

1 H.887

2 Representatives Andrews of Westford, Anthony of Barre City, Beck of St.
3 Johnsbury, Branagan of Georgia, Demrow of Corinth, Kornheiser of
4 Brattleboro, Masland of Thetford, Mattos of Milton, Ode of Burlington, Sims
5 of Craftsbury, and Taylor of Colchester move that Senate proposal of
6 amendment be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 Sec. 1. THE COMMISSION ON THE FUTURE OF PUBLIC
9 EDUCATION; REPORTS

10 (a) Creation. There is hereby created the Commission on the Future of
11 Public Education in Vermont. The right to education is fundamental for the
12 success of Vermont’s children in a rapidly changing society and global
13 marketplace as well as for the State’s own economic and social prosperity.
14 The Commission shall study the provision of education in Vermont and make
15 recommendations for a statewide vision for Vermont’s public education system
16 to ensure that all students are afforded substantially equal educational
17 opportunities in an efficient, sustainable, and stable education system. The
18 Commission shall also make recommendations for the strategic policy changes
19 necessary to make Vermont’s educational vision a reality for all Vermont
20 students.

1 (b) Membership. The Commission shall be composed of the following
2 members and, to the extent possible, the members shall represent the State’s
3 geographic, gender, racial, and ethnic diversity:

4 (1) the Secretary of Education or designee;

5 (2) the Chair of the State Board of Education or designee;

6 (3) the Tax Commissioner or designee;

7 (4) one current member of the House of Representatives, appointed by
8 the Speaker of the House;

9 (5) one current member of the Senate, appointed by the Committee on
10 Committees;

11 (6) one representative from the Vermont School Boards Association
12 (VSBA), appointed by the VSBA Executive Director;

13 (7) one representative from the Vermont Principals’ Association (VPA),
14 appointed by the VPA Executive Director;

15 (8) one superintendent, appointed by the Executive Director of the
16 Vermont Superintendents Association;

17 (9) one representative from the Vermont National Education
18 Association (VTNEA), appointed by the VTNEA Executive Director;

19 (10) one representative from the Vermont Association of School
20 Business Officials (VASBO) with experience in school construction projects,
21 appointed by the President of VASBO;

1 (11) the Chair of the Census-Based Funding Advisory Group, created
2 under 2018 Acts and Resolves No. 173;

3 (12) the Executive Director of the Vermont Rural Education
4 Collaborative; and

5 (13) one representative from the Vermont Independent Schools
6 Association (VISA), appointed by the President of VISA.

7 (c) Steering group. On or before July 1, 2024, the Speaker of the House
8 shall appoint two members of the Commission, the Committee on Committees
9 shall appoint one member of the Commission, and the Governor shall appoint
10 two members of the Commission to serve as members of a steering group. The
11 steering group shall provide leadership to the Commission and shall work with
12 a consultant or consultants to analyze the issues, challenges, and opportunities
13 facing Vermont’s public education system, as well as develop and propose a
14 work plan to formalize the process through which the Commission shall seek
15 to achieve its final recommendations. The formal work plan shall be approved
16 by a majority of the Commission members. The steering group shall form a
17 subcommittee of the Commission to address education finance topics in greater
18 depth and may form one or more additional subcommittees of the Commission
19 to address other key topics in greater depth, as necessary.

20 (d) Collaboration and information review.

1 (1) The Commission shall seek input from and collaborate with key
2 stakeholders, as directed by the steering group. At a minimum, the
3 Commission shall consult with:

4 (A) the Department of Mental Health;

5 (B) the Department of Labor;

6 (C) the President of the University of Vermont or designee;

7 (D) the Chancellor of the Vermont State Colleges Corporation or
8 designee;

9 (E) a representative from the Prekindergarten Education

10 Implementation Committee;

11 (F) the Office of Racial Equity;

12 (G) a representative with expertise in the Community Schools model
13 in Vermont;

14 (H) the Vermont Youth Council;

15 (I) the Commission on Public School Employee Health Benefits; and

16 (J) an organization committed to ensuring equal representation and
17 educational equity.

18 (2) The Commission shall also review and take into consideration
19 existing educational laws and policy, including legislative reports the
20 Commission deems relevant to its work and, at a minimum, 2015 Acts and

1 Resolves No. 46, 2018 Acts and Resolves No. 173, 2022 Acts and Resolves
2 No. 127, and 2023 Acts and Resolves No. 76.

3 (e) Duties of the Commission. The Commission shall study Vermont’s
4 public education system and make recommendations to ensure all students are
5 afforded quality educational opportunities in an efficient, sustainable, and
6 equitable education system that will enable students to achieve the highest
7 academic outcomes. The result of the Commission’s work shall be a
8 recommendation for a statewide vision for Vermont’s public education system,
9 with recommendations for the policy changes necessary to make Vermont’s
10 educational vision a reality. In creating and making its recommendations, the
11 Commission shall engage in the following:

12 (1) Public engagement. The Commission shall conduct not fewer than
13 14 public meetings to inform the work required under this section. At least one
14 meeting of the Commission as a whole or a subcommittee of the Commission
15 shall be held in each county. The Commission shall publish a draft of its final
16 recommendations on or before October 1, 2025, solicit public feedback, and
17 incorporate such feedback into its final recommendations. When submitting its
18 final recommendations to the General Assembly, the Commission shall include
19 all public feedback received as an addendum to its final report. The public
20 feedback process shall include:

1 (A) a minimum 30-day public comment period, during which time
2 the Commission shall accept written comments from the public and
3 stakeholders; and

4 (B) a public outreach plan that maximizes public engagement and
5 includes notice of the availability of language assistance services when
6 requested.

