

H.802

Introduced by Representative Long of Newfane

Referred to Committee on

Date:

Subject: Education; special education; census grant; education finance

Statement of purpose of bill as introduced: This bill proposes to adjust the special education census grant for inflation for fiscal year 2027 and onward.

An act relating to adjusting the census grant for inflation

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

Sec. 1. 16 V.S.A. § 2961 is amended to read:

§ 2961. CENSUS GRANT

(a) As used in this section:

(1) “Average daily membership” ~~shall have~~ has the same meaning as in subdivision 4001(1) of this title, except it ~~shall exclude~~ excludes State-placed students.

(2) “Average daily membership of a supervisory union” means the aggregate average daily membership of the school districts that are members of the supervisory union or, for a supervisory district, the average daily membership of the supervisory district.

1           (3) “Long-term membership” of a supervisory union in any school year  
2 means the average of the supervisory union’s average daily membership over  
3 the most recent three school years for which data are available.

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

5                 ~~(A) dividing an amount:~~

6                     ~~(i) equal to the average State appropriation for fiscal years 2018,~~  
7                     2019, and 2020 for special education under sections 2961 (standard  
8 mainstream block grants), 2963 (special education expenditures  
9 reimbursement), and 2963a (exceptional circumstances) of this title;~~and, as~~  
10 adjusted for inflation.

11                 ~~(ii) increased by:~~

12                     ~~(I) for each of fiscal years 2021, 2022, and 2023, the annual~~  
13 ~~change in the National Income and Product Accounts (NIPA) Implicit Price~~  
14 ~~Deflator for State and Local Government Consumption Expenditures and~~  
15 ~~Gross Investment as reported by the U.S. Department of Commerce, Bureau of~~  
16 ~~Economic Analysis (inflation factor); and~~

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

19                 ~~(B) the statewide long-term membership.~~

20           (5) “Adjusted for inflation” means adjusting the uniform base amount  
21 by the National Income and Product Accounts (NIPA) implicit price deflator

1 for state and local government consumption expenditures and gross investment  
2 published by the U.S. Department of Commerce, Bureau of Economic  
3 Analysis, from fiscal year 2020 through the fiscal year for which the amount is  
4 being determined, and rounding upward to the nearest whole dollar amount.

5 (b) The State commits to satisfying its special education maintenance of  
6 fiscal support requirement under 34 C.F.R. § 300.163(a).

7 (c) Each supervisory union shall receive a census grant each fiscal year to  
8 support the provision of special education services to students on an  
9 individualized education program. Supervisory unions shall use this funding  
10 and other available sources of funding to provide special education services to  
11 students in accordance with their individualized education programs as  
12 mandated under federal law. A supervisory union may use census grant funds  
13 to support the delivery of the supervisory union's comprehensive system of  
14 educational services under sections 2901 and 2902 of this title; but shall not  
15 use census grant funds in a manner that abrogates its responsibility to provide  
16 special education services to students in accordance with their individualized  
17 education programs as mandated under federal law.

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

20 ~~(i) the average amount it received for fiscal years 2018, 2019, and~~  
21 ~~2020 or the average amount it received for fiscal years 2019, 2020, and 2021,~~

1 ~~whichever amount is greater, from the State for special education under~~  
2 ~~sections 2961 (standard mainstream block grants), 2963 (special education~~  
3 ~~expenditures reimbursement), and 2963a (exceptional circumstances) of this~~  
4 ~~title; increased by~~

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

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

13 ~~(2) For fiscal year 2027 and subsequent fiscal years, the~~ The ~~amount of~~  
14 ~~the census grant for a supervisory union shall be the uniform base amount~~  
15 ~~multiplied by the supervisory union's long-term membership.~~

16 ~~(3) For fiscal years 2024, 2025, and 2026, the amount of the census~~  
17 ~~grant for a supervisory union shall be determined by multiplying the~~  
18 ~~supervisory union's long-term membership by a base amount established under~~  
19 ~~this subdivision. The base amounts for each supervisory union for fiscal years~~  
20 ~~2024, 2025, and 2026 shall move gradually the supervisory union's fiscal year~~  
21 ~~2023 base amount to the fiscal year 2027 uniform base amount by prorating the~~

1 ~~change between the supervisory union's fiscal year 2023 base amount and the~~  
2 ~~fiscal year 2027 uniform base amount over this three fiscal year period.~~

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on July 1, 2026.