

**Side by Side Comparison of:
H.897
Senate Education Committee Report Proposing Amendments
Rep. Sharpe Proposal of Further Amendment**

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Subject	H.897	Senate Proposal of Amendments to H.897	Rep. Sharpe Proposal of Further Amendment
H.897 Sec. 1 Findings	<ul style="list-style-type: none"> • Summarizes findings from Delivery of Services Report (DMG) and Funding Report (UVM) • The General Assembly finds that: <ul style="list-style-type: none"> ○ students who require additional support would be better served if supervisory unions adopted the best practices recommended in the Delivery of Services Report; ○ the State’s current reimbursement model of funding special education serves as an impediment to adopting these best practices, largely due to the constraint on the use of funds and the misalignment with the policy priorities of serving students who require additional support across the general and 	<ul style="list-style-type: none"> • Strikes General Assembly findings 	<ul style="list-style-type: none"> • Adds subsection (f) to read “The General Assembly agrees with the findings in the Delivery of Services Report and with the advantages of moving to a census-based special education funding model as described in the Funding Report. The General Assembly recognizes that changing the models for delivery of services and funding for students who require additional support is a significant change for school systems and their constituencies, and that they will require time and assistance in making necessary adjustments.”

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	<p>special education service-delivery systems;</p> <ul style="list-style-type: none"> ○ the census-based model of funding for students who require additional support would enable supervisory unions to adopt the best practices recommended in the Delivery of Services Report, largely due to the flexibility in how the funds could be used by supervisory unions and the alignment with the policy priorities; and ○ the census-based model of funding will result, over time, in cost containment for special education services, which will be realized through lower property tax rates or the ability for localities to use funds for other educational purposes. <ul style="list-style-type: none"> ● The General Assembly recognizes that changing the models for delivery of services and funding for students who require additional support is a significant change for school systems and their constituencies, and that they will require time and assistance in 	<ul style="list-style-type: none"> ● Struck 	

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	making necessary adjustments		
<p>H.897 Sec. 2</p> <p>Goals</p>	<ul style="list-style-type: none"> • To enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont’s school districts, including students receiving special education services and students who need additional support but do not receive special education services • To support the enhanced delivery of these services, the State funding model for special education shall change for all supervisory unions in fiscal year 2021, for school year 2020-2021, from a reimbursement model to a census-based model, which will provide more flexibility in how the funding can be used, is aligned with the State’s policy priorities of serving students who require additional support across the general and special education service-delivery systems, and will simplify administration • To provide additional staff and resources to the Agency of Education to support its work with supervisory unions and schools that are transitioning to the best practices recommended in 	<ul style="list-style-type: none"> • Revised goal in first bullet to read “To enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont’s school districts” • Struck 	<ul style="list-style-type: none"> • Added back as subsection (d)

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	<p>the Delivery of Services Report</p>	<ul style="list-style-type: none"> • Adds two further goals <ul style="list-style-type: none"> ○ The General Assembly recognizes that a student on an individualized education program is entitled, under federal law, to a free and appropriate public education in the least restrictive environment in accordance with that program. The changes to State funding for special education and the delivery of special education services as envisioned under the act are intended to facilitate the exercise of this entitlement ○ The General Assembly recognizes that it might be appropriate and equitable to provide a higher amount of census-based funding to supervisory unions that have relatively higher costs in supporting students who require additional support, but the General Assembly does not have sufficient information on which to base this determination. Therefore, the act directs the Agency of Education to make a recommendation to the General 	

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		<p>Assembly on whether the amount of the census grant should be increased for supervisory unions that have relatively higher costs in supporting students who require additional support, and if so, the criteria for qualification for the adjustment and the manner in which the adjustment should be applied. The General Assembly intends to reconsider this matter after receiving this recommendation and before the census-based model is implemented</p>	
<p>H.897 Sec. 3 Census-based Funding Early Implementation Program</p>	<ul style="list-style-type: none"> • Creates the Census-based Funding Early Implementation Program • Participating supervisory unions are those that either participated in the Delivery of Services Report or otherwise worked with the District Management Group to improve delivery of special education services and that elect to participate • Participating supervisory unions will implement census-based funding for the 2019-2020 school year 	<ul style="list-style-type: none"> • Struck 	

