Side-by-Side of: S.13 as passed Senate v. HEC amendment v. HW&M amendment Jim DesMarais 4/29/21 (v.2.1)

Differences highlighted in yellow

S.13 as passed Senate	HEC amendment	HW&M amendment
Sec. 1. FINDINGS	Sec. 1. FINDINGS	Sec. 1. FINDINGS
(a) 2018 Acts and Resolves No. 173,	(a) 2018 Acts and Resolves No. 173,	(a) 2018 Acts and Resolves No. 173,
Sec. 11 directed the Agency of Education	Sec. 11 directed the Agency of Education	Sec. 11 directed the Agency of Education
to undertake a study examining and	to undertake a study examining and	to undertake a study examining and
evaluating the current formula used to	evaluating the current formula used to	evaluating the current formula used to
weigh economically disadvantaged	weigh economically disadvantaged	weigh economically disadvantaged
students, English language learners, and	students, English language learners, and	students, English language learners, and
secondary-level students in Vermont for	secondary-level students in Vermont for	secondary-level students in Vermont for
purposes of calculating equalized pupils.	purposes of calculating equalized pupils.	purposes of calculating equalized pupils.
The study was also to consider whether	The study was also to consider whether	The study was also to consider whether
new cost factors and weights should be	new cost factors and weights should be	new cost factors and weights should be
included in the equalized pupil	included in the equalized pupil	included in the equalized pupil
calculation.	calculation.	calculation.
(b) The findings from the Pupil	(b) The findings from the Pupil	(b) The findings from the Pupil
Weighting Factors Report dated	Weighting Factors Report dated	Weighting Factors Report dated
December 24, 2019 (Report), produced by	December 24, 2019 (Report), produced by	December 24, 2019 (Report), produced by

S.13 as passed Senate
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researchers, including national experts on
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[current] formula nor the value of the
weights reflect contemporary educational
circumstances and costs." The Report
also found that the current "values for the
existing weights have weak ties, if any,
with evidence describing the difference in
the costs of educating students with
disparate needs or operating schools in
different contexts."

(c) As a corrective to this situation, the major recommendations of the Report are straightforward, specifically that the General Assembly increase certain of the existing weights and that it add population density (rurality) as a new weighting factor, given the Report's finding that rural districts pay more to educate a

HEC amendment

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HW&M amendment

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S.13 as passed Senate

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nature of Vermont's education funding

system and the reality that any change in
the weighting formula is complex due to
its relationship to other educational
policies and will produce fluctuations in
tax rates across the State, the General
Assembly has chosen to develop a phased
approach to revising the weighting
formula.

Sec. 2. TASK FORCE ON THE IMPLEMENTATION OF THE PUPIL WEIGHTING FACTORS REPORT

(a) Creation. There is created the Task

Force on the Implementation of the Pupil

Weighting Factors Report. The Task

Force shall recommend to the General

Assembly an action plan and proposed

legislation to ensure that all public school

students have equitable access to

HEC amendment

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S.13 as passed Senate	HEC amendment	HW&M amendment
educational opportunities, taking into	access to educational opportunities, taking	access to educational opportunities, taking
account the Pupil Weighting Factors	into account the Pupil Weighting Factors	into account the Pupil Weighting Factors
Report dated December 24, 2019	Report dated December 24, 2019	Report dated December 24, 2019
(Report), produced by a University of	(Report), produced by a University of	(Report), produced by a University of
Vermont-led team of researchers.	Vermont-led team of researchers.	Vermont-led team of researchers.
(b) Membership. The Task Force shall	(b) Membership. The Task Force shall	(b) Membership.
be a legislative task force and shall be	be a legislative task force and shall be	(1) The Task Force shall be a
composed of the following six members:	composed of the following six members:	legislative task force and shall be
(1) the Chair of the Senate	(1) the Chair of the Senate	composed of the following eight
Committee on Finance or designee;	Committee on Finance or designee;	members:
(2) the Chair of the Senate	(2) the Chair of the Senate	(A) two members of the Senate
Committee on Education or designee;	Committee on Education or designee;	Committee on Finance;
(3) the Chair of the House	(3) the Chair of the House	(B) two members of the Senate
Committee on Ways and Means or	Committee on Ways and Means or	Committee on Education;
designee;	designee;	(C) two members of the House
(4) the Chair of the House	(4) the Chair of the House	Committee on Ways and Means; and
Committee on Education or designee;	Committee on Education or designee;	(D) two members of the House
(5) the Secretary of Education or	(5) the Secretary of Education or	Committee on Education.
designee; and	designee; and	(2) Members from the House
(6) the Chair of the State Board of	(6) the Chair of the State Board of	Committees shall be appointed by the
Education or designee.	Education or designee.	Speaker of the House and shall not all be

