

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; COVID-19; miscellaneous

4 Statement of purpose of bill as introduced: This bill proposes, due to the  
5 COVID-19, to: (1) retroactively, from the beginning of the 2021-2022 school  
6 year through the 2022-2023 school year, count any day that a public school  
7 operates remotely toward the 175 student attendance day requirement; and (2)  
8 delay the changes to special education funding from a reimbursement model to  
9 a census-based model from July 1, 2022 until [ ], and to delay the  
10 requirement that certain approved independent schools enroll students on an  
11 individual education program from July 1, 2023 until [ ], as enacted  
12 under 2018 Acts and Resolves No. 173.

13 An act relating to making miscellaneous changes in education law due to  
14 COVID-19

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

16 \* \* \* Student Attendance Days; Remote Learning \* \* \*

17 Sec. 1. STUDENT ATTENDANCE DAYS; REMOTE LEARNING

18 Retroactively from the beginning of the 2021-2022 school year through the  
19 2022-2023 school year, if the school board of a school district, exercising its  
20 powers under sections 563(2) and 834 of this title, decides to operate one or

1 more of its schools remotely, any day that the school operates remotely shall  
2 count as a student attendance day if it otherwise would qualify as one had the  
3 school operated in person on that day.

4 Sec. 2. STATE BOARD OF EDUCATION; RULEMAKING

5 On or before September 30, 2022, the State Board shall issue final rules  
6 setting forth requirements to ensure that remote learning is delivered in a high-  
7 quality and consistent manner.

8 \* \* \* Special Education Funding Reform; Delay \* \* \*

9 Sec. 3. 16 V.S.A. § 2961 is amended to read:

10 § 2961. CENSUS GRANT

11 (a) As used in this section:

12 \* \* \*

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

14 (A) dividing an amount:

15 (i) equal to the average State appropriation for fiscal years 2018,  
16 2019, and 2020 for special education under sections 2961 (standard  
17 mainstream block grants), 2963 (special education expenditures  
18 reimbursement), and 2963a (exceptional circumstances) of this title; and

19 (ii) increased by:

20 (I) for each of fiscal years 2021, 2022, and 2023, the annual  
21 change in the National Income and Product Accounts (NIPA) Implicit Price

1 Deflator for State and Local Government Consumption Expenditures and  
2 Gross Investment as reported by the U.S. Department of Commerce, Bureau of  
3 Economic Analysis (inflation factor); and

4 (II) for each of fiscal years 2024, 2025, and 2026, the average  
5 inflation factor for fiscal years 2021, 2022, and 2023; by

6 (B) the statewide long-term membership.

7 \* \* \*

8 (d)(1)(A) For fiscal year 2023, the amount of the census grant for a  
9 supervisory union shall be:

10 (i) the average amount it received for fiscal years 2018, 2019, and  
11 2020 from the State for special education under sections 2961 (standard  
12 mainstream block grants), 2963 (special education expenditures  
13 reimbursement), and 2963a (exceptional circumstances) of this title; increased  
14 by

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

19 (B) The amount determined under subdivision (A) of this subdivision

20 (1) shall be divided by the supervisory union's long-term membership, to

1 determine the base amount of the census grant, which is the amount of the  
2 census grant calculated on a per student basis.

3 (2) For **fiscal year 2027** and subsequent fiscal years, the amount of the  
4 census grant for a supervisory union shall be the uniform base amount  
5 multiplied by the supervisory union’s long-term membership.

6 (3) For **fiscal years 2024, 2025, and 2026**, the amount of the census  
7 grant for a supervisory union shall be determined by multiplying the  
8 supervisory union’s long-term membership by a base amount established under  
9 this subdivision. The base amounts for each supervisory union for **fiscal years**  
10 **2024, 2025, and 2026** shall move gradually the supervisory union’s **fiscal year**  
11 **2023** base amount to the **fiscal year 2027** uniform base amount by prorating the  
12 change between the supervisory union’s **fiscal year 2023** base amount and the  
13 **fiscal year 2027** uniform base amount over this three-fiscal-year period.