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	<ul style="list-style-type: none"> • Participating supervisory unions will receive an educational support grant of: <ul style="list-style-type: none"> ○ the average amount they received for fiscal years 2016, 2017, and 2018 from the State for special education under 16 V.S.A. §§ 2961 (standard mainstream block grants), 2963 (special education expenditures reimbursement), and 2963a (exceptional circumstances); increased by an inflation factor • The educational support grant amount is divided by the participating supervisory union’s long-term membership (three-year average ADM) to determine the base amount of the educational support grant, which is the amount of the educational support grant calculated on a per student basis • If a participating supervisory union has extraordinary special education expenditures, defined as expenditures that exceed \$60,000.00 for a student in fiscal year 2020, it shall be eligible for extraordinary special education reimbursement, calculated as follows: 		

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	<ul style="list-style-type: none"> ○ an amount equal to its special education expenditures in that fiscal year for that child that exceed \$60,000.00 (excess expenditures) multiplied by 95 percent; plus ○ an amount equal to the lesser of: <ul style="list-style-type: none"> ▪ the amount of its excess expenditures; or ▪ an amount equal to: <ul style="list-style-type: none"> • \$60,000.00, minus • the base amount of the educational support grant received by the supervisory union, multiplied by • 60 percent • Subsections (f) through (k) waive or modify provisions of the existing reimbursement funding system to accommodate the census-based funding system for participating supervisory unions 		

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	<ul style="list-style-type: none"> Subsection (l) requires the participating supervisory unions to assist the Census-based Funding Advisory Group created under Sec. 9 of the act and the State Board of Education in the development of the State Board's proposed rules to implement the act Subsection (m) empowers the Secretary of Education to apply, waive, or modify the application of State Board of Education rules for participating supervisory unions in a manner that is consistent with this section 		
<p>H.897 Sec. 4</p> <p>Census-based Funding Model; Amendment of Special Education Laws</p>	<ul style="list-style-type: none"> Requires that all supervisory unions implement census-based funding for the 2020-2021 school year Rewrites the Special Education chapter of Title 16 to eliminate the reimbursement funding system and replace it with the census-based funding system <p>§ 2941. POLICY AND PURPOSE</p> <ul style="list-style-type: none"> Eliminates the policy of the State to pay 60 percent of the statewide costs expended by public education for 	<ul style="list-style-type: none"> Renumbered Sec. 5 <p>§ 2941. POLICY AND PURPOSE</p> <ul style="list-style-type: none"> In addition to H.897 change, also clarifies that the purpose of the special education chapter is to enable the 	

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	<p>children with disabilities</p>	<p>Agency to ensure the provision of special education services and supports in accordance with individualized education programs necessary to meet the needs of children with disabilities</p> <ul style="list-style-type: none"> • Amends § 2942. DEFINITIONS. Adds definition of “students who require additional support,” meaning a student who: <ul style="list-style-type: none"> ○ is on an individualized education program; ○ is on a section 504 plan under the Rehabilitation Act of 1973, 29 U.S.C. § 794; ○ is not on an individualized education program or section 504 plan but whose ability to learn is negatively impacted by a disability or by social, emotional, or behavioral needs or whose ability to learn is negatively impacted because the student is otherwise at risk; ○ is an English language learner; or ○ reads below grade level 	<ul style="list-style-type: none"> • Revises to say “for whom English is not the primary language”

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	<p>§ 2961. STANDARD MAINSTREAM BLOCK GRANTS EDUCATIONAL SUPPORT GRANT</p> <ul style="list-style-type: none"> • Eliminates the existing mainstream block grant (advance) that is based on ADM and special education teachers' salaries • Commits the State to satisfying its special education maintenance of fiscal support requirement under federal law • Refers to census grant amount as the "educational support grant" 	<p>§ 2961. STANDARD MAINSTREAM BLOCK GRANTS EDUCATIONAL SUPPORT CENSUS GRANT</p> <ul style="list-style-type: none"> • Changes defined term for "educational support grant" to "census grant" • Adds "Each supervisory union shall receive a census grant each fiscal year to support the provision of special education services to students on an individualized education program. Supervisory unions shall use this funding and other available sources of funding to provide special education services to students in accordance with their individualized education programs as mandated under federal law. A supervisory union may use census grant funds to support the delivery of the 	