S.13 as passed Senate	HEC amendment	HW&M amendment
		from the same party, and members from
		the Senate Committees shall be appointed
		by the Committee on Committees and
		shall not all be from the same party.
(c) Powers and duties. The Task Force	(c) Powers and duties. The Task Force	(c) Powers and duties. The Task Force
shall recommend to the General Assembly	shall recommend to the General Assembly	shall recommend to the General Assembly
an action plan and proposed legislation to	an action plan and proposed legislation to	an action plan and proposed legislation to
ensure that all public school students have	ensure that all public school students have	ensure that all public school students have
equitable access to educational	equitable access to educational	equitable access to educational
opportunities, taking into account the	opportunities, taking into account the	opportunities, taking into account the
Report, and shall:	Report, and shall:	Report, and shall:
(1) recommend which weighting	(1) consider how to integrate the	(1) consider how to integrate the
factors to modify or create and their	weighting calculations from the Report	weighting calculations from the Report
associated weights and whether any	with Vermont's equalized pupil	with Vermont's equalized pupil
weights should be eliminated in lieu of	calculations, excess spending threshold,	calculations, excess spending threshold,
categorical aid;	and yield calculations;	and yield calculations;
(2) consider use of categorical aid,	(2) consider how categorical aid	(2) consider how categorical aid
including whether categorical aid should	can address cost differentials across	can address differences in the costs of
be used instead of some or all of the	school districts;	educating students across school districts;
weighting factors and, if weighting factors		
are used, whether small schools grants,		

S.13 as passed Senate	HEC amendment	HW&M amendment
transportation aid, and other State grant		
funding targeted for a specific purpose		
should be adjusted or terminated;		
	(3) for the purpose of calculating	(3) for the purpose of calculating
	equalized pupils, recommend how to	equalized pupils, recommend age ranges
	define a "person from an economically	to be included and how to define a
	deprived background" taking into account	"person from an economically deprived
	the current definition in 16 V.S.A.	background" taking into account the
	§ 4001(8) and similar definitions in Part	current definition in 16 V.S.A. § 4001(8)
	A, Title I, of the Elementary and	and similar definitions in Part A, Title I,
	Secondary Education Act, as amended by	of the Elementary and Secondary
	the Every Student Succeeds Act, and	Education Act, as amended by the Every
	eligibility for free and reduced-priced	Student Succeeds Act, and eligibility for
	lunch under the National School Lunch	free and reduced-priced lunch under the
	Act;	National School Lunch Act;
	(4) in recognition that the current	(4) in recognition that the current
	formula used to calculate equalized pupils	formula used to calculate equalized pupils
	uses more than one mathematical method,	uses more than one mathematical method,
	consider changes to the formula to	consider changes to the formula to
	simplify it and make its calculation more	simplify it and make its calculation more
	transparent;	transparent;

S.13 as passed Senate	HEC amendment	HW&M amendment
(3) recommend how to ensure that	(5) recommend statutory changes in	(5) recommend statutory changes in
school districts are using funding to meet	the Agency of Education's powers and	the Agency of Education's powers and
education quality standards and improve	duties to ensure that all school districts are	duties to ensure that all school districts are
student outcomes and opportunities;	meeting education quality standards and	meeting education quality standards and
	improving student outcomes and	improving student outcomes and
(4) consider education property tax	opportunities;	opportunities;
rates and the taxing capacity of school		
districts and how the Task Force's		
recommendations relate to the		
recommendations of the Vermont Tax		
Structure Commission Report dated		
February 8, 2021;		
(5) recommend how to transition to	(6) recommend how to transition to	(6) recommend how to transition to
the new weights or categorical aid to	the recommended weights and categorical	the recommended weights and categorical
promote equity and ease the financial	aid to promote equity and ease the	aid to promote equity and ease the
impact on school districts during the	financial impact on school districts during	financial impact on school districts during
transition, including the availability and	the transition, including the availability	the transition, including the availability
use of federal funding;	and use of federal funding;	and use of federal funding;
(6) recommend how tuition rates		
for non-operating school districts and		
career technical centers should be adjusted		

