

1 H.168

2 Introduced by Representative Beck of St. Johnsbury

3 Referred to Committee on

4 Date:

5 Subject: Special education reimbursement; weighted long-term membership

6 Statement of purpose of bill as introduced: This bill proposes to decrease State  
7 reimbursement of special education expenditures incurred by supervisory  
8 unions and school districts and increase certain of the weighting factors used to  
9 calculate the weighted long-term membership of school districts. The  
10 weighting factors that would be increased are for secondary students, students  
11 from economically deprived backgrounds, and students for whom English is  
12 not the primary language.

13 An act relating to special education reimbursement and weighted long-term  
14 membership

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

16 \* \* \* Special Education Reimbursement \* \* \*

17 Sec. 1. 16 V.S.A. § 2941 is amended to read:

18 § 2941. POLICY AND PURPOSE

19 It is the policy of the State to ensure equal educational opportunities for all  
20 children in Vermont. This means that children with disabilities are entitled to

1 receive a free appropriate public education. ~~It is further the policy of the State~~  
2 ~~to pay 60 percent of the statewide costs expended by public education for~~  
3 ~~children with disabilities.~~ The purpose of this chapter is to enable the Agency  
4 to ensure the provision of the special educational facilities and instruction  
5 necessary to meet the needs of children with disabilities.

6 Sec. 2. 16 V.S.A. § 2969 is amended to read:

7 § 2969. PAYMENTS

8 (a) On or before August 15, December 15, and April 15 of each school  
9 year, the State Treasurer shall withdraw from the Education Fund, based on  
10 warrant of the Commissioner of Finance and Management, and shall forward  
11 to each supervisory union and its member districts to the extent they anticipate  
12 reimbursable expenditures under this chapter, the amount of State assistance  
13 estimated in accordance with State Board rules to be necessary to fund ~~sections~~  
14 ~~2961 through 2963~~ a section 2962 of this title in the current fiscal period. The  
15 State Board shall by rule ensure that the amount of such assistance shall be  
16 adjusted to compensate for any overpayments or underpayments determined,  
17 after review and acceptance of the reports submitted under section 2968 of this  
18 title, to have been made in previous periods. Notwithstanding this subsection,  
19 failure to submit the reports within the ~~timelines~~ time lines established by  
20 subsection 2968(a) of this title shall result in the withholding of any payments  
21 until the report is filed.

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Sec. 3. 16 V.S.A. § 2975 is amended to read:

§ 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL  
ASSISTANCE

(a) The Secretary may use up to two percent of the funds appropriated for special education expenditures, as that term is defined in subsection ~~2967(b)~~ of ~~this title~~ (b) of this section, to directly assist supervisory unions with special education expenditures of an unusual or unexpected nature. ~~These funds shall not be used for exceptional circumstances that are funded under section 2963a of this title.~~ The Secretary's decision regarding a supervisory union's eligibility for and amount of assistance shall be final.

(b) Special education expenditures shall include:

- (1) costs eligible for reimbursement under section 2962 of this title;
- (2) costs for services for persons with visual impairments and persons with deafness or hearing loss;
- (3) costs for the interdisciplinary team program;
- (4) costs for regional specialists in multiple disabilities;
- (5) funds expended for training and programs to meet the needs of students with emotional behavioral problems under subsection 2969(c) of this title; and
- (6) funds expended for training under subsection 2969(d) of this title.

1       Sec. 4. REPEALS

2           The following sections in Title 16 are repealed:

3           (1) § 2961 (standard mainstream block grants);

4           (2) § 2963 (special education expenditures reimbursement);

5           (3) § 2963a (exceptional circumstances); and

6           (4) § 2967(b) (60 percent State reimbursement).

7       \* \* \* Weighted Long-term Measurement of School Districts \* \* \*

8       Sec. 5. 16 V.S.A. § 4010 is amended to read:

9       § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

10       (a) On or before the first day of December during each school year, the  
11       Secretary shall determine the average daily membership of each school district  
12       for the current school year. The determination shall list separately:

13           (1) resident prekindergarten children;

14           (2) resident students being provided elementary or kindergarten  
15       education; and

16           (3) resident students being provided secondary education.

17       (b) The Secretary shall determine the long-term membership for each  
18       school district for each student group described in subsection (a) of this  
19       section. The Secretary shall use the actual average daily membership over two  
20       consecutive years, the latter of which is the current school year.

1 (c) The Secretary shall determine the weighted long-term membership for  
2 each school district using the long-term membership from subsection (b) of  
3 this section and the following weights for each class:

4 Prekindergarten 0.46

5 Elementary or kindergarten 1.0

6 Secondary 1.13

7 (d) The weighted long-term membership calculated under subsection (c) of  
8 this section shall be increased for each school district to compensate for  
9 additional costs imposed by students from economically deprived  
10 backgrounds. The adjustment shall be equal to the total from subsection (c) of  
11 this section, multiplied by ~~25~~ 50 percent, and further multiplied by the poverty  
12 ratio of the district.

13 (e) The weighted long-term membership calculated under subsection (c) of  
14 this section shall be further increased by ~~0.2~~ 0.4 for each student in average  
15 daily membership for whom English is not the primary language.

16 \* \* \*

17 \* \* \* Effective Date \* \* \*

18 Sec. 6. EFFECTIVE DATE

19 This act shall take effect on July 1, 2018.