7 (2) Policy considerations. In developing its recommendations, the
8 Commission shall consider and prioritize the following topics:

9 (A) Governance, resources, and administration. The Commission
10 shall study and make recommendations regarding education governance at the
11 State level, including the role of the Agency of Education in the provision of
12 services and support for the education system. Recommendations under this
13 subdivision (A) shall include, at a minimum, the following:

14 (i) whether changes need to be made to the structure of the
15 Agency of Education, including whether it better serves the recommended
16 education vision of the State as an agency or a department;

17 (ii) what are the staffing needs of the Agency of Education;

18 (iii) whether changes need to be made to the composition, role,
19 and function of the State Board of Education to better serve the recommended
20 education vision of the State;

1 (iv) what roles, functions, or decisions should be a function of
2 local control and what roles, functions, or decisions should be a function of
3 control at the State level; and

4 (v) the effective integration of career and technical education in
5 the recommended education vision of the State.

6 (B) Physical size and footprint of the education system. The
7 Commission shall study and make recommendations regarding how the unique
8 geographical and socioeconomic needs of different communities should factor
9 into the provision of education in Vermont, taking into account and building
10 upon the recommendations of the State Aid to School Construction Working
11 Group. Recommendations under this subdivision (B) shall include, at a
12 minimum, the following:

13 (i) an analysis of the current number and location of school
14 buildings, school districts, and supervisory unions and whether additional
15 consolidation is needed to achieve Vermont’s vision for education, provided
16 that if there is a recommendation for any amount of consolidation, the
17 recommendation shall include a recommended implementation plan;

18 (ii) an analysis of the capacity and ability to staff all public
19 schools with a qualified workforce, driven by data on class-size
20 recommendations;

1 (iii) analysis of whether, and if so, how, collaboration with
2 Vermont’s postsecondary schools may support the development and retention
3 of a qualified educator workforce;

4 (iv) an analysis of the current town tuition program and whether,
5 and if so, what, changes are necessary to meet Vermont’s vision for education,
6 including the legal and financial impact of funding independent schools and
7 other private institutions, including consideration of the following:

8 (I) the role designation, under 16 V.S.A. § 827, should play in
9 the delivery of public education; and

10 (II) the financial impact to the Education Fund of public dollars
11 being used in schools located outside Vermont; and

12 (v) an analysis of the current use of private therapeutic schools in
13 the provision of special education services and whether, and if so, what,
14 changes are necessary to meet Vermont’s special education needs, including
15 the legal and financial impact of funding private therapeutic schools.

16 (C) The role of public schools. The Commission shall study and
17 make recommendations regarding the role public schools should play in both
18 the provision of education and the social and emotional well-being of students.
19 Recommendations under this subdivision (C) shall include, at a minimum, the
20 following:

21 (i) how public education in Vermont should be delivered;

1 (ii) whether Vermont’s vision for public education shall include
2 the provision of wraparound supports and collocation of services;

3 (iii) whether, and if so, how, collaboration with Vermont’s
4 postsecondary schools may support and strengthen the delivery of public
5 education; and

6 (iv) what the consequences are for the Commission’s
7 recommendations regarding the role of public schools and other service
8 providers, including what the role of public schools means for staffing,
9 funding, and any other affected system, with the goal of most efficiently
10 utilizing State funds and services and maximizing federal funding.

11 (D) Education finance system. The Commission shall explore the
12 efficacy and potential equity gains of changes to the education finance system,
13 including weighted educational opportunity payments as a method to fund
14 public education. The Commission’s recommendations shall be intended to
15 result in an education funding system designed to afford substantially equal
16 access to a quality basic education for all Vermont students in accordance with
17 *State v. Brigham*, 166 Vt. 246 (1997). Recommendations under this
18 subdivision (D) shall include, at a minimum, the following:

19 (i) allowable uses for the Education Fund that shall ensure
20 sustainable and equitable use of State funds;

1 (ii) the method for setting tax rates to sustain allowable uses of the
2 Education Fund;

3 (iii) whether, and if so, what, alternative funding models would
4 create a more affordable, sustainable, and equitable education finance system
5 in Vermont, including the consideration of a statutory, formal base amount of
6 per pupil education spending and whether school districts should be allowed to
7 spend above the base amount;

8 (iv) adjustments to the excess spending threshold, including
9 recommendations that target specific types of spending;

10 (v) the implementation of education spending caps on different
11 services, including administrative and support services and categorical aid;

12 (vi) how to strengthen the understanding and connection between
13 school budget votes and property tax bills;

14 (vii) adjustments to the property tax credit thresholds to better
15 match need to the benefit;

16 (viii) a system for ongoing monitoring of the Education Fund and
17 Vermont’s education finance system, to include consideration of a standing
18 Education Fund advisory committee;

19 (ix) an analysis of the impact of healthcare costs on the Education
20 Fund, including recommendations for whether, and if so, what, changes need
21 to be made to contain costs;

1 (x) an analysis of the State Teachers’ Retirement System of
2 Vermont, including recommendations for whether, and if so what, changes
3 need to be made to contain costs; and

4 (xi) implementation details for any recommended changes to the
5 education funding system.

6 (E) Additional considerations. The Commission may consider any
7 other topic, factor, or issue that it deems relevant to its work and
8 recommendations.