S.13 as passed Senate	HEC amendment	HW&M amendment
to account for the cost of educating		
students as reflected in the recommended		
weights or categorical aid;		
(7) consider school funding		
formulas in other states and alternative		
models for school funding;		
(8) consider the relationship	(7) consider the relationship	(7) consider the relationship
between the recommended weights or	between the recommended weights and	between the recommended weights and
categorical aid and the changes to special	categorical aid and the changes to special	categorical aid and the changes to special
education funding under 2018 Acts and	education funding under 2018 Acts and	education funding under 2018 Acts and
Resolves No. 173; and	Resolves No. 173, including the impact on	Resolves No. 173, including the impact on
	federally required maintenance of effort	federally required maintenance of effort
	and maintenance of financial support; and	and maintenance of financial support;
(9) consider the impact of the	(8) consider the impact of the	(8) consider the interaction between
recommended weights or categorical aid	recommended weights and categorical aid	the recommended weights and categorical
on the goals and outcomes of 1997 Acts	on the goals and outcomes of 1997 Acts	aid and the goals and outcomes of 1997
and Resolves No. 60 and 2015 Acts and	and Resolves No. 60 and 2015 Acts and	Acts and Resolves No. 60, 2003 Acts and
Resolves No. 46, each as amended.	Resolves No. 46, each as amended.	Resolves No. 68, and 2015 Acts and
		Resolves No. 46, each as amended;
		(9) recommend ways to mitigate
		the impacts on residential property tax

S.13 as passed Senate	HEC amendment	HW&M amendment
		rates and consider tax rate equity between
		districts; and
		(10) recommend whether to
		modify, retain, or repeal the excess
		spending threshold under 32 V.S.A.
		§ 5401(12) and 16 V.S.A. § 4001(6)(B).
(d) Consultant. The Task Force shall	(d) Consultant. The Task Force may	(d) Consultant. The Task Force may
retain a consultant to assist it with	retain a consultant or consultants to assist	retain a consultant or consultants to assist
executing its powers and duties. The	it with modeling education finance	it with modeling education finance
consultant shall have expertise and	scenarios developed by the Task Force	scenarios developed by the Task Force
experience in providing advice on	and in writing the report required under	and in writing the report required under
Vermont's education funding and tax	subsection (g) of this section.	subsection (g) of this section.
system and shall be nationally recognized		
in the field of education funding and tax		
systems.		
(e) Collaboration. In performing its	(e) Collaboration. In performing its	(e) Collaboration. In performing its
duties under this section, the Task Force	duties under this section, the Task Force	duties under this section, the Task Force
shall collaborate with the Vermont	shall collaborate with the Vermont	shall collaborate with the State Board of
Superintendents Association, the Vermont	Superintendents Association, the Vermont	Education, the Vermont Superintendents
School Boards Association, the Vermont	School Boards Association, the Vermont	Association, the Vermont School Boards
Council of Special Education	Council of Special Education	Association, the Vermont Council of

S.13 as passed Senate	HEC amendment	HW&M amendment
Administrators, the Vermont Principals'	Administrators, the Vermont Principals'	Special Education Administrators, the
Association, the Vermont Independent	Association, the Vermont Independent	Vermont Principals' Association, the
Schools Association, and the Vermont-	Schools Association, and the Vermont-	<u>Vermont Independent Schools</u>
National Education Association.	National Education Association.	Association, and the Vermont-National
		Education Association.
(f) Public meetings. The Task Force	(f) Public meetings. The Task Force	(f) Public meetings. The Task Force
shall hold one or more meetings to share	shall hold one or more meetings to share	shall hold two or more meetings to share
information and receive input from the	information and receive input from the	information and receive input from the
public concerning its work, which may be	public concerning its work, which may be	public concerning its work, which may be
part of or separate from its regular	part of or separate from its regular	part of or separate from its regular
meetings.	meetings.	meetings. The Task Force shall include
		time during each of its meetings for public
		comment.
(g) Report. On or before January 15,	(g) Report. On or before January 15,	(g) Report. On or before December
2022, the Task Force shall submit a	2022, the Task Force shall submit a	15, 2021, the Task Force shall submit a
written report to the House and Senate	written report to the House and Senate	written report to the House and Senate
Committees on Education, the House	Committees on Education, the House	Committees on Education, the House
Committee on Ways and Means, and the	Committee on Ways and Means, and the	Committee on Ways and Means, and the
Senate Committee on Finance with its	Senate Committee on Finance with its	Senate Committee on Finance with its
action plan and proposed legislation.	action plan and proposed legislation.	action plan and proposed legislation.

