

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 521  
3 entitled “An act relating to amending the special education laws” respectfully  
4 reports that it has considered the same and recommends that the Senate  
5 propose to the House that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 \* \* \* Amendments to Clarify Act 173 \* \* \*

8 Sec 1. PURPOSE

9 2018 Acts and Resolves No. 173 made substantial changes to the funding of  
10 special education services and directed the Agency of Education to assist  
11 supervisory unions in adopting best practices for the delivery of special  
12 education services. This act makes certain minor amendments to the special  
13 education laws that are proposed by the Agency of Education to clarify some  
14 of the changes made in Act 173.

15 Sec. 2. 16 V.S.A. § 2961 is amended to read:

16 § 2961. CENSUS GRANT

17 (a) As used in this section:

18 \* \* \*

19 (3) “Long-term membership” of a supervisory union in any school year  
20 means the average of the supervisory union’s average daily membership over  
21 the most recent three school years for which data are available.

1 (4) “Uniform base amount” means an amount determined by:

2 (A) dividing an amount:

3 (i) equal to the average State appropriation for fiscal years 2018,

4 2019, and 2020 for special education under sections 2961 (standard

5 mainstream block grants), 2963 (special education expenditures

6 reimbursement), and 2963a (exceptional circumstances) of this title; and

7 (ii) increased by the annual change in the National Income and

8 Product Accounts (NIPA) Implicit Price Deflator for State and Local

9 Government Consumption Expenditures and Gross Investment as reported by

10 the U.S. Department of Commerce, Bureau of Economic Analysis; by

11 (B) the statewide ~~average daily membership for prekindergarten~~

12 ~~through grade 12 for the 2019–2020 school year~~ long-term membership.

13 \* \* \*

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

15 § 2967. AID PROJECTION

16 (a) On or before December 15, the Secretary shall publish an estimate, by

17 each supervisory union, of its anticipated State special education ~~expenditures~~

18 funding under this chapter for the ensuing school year.

19 (b) As used in this section, State special education ~~expenditures~~ funding

20 shall include:

1           (1) ~~costs~~ funds eligible for grants and reimbursements under sections  
2 2961 and 2962 of this title;

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

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

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

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

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

10 Sec. 4. 16 V.S.A. § 2975 is amended to read:

11 § 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL  
12 ASSISTANCE

13       The Secretary may use ~~up to two percent of the funds appropriated for~~  
14 ~~allowable special education expenditures, as that term is defined in State Board~~  
15 ~~of Education rules, to directly assist supervisory unions with special education~~  
16 ~~expenditures of an unusual or unexpected nature~~ funds for allowable special  
17 education expenditures, as defined in State Board of Education rules, to  
18 directly assist supervisory unions with special education expenditures of an  
19 unusual or unexpected nature. These funds shall be appropriated in the amount  
20 of two percent times the Census Grant as defined in section 2961 of this title.

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

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

4 Sec. 17. TRANSITION

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

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

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

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

15 (c) The Agency of Education shall assist supervisory unions as they  
16 transition to the census-based funding model in satisfying their maintenance of  
17 effort requirements under federal law.

18 \* \* \* State Advisory Panel on Special Education \* \* \*

19 Sec. 6. 16 V.S.A. § 2945 is amended to read:

20 § 2945. STATE ADVISORY COUNCIL PANEL ON SPECIAL  
21 EDUCATION

1           ~~(a) There is created the Advisory Council on Special Education that shall~~  
2           ~~consist of 19 members. All members of the Council shall serve for a term of~~  
3           ~~three years or until their successors are appointed. Terms shall begin on April 1~~  
4           ~~of the year of appointment. A majority of the members shall be either~~  
5           ~~individuals with disabilities or parents of children with disabilities.~~

6           ~~(1) Seventeen of the members shall be appointed by the Governor with~~  
7           ~~the advice of the Secretary. Among the gubernatorial appointees shall be:~~

8                     ~~(A) teachers;~~

9                     ~~(B) representatives of State agencies involved in the financing or~~  
10           ~~delivery of related services to children with disabilities;~~

11                    ~~(C) a representative of independent schools;~~

12                    ~~(D) at least one representative of a vocational, community, or~~  
13           ~~business organization concerned with the provision of transition services to~~  
14           ~~children with disabilities;~~

15                    ~~(E) a representative from the State juvenile and adult corrections~~  
16           ~~agency;~~