9 (f) Reports and proposed legislation. The Commission shall prepare and
10 submit to the General Assembly the following:

11 (1) a formal, written work plan, which shall include a communication
12 plan to maximize public engagement, on or before September 15, 2024;

13 (2) a written report containing its preliminary findings and
14 recommendations, including short-term cost containment considerations for the
15 2025 legislative session, on or before December 15, 2024;

16 (3) a written report containing its final findings and recommendations
17 for a statewide vision for Vermont’s public education system and the policy
18 changes necessary to make that educational vision a reality on or before
19 December 1, 2025; and

20 (4) proposed legislative language to advance any recommendations for
21 the education funding system on or before December 15, 2025.

1 (g) Assistance. The Agency of Education shall contract with one or more
2 independent consultants or facilitators to provide technical and legal assistance
3 to the Commission for the work required under this section. For the purposes
4 of scheduling meetings and providing administrative assistance, the
5 Commission shall have the assistance of the Agency of Education. The
6 Agency shall also provide the educational and financial data necessary to
7 facilitate the work of the Commission. School districts shall comply with
8 requests from the Agency to assist in data collections.

9 (h) Meetings.

10 (1) The Secretary of Education shall call the first meeting of the
11 Commission to occur on or before July 15, 2024.

12 (2) The Speaker of the House and the President Pro Tempore shall
13 jointly select a Commission chair.

14 (3) A majority of the membership shall constitute a quorum.

15 (4) Meetings shall be conducted in accordance with Vermont's Open
16 Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

17 (5) The Commission shall cease to exist on December 31, 2025.

18 (i) Compensation and reimbursement. Members of the Commission shall
19 be entitled to per diem compensation and reimbursement of expenses as
20 permitted under 32 V.S.A. § 1010 for not more than 30 meetings, including

1 subcommittee meetings. These payments shall be made from monies
2 appropriated to the Agency of Education.

3 Sec. 1a. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

4 Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME

5 APPROPRIATIONS

6 * * *

7 (r) \$200,000.00 General Fund in fiscal year 2024 to the Agency of
8 Education for the work of the School Construction Task Force and the
9 Commission on the Future of Public Education.

10 Sec. 2. PROPERTY DOLLAR EQUIVALENT YIELD, INCOME

11 DOLLAR EQUIVALENT YIELD, AND NONHOMESTEAD

12 PROPERTY TAX RATE FOR FISCAL YEAR 2025

13 For fiscal year 2025 only:

14 (1) Pursuant to 32 V.S.A. § 5402b(b), the property dollar equivalent
15 yield shall be \$9,877.00.

16 (2) Pursuant to 32 V.S.A. § 5402b(b), the income dollar equivalent yield
17 shall be \$10,094.00.

18 (3) Notwithstanding 32 V.S.A. § 5402(a)(1) and any other provision of
19 law to the contrary, the nonhomestead property tax rate shall be \$1.394 per
20 \$100.00 of equalized education property value.

1 (4)(A) For bills issued for fiscal year 2025, the Commissioner of Taxes
2 shall increase the property tax credit determined pursuant to 32 V.S.A. § 6066a
3 by 14.1 percent for each claimant.

4 (B) The increase in property tax credit provided under this
5 subdivision (4) shall not be included in the calculation required under 32
6 V.S.A. § 5402b(a)(4).

7 Sec. 3. 32 V.S.A. § 9701(7) is amended to read:

8 (7) “Tangible personal property” means personal property that may be
9 seen, weighed, measured, felt, touched, or in any other manner perceived by
10 the senses. “Tangible personal property” includes electricity, water, gas,
11 steam, and prewritten computer software regardless of the method in which the
12 prewritten computer software is paid for, delivered, or accessed.

13 Sec. 4. REPEAL

14 2015 Acts and Resolves No. 51, Sec. G.8 (prewritten software accessed
15 remotely) is repealed.

16 Sec. 5. 32 V.S.A. chapter 225, subchapter 4 is added to read:

17 Subchapter 4. Short-term Rental Impact Surcharge

18 § 9301. IMPOSITION; SHORT-TERM RENTAL IMPACT

19 SURCHARGE

20 (a) An operator shall collect a surcharge of three percent of the rent of each
21 occupancy that is a short-term rental. As used in this subchapter, “short-term

1 rental” means a furnished house, condominium, or other dwelling room or self-
2 contained dwelling unit rented to the transient, traveling, or vacationing public
3 for a period of fewer than 30 consecutive days and for more than 14 days per
4 calendar year. As used in this subchapter, “short-term rental” does not mean
5 an occupancy in a lodging establishment licensed under 18 V.S.A. chapter 85.

6 (b) The surcharge shall be in addition to any tax assessed under section
7 9241 of this chapter. The surcharge assessed under this section shall be paid,
8 collected, remitted, and enforced under this chapter in the same manner as the
9 rooms tax assessed under section 9241 of this title.

10 Sec. 6. 16 V.S.A. § 4025 is amended to read:

11 § 4025. EDUCATION FUND

12 (a) The Education Fund is established to comprise the following:

13 (1) all revenue paid to the State from the statewide education tax on
14 nonhomestead and homestead property under 32 V.S.A. chapter 135;

15 (2) [Repealed.]