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	<ul style="list-style-type: none"> • Creates a new educational support grant: <ul style="list-style-type: none"> ○ For fiscal year 2021, the amount of the educational support grant for a supervisory union shall be the average amount it received for fiscal years 2017, 2018, and 2019 from the State for special education under sections 2961 (standard mainstream block grants), 2963 (special education expenditures reimbursement), and 2963a (exceptional circumstances) of Title 16; increased by an inflation factor ○ The educational support grant amount shall be divided by the supervisory union’s long-term 	<p>supervisory union’s comprehensive system of educational services under sections 2901 and 2902 of this title, but shall not use census grant funds in a manner that abrogates its responsibility to provide special education services to students in accordance with their individualized education programs as mandated under federal law”</p>	

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	<p>membership (three-year average ADM) to determine the base amount of the educational support grant, which is the amount of the educational support grant calculated on a per student basis</p> <ul style="list-style-type: none"> • The State Board of Education shall establish by rule a uniform base amount of the educational support grant that shall apply to all supervisory unions for fiscal year 2025. In determining the uniform base amount, the State Board of Education shall: <ul style="list-style-type: none"> ○ assume total State funding of educational support grants, including any educational support grant adjustments, in an amount that satisfies but does not exceed the amount necessary for the State to satisfy its special education maintenance of fiscal support requirement under federal law; and ○ take into account: <ul style="list-style-type: none"> ▪ the statewide average daily membership for 	<ul style="list-style-type: none"> • Establishes the uniform base amount in statute, which is possible because the educational support grant adjustment is eliminated and made a subject for weighting study review. “Uniform base amount” means an amount determined by: <ul style="list-style-type: none"> ○ dividing an amount: <ul style="list-style-type: none"> ▪ equal to the average State appropriation for fiscal years 2018, 2019, and 2020 for special education under 16 V.S.A. §§ 2961 (standard mainstream block grants), 2963 (special education expenditures reimbursement), and 2963a (exceptional circumstances); and ▪ increased by the annual 	

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	<p>students in prekindergarten through grade 12;</p> <ul style="list-style-type: none"> ▪ the various fiscal year 2021 base amounts of the supervisory unions; and ▪ such other factors as the Board determines relevant <ul style="list-style-type: none"> • To determine the amount of a supervisory union’s educational support grant in fiscal year 2025 and subsequent fiscal years, the uniform base amount shall be multiplied by the supervisory union’s long-term membership • For fiscal years 2022, 2023, and 2024, the amount of the educational support grant for a supervisory union shall be 	<p>change in the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and Local Government Consumption Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis; by</p> <ul style="list-style-type: none"> ○ the statewide average daily membership for prekindergarten through grade 12 for the 2019–2020 school year <ul style="list-style-type: none"> • The base amount for these years is determined in statute. The base amounts for each supervisory union for fiscal years 2022, 2023, and 2024 shall 	

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	<p>determined by multiplying the supervisory union’s long-term membership by a base amount established under State Board of Education rules. The base amount established under State Board of Education rules shall be designed to move gradually a supervisory union’s fiscal year 2021 base amount to the fiscal year 2025 uniform base amount established by the State Board</p> <ul style="list-style-type: none"> For fiscal year 2021 and subsequent fiscal years, the amount of the educational support grant shall be increased by the educational support grant adjustment, as determined by State Board rules, for supervisory unions that qualify for the adjustment <p>§ 2962. EXTRAORDINARY SERVICES SPECIAL EDUCATION REIMBURSEMENT</p> <ul style="list-style-type: none"> Eliminates the existing extraordinary services reimbursement under which supervisory unions are reimbursed 90 percent of their expenditures that exceed \$50,000.00 per child If a participating supervisory union has 	<p>move gradually the supervisory union’s fiscal year 2021 base amount to the fiscal year 2025 uniform base amount by pro rating the change between the supervisory union’s fiscal year 2021 base amount and the fiscal year 2025 uniform base amount over this three-fiscal-year period</p> <ul style="list-style-type: none"> Strikes educational support grant adjustment <p>§ 2962. EXTRAORDINARY SERVICES SPECIAL EDUCATION REIMBURSEMENT</p>	

