

1 Introduced by House Committee on Education

2 Date:

3 Subject: Education; moratorium on approved independent schools; therapeutic
4 approved independent schools; attendance and discipline; chronic
5 absenteeism; Interstate Compact for Education

6 Statement of purpose of bill as introduced: This bill proposes (1) to create an
7 exemption to the moratorium on approval of new approved independent school
8 initial applications when a currently therapeutic approved independent school
9 experiences a change in ownership; (2) to make amendments to 16 V.S.A.
10 chapter 25 to define chronic absenteeism and require the Agency of Education
11 to develop a model policy to address chronic absenteeism; (3) that Vermont
12 adopt and enter into the Interstate Compact for Education; and (4) to adjust the
13 special education census grant for inflation for fiscal year 2027 and onward.

14 An act relating to miscellaneous changes in education law

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

16 * * * Approved Independent School Moratorium * * *

17 Sec. 1. 2023 Acts and Resolves No. 78, Sec. E.511.1, as amended by 2025

18 Acts and Resolves No. 72, Sec. 16, is amended to read:

19 Sec. E.511.1 MORATORIUM ON APPROVAL OF NEW APPROVED
20 INDEPENDENT SCHOOLS

1 (a) Notwithstanding any provision of law to the contrary, the State Board
2 of Education shall be prohibited from approving an application for initial
3 approval of an approved independent school until further direction by the
4 General Assembly.

5 (b) Notwithstanding subsection (a) of this section, a change in either tax
6 status or conversion to a nonprofit organization by a therapeutic approved
7 independent school, absent any other changes, shall not affect the approval
8 status of the school.

9 (c) Notwithstanding subsections (a) and (b) of this section, the moratorium
10 on approval of new approved independent schools shall not apply to changes in
11 ownership of therapeutic approved independent schools as that term is defined
12 in 16 V.S.A. § 828(d). If submission of an application for initial approval of
13 an approved independent school is required as the result of a change in
14 ownership of a therapeutic approved independent school, that at the time of the
15 change in ownership is approved by the State Board of Education pursuant to
16 16 V.S.A. § 166, the moratorium created pursuant to subsection (a) of this
17 section shall not apply and the Agency of Education and State Board of
18 Education shall process the application according to applicable State and
19 federal law.

* * * Chronic Absenteeism * * *

Sec. 2. 16 V.S.A. chapter 25, subchapter 3 is amended to read:

Subchapter 3. Compulsory Attendance

§ 1120. DEFINITIONS

As used in this chapter:

(1) “Absence” means a student who is, for at least half the school day when school is open, not physically on school grounds or who is not receiving educational services or programming elsewhere pursuant to a program or plan approved by the district.

(2) “Chronic absenteeism” means a student who is absent for any reason for 10 percent or more of a district’s or approved independent school’s student attendance days within one school year, regardless of whether the absences are considered excused or unexcused.

(3) “Excused absence” means an absence that is approved by the superintendent or designee, or the head of school or designee for an approved independent school, pursuant to section 1123 of this chapter, either before or after the date or dates of the student’s absence. Excused absences shall include days of in- or out-of-school suspension.

(4) “Parent or guardian” shall have their ordinary meanings; provided, however, that they shall also mean a student in the following situations:

(A) the student has reached the age of majority; or

1 (B) the student is an independent student as that term is defined under
2 subsection 1075(h) of this chapter; or

3 (C) the student qualifies as an “unaccompanied youth” under the
4 McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431–11435.

5 (5) “Truancy” means a student who accumulates 20 or more unexcused
6 absences either within the same school year or within a district’s or approved
7 independent school’s last 175 consecutive student attendance days, regardless
8 of whether the absences were within the same school year.

9 (6) “Unexcused absence” means any student absence that does not fit
10 one of the categories of excused absences. Failure of the parent or guardian to
11 provide justification for the absence if requested by the superintendent or the
12 head of school for an approved independent school shall also constitute an
13 unexcused absence.

14 § 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

15 ~~A person having the control~~ The parent or guardian of a child between ~~the~~
16 ~~ages of~~ six and 16 years of age shall cause the child to attend a public school,
17 an approved or recognized independent school, an approved education
18 program, or a home study program for the full number of days for which that
19 school is held, unless the child:

20 (1) per medical recommendation, is mentally or physically unable so to
21 attend; ~~or~~

1 (2) has completed the ~~tenth~~ 10th grade; ~~or~~

2 (3) is excused by the superintendent or designee, or the head of school
3 for an approved independent school or designee, or a majority of the school
4 directors as provided in this chapter; or

5 (4) is enrolled in and attending a postsecondary school, as defined in
6 subdivision 176(b)(1) of this title, which is approved or accredited in Vermont
7 or another state.

8 § 1122. STUDENTS UNDER 6 AND OVER 16 YEARS OF AGE

9 ~~A person having the control~~ The parent or guardian of a child who is under
10 six years of age or over 16 years of age who allows the child to become
11 ~~enrolled~~ enrolls the child in grades kindergarten through grade 12 in a public
12 school or approved independent school shall ~~cause~~ ensure that the child ~~to~~
13 ~~attend~~ attends the school continually for the full number of ~~the~~ school days of
14 the term in which ~~he or she~~ the child is enrolled, ~~unless the child is mentally or~~
15 ~~physically unable to continue or is excused in writing by the superintendent or~~
16 ~~a majority of the school directors~~. In case of such enrollment, the ~~person and~~
17 ~~the teacher, child, the parent or guardian and the superintendent, and school~~
18 ~~directors~~ or designee or the head of school for an approved independent school
19 or designee shall be under the laws and subject to the penalties relating to the
20 attendance of children between ~~the ages of~~ six and 16 years of age.

1 § 1123. ~~ATTENDANCE~~ SCHOOL ABSENCE MAY BE EXCUSED

2 (a) The superintendent of a public school or designee or the head of school
3 of an approved independent school or designee may excuse, ~~in writing, any~~
4 ~~student from attending the school for a definite time, but for not more than ten~~
5 ~~consecutive school days and only for emergencies or for absence from town a~~
6 student's absence for all or part of the school day for the following reasons:

7 (1) physical or mental illness of the student;

8 (2) family emergency or death in the family;

9 (3) quarantine in the home;

10 (4) student's medical, dental, mental health, or substance use treatment
11 appointment;

12 (5) family observance of religious holidays;

13 (6) legal activities, such as a student's court appearance;

14 (7) driving examinations;

15 (8) college or other postsecondary program visitations;

16 (9) legal or administrative proceedings related to the placement of the
17 student by the State;

18 (10) absences due to transitions in the student's living situation as a
19 result of the student experiencing homelessness;

20 (11) pre-enlistment or deployment activities of the student or their
21 parent or legal guardian; or

1 (12) other reasons not specified in subdivisions (1) through (11) of this
2 subsection with approval of the Secretary.

3 (b) ~~The superintendent of an elementary school held for more than 175~~
4 ~~school days in a school year may excuse, in writing, a student of the school~~
5 ~~from attending more than 175 days or~~ designee or the head of school for an
6 approved independent school or designee may excuse a student from
7 attendance for preplanned family commitments or activities of which the
8 school has been notified in advance. Preapproved absences shall not exceed 10
9 cumulative school days in each school year.

10 (c) The superintendent or designee or the head of school for an approved
11 independent school or designee may request justification for an absence.

12 § 1124. RESPONSE TO CHRONIC ABSENTEEISM

13 (a) To minimize each student's loss of educational and developmental
14 opportunities, and to ensure equity in the treatment of absenteeism and truancy
15 for all students and families, each school district and each approved
16 independent school shall develop, adopt, ensure the enforcement of, and make
17 available in the manner described under subdivision 563(1) of this title a policy
18 that is designed to prevent and respond to chronic absenteeism and truancy that
19 shall be at least as stringent as the model policy developed by the Agency.
20 Each superintendent and head of school of an approved independent school
21 shall develop and implement procedures to carry out such policies. The policy

1 shall be consistent with definitions in this chapter. A superintendent or a head
2 of school for an approved independent school shall also ensure that data on
3 student absences is collected and recorded in accordance with Agency of
4 Education requirements. Any school board or approved independent school
5 that fails to adopt a policy shall be presumed to have adopted the most current
6 model policy published by the Agency.

7 (b) The Agency of Education shall develop, and review at least annually, a
8 model policy on the prevention of chronic absenteeism and truancy. This
9 policy shall include a template for documentation of actions taken according to
10 the policy to address the absence, which shall constitute the truancy reporting
11 protocol. Each supervisory union, supervisory district, or approved
12 independent school's policy shall meet or exceed requirements specified in the
13 Agency of Education's model policy.

14 * * *

15 § 1126. FAILURE TO ATTEND; NOTICE

16 When a student between ~~the ages of~~ six and 16 years of age, who is not
17 ~~excused or~~ exempted from school attendance by one of the authorized
18 individuals in accordance with section 1121 of this chapter, fails to enter
19 school at the beginning of the academic year or, being enrolled, ~~fails to attend~~
20 ~~the school~~ accumulates 20 or more unexcused absences within either the same
21 school year or within the last 175 consecutive student attendance days, and

1 when a student who is under six years of age or at least 16 years of age
2 becomes enrolled in a public school in grades kindergarten through grade 12
3 and ~~fails to attend~~ accumulates 20 or more unexcused absences either within
4 the same school year or within the last 175 consecutive student attendance
5 days, the ~~teacher or principal~~ shall notify ~~the truant officer and either the~~
6 ~~superintendent or the school board, unless the teacher or principal is satisfied~~
7 ~~that the student is absent on account of illness.~~ For Vermont resident students,
8 the head of school of an approved independent school or designee shall notify
9 the superintendent of the student's district of residence. Upon review of the
10 truancy reporting protocol, the superintendent shall, if warranted, notify the
11 truant officer and Centralized Intake and Emergency Services of DCF Family
12 Services Division.

13 § 1127. NOTICE AND COMPLAINT BY TRUANT OFFICER; PENALTY

14 (a) The truant officer, upon receiving the notice and truancy reporting
15 protocol provided in section 1126 of this title, shall inquire into the cause of
16 the nonattendance of the child. If ~~he or she~~ the truant officer finds that the
17 ~~child is absent without cause~~ child's absences are not excusable under section
18 1123 of this chapter, the truant officer shall give written notice to the ~~person~~
19 ~~having the control of the child that the child is absent from school without~~
20 ~~cause and shall also notify that person to cause the child to attend school~~

1 ~~regularly thereafter~~ parent or guardian that they must comply with the
2 obligations of section 1122 of this chapter.

3 (b) ~~When, after receiving notice, a person fails, without legal excuse, to~~
4 ~~cause a child to attend school as required by this chapter, he or she shall be~~
5 ~~fined not more than \$1,000.00 pursuant to subsection (c) of this section~~ If the