S.13 as passed Senate	HEC amendment	HW&M amendment
(h) Meetings.	(h) Meetings.	(h) Meetings.
(1) The Secretary of Education	(1) The Secretary of Education	(1) The Joint Fiscal Office shall call
shall call the first meeting of the Task	shall call the first meeting of the Task	the first meeting of the Task Force to
Force to occur on or before August 1,	Force to occur on or before August 1,	occur on or before June 1, 2021.
<u>2021.</u>	<u>2021</u> .	
(2) The Task Force shall select a	(2) The Task Force shall select a	(2) The Task Force shall select co-
chair from among its members at the	chair from among its members at the	chairs from among its members at the
first meeting.	first meeting.	first meeting, one a member of the House
		and the other a member from the Senate.
(3) A majority of the membership	(3) A majority of the membership	(3) A majority of the membership
shall constitute a quorum.	shall constitute a quorum.	shall constitute a quorum.
(4) The Task Force shall meet not	(4) The Task Force shall meet not	
more than 12 times.	more than 12 times.	
(i) Assistance. The Task Force shall	(i) Assistance.	(i) Assistance. The Task Force shall
have the:	(1) The Task Force shall have the:	have:
	(A) administrative assistance	(1) Administrative assistance from
(1) administrative assistance from	from the Agency of Education, which	the Joint Fiscal Office, which shall include
the Agency of Education, which shall	shall include organizing meetings and	organizing meetings and taking minutes.
include organizing meetings and taking	taking minutes;	
minutes;		

S.13 as passed Senate	HEC amendment	HW&M amendment
(2) technical assistance of the Joint	(B) technical assistance of the	(2) Technical assistance from the
Fiscal Office, which shall include	Joint Fiscal Office, which shall include	Agency of Education, the Department of
contracting with, and overseeing the work	contracting with, and overseeing the work	Taxes, and the Joint Fiscal Office. If the
of, the consultant and data analysis and	of, the consultant and data analysis and	consultant is retained, the Joint Fiscal
computation;	computation;	Office shall contract with, and oversee the
		work of, the consultant.
(3) assistance from the consultant,	(C) assistance from the	
which shall include assistance with	consultant or consultants, if retained, shall	
executing the Task Force's powers and	include assistance with modeling	
duties and writing the report required	education finance scenarios and writing	
under subsection (g) of this section; and	the report required under subsection (g) of	
(4) legal assistance from Office of	this section; and	
Legislative Counsel, which shall include	(D) legal assistance from Office	(3) Legal assistance from Office of
legal advice and drafting proposed	of Legislative Counsel, which shall	Legislative Counsel, which shall include
legislation.	include legal advice and drafting proposed	legal advice and drafting proposed
	legislation.	legislation.
	(2) If a consultant or consultants are	
	not retained, the Agency of Education, in	
	collaboration with the Joint Fiscal Office,	
	shall write the report required under	

S.13 as passed Senate	HEC amendment	HW&M amendment
	subsection (g) of this section and model	
	education finance scenarios.	
(j) Compensation and	(j) Compensation and	(j) Compensation and
reimbursement. For attendance at	reimbursement. For attendance at	reimbursement. For attendance at
meetings during adjournment of the	meetings during adjournment of the	meetings during adjournment of the
General Assembly, a legislative member	General Assembly, a legislative member	General Assembly, a legislative member
of the Task Force shall be entitled to per	of the Task Force shall be entitled to per	of the Task Force shall be entitled to per
diem compensation and reimbursement of	diem compensation and reimbursement of	diem compensation and reimbursement of
expenses pursuant to 2 V.S.A. § 23 for not	expenses pursuant to 2 V.S.A. § 23 for not	expenses pursuant to 2 V.S.A. § 23 for not
more than 12 meetings. These payments	more than 12 meetings. These payments	more than 12 meetings. These payments
shall be made from monies appropriated	shall be made from monies appropriated	shall be made from monies appropriated
to the General Assembly.	to the General Assembly.	to the General Assembly.
	Sec. 3. WEIGHTING FACTORS'	Sec. 3. WEIGHTING FACTORS
	SIMULATOR	SIMULATOR
	The Agency of Education, in	The Agency of Education, in
	collaboration with the Joint Fiscal Office,	collaboration with the Joint Fiscal Office,
	shall create a user-friendly weighting	shall create a user-friendly weighting
	factors' simulator that will allow users to	factors simulator that will allow users to
	model the impact of proposed changes in	model the impact of proposed changes in
	weights on all school district tax rates.	weights on all school district tax rates.
		The creation of and use by the Task Force

