

1 S.1

2 Introduced by Senators Ashe, Mullin, Kitchel, and Cummings

3 Referred to Committee on Education

4 Date: January 10, 2017

5 Subject: Education; determination of average daily membership and equalized  
6 pupils

7 Statement of purpose of bill as introduced: This bill proposes to direct the  
8 Secretary of Education to determine average daily membership for the  
9 2016–2017 school year and the equalized pupil count for fiscal year 2018 by  
10 dates that are later than required by statute. By using these later dates, students  
11 in prekindergarten programs that did not timely complete required employee  
12 criminal record checks will be included in these determinations.

13 An act relating to the determination of average daily membership for the  
14 2016–2017 school year and equalized pupil count for fiscal year 2018

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

16 Sec. 1. DETERMINATION OF AVERAGE DAILY MEMBERSHIP FOR  
17 THE 2016–2017 SCHOOL YEAR AND EQUALIZED PUPIL  
18 COUNT FOR FISCAL YEAR 2018

19 (a) As used in this act:

20 (1) “Average daily membership” shall have the same meaning as used in

1 16 V.S.A. § 4001(1).

2 (2) “Census period” shall have the same meaning as used in 16 V.S.A.  
3 § 4001(1)(A).

4 (3) “Criminal record check” shall mean the criminal record check  
5 required under 16 V.S.A. § 255.

6 (4) “Equalized pupils” shall have the same meaning as used in 16 V.S.A.  
7 § 4001(3).

8 (5) “Prekindergarten child” shall have the same meaning as used in  
9 16 V.S.A. § 4001(15).

10 (6) “Prequalified program” shall have the same meaning as used in  
11 16 V.S.A. § 829.

12 (7) “School district” shall have the same meaning as used in 16 V.S.A.  
13 § 11(a)(10).

14 (b) Notwithstanding the time frame in 16 V.S.A § 4010(a), on or before  
15 February 15, 2017, the Secretary of Education shall determine the average  
16 daily membership of each school district for the 2016–2017 school year. The  
17 Secretary shall include in the average daily membership each prekindergarten  
18 child who attended a prequalified program as of January 13, 2017 that fulfilled  
19 required criminal record checks after the end of the census period. Any  
20 determination by the Secretary of average daily membership on or before  
21 December 1, 2016 for the 2016–2017 school year, as required by 16 V.S.A

1 § 4010(a), shall be considered a preliminary determination.

2 (c) Notwithstanding the time frame in 16 V.S.A § 4010(h), the Secretary  
3 shall determine the count of equalized pupils for fiscal year 2018 on or before  
4 February 16, 2017, which shall be final for that year. Any determination by  
5 the Secretary of the count of equalized pupils for fiscal year 2018 on or before  
6 December 15, 2016 for the 2018 fiscal year, as required by 16 V.S.A §  
7 4010(h), shall be considered a preliminary determination.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.