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	<p>extraordinary special education expenditures, defined as expenditures that exceed \$60,000.00, with an inflator, for a student in a fiscal year, it shall be eligible for extraordinary special education reimbursement, calculated as follows:</p> <ul style="list-style-type: none"> ○ an amount equal to its special education expenditures in that fiscal year for that child that exceed \$60,000.00, as inflated (excess expenditures), multiplied by 95 percent; plus ○ an amount equal to the lesser of: <ul style="list-style-type: none"> ▪ the amount of its excess expenditures; or ▪ an amount equal to: <ul style="list-style-type: none"> • \$60,000.00, as inflated, minus • the base amount of the educational support grant received by the supervisory union, multiplied by • 60 percent 	<ul style="list-style-type: none"> • Adds subsection (e) that reads “Under section 2973 of this title, a supervisory union, in its role as the local education agency, may place a student with an individualized education plan under the Individuals with Disabilities Education 	<ul style="list-style-type: none"> • Corrects typographical error (changes “individualized education plan” to “individualized education program”)

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	<p>§ 2963. SPECIAL EDUCATION EXPENDITURES REIMBURSEMENT</p> <ul style="list-style-type: none"> Eliminates the existing special education expenditures reimbursement under which supervisory unions are reimbursed a percentage of their special education expenditures at a percentage that is calculated to achieve the State's 	<p>Act, 20 U.S.C. chapter 33, with certain approved independent schools that accept public tuition. If the approved independent school is entitled to special education cost reimbursement under that section, it may bill the supervisory union for excess special education costs incurred by the independent school in providing special education services to that student beyond those covered by general tuition. If those costs for that student exceed the extraordinary expenditures' threshold as defined in subdivision (a)(2) of this section, the supervisory union shall be entitled to extraordinary reimbursement under this section for that student as if it incurred those costs directly"</p>	

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	<p>60 percent share</p> <p>§ 2963a. EXCEPTIONAL CIRCUMSTANCES</p> <ul style="list-style-type: none"> Eliminates the existing exceptional circumstances reimbursement under which a supervisory union may elect to forgo its special education expenditures reimbursement under current section 2963 and instead receive reimbursement for 80 percent of its costs not eligible for extraordinary services reimbursement under current section 2962. In order to be eligible for this election, the total costs of the supervisory union eligible for extraordinary services reimbursement under current section 2962 must equal or exceed 15 percent of the total costs eligible for State assistance under current sections 2961 (standard mainstream block grant (advance)), 2962 (extraordinary services reimbursement), and 2963 (special education services reimbursement) <p>§ 2964. SERVICE PLAN</p> <ul style="list-style-type: none"> Eliminates the requirement for a supervisory union to file an annual service plan with the Secretary showing 		

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	<p>anticipated special education expenditures for the following school year because this service plan is based on the current reimbursement system</p> <p>§ 2967. AID PROJECTION; STATE SHARE</p> <ul style="list-style-type: none"> Eliminates the State’s obligation to pay 60 percent of the statewide total special education expenditures <p>§ 2968. REPORTS</p> <ul style="list-style-type: none"> Eliminates reporting that is based on the current reimbursement system <p>§ 2969. PAYMENTS</p> <ul style="list-style-type: none"> Changes State payment provisions to accommodate census-based and extraordinary special education reimbursement funding system <p>§ 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW</p> <ul style="list-style-type: none"> Changes the content of the annual report provided by the Secretary to the State Board to accommodate the census and extraordinary special education reimbursement system, and eliminates reporting on high- and low-spending districts because 	<p>§ 2967. AID PROJECTION; STATE SHARE</p> <ul style="list-style-type: none"> Makes minor technical/updating changes <p>§ 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW</p> <ul style="list-style-type: none"> Makes minor technical/updating changes 	<p>§ 2967. AID PROJECTION; STATE SHARE</p> <ul style="list-style-type: none"> Corrects typographical error (adds the word “each”)