16 (3) revenues from State lotteries under 31 V.S.A. chapter 14 and from
17 any multijurisdictional lottery game authorized under that chapter;

18 (4) 25 percent of the revenues from the meals and rooms taxes imposed
19 under 32 V.S.A. chapter 225;

20 (5) one-third of the revenues raised from the purchase and use tax
21 imposed by 32 V.S.A. chapter 219, notwithstanding 19 V.S.A. § 11(1);

1 (6) revenues raised from the sales and use tax imposed by 32 V.S.A.

2 chapter 233; ~~and~~

3 (7) Medicaid reimbursement funds pursuant to subsection 2959a(f) of
4 this title;

5 (8) land use change tax revenue deposited pursuant to 32 V.S.A.
6 § 3757(d);

7 (9) uniform capacity tax revenue deposited pursuant to 32 V.S.A.
8 § 8701(b)(3);

9 (10) wind-powered electric generating facilities tax deposited pursuant
10 to 32 V.S.A. § 5402c; and

11 (11) revenues from the short-term rental surcharge under 32 V.S.A.
12 § 9301.

13 * * *

14 Sec. 7. RESERVE FUND ACCOUNT STANDARDS; DISTRICT QUALITY
15 STANDARDS; RULEMAKING

16 On or before January 1, 2025, the Agency of Education shall initiate
17 rulemaking pursuant to 3 V.S.A. chapter 25 to update the District Quality
18 Standards rules contained in Agency of Education, District Quality Standards
19 (CVR 23-020), to include recommended reserve fund account standards. Prior
20 to initiating rulemaking, the Agency shall consult with local school officials.

1 Sec. 8. AGENCY OF EDUCATION; EDUCATION FINANCE DATA

2 ANALYST POSITION; INTENT

3 It is the intent of the General Assembly to create a position within the
4 Agency of Education that will enable the Agency to provide a wider range of
5 accessible and transparent data related to school budgets and education
6 spending, including analysis of trends, to school districts, the General
7 Assembly, and the public at large. It is also the intent of the General Assembly
8 that the position shall provide robust support to legislative committees and
9 maintain education finance data calculators and models used within the
10 education finance system.

11 * * * Fiscal Year 2026 * * *

12 Sec. 9. 16 V.S.A. § 563 is amended to read:

13 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

14 The school board of a school district, in addition to other duties and
15 authority specifically assigned by law:

16 * * *

17 (11)(A) Shall prepare and distribute annually a proposed budget for the
18 next school year according to such major categories as may from time to time
19 be prescribed by the Secretary.

20 * * *

1 (D) The board shall present the budget to the voters by means of a
2 ballot in the following form:

3 “Article #1 (School Budget):

4 Shall the voters of the school district approve the school
5 board to expend \$ _____, which is the amount the school board has
6 determined to be necessary for the ensuing fiscal year? ~~It is estimated that this~~
7 ~~proposed budget, if approved, will result in education spending of \$ _____ per~~
8 ~~equalized pupil. This projected spending per equalized pupil is _____ %~~
9 ~~higher/lower than spending for the current year.~~

10 The _____ District estimates that this proposed budget, if
11 approved, will result in per pupil education spending of \$ _____, which is
12 _____ % higher/lower than per pupil education spending for the current year.”

13 * * *

14 Sec. 10. REPEAL

15 2022 Acts and Resolves No. 127, Sec. 8(c) (suspension of ballot language
16 requirement) is repealed.

17 Sec. 11. 32 V.S.A. § 5414 is added to read:

18 § 5414. CREATION; EDUCATION FUND ADVISORY COMMITTEE

19 (a) Creation. There is created the Education Fund Advisory Committee to
20 monitor Vermont’s education financing system, conduct analyses, and perform
21 the duties under subsection (c) of this section.

- 1 (b) Membership. The Committee shall be composed of the following
2 members:
- 3 (1) the Commissioner of Taxes or designee;
4 (2) the Secretary of Education or designee;
5 (3) the Chair of the State Board of Education or designee;
6 (4) two members of the public with expertise in education financing,
7 who shall be appointed by the Speaker of the House;
8 (5) two members of the public with expertise in education financing,
9 who shall be appointed by the Committee on Committees;
10 (6) one member of the public with expertise in education financing, who
11 shall be appointed by the Governor;
12 (7) the President of the Vermont Association of School Business
13 Officials or designee;
14 (8) one representative from the Vermont School Boards Association
15 (VSBA) with expertise in education financing, selected by the Executive
16 Director of VSBA;
17 (9) one representative from the Vermont Superintendents Association
18 (VSA) with expertise in education financing, selected by the Executive
19 Director of VSA; and

1 (10) one representative from the Vermont National Education
2 Association (VTNEA) with expertise in education financing, selected by the
3 Executive Director of VTNEA.

4 (c) Powers and duties.

5 (1) Annually, on or before December 15, the Committee shall make
6 recommendations to the General Assembly regarding:

7 (A) updating the weighting factors using the weighting model and
8 methodology used to arrive at the weights enacted under 2022 Acts and
9 Resolves No. 127, which may include recalibration, recalculation, adding or
10 eliminating weights, or any combination of these actions, as necessary;

11 (B) changes to, or the addition of new or elimination of existing,
12 categorical aid, as necessary;

13 (C) changes to income levels eligible for a property tax credit under
14 section 6066 of this title;

15 (D) means to adjust the revenue sources for the Education Fund;

16 (E) means to improve equity, transparency, and efficiency in
17 education funding statewide;

18 (F) the amount of the Education Fund stabilization reserve;

19 (G) school district use of reserve fund accounts; and

20 (H) any other topic, factor, or issue the Committee deems relevant to
21 its work and recommendations.

