

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; COVID-19; special education changes; delay

4 Statement of purpose of bill as introduced: This bill proposes, due to the  
5 COVID-19 State of Emergency, to delay the changes to special education  
6 funding from a reimbursement model to a census-based model from July 1,  
7 2021 until July 1, 2022, and to delay the requirement that certain approved  
8 independent schools enroll students on an individual education program from  
9 July 1, 2022 until July 1, 2023, as enacted under 2018 Acts and Resolves No.  
10 173.

11 An act relating to delaying special education changes due to the COVID-19  
12 State of Emergency

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

14 Sec. 1. 16 V.S.A. § 2961 is amended to read:

15 § 2961. CENSUS GRANT

16 (a) As used in this section:

17 \* \* \*



1 reimbursement), and 2963a (exceptional circumstances) of this title; increased  
2 by

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

7 (B) The amount determined under subdivision (A) of this subdivision  
8 (1) shall be divided by the supervisory union's long-term membership, to  
9 determine the base amount of the census grant, which is the amount of the  
10 census grant calculated on a per student basis.

11 (2) For fiscal year ~~2025~~ 2027 and subsequent fiscal years, the amount of  
12 the census grant for a supervisory union shall be the uniform base amount  
13 multiplied by the supervisory union's long-term membership.

14 (3) For fiscal years ~~2022, 2023, and 2024~~ 2024, 2025, and 2026, the  
15 amount of the census grant for a supervisory union shall be determined by  
16 multiplying the supervisory union's long-term membership by a base amount  
17 established under this subdivision. The base amounts for each supervisory  
18 union for fiscal years ~~2022, 2023, and 2024~~ 2024, 2025, and 2026 shall move  
19 gradually the supervisory union's fiscal year ~~2021~~ 2023 base amount to the  
20 fiscal year ~~2025~~ 2027 uniform base amount by prorating the change between

1 the supervisory union's fiscal year ~~2021~~ 2023 base amount and the fiscal year  
2 ~~2025~~ 2027 uniform base amount over this three-fiscal-year period.

3 Sec. 2. 16 V.S.A. § 2967 is amended to read:

4 § 2967. AID PROJECTION

5 (a) On or before December 15, the Secretary shall publish an estimate, by  
6 each supervisory union, of its anticipated State special education ~~expenditures~~  
7 funding under this chapter for the ensuing school year.

8 (b) As used in this section, State special education ~~expenditures~~ funding  
9 shall include:

10 (1) ~~costs~~ funds eligible for grants and reimbursements under sections  
11 2961 and 2962 of this title;

12 (2) ~~costs~~ funds for services for persons who are visually impaired;

13 (3) ~~costs~~ funds for persons who are deaf or hard of hearing;

14 (4) ~~costs~~ funds for the interdisciplinary team program;

15 (5) funds expended for training and programs to meet the needs of  
16 students with emotional or behavioral challenges under subsection 2969(c) of  
17 this title; and

18 (6) funds expended for training under subsection 2969(d) of this title.

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

2 § 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL  
3 ASSISTANCE

4 The Secretary may use ~~up to two percent of the funds appropriated for~~  
5 ~~allowable special education expenditures, as that term is defined in State Board~~  
6 ~~of Education rules, to directly assist supervisory unions with special education~~  
7 ~~expenditures of an unusual or unexpected nature~~ funds for allowable special  
8 education expenditures, as defined in State Board of Education rules, to  
9 directly assist supervisory unions with special education expenditures of an  
10 unusual or unexpected nature. These funds shall be appropriated in the amount  
11 of two percent times the census grant as defined in section 2961 of this title.

12 The Secretary's decision regarding a supervisory union's eligibility for and  
13 amount of assistance shall be final.

14 Sec. 4. 2018 Acts and Resolves No. 173, Sec. 16 is amended to read:

15 Sec. 16. RULEMAKING

16 The Agency of Education shall recommend to the State Board proposed  
17 rules that are necessary to implement this act and, on or before August 1, ~~2020~~  
18 2021, the State Board of Education shall initiate rules that are necessary to  
19 implement this act. The State Board and the Agency of Education shall  
20 consult with the Census-based Funding Advisory Group established under  
21 Sec. 9 of this act in developing the State Board rules. The State Board rules

1 shall include rules that establish processes for reporting, monitoring, and  
2 evaluation designed to ensure:

3 \* \* \*

4 Sec. 5. 2018 Acts and Resolves No. 173, Sec. 17 is amended to read:

5 Sec. 17. TRANSITION

6 (a) Notwithstanding the requirement under 16 V.S.A. § 2964 for a  
7 supervisory union to submit a service plan to the Secretary of Education, a  
8 supervisory union shall not be required to submit a service plan for fiscal  
9 year ~~2021~~ 2023.

10 (b) On or before November 1, ~~2019~~ 2021, a supervisory union shall submit  
11 to the Secretary such information as required:

12 (1) by the Secretary to estimate the supervisory union's projected fiscal  
13 year ~~2021~~ 2023 extraordinary special education reimbursement under Sec. 5 of  
14 this act; and

15 (2) for IDEA reporting in a format specified by the Secretary.

16 \* \* \*

17 Sec. 6. 2018 Acts and Resolves No. 173, Sec. 18 is amended to read:

18 Sec. 18. TRANSITION FOR ALLOWABLE SPECIAL EDUCATION

19 COSTS

20 \* \* \*

21 (b) This section is repealed on July 1, ~~2020~~ 2022.