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	<p>it is no longer relevant with the census-based funding system</p> <p>§ 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL ASSISTANCE</p> <ul style="list-style-type: none"> • Eliminates reference to the exceptional circumstances provision in current section 2963a because that section is eliminated 		
<p>H.897 Secs. 5-8</p> <p>Technical and Conforming Changes</p>	<ul style="list-style-type: none"> • Changes references from “school district” to “supervisory union” in various sections of Title 16 to reflect the responsibility of supervisory unions for special education 	<ul style="list-style-type: none"> • Renumbered Secs. 6-8 • Sec. 7 (amendment to 16 V.S.A. § 2973) in H.897 moved to Sec. 21 (approved independent schools) 	
<p>H.897 Sec. 9</p> <p>Census-based Funding Advisory Group</p>	<ul style="list-style-type: none"> • Creates the Census-based Funding Advisory Group composed of 18 members: <ul style="list-style-type: none"> ○ the Executive Director of the Vermont Superintendents Association or designee; ○ the Executive Director of the Vermont School Boards Association or designee; ○ the Executive Director of the Vermont Council of Special Education Administrators or 	<ul style="list-style-type: none"> • Reduces membership to 12, by making the following changes: <ul style="list-style-type: none"> ○ Eliminates eight members: <ul style="list-style-type: none"> ▪ three representatives of the Agency of Education selected by the Secretary, one with management responsibility for special education practices, one with financial responsibility, and one 	<ul style="list-style-type: none"> • Adds two members: <ul style="list-style-type: none"> ○ one member who represents an approved independent school selected by the Council of Independent Schools; and ○ one member selected by the Vermont Council of Special Education Administrators who is a special education teacher and who teaches in a school that is located in a different county than the special education

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	<ul style="list-style-type: none"> designee; ○ the Executive Director of the Vermont Principals' Association or designee; ○ the Executive Director of the Vermont-National Education Association or designee; ○ the Executive Director of the Vermont Independent Schools Association or designee; ○ three representatives of the Agency of Education selected by the Secretary, one with management responsibility for special education practices, one with financial responsibility, and one with special education program responsibility; ○ one member selected by the Vermont Superintendents Association; ○ one member selected by the Vermont Principals' Association; ○ two members selected by the Vermont Council of Special Education Administrators; ○ one member selected by the Vermont-National Education Association who is a special education teacher; ○ two members selected by the 	<ul style="list-style-type: none"> with special education program responsibility ▪ one member selected by the Vermont Superintendents Association ▪ one member selected by the Vermont Principals' Association ▪ two members selected by the Vermont Council of Special Education Administrators ▪ one member selected by the Vermont Association of School Business Officials (leaving one) ○ Adds two members: <ul style="list-style-type: none"> ▪ the Secretary of Education or designee ▪ the Commissioner of the Vermont Department of Mental Health or designee 	<ul style="list-style-type: none"> teacher selected by the Vermont-National Education Association

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	<p>Vermont Association of School Business Officials;</p> <ul style="list-style-type: none"> ○ one member selected by the Vermont Legal Aid Disability Law Project; and ○ one member who either is a family member, guardian, or education surrogate of a student requiring special education services or is a person who has received special education services directly, selected by the Vermont Coalition for Disability Rights. <ul style="list-style-type: none"> ● The Advisory Group shall: <ul style="list-style-type: none"> ○ advise the State Board of Education on the development of proposed rules to implement the act prior to the submission of the proposed rules to the Interagency Committee on Administrative Rules; ○ advise the Agency of Education and supervisory unions on the implementation of the act; ○ recommend to the General Assembly any statutory changes it determines are necessary or advisable to meet the goals of the act; and 	<ul style="list-style-type: none"> ● Revised to read “recommend to the General Assembly any statutory changes it determines are necessary or advisable to meet the goals of this act, including any statutory changes necessary to align special education 	