1 (2) The Committee shall review and recommend updated weights,
2 category aid, and changes to the excess spending threshold to the General
3 Assembly not less than every three years, which may include a
4 recommendation not to make changes where appropriate. In reviewing and
5 recommending updated weights, the Committee shall use the weighting model
6 and methodology used to arrive at the weights enacted under 2022 Acts and
7 Resolves No. 127.

8 (d) Assistance. The Committee shall have the administrative, technical,
9 and legal assistance of the Department of Taxes and the Agency of Education.

10 (e) Meetings.

11 (1) The Commissioner of Taxes shall call the first meeting of the
12 Committee to occur on or before July 15, 2025.

13 (2) The Committee shall select a chair from among its members at the
14 first meeting.

15 (3) A majority of the membership shall constitute a quorum.

16 (f) Compensation and reimbursement. Members of the Committee shall be
17 entitled to per diem compensation and reimbursement of expenses as permitted
18 under section 1010 of this title for up to four meetings per year.

19 Sec. 12. REPEAL; EDUCATION FUND ADVISORY COMMITTEE

20 32 V.S.A. § 5414 (Education Fund Advisory Committee) as added by this
21 act is repealed on July 1, 2034.

1 Sec. 14. 32 V.S.A. § 5402 is amended to read:

2 § 5402. EDUCATION PROPERTY TAX LIABILITY

3 (a) A statewide education tax is imposed on all nonhomestead and
4 homestead property at the following rates:

5 (1) The tax rate for nonhomestead property shall be \$1.59 per \$100.00
6 divided by the statewide adjustment.

7 (2) The tax rate for homestead property shall be \$1.00 multiplied by the
8 education property tax spending adjustment for the municipality per \$100.00 of
9 equalized education property value as most recently determined under section
10 5405 of this title. The homestead property tax rate for each municipality that is
11 a member of a union or unified union school district shall be calculated as
12 required under subsection (e) of this section.

13 (b) The statewide education tax shall be calculated as follows:

14 (1) The Commissioner of Taxes shall determine for each municipality
15 the education tax rates under subsection (a) of this section divided by the
16 number resulting from dividing the municipality's most recent common level
17 of appraisal by the statewide adjustment. The legislative body in each
18 municipality shall then bill each property taxpayer at the homestead or
19 nonhomestead rate determined by the Commissioner under this subdivision,
20 multiplied by the education property tax grand list value of the property,
21 properly classified as homestead or nonhomestead property and without regard

1 to any other tax classification of the property. Statewide education property
2 tax bills shall show the tax due and the calculation of the rate determined under
3 subsection (a) of this section, divided by the number resulting from dividing
4 the municipality's most recent common level of appraisal by the statewide
5 adjustment, multiplied by the current grand list value of the property to be
6 taxed. Statewide education property tax bills shall also include language
7 provided by the Commissioner pursuant to subsection 5405(g) of this title.

8 (2) Taxes assessed under this section shall be assessed and collected in
9 the same manner as taxes assessed under chapter 133 of this title with no tax
10 classification other than as homestead or nonhomestead property; provided,
11 however, that the tax levied under this chapter shall be billed to each taxpayer
12 by the municipality in a manner that clearly indicates the tax is separate from
13 any other tax assessed and collected under chapter 133, including an
14 itemization of the separate taxes due. The bill may be on a single sheet of
15 paper with the statewide education tax and other taxes presented separately and
16 side by side.

17 (3) If a district has not voted a budget by June 30, an interim homestead
18 education tax shall be imposed at the base rate determined under subdivision
19 (a)(2) of this section, divided by the number resulting from dividing the
20 municipality's most recent common level of appraisal by the statewide
21 adjustment, but without regard to any spending adjustment under subdivision

1 5401(13) of this title. Within 30 days after a budget is adopted and the
2 deadline for reconsideration has passed, the Commissioner shall determine the
3 municipality's homestead tax rate as required under subdivision (1) of this
4 subsection.

5 * * *

6 Sec. 15. 32 V.S.A. § 5402b is amended to read:

7 § 5402b. STATEWIDE EDUCATION TAX YIELDS;

8 RECOMMENDATION OF THE COMMISSIONER

9 (a) Annually, ~~no~~ not later than December 1, the Commissioner of Taxes,
10 after consultation with the Secretary of Education, the Secretary of
11 Administration, and the Joint Fiscal Office, shall calculate and recommend a
12 property dollar equivalent yield, an income dollar equivalent yield, and a
13 nonhomestead property tax rate for the following fiscal year. In making these
14 calculations, the Commissioner shall assume:

15 (1) the homestead base tax rate in subdivision 5402(a)(2) of this title is
16 \$1.00 per \$100.00 of equalized education property value;

17 (2) the applicable percentage in subdivision 6066(a)(2) of this title is
18 2.0;

19 (3) the statutory reserves under 16 V.S.A. § 4026 and this section were
20 maintained at five percent; ~~and~~

1 (4) the percentage change in the average education tax bill applied to
2 nonhomestead property and the percentage change in the average education tax
3 bill of homestead property and the percentage change in the average education
4 tax bill for taxpayers who claim a credit under subsection 6066(a) of this title
5 are equal;

6 (5) the equalized education grand list is multiplied by the statewide
7 adjustment in calculating the property dollar equivalent yield; and

8 (6) the nonhomestead rate is divided by the statewide adjustment.