17                    ~~(F) individuals with disabilities;~~

18                    ~~(G) parents of children with disabilities, provided the child shall be~~  
19           ~~younger than 26 years old at the time his or her parent is appointed to the~~  
20           ~~Council;~~

1           ~~(H) State and local education officials, including officials who carry~~  
2           ~~out activities under the McKinney-Vento Homeless Assistance Act;~~

3           ~~(I) a representative of higher education who prepares special~~  
4           ~~education and related services personnel;~~

5           ~~(J) a representative from the State child welfare department~~  
6           ~~responsible for foster care;~~

7           ~~(K) special education administrators; and~~

8           ~~(L) two at-large members.~~

9           ~~(2) In addition, two members of the General Assembly shall be~~  
10          ~~appointed, one from the House of Representatives and one from the Senate.~~

11          ~~The Speaker shall appoint the House member and the Committee on~~  
12          ~~Committees shall appoint the Senate member.~~

13          ~~(b) The Council shall elect its own chair from among its membership. The~~  
14          ~~Council shall meet annually at the call of the Chair, and other meetings may be~~  
15          ~~called by the Chair at such times and places as he or she may determine to be~~  
16          ~~necessary.~~

17          ~~(c) The members of the Council who are employees of the State shall~~  
18          ~~receive no additional compensation for their services, but actual and necessary~~  
19          ~~expenses shall be allowed State employees, and shall be charged to their~~  
20          ~~departments or institutions. The members of the Council who are not~~  
21          ~~employees of the State shall receive a per diem compensation as provided~~

1 ~~under 32 V.S.A. § 1010 for each day of official business and reimbursement~~  
2 ~~for actual and necessary expenses at the rate allowed State employees.~~

3 (d) ~~The Council shall:~~

4 (1) ~~assume all responsibilities required of the State advisory panel by~~  
5 ~~federal law;~~

6 (2) ~~review periodically the rules, regulations, standards, and guidelines~~  
7 ~~pertaining to special education and recommend to the State Board any changes~~  
8 ~~it finds necessary;~~

9 (3) ~~comment on any new or revised rules, regulations, standards, and~~  
10 ~~guidelines proposed for issuance; and~~

11 (4) ~~advise the State Board in the development of any State plan for~~  
12 ~~provision of special education.~~

13 (a) The State Advisory Panel on Special Education (Panel) is created to  
14 provide guidance with respect to special education and related services for  
15 children with disabilities in the State. Members of the Panel shall be appointed  
16 by the Governor, with the advice of the Secretary of Education. The Panel  
17 shall perform the duties, and members of the Panel shall be appointed, in  
18 accordance with federal law. In addition to members appointed to the Panel to  
19 satisfy the requirements under federal law, the members of the Panel shall  
20 include a representative of each body designated by the State under federal law

1 as the Parent Training and Information Center and the Protection and  
2 Advocacy System.

3 (b) The Panel shall elect an executive committee from among its members.  
4 The executive committee shall be composed of seven members of the Panel,  
5 one of whom shall be the chair of the Panel. A majority of the members of the  
6 executive committee shall be individuals with disabilities or parents of children  
7 with disabilities (ages birth through 26 years of age). The executive committee  
8 shall call meetings of the Panel and shall direct the work of the Panel.

9 (c) The Panel shall advise both the Agency of Education and the State  
10 Board of Education on those matters upon which the Panel is required, under  
11 federal law, to advise the State Education Agency.

12 Sec. 7. TRANSITION

13 (a) On or before August 1, 2019, members shall be appointed to the State  
14 Advisory Panel on Special Education under 16 V.S.A. § 2945 to ensure that  
15 the membership of the Panel complies with federal law, including the  
16 appointment of members who fulfill the requirement that a majority of the  
17 members be individuals with disabilities or parents of children with  
18 disabilities.

19 (b) On or before December 1, 2019, the Panel shall, in consultation with  
20 the Agency of Education, review and update its bylaws, and shall include in its

1 bylaws term limits for all or certain of its members, as the Panel deems  
2 appropriate.

3 \* \* \* Effective Dates \* \* \*

4 Sec. 8. EFFECTIVE DATES

5 Secs. 1, 5, 6, and 7 and this section shall take effect on passage. Secs. 2–4  
6 shall take effect on July 1, 2020.

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14 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

16

Senator \_\_\_\_\_

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FOR THE COMMITTEE