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	<ul style="list-style-type: none"> ○ consider the State’s special education maintenance of fiscal support requirements under federal law and supervisory unions’ maintenance of effort requirements under federal law and recommend to the General Assembly and the Agency of Education options that may allow State and local special education spending in a manner that complies with these requirements while containing costs. • The Advisory Group shall report to the General Assembly on or before: <ul style="list-style-type: none"> ○ January 15, 2019 with its findings and recommendations on the development of proposed rules to implement the act and any recommendations for any amendments to legislation; and 	<p>funding for approved independent schools with the census grant funding model for public schools as envisioned in the amendments to 16 V.S.A. chapter 101 in Sec. 5 of this act”</p> <ul style="list-style-type: none"> • Struck • Adds two further reports: <ul style="list-style-type: none"> ○ January 15, 2021 and 2022 with a status of implementation under the act and recommendations for any amendments to legislation 	

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	<ul style="list-style-type: none"> ○ January 15, 2020 with a status of implementation under the act and recommendations for any amendments to legislation ● Provides \$7,200.00 in FY18 funding from the General Fund 	<ul style="list-style-type: none"> ● Provides \$3,900.00 in FY18 funding from the General Fund, with the same funding in FY 2020, 2021, and 2022 	<ul style="list-style-type: none"> ● Changes appropriation to \$5,376.00 to account for two further members
<p>H.897 Secs. 10-11</p> <p>Report on Methods to Further the Quality and Equity of Educational Outcomes for Students</p>	<ul style="list-style-type: none"> ● Sec. 10 Repeals the requirement for the Agency of Education to perform a study of weighted long-term membership under Sec. 35 of 2017 Acts and Resolves No. 49 ● Sec. 11 Reinstates the same study requirement, except: <ul style="list-style-type: none"> ○ Adds requirement that the Agency consider the criteria to be applied by the State Board of Education in its rulemaking process for increasing the amount of educational support grants paid by the State to supervisory unions in order to provide additional financial support to supervisory unions with relatively high costs due to the number of students who require additional support or the 	<ul style="list-style-type: none"> ● Renames caption for the report “Census Grant Supplemental Adjustment; Pupil Weighting Factors; Report” ● Changes this requirement to “Whether the census grant, as defined in the amendment to 16 V.S.A. § 2961 in Sec. 5 of this act, should be increased for supervisory unions that have, in any year, relatively higher costs in supporting students who require additional support, and if so, the criteria for qualification for the adjustment and the manner in which the adjustment should be applied. In making this recommendation, the Agency of Education shall consider the report 	

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	<p>nature of the services required</p> <ul style="list-style-type: none"> ○ In addition to considering and making recommendations on the criteria used for determining weighted long-term membership of a school district, the Agency of Education shall (Act 49 said “may”) consider and make recommendations on other methods that would further the quality and equity of educational outcomes for students ○ Provides \$300,000.00 in FY18 funding from the Education Fund and requires the Agency of Education to contract with a contractor with expertise in Vermont’s education funding system to assist the Agency in producing the study <ul style="list-style-type: none"> ● Report due March 15, 2019 	<p>entitled ‘Study of Vermont State Funding for Special Education’ issued in December 2017 by the University of Vermont Department of Education and Social Services”</p> <ul style="list-style-type: none"> ● Reduces appropriation to \$250,000.00 ● Report due November 1, 2019 	
<p>H.897 Sec. 12 Consulting Services</p>	<ul style="list-style-type: none"> ● Requires the Agency of Education, for the 2018-2019, 2019-2020, and 2020- 		