9 (b) For each fiscal year, the property dollar equivalent yield and the income
10 dollar equivalent yield shall be the same as in the prior fiscal year, unless set
11 otherwise by the General Assembly.

12 (c) Annually, on or before December 1, the Joint Fiscal Office shall prepare
13 and publish an official, annotated copy of the Education Fund Outlook. The
14 Emergency Board shall review the Outlook at its meetings. As used in this
15 section, “Education Fund Outlook” means the projected revenues and expenses
16 associated with the Education Fund for the following fiscal year, including
17 projections of different categories of educational expenses and costs.

18 (d) Along with the recommendations made under this section, the
19 Commissioner shall include the range of per pupil spending between all
20 districts in the State for the previous year.

1 (g)(1) In the event that a district with an equalized homestead property tax
2 rate that was decreased by this section merges with another district or districts,
3 the combined district shall receive the greatest decrease under the section
4 available to any of the merged districts.

5 (2) In the event that a district withdraws from a district with an
6 equalized homestead property tax rate that was decreased by this section, the
7 withdrawing district shall not receive any decrease under this section and the
8 remaining district shall continue to have the same decrease in its equalized
9 homestead property tax rate. If a district is instead dissolved, there shall be no
10 decreased equalized homestead property tax rate for the resulting districts.

11 * * * Excess Education Spending * * *

12 Sec. 18. 32 V.S.A. § 5401(12) is amended to read:

13 (12) “Excess spending” means:

14 (A) The ~~per equalized pupil~~ per pupil spending amount of the
15 district’s education spending, as defined in 16 V.S.A. § 4001(6), plus any
16 amount required to be added from a capital construction reserve fund under 24
17 V.S.A. § 2804(b).

18 (B) In excess of ~~124~~ 118 percent of the statewide average district per
19 pupil education spending ~~per equalized pupil~~ increased by inflation, as
20 determined by the Secretary of Education on or before November 15 of each
21 year based on the passed budgets to date. As used in this subdivision,

1 “increased by inflation” means increasing the statewide average district per
2 pupil education spending ~~per equalized pupil~~ for fiscal year ~~2015~~ 2025 by the
3 most recent New England Economic Project cumulative price index, as of
4 November 15, for state and local government purchases of goods and services,
5 from fiscal year ~~2015~~ 2025 through the fiscal year for which the amount is
6 being determined.

7 Sec. 19. REPEAL

8 2022 Acts and Resolves No. 127, Sec. 8(a) (suspension of laws) is repealed.

9 Sec. 20. 16 V.S.A. § 4001(6)(B) is amended to read:

10 (B) For all bonds approved by voters prior to July 1, 2024, voter-approved
11 bond payments toward principal and interest shall not be included in
12 “education spending” for purposes of calculating excess spending pursuant to
13 32 V.S.A. § 5401(12), ~~“education spending” shall not include:~~

14 (i) ~~Spending during the budget year for:~~

15 (I) ~~approved school capital construction for a project that~~
16 ~~received preliminary approval under section 3448 of this title, including~~
17 ~~interest paid on the debt, provided the district shall not be reimbursed or~~
18 ~~otherwise receive State construction aid for the approved school capital~~
19 ~~construction; or~~

1 ~~(H) spending on eligible school capital project costs pursuant to~~
2 ~~the State Board of Education’s Rule 6134 for a project that received~~
3 ~~preliminary approval under section 3448 of this title.~~

4 ~~(ii) For a project that received final approval for State construction~~
5 ~~aid under chapter 123 of this title:~~

6 ~~(I) spending for approved school capital construction during the~~
7 ~~budget year that represents the district’s share of the project, including interest~~
8 ~~paid on the debt; or~~

9 ~~(II) payment during the budget year of interest on funds~~
10 ~~borrowed under subdivision 563(21) of this title in anticipation of receiving~~
11 ~~State aid for the project.~~

12 ~~(iii) Spending that is approved school capital construction spending~~
13 ~~or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future approved~~
14 ~~school capital construction costs, including that portion of tuition paid to an~~
15 ~~independent school designated as the public high school of the school district~~
16 ~~pursuant to section 827 of this title for capital construction costs by the~~
17 ~~independent school that has received approval from the State Board of~~
18 ~~Education, using the processes for preliminary approval of public school~~
19 ~~construction costs pursuant to subdivision 3448(a)(2) of this title.~~

1 ~~(iv) Spending attributable to the cost of planning the merger of a~~
2 ~~small school, which for purposes of this subdivision means a school with an~~
3 ~~average grade size of 20 or fewer students, with one or more other schools.~~

4 ~~(v) Spending attributable to the district's share of special education~~
5 ~~spending that is not reimbursed as an extraordinary reimbursement under~~
6 ~~section 2962 of this title for any student in the fiscal year occurring two years~~
7 ~~prior.~~

8 ~~(vi) A budget deficit in a district that pays tuition to a public school~~
9 ~~or an approved independent school, or both, for all of its resident students in~~
10 ~~any year in which the deficit is solely attributable to tuition paid for one or~~
11 ~~more new students who moved into the district after the budget for the year~~
12 ~~creating the deficit was passed.~~

13 ~~(vii) For a district that pays tuition for all of its resident students~~
14 ~~and into which additional students move after the end of the census period~~
15 ~~defined in subdivision (1)(A) of this section, the number of students that~~
16 ~~exceeds the district's most recent average daily membership and for whom the~~
17 ~~district will pay tuition in the subsequent year multiplied by the district's~~
18 ~~average rate of tuition paid in that year.~~

