

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 make technical changes and [add an educational
7 support grant supplement to the census grant for supervisory unions that have
8 relatively higher costs in supporting students who require additional support].
9 This bill also proposes to amend the equalized pupil weighting formula to
10 adjust certain weights and to add new weights.

11 An act relating to special education and the equalized pupil weighting
12 formula

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 * * *

18 (3) “Long-term membership” of a supervisory union in any school year
19 means the average of the supervisory union’s average daily membership over
20 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 (5) “Educational support grant supplement” means an increase to the

14 amount of the educational support grant provided to a supervisory union of

15 [\$] multiplied by the long-term membership of the supervisory union.

16 This supplemental grant is designed to account for [the supervisory union’s

17 relatively higher costs in supporting students who require additional support

18 due to the number of these students or the nature of the services required][need

19 to insert determinative formula].

20 * * *

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

3 (i) the average amount it received for fiscal years 2017, 2018, and
4 2019 from the State for special education under sections 2961 (standard
5 mainstream block grants), 2963 (special education expenditures
6 reimbursement), and 2963a (exceptional circumstances) of this title; increased
7 by

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

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

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

19 (3) For fiscal years ~~2022, 2023, and 2024~~ 2023, 2024, and 2025, the
20 amount of the census grant for a supervisory union shall be determined by
21 multiplying the supervisory union's long-term membership by a base amount

1 established under this subdivision. The base amounts for each supervisory
2 union for fiscal years ~~2022, 2023, and 2024~~ 2023, 2024, and 2025 shall move
3 gradually the supervisory union's fiscal year ~~2024~~ 2022 base amount to the
4 fiscal year ~~2025~~ 2026 uniform base amount by prorating the change between
5 the supervisory union's fiscal year ~~2024~~ 2022 base amount and the fiscal year
6 ~~2025~~ 2026 uniform base amount over this three-fiscal-year period.

7 (4) For fiscal year 2023 and thereafter, a supervisory union that is
8 eligible to receive an educational support grant supplement shall be paid that
9 supplemental amount with its census grant under section 2969 of this title, and
10 each portion of these grant funds shall be separately identified on a statement
11 issued by the State Treasurer to the supervisory union.

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

13 § 2967. AID PROJECTION

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

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

19 (1) ~~costs~~ funds eligible for grants and reimbursements under sections
20 2961 and 2962 of this title;

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

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

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

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

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

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

8 § 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL
9 ASSISTANCE

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

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

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

1 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

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

5 (1) resident prekindergarten children;

6 (2) resident students being provided elementary or kindergarten
7 education; and

8 (3) resident students being provided secondary education.

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

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

16 Prekindergarten 0.46

17 Elementary or kindergarten 1.0

18 Secondary 1.13

19 (d) The weighted long-term membership calculated under subsection (c) of
20 this section shall be increased for each school district to compensate for
21 additional costs imposed by students from economically deprived

1 backgrounds. The adjustment shall be equal to the total from subsection (c) of
2 this section, multiplied by 25 percent, and further multiplied by the poverty
3 ratio of the district.

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

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

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

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

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

18 (i) The Secretary shall evaluate the accuracy of the weights established in
19 subsection (c) of this section and, at the beginning of each biennium, shall
20 propose to the House and Senate Committees on Education whether the
21 weights should stay the same or be adjusted. The provisions of 2 V.S.A.

1 § 20(d) (expiration of required reports) shall not apply to the report to be made
2 under this subsection.

3 * * * Effective Dates * * *

4 Sec. 7. EFFECTIVE DATES

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