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<p>on the Delivery of Special Education Services</p>	<p>2021 school years, to assist supervisory unions to expand and improve their delivery of services to students who require additional supports in accordance with the DMG recommendations</p>	<ul style="list-style-type: none"> • Adds that “This assistance shall include the training of teachers and staff and technical assistance with the goal of embedding the following best practices for the delivery of special education services: <ul style="list-style-type: none"> ○ ensuring core instruction meets most needs of most students; ○ providing additional instructional time outside core subjects to students who require additional support, rather than providing interventions instead of core instruction; ○ ensuring students who require additional support receive all instruction from highly skilled teachers; ○ creating or strengthening a systemswide approach to supporting positive student behaviors based on expert support; and ○ providing specialized instruction 	

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	<ul style="list-style-type: none"> The sum of \$200,000.00 is appropriated from federal funds that are available under IDEA for fiscal year 2019 to the Agency of Education. The Agency shall include in its budget request to the General Assembly for each of fiscal years 2020 and 2021 the amount of \$200,000.00 from federal funds that are available under IDEA Reports due December 15, 2019; 2020; and 2021 	<p>from skilled and trained experts to students with more intensive needs”</p>	
<p>H.897 Sec. 13 Agency of Education; Staffing</p>	<ul style="list-style-type: none"> Creates the following positions in the Agency of Education: one full-time, exempt legal counsel specializing in special education law and two full-time, classified positions specializing in special education programming. There is appropriated to the Agency of Education from the General Fund for fiscal year 2019 the amount of \$325,000.00 for salaries, benefits, and operating expenses 	<ul style="list-style-type: none"> Describes positions as “one full-time, exempt legal counsel specializing in special education law and two full-time, classified positions specializing in effective instruction for students who require additional support” 	

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<p>H.897 Secs. 14-15</p> <p>Extraordinary Services Reimbursement</p>	<ul style="list-style-type: none"> • Changes the extraordinary services reimbursement threshold from \$50,000.00 to \$60,000.00 and the reimbursement rate from 90 percent to 95 percent for supervisory unions on the reimbursement funding system for FY 2020 • Sec. 15 makes a conforming change 		
<p>H.897 Sec. 16</p> <p>Rulemaking</p>	<ul style="list-style-type: none"> • Requires the State Board of Education to adopt such rules as are necessary to implement the act • Requires the State Board and the Agency of Education to consult with the Census-based Funding Advisory Group established under Sec. 9 of the act in developing the State Board rules, and the State Board to take into consideration the weighting study report required under Sec. 11 of the act 	<ul style="list-style-type: none"> • Rules must be implemented by November 1, 2019 • Eliminates requirement for Board to take into consideration the weighting study report required under Sec. 11 of the act • Requires that the State Board rules shall include rules that establish processes for reporting, monitoring, and evaluation designed to ensure: <ul style="list-style-type: none"> ○ the achievement of the goal under this act of enhancing the effectiveness, availability, and equity of services provided to all students who require additional 	

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		<p>support in Vermont’s school districts; and</p> <ul style="list-style-type: none"> ○ that supervisory unions are complying with the Individuals with Disabilities Education Act, 20 U.S.C. chapter 33 	
<p>H.897 Sec. 17 Transition</p>	<ul style="list-style-type: none"> • Eliminates requirement for supervisory unions to submit a service plan to the Secretary for fiscal year 2021 because that information would no longer be relevant (concerning expected reimbursement under current system) • Requires supervisory unions to submit to the Secretary such information as required by the Secretary to estimate extraordinary special education reimbursement under the census-based funding model for fiscal year 2021 • Requires the Agency of Education to assist supervisory unions as they transition to the census-based funding model in satisfying their maintenance-of-effort requirements under federal law 		
<p>H.897 Sec. 18 Allowable Special Education Costs</p>	<ul style="list-style-type: none"> • Effectively modifies State Board of Education Rules to create more flexibility in the delivery of special education services for supervisory 		

