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H.141

Introduced by Representatives Bancroft of Westford, Fagan of Rutland City,
Gamache of Swanton, Goslant of Northfield, Houghton of
Essex, Morgan of Milton, Myers of Essex, Redmond of Essex,
Rosenquist of Georgia, Savage of Swanton, and Strong of
Albany

Referred to Committee on

Date:

Subject: Education; public school choice; average daily membership

Statement of purpose of bill as introduced: This bill proposes to allocate to a
school district that enrolls a high school student from another school district
under the school choice provisions 75 percent of the “average daily
membership” for that student and to require schools that receive students
exercising public school choice to accept a defined percentage of students
unless waived by the Secretary of Education.

An act relating to public school choice

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

2 Sec. 1. 16 V.S.A. § 822a is amended to read:

3 § 822a. PUBLIC HIGH SCHOOL CHOICE

4 * * *

5 (c) Capacity. On or before February 1 each year, the board of a high school
6 district shall define and announce its capacity to accept students under this
7 section. The Secretary shall develop, review, and update guidelines to assist
8 high school district boards to define capacity limits. Guidelines may include
9 limits based on the capacity of the program, class, grade, school building,
10 measurable adverse financial impact, or other factors, but shall not be based on
11 the need to provide special education services. A school's capacity to accept
12 students under this section shall not be less than two percent of its enrollment
13 for the current year, provided that the Secretary may waive this requirement
14 upon application by the board of the high school district based on the
15 Secretary's assessment of the guidelines developed under this subsection.

16 * * *

17 (g) Tuition and other costs.

18 (1) Unless the sending and receiving schools agree to a different
19 arrangement, no tuition or other cost shall be charged by the receiving district
20 or paid by the sending district for a student transferring to a different high
21 school under this section; provided, however, a sending high school district

1 shall pay special education and career technical education costs for resident
2 students pursuant to the provisions of this title.

3 (2) A student transferring to a different high school under this section
4 shall pay no tuition, fee, or other cost that is not also paid by students residing
5 in the receiving district.

6 ~~(3) A district of residence shall include within its average daily~~
7 ~~membership any student who transfers to another high school under this~~
8 ~~section; a receiving school district shall not include any student who transfers~~
9 ~~to it under this section.~~

10 * * *

11 Sec. 2. 16 V.S.A. § 4001(1) is amended to read:

12 (1) “Average daily membership” of a school district, or if needed in
13 order to calculate the appropriate homestead tax rate, of the municipality as
14 defined in 32 V.S.A. § 5401(9), in any year means:

15 (A) The full-time equivalent enrollment of students, as defined by the
16 State Board by rule;

17 (i) who are legal residents of the district or municipality;

18 (I) attending a school owned and operated by the district;

19 (II) attending a public school outside the district under section

20 822a of this title; or

1 (III) for whom the district pays tuition to one or more approved
2 independent schools or public schools outside the district during the annual
3 census period. ~~The census period~~ that consists of the 11th day through the 30th
4 day of the school year in which school is actually in session; and

5 (ii) who are legal residents of another school district or
6 municipality and attend a public school in the school district or municipality
7 under section 822a of this title.

8 * * *

9 Sec. 3. 16 V.S.A. § 4010 is amended to read:

10 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

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

14 (1) resident prekindergarten children;

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

17 (3) resident students being provided secondary education- within the
18 school district;

19 (4) resident students being provided secondary education outside the
20 school district under Section 822a of this title; and

1 (5) nonresident students being provided secondary education within the
2 school district under section 822a of this title.

3 * * *

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

7 Prekindergarten 0.46

8 Elementary or kindergarten 1.0

9 Secondary 1.13 (for resident students being provided secondary
10 education within the school district)

11 Secondary 0.28 (for resident students being provided secondary
12 education outside the school district under Section 822a of this title)

13 Secondary 0.85 (nonresident students being provided secondary
14 education within the school district under Section 822a of this title)

15 * * *

16 Sec. 4. EFFECTIVE DATE

17 This act shall take effect on passage.