

1 H.897

2 Representative Sharpe of Bristol moves that the bill be amended as follows:

3 First: In Sec. 4, 16 V.S.A. chapter 101, in section 2961, by striking out  
4 subsection (c) in its entirety and inserting in lieu thereof a new subsection (c)  
5 to read:

6 (c)(1)(A) For fiscal year 2021, the amount of the educational support grant  
7 for a supervisory union shall be:

8 (i) the average amount it received for fiscal years 2017, 2018, and  
9 2019 from the State for special education under this section (standard  
10 mainstream block grants) and sections 2963 (special education expenditures  
11 reimbursement) and 2963a (exceptional circumstances) of this title;  
12 increased by;

13 (ii) the annual change in the National Income and Product  
14 Accounts (NIPA) Implicit Price Deflator for State and Local Government  
15 Consumption Expenditures and Gross Investment as reported by the  
16 U.S. Department of Commerce, Bureau of Economic Analysis.

17 (B) The amount determined under subdivision (A) of this subdivision  
18 (1) shall be divided by the supervisory union's long-term membership, to  
19 determine the base amount of the educational support grant, which is the  
20 amount of the educational support grant calculated on a per student basis.

1           (2) For fiscal year 2025 and subsequent fiscal years, the amount of the  
2           educational support grant for a supervisory union shall be the uniform base  
3           amount multiplied by the supervisory union’s long-term membership. The  
4           uniform base amount shall be determined by State Board of Education rules.

5           (3) For fiscal years 2022, 2023, and 2024, the amount of the educational  
6           support grant for a supervisory union shall be determined by multiplying the  
7           supervisory union’s long-term membership by a base amount established under  
8           State Board of Education rules. The base amount established under State  
9           Board of Education rules shall be designed to move gradually a supervisory  
10           union’s fiscal year 2021 base amount to the fiscal year 2025 uniform base  
11           amount established by the State Board under subdivision (2) of this subsection.

12           (4) For fiscal year [2021][2022][2025] and subsequent fiscal years, the  
13           amount of the educational support grant shall be increased by the educational  
14           support grant adjustment for supervisory unions that qualify for the adjustment.

15           Second: By striking out Sec. 16, Rulemaking, in its entirety and inserting in  
16           lieu thereof a new Sec.16 to read:

17           Sec. 16. RULEMAKING

18           The State Board of Education shall adopt such rules as are necessary to  
19           implement this act, and the Agency of Education shall recommend to the State  
20           Board proposed rules as are necessary to implement this act. The State Board  
21           and the Agency of Education shall consult with the Census-based Funding

1 Advisory Group established under Sec. 9 of this act in developing the State  
2 Board rules. The State Board rules shall include rules that:

3 (1) Define the term “educational support grant adjustment” as used in  
4 the amendment to 16 V.S.A. § 2961 in Sec. 4 of this act. The purpose of this  
5 adjustment is to increase the amount of the educational support grant provided  
6 to supervisory unions that have relatively higher costs in supporting students  
7 who require additional support due to the number of these students or the  
8 nature of the services required. In defining this term, the State Board shall  
9 establish the criteria for qualification for the adjustment and the manner in  
10 which the adjustment shall be applied. These criteria shall be designed to  
11 mitigate the risk that supervisory unions, in order to qualify for the adjustment,  
12 overidentify students who require additional support or overstate the severity  
13 of the support required. In defining the term educational support grant  
14 adjustment, the State Board shall consider the Agency’s report on methods to  
15 further the quality and equity of educational outcomes for students required  
16 under Sec. 11 of this act and the report entitled “Study of Vermont State  
17 Funding for Special Education” issued in December 2017 by the Department  
18 of Education and Social Services of the University of Vermont and State  
19 Agricultural College.

20 (2) Establish a “uniform base amount,” as that term is used in the  
21 amendment to 16 V.S.A. § 2961 in Sec. 4 of this act, that shall apply to all

1 supervisory unions for fiscal year 2025 and subsequent fiscal years. The  
2 amount of the educational support grant for a supervisory union for these fiscal  
3 years is determined by multiplying the uniform base amount by the supervisory  
4 union’s long-term membership. In determining the uniform base amount, the  
5 State Board of Education shall:

6 (A) divide:

7 (i) an amount equal to:

8 (I) the average State appropriation for special education under  
9 16 V.S.A. §§ 2961 (standard mainstream block grants), 2963 (special  
10 education expenditures reimbursement), and 2963a (exceptional  
11 circumstances) for fiscal years 2017, 2018, and 2019;

12 (II) increased by the annual change in the National Income and  
13 Product Accounts (NIPA) Implicit Price Deflator for State and Local  
14 Government Consumption Expenditures and Gross Investment as reported by  
15 the U.S. Department of Commerce, Bureau of Economic Analysis, by

16 (ii) the statewide average daily membership for the 2019-2020  
17 school year, resulting in the unadjusted uniform base amount; and

18 (B) reduce the unadjusted uniform base amount by an amount  
19 necessary to accommodate State funding of the educational support grant  
20 adjustment for those supervisory unions that qualify for the adjustment, in a  
21 manner that ensures that the State complies with its commitment to satisfy its

1 special education maintenance of fiscal support requirement under federal law  
2 but does not exceed the appropriation amount that is necessary for the State to  
3 satisfy this requirement.

4 (3) For fiscal years 2022, 2023, and 2024, establish “base amounts,” as  
5 that term is used in the amendment to 16 V.S.A. § 2961 in Sec. 4 of this act, to  
6 move gradually supervisory unions’ fiscal year 2021 base amounts to the fiscal  
7 year 2025 uniform base amount. The State Board may establish base amounts  
8 for these fiscal years that pro rate the change between the supervisory unions’  
9 fiscal year 2021 base amounts and the fiscal year 2025 uniform base amount,  
10 or may otherwise establish base amounts for these fiscal years that the State  
11 Board determines are fair and equitable in moving supervisory unions to the  
12 uniform base amount.