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	<p>unions on the current reimbursement funding system</p> <ul style="list-style-type: none"> • On page 46, line 18, changes the reference in State Board rules from “a majority” to “25 percent” • On page 47, line 1, changes the reference in State Board rules from “staff member’s” to “staff members” • These changes enhance the ability of special education students to be educated in general education classrooms 		
<p>H.897 Sec. 19 Effective Dates</p>	<ul style="list-style-type: none"> • The following sections shall take effect on July 1, 2020: <ul style="list-style-type: none"> ○ Sec. 4 (amendment to 16 V.S.A. chapter 101) ○ Sec. 17 (transition) • The following sections shall take effect on July 1, 2019: <ul style="list-style-type: none"> ○ Sec. 14 (extraordinary services reimbursement) ○ Sec. 15 (amendment to 16 V.S.A. § 4001) • The remaining sections shall take effect on passage 	<ul style="list-style-type: none"> • See SPA Sec. 22 below 	

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<p>SPA Secs. 3-4</p> <p>Comprehensive System of Supports; MTSS</p>		<ul style="list-style-type: none"> • Added • Sec. 3, in § 2901, clarifies that public schools are required to maintain a comprehensive system of supports (changed from a policy statement) • Sec. 4, in § 2902(b), requires a tiered system of supports to: <ul style="list-style-type: none"> ○ provide all students with a continuum of evidence-based positive behavioral practices to promote social and emotional learning, including trauma-sensitive programming, that are both schoolwide and focused on specific students or groups of students; ○ provide professional development, as needed, to support all staff in full implementation of the multitiered system of support • Sec. 4, in § 2902(e), requires Secretary to develop information for parents regarding differences among tiered services of support, IEP services, and Section 504 services. • Sec. 4, in § 2902(g), states that the tiered system of academic and behavioral supports required under this section shall not be used by a school district to deny a 	

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		<p>timely initial comprehensive special education evaluation for children suspected of having a disability</p>	
<p>SPA Secs. 19-21 Approved Independent Schools</p>		<ul style="list-style-type: none"> • Provides SBE with further tools to deal with an approved independent school’s lack of financial capacity <ul style="list-style-type: none"> ○ Effective July 1, 2019 • Requires approved independent schools to enroll student on an IEP if placed by the LEA <ul style="list-style-type: none"> ○ Describes how approved independent schools are paid for providing special education services ○ Provides that the LEA will support an approved independent school for up to nine months if the school does not have the resources to support the student (push-in services) <p style="text-align: center;">○ Effective July 1, 2019</p>	<ul style="list-style-type: none"> • Changes effective date to on passage • Clarifies that the requirement to provide the Secretary with documentation evidencing costs applies only to schools that bill on a reimbursement basis • Eliminates push-in services and adds that if a student is placed with an approved independent school and the LEA and the school each certifies to the Secretary of Education that the school is unable to provide required IEP services due to its inability to retain qualified staff, then the LEA shall make another placement that satisfies federal requirements • Changes effective date to July 1, 2023 • Changes references from “individualized education plan” to “individualized education program”

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			<ul style="list-style-type: none"> • Adds new Sec. 23 <ul style="list-style-type: none"> ○ On or before November 1, 2019, the Vermont Standards Board for Professional Educators shall review its special educator endorsement requirements and initiate rulemaking to update its rules to ensure that these requirements do not serve as a barrier to satisfying statewide demands for licensed special educators ○ On or before November 1, 2020, the State Board of Education shall review its rules for approving independent schools in specific special education categories and initiate rulemaking to update its rules to simplify and expedite the approval process
<p>SPA Sec. 22 Effective Dates</p>		<ul style="list-style-type: none"> • The following sections shall take effect on July 1, 2020: <ul style="list-style-type: none"> ○ Sec. 5 (amendment to 16 V.S.A. chapter 101); and ○ Sec. 17 (transition) • The following sections shall take effect on July 1, 2019: 	<ul style="list-style-type: none"> • Moves effective date of Sec. 17 (transition) to July 1, 2019

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		<ul style="list-style-type: none"> ○ Sec. 14 (extraordinary services reimbursement); ○ Sec. 15 (amendment to 16 V.S.A. § 4001); and ○ Secs. 19-21 (approved independent schools) <ul style="list-style-type: none"> ● The remaining sections shall take effect on passage 	<ul style="list-style-type: none"> ● Moves effective date of approved independent schools to: <ul style="list-style-type: none"> ○ For financial capacity part, on passage ○ For special education part, to July 1, 2023