19 ~~(viii) Tuition paid by a district that does not operate a school and~~
20 ~~pays tuition for all resident students in kindergarten through grade 12, except~~
21 ~~in a district in which the electorate has authorized payment of an amount~~

1 ~~higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this~~
2 ~~title.~~

3 ~~(ix) The assessment paid by the employer of teachers who become~~
4 ~~members of the State Teachers' Retirement System of Vermont on or after July~~
5 ~~1, 2015, pursuant to section 1944d of this title.~~

6 ~~(x) School district costs associated with dual enrollment and early~~
7 ~~college programs.~~

8 ~~(xi) Costs incurred by a school district or supervisory union when~~
9 ~~sampling drinking water outlets, implementing lead remediation, or retesting~~
10 ~~drinking water outlets as required under 18 V.S.A. chapter 24A.~~

11 * * * Property Tax Credit Claims * * *

12 Sec. 21. PROPERTY TAX CREDIT; ASSET DECLARATION; REPORT

13 On or before December 15, 2024, the Commissioner shall recommend
14 administrative and policy improvements for property tax credit claims,
15 including the use of an asset declaration. The report shall be submitted to the
16 House Committee on Ways and Means and the Senate Committee on Finance.

17 * * * Act 127 Conforming Amendments * * *

18 Sec. 22. 16 V.S.A. § 4016 is amended to read:

19 § 4016. REIMBURSEMENT FOR TRANSPORTATION EXPENDITURES

20 (a) A school district or supervisory union that incurs allowable
21 transportation expenditures shall receive a transportation reimbursement grant

1 each year. The grant shall be equal to 50 percent of allowable transportation
2 expenditures; provided, however, that in any year the total amount of grants
3 under this subsection shall not exceed the total amount of adjusted base year
4 transportation grant expenditures. The total amount of base year transportation
5 grant expenditures shall be \$10,000,000.00 for fiscal year 1997, increased each
6 year thereafter by the annual price index for state and local government
7 purchases of goods and services. If in any year the total amount of the grants
8 under this subsection exceed the adjusted base year transportation grant
9 expenditures, the amount of each grant awarded shall be reduced
10 proportionately. Transportation grants paid under this section shall be paid
11 from the Education Fund and shall be added to ~~adjusted~~ education spending
12 payment receipts paid under section 4011 of this title.

13 * * *

14 (c) A district or supervisory union may apply and the Secretary may pay
15 for extraordinary transportation expenditures incurred due to geographic or
16 other conditions such as the need to transport students out of the school district
17 to attend another school because the district does not maintain a public school.
18 The State Board shall define extraordinary transportation expenditures by rule.
19 The total amount of base year extraordinary transportation grant expenditures
20 shall be \$250,000.00 for fiscal year 1997, increased each year thereafter by the
21 annual price index for state and local government purchases of goods and

1 services. Extraordinary transportation expenditures shall not be paid out of the
2 funds appropriated under subsection (b) of this section for other transportation
3 expenditures. Grants paid under this section shall be paid from the Education
4 Fund and shall be added to ~~adjusted~~ education spending payment receipts paid
5 under section 4011 of this title.

6 Sec. 23. 16 V.S.A. § 4026 is amended to read:

7 § 4026. EDUCATION FUND BUDGET STABILIZATION RESERVE;

8 CREATION AND PURPOSE

9 (a) It is the purpose of this section to reduce the effects of annual variations
10 in State revenues upon the Education Fund budget of the State by reserving
11 certain surpluses in Education Fund revenues that may accrue for the purpose
12 of offsetting deficits.

13 * * *

14 (e) The enactment of this chapter and other provisions of the Equal
15 Educational Opportunity Act of which it is a part have been premised upon
16 estimates of balances of revenues to be raised and expenditures to be made
17 under the act for such purposes as ~~adjusted~~ education spending payments,
18 categorical State support grants, provisions for property tax income sensitivity,
19 payments in lieu of taxes, current use value appraisals, tax stabilization
20 agreements, the stabilization reserve established by this section, and for other
21 purposes. If the stabilization reserve established under this section should in

1 any fiscal year be less than 5.0 percent of the prior fiscal year’s appropriations
2 from the Education Fund, as defined in subsection (b) of this section, the Joint
3 Fiscal Committee shall review the information provided pursuant to 32 V.S.A.
4 § 5402b and provide the General Assembly its recommendations for change
5 necessary to restore the stabilization reserve to the statutory level provided in
6 subsection (b) of this section.

7 Sec. 24. 16 V.S.A. § 4028 is amended to read:

8 § 4028. FUND PAYMENTS TO SCHOOL DISTRICTS

9 (a) On or before September 10, December 10, and April 30 of each school
10 year, one-third of the ~~adjusted~~ education spending payment under section 4011
11 of this title shall become due to school districts, except that districts that have
12 not adopted a budget by 30 days before the date of payment under this
13 subsection shall receive one-quarter of the base education amount and upon
14 adoption of a budget shall receive additional amounts due under this
15 subsection.

16 * * *

17 * * * Overpayment of Education Taxes * * *

18 Sec. 24a. COMPENSATION FOR OVERPAYMENT

19 (a) Notwithstanding any provision of law to the contrary, the sum of
20 \$29,224.00 shall be transferred from the Education Fund to the Town of
21 Canaan in fiscal year 2025 to compensate the homestead taxpayers of the

1 Town of Canaan for an overpayment of education taxes in fiscal year 2024 due
2 to erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of Canaan.