S.13 as passed Senate	HEC amendment	HW&M amendment
		of the simulator shall be overseen by the
		Task Force.
Sec. 3. REQUIREMENT FOR	Sec. 4. REQUIREMENT FOR	Sec. 4. ADDITIONAL LEGISLATIVE
ADDITIONAL LEGISLATIVE	ADDITIONAL LEGISLATIVE	ACTION
ACTION	ACTION	
During the second year of the 2021–	During the second year of the 2021–	During the second year of the 2021–
2022 biennium, the House and Senate	2022 biennium, the House and Senate	2022 biennium, the House and Senate
Committees on Education, the House	Committees on Education, the House	Committees on Education, the House
Committee on Ways and Means, and the	Committee on Ways and Means, and the	Committee on Ways and Means, and the
Senate Committee on Finance shall	Senate Committee on Finance shall	Senate Committee on Finance shall
consider the action plan and legislation	consider the action plan and legislation	consider the action plan and legislation
proposed by the Task Force on the	proposed by the Task Force on the	proposed by the Task Force on the
Implementation of the Pupil Weighting	Implementation of the Pupil Weighting	Implementation of the Pupil Weighting
Factors Report created under Sec. 2 of this	Factors Report created under Sec. 2 of this	Factors Report created under Sec. 2 of this
act. It is the intent of the General	act. It is the intent of the General	act. It is the intent of the General
Assembly that it pass legislation during	Assembly that it pass legislation during	Assembly that it pass legislation during
the second year of the biennium that	the second year of the biennium that	the second year of the biennium that
implements changes to how education is	implements changes to how education is	implements changes to how education is
funded to ensure that all public school	funded to ensure that all public school	funded to ensure that all public school
students have equitable access to		
educational opportunities. A positive vote		

S.13 as passed Senate	HEC amendment	HW&M amendment
of both the House and Senate, and	students have equitable access to	students have equitable access to
approval by the Governor, would be	educational opportunities.	educational opportunities.
required to implement these changes.		Sec. 5. EXCESS SPENDING
		MORATORIUM
		For fiscal years 2022 and 2023, for the
		purpose of determining a school district's
		education property tax rate under 32
		V.S.A. chapter 135, education spending
		under 16 V.S.A. § 4001(6) and the
		education spending adjustments under 32
		V.S.A. § 5401(13) shall be calculated
		without regard to excess spending under
		32 V.S.A. § 5401(12) and 16 V.S.A.
		<u>§ 4001(6)(B).</u>
Sec. 4. APPROPRIATIONS	Sec. 5. APPROPRIATIONS	Sec. 6. APPROPRIATIONS
(a) The sum of \$10,800.00 is	(a) The sum of \$10,800.00 is	(a) The sum of \$10,800.00 is
appropriated from the General Fund in	appropriated from the General Fund in	appropriated from the General Fund in
fiscal year 2022 to the General Assembly	fiscal year 2022 to the General Assembly	fiscal year 2022 to the General Assembly
for per diem and reimbursement of	for per diem and reimbursement of	for per diem and reimbursement of
expenses for members of the Task Force	expenses for members of the Task Force	expenses for members of the Task Force
on the Implementation of the Pupil	on the Implementation of the Pupil	on the Implementation of the Pupil

S.13 as passed Senate	HEC amendment	HW&M amendment
Weighting Factors Report created under	Weighting Factors Report created under	Weighting Factors Report created under
Sec. 2 of this act.	Sec. 2 of this act.	Sec. 2 of this act.
(b) The sum of \$150,000.00 is	(b) The sum of \$25,000.00 is	(b) The sum of \$25,000.00 is
appropriated from the General Fund in	appropriated from the General Fund in	appropriated from the General Fund in
fiscal year 2022 to the Joint Fiscal Office	fiscal year 2022 to the Joint Fiscal Office	fiscal year 2022 to the Joint Fiscal Office
for consultant expenses of the Task Force	for consultant expenses of the Task Force	for consultant expenses of the Task Force
on the Implementation of the Pupil	on the Implementation of the Pupil	on the Implementation of the Pupil
Weighting Factors Report created under	Weighting Factors Report created under	Weighting Factors Report created under
Sec. 2 of this act.	Sec. 2 of this act.	Sec. 2 of this act.
Sec. 5. EFFECTIVE DATE	Sec. 6. EFFECTIVE DATE	Sec. 7. EFFECTIVE DATE
This act shall take effect on passage.	This act shall take effect on passage.	This act shall take effect on passage.
	and that after passage the title of the	and that after passage the title of the
	bill be amended to read: "An act relating	bill be amended to read: "An act relating
	to the Pupil Weighting Factors Report"	to the Pupil Weighting Factors Report"