14 Sec. 4. 2018 Acts and Resolves No. 173, Sec. 9, is amended to read:

15 Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

16 \* \* \*

17 (e) Meetings.

18 \* \* \*

19 (4) The Advisory Group shall cease to exist on **June 30, 2023**.

20 \* \* \*

1 (g) Reimbursement. Members of the Advisory Group who are not  
2 employees of the State of Vermont and who are not otherwise compensated or  
3 reimbursed for their attendance shall be entitled to per diem compensation and  
4 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more  
5 than eight meetings per year in fiscal years 2019 and 2020 and not more than  
6 12 meetings per year in fiscal years 2021, 2022, and 2023.

7 (h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year  
8 2018 from the General Fund to the Agency of Education to provide funding for  
9 per diem compensation and reimbursement under subsection (g) of this section.  
10 The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General  
11 Fund to the Agency of Education to provide funding for per diem  
12 compensation and reimbursement under subsection (g) of this section. The  
13 Agency shall include in its budget request to the General Assembly for each of  
14 fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per  
15 diem compensation and reimbursement under subsection (g) of this section.

16 Sec. 5. 2018 Acts and Resolves No. 173, Sec. 16 is amended to read:

17 Sec. 16. RULEMAKING

18 The Agency of Education shall recommend to the State Board proposed  
19 rules that are necessary to implement Secs. 3–5 of this act and, on or before  
20 August 1, 2021, the State Board of Education shall initiate rules that are  
21 necessary to implement Secs. 3–5 of this act. The State Board and the Agency

1 of Education shall consult with the Census-based Funding Advisory Group  
2 established under Sec. 9 of this act in developing the State Board rules. The  
3 State Board rules shall include rules that establish processes for reporting,  
4 monitoring, and evaluation designed to ensure:

5 \* \* \*

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

7 Sec. 17. TRANSITION

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

12 (b) On or before **November 1, 2021**, a supervisory union shall submit to the  
13 Secretary such information as required:

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

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

18 \* \* \*

19 Sec. 7. 2018 Acts and Resolves No. 173, Sec. 18 is amended to read:

20 Sec. 18. TRANSITION FOR ALLOWABLE SPECIAL EDUCATION

21 COSTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

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

Sec. 8. 2018 Acts and Resolves No. 173, Sec. 22 is amended to read:

Sec. 22. SPECIAL EDUCATION ENDORSEMENT; APPROVAL FOR  
SPECIAL EDUCATION CATEGORIES

\* \* \*

(b) On or before June 30, 2021, the State Board of Education shall review its rules for approving independent schools in specific special education categories and initiate rulemaking to update its rules to simplify and expedite the approval process.

Sec. 9. UPDATES TO STATE BOARD OF EDUCATION RULES

(a) On or before June 30, 2021, the State Board of Education shall initiate rulemaking to update its Rule 2200 series for approved independent schools in order to implement Secs. 20a–21 of 2018 Acts and Resolves No. 173.

(b) The public comment period under the Vermont Administrative Procedures Act, 3 V.S.A. chapter 25, subchapter 3, for State Board of Education Rules Series 1300 and 2360 shall be extended to December 31, 2020, and the time period for adoption of these Rules Series under that Act shall be adjusted accordingly.

Sec. 10. 2018 Acts and Resolves No. 173, Sec. 23 is amended to read:

Sec. 23. EFFECTIVE DATES

1  
2  
3  
4  
5  
6  
7  
8  
9

\* \* \*

(b) Sec. 5 (16 V.S.A. chapter 101) shall take effect on July 1, 2022.

(c) Secs. 20a–21 (approved independent schools) shall take effect on July 1, 2023.

\* \* \*

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

Sec. 11. EFFECTIVE DATES [UPDATE]

This act shall take effect on passage, except that Sec. 1 shall take effect on July 1, [2022].