

1 Introduced by Committee on Education
2 Referred to Committee on
3 Date:
4 Subject: Education; special education; equalized pupil weighting formula
5 Statement of purpose of bill as introduced: This bill proposes to amend the
6 special education laws to: (i) ensure that the composition of the State Advisory
7 Panel on Special Education remains in compliance with federal law; (ii) make
8 technical changes; and [add an educational support grant supplement to the
9 census grant for supervisory unions that have relatively higher costs in
10 supporting students who require additional support]. This bill also proposes to
11 amend the equalized pupil weighting formula to adjust certain weights and to
12 add new weights.

13 An act relating to special education and the equalized pupil weighting
14 formula

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

16 * * * State Advisory Panel on Special Education * * *

17 Sec. 1. 16 V.S.A. § 2945 is amended to read:

18 § 2945. STATE ADVISORY COUNCIL ~~COUNCIL~~ PANEL ON SPECIAL
19 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 its 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
21 as the Parent Training and Information Center and the Protection and

1 Advocacy System. The total number of members on the Panel shall not exceed
2 37 members.

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 (d) Members of the Panel shall be entitled to per diem compensation and
13 reimbursement of expenses as permitted under 32 V.S.A. § 1010.

14 Sec. 2. TRANSITION

15 (a) On or before August 1, 2020, members shall be appointed to the State
16 Advisory Panel on Special Education under 16 V.S.A. § 2945 to ensure that
17 the membership of the Panel complies with federal law, including the
18 appointment of members who fulfill the requirement that a majority of the
19 members be individuals with disabilities or parents of children with
20 disabilities.

1 Government Consumption Expenditures and Gross Investment as reported by
2 the U.S. Department of Commerce, Bureau of Economic Analysis; by

3 (B) the statewide ~~average daily membership for prekindergarten~~
4 ~~through grade 12 for the 2019–2020 school year~~ long-term membership.

5 (5) “Educational support grant supplement” means an increase to the
6 amount of the educational support grant provided to a supervisory union of
7 [\$] multiplied by the long-term membership of the supervisory union.
8 This supplemental grant is designed to account for [the supervisory union’s
9 relatively higher costs in supporting students who require additional support
10 due to the number of these students or the nature of the services required][need
11 to insert determinative formula].

12 * * *

13 (d)(1)(A) For fiscal year ~~2021~~ 2022, the amount of the census grant for a
14 supervisory union shall be:

15 (i) the average amount it received for fiscal years 2017, 2018, and
16 2019 from the State for special education under sections 2961 (standard
17 mainstream block grants), 2963 (special education expenditures
18 reimbursement), and 2963a (exceptional circumstances) of this title; increased
19 by

20 (ii) the annual change in the National Income and Product
21 Accounts (NIPA) Implicit Price Deflator for State and Local Government

1 Consumption Expenditures and Gross Investment as reported by the U.S.
2 Department of Commerce, Bureau of Economic Analysis.

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

7 (2) For fiscal year ~~2025~~ 2026 and subsequent fiscal years, the amount of
8 the census grant for a supervisory union shall be the uniform base amount
9 multiplied by the supervisory union's long-term membership.

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

19 (4) For fiscal year 2023 and thereafter, a supervisory union that is
20 eligible to receive an educational support grant supplement shall be paid that
21 supplemental amount with its census grant under section 2969 of this title, and

1 each portion of these grant funds shall be separately identified on a statement
2 issued by the State Treasurer to the supervisory union.

3 Sec. 4. 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. 5. 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. 6. 2018 Acts and Resolves No. 173, Sec. 17 is amended to read:

15 Sec. 17. TRANSITION

16 (a) Notwithstanding the requirement under 16 V.S.A. § 2964 for a
17 supervisory union to submit a service plan to the Secretary of Education, a
18 supervisory union shall not be required to submit a service plan for fiscal
19 year ~~2021~~ 2022.

20 (b) On or before November 1, ~~2019~~ 2020, a supervisory union shall submit
21 to the Secretary such information as required;

1 (3) resident students being provided secondary education.

2 (b) The Secretary shall determine the long-term membership for each
3 school district for each student group described in subsection (a) of this
4 section. The Secretary shall use the actual average daily membership over two
5 consecutive years, the latter of which is the current school year.

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

9 Prekindergarten 0.46

10 Elementary or kindergarten 1.0

11 Secondary 1.13

12 (d) The weighted long-term membership calculated under subsection (c) of
13 this section shall be increased for each school district to compensate for
14 additional costs imposed by students from economically deprived
15 backgrounds. The adjustment shall be equal to the total from subsection (c) of
16 this section, multiplied by 25 percent, and further multiplied by the poverty
17 ratio of the district.

18 (e) The weighted long-term membership calculated under subsection (c) of
19 this section shall be further increased by 0.2 for each student in average daily
20 membership for whom English is not the primary language.

21 [Subsection (f) repealed effective July 1, 2020.]

1 (f) For purposes of the calculation under this section, a district’s equalized
2 pupils shall in no case be less than 96 and one-half percent of the actual
3 number of equalized pupils in the district in the previous year, prior to making
4 any adjustment under this subsection.

5 (g) The Secretary shall develop guidelines to enable clear and consistent
6 identification of students to be counted under this section.

7 (h) On December 1 each year, the Secretary shall determine the equalized
8 pupil count for the next fiscal year for district review. The Secretary shall
9 make any necessary corrections on or before December 15, on which date the
10 count shall become final for that year.

11 (i) The Secretary shall evaluate the accuracy of the weights established in
12 subsection (c) of this section and, at the beginning of each biennium, shall
13 propose to the House and Senate Committees on Education whether the
14 weights should stay the same or be adjusted. The provisions of 2 V.S.A.
15 § 20(d) (expiration of required reports) shall not apply to the report to be made
16 under this subsection.

17 * * * Effective Dates * * *

18 Sec. 9. EFFECTIVE DATES

19 This act shall take effect on passage, except that Secs. 3–5 shall take effect
20 on July 1, 2021.