5 (b) Notwithstanding any provision of law to the contrary, the sum of
6 \$5,924.00 shall be transferred from the Education Fund to the Town of
7 Bloomfield in fiscal year 2025 to compensate the homestead taxpayers of the
8 Town of Bloomfield for an overpayment of education taxes in fiscal year 2024
9 due to erroneous accounting of certain students for the purposes of calculating
10 average daily membership. The transfer under this subsection shall be made
11 directly to the Town of Bloomfield.

12 (c) Notwithstanding any provision of law to the contrary, the sum of
13 \$2,575.00 shall be transferred from the Education Fund to the Town of
14 Brunswick in fiscal year 2025 to compensate the homestead taxpayers of the
15 Town of Brunswick for an overpayment of education taxes in fiscal year 2024
16 due to erroneous accounting of certain students for the purposes of calculating
17 average daily membership. The transfer under this subsection shall be made
18 directly to the Town of Brunswick.

19 (d) Notwithstanding any provision of law to the contrary, the sum of
20 \$6,145.00 shall be transferred from the Education Fund to the Town of East
21 Haven in fiscal year 2025 to compensate the homestead taxpayers of the Town

1 of East Haven for an overpayment of education taxes in fiscal year 2024 due to
2 erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of East Haven.

5 (e) Notwithstanding any provision of law to the contrary, the sum of
6 \$2,046.00 shall be transferred from the Education Fund to the Town of Granby
7 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
8 Granby for an overpayment of education taxes in fiscal year 2024 due to
9 erroneous accounting of certain students for the purposes of calculating
10 average daily membership. The transfer under this subsection shall be made
11 directly to the Town of Granby.

12 (f) Notwithstanding any provision of law to the contrary, the sum of
13 \$10,034.00 shall be transferred from the Education Fund to the Town of
14 Guildhall in fiscal year 2025 to compensate the homestead taxpayers of the
15 Town of Guildhall for an overpayment of education taxes in fiscal year 2024
16 due to erroneous accounting of certain students for the purposes of calculating
17 average daily membership. The transfer under this subsection shall be made
18 directly to the Town of Guildhall.

19 (g) Notwithstanding any provision of law to the contrary, the sum of
20 \$20,536.00 shall be transferred from the Education Fund to the Town of Kirby
21 in fiscal year 2025 to compensate the homestead taxpayers of the Town of

1 Kirby for an overpayment of education taxes in fiscal year 2024 due to
2 erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of Kirby.

5 (h) Notwithstanding any provision of law to the contrary, the sum of
6 \$2,402.00 shall be transferred from the Education Fund to the Town of
7 Lemington in fiscal year 2025 to compensate the homestead taxpayers of the
8 Town of Lemington for an overpayment of education taxes in fiscal year 2024
9 due to erroneous accounting of certain students for the purposes of calculating
10 average daily membership. The transfer under this subsection shall be made
11 directly to the Town of Lemington.

12 (i) Notwithstanding any provision of law to the contrary, the sum of
13 \$11,464.00 shall be transferred from the Education Fund to the Town of
14 Maidstone in fiscal year 2025 to compensate the homestead taxpayers of the
15 Town of Maidstone for an overpayment of education taxes in fiscal year 2024
16 due to erroneous accounting of certain students for the purposes of calculating
17 average daily membership. The transfer under this subsection shall be made
18 directly to the Town of Maidstone.

19 (j) Notwithstanding any provision of law to the contrary, the sum of
20 \$4,349.00 shall be transferred from the Education Fund to the Town of Norton
21 in fiscal year 2025 to compensate the homestead taxpayers of the Town of

1 Norton for an overpayment of education taxes in fiscal year 2024 due to
2 erroneous accounting of certain students for the purposes of calculating
3 average daily membership. The transfer under this subsection shall be made
4 directly to the Town of Norton.

5 (k) Notwithstanding any provision of law to the contrary, the sum of
6 \$2,657.00 shall be transferred from the Education Fund to the Town of Victory
7 in fiscal year 2025 to compensate the homestead taxpayers of the Town of
8 Victory for an overpayment of education taxes in fiscal year 2024 due to
9 erroneous accounting of certain students for the purposes of calculating
10 average daily membership. The transfer under this subsection shall be made
11 directly to the Town of Victory.

12 * * * Effective Dates * * *

13 Sec. 25. EFFECTIVE DATES

14 (a) This section and the following sections shall take effect on passage:

15 (1) Sec. 2 (property tax rates and yields);

16 (2) Sec. 13 (State outreach; statewide adjustments); and

17 (3) Sec. 17 (Act 84 application to district mergers, withdrawals, and
18 dissolutions).

19 (b) Secs. 13a–16 (CLA effect on tax rates and statewide adjustment) and
20 19 (repeal of excess spending suspension) shall take effect July 1, 2025.

1 (c) Sec. 9 (16 V.S.A. § 563; powers of school boards; form of vote) shall
2 take effect July 1, 2024, provided, however, that 16 V.S.A. § 563(11)(D) shall
3 not apply to ballots used for fiscal year 2025 budgets.

4 (d) Sec. 5 (32 V.S.A. chapter 225, subchapter 4) shall take effect August 1,
5 2024.

6 (e) All other sections shall take effect on July 1, 2024.