to proposed school budgets for fiscal year 2019
3 only if the statewide average education spending in fiscal year 2018 increases
4 by more than 2.95 percent above the statewide average education spending in
5 fiscal year 2017.

6 Fourth: In Sec. 36 (effective dates), in subsection (f), after the period, by
7 inserting a second sentence to read: “Sec. 12a (small school support; metrics)
8 shall take effect on July 1, 2015.”

9 Fifth: In Sec. 36 (effective dates), by striking out subsection (i) (publicly
10 funded tuition; schools outside Vermont; grandfathering) in its entirety and
11 inserting in lieu thereof a new subsection (i) to read:

12 (i) [Deleted.]

13 Sixth: In Sec. 36 (effective dates), by striking out subsection (s) in its
14 entirety and inserting in lieu thereof the following:

15 (s) Secs. 27 and 28 (education spending cap; creation; applicability) shall
16 take effect on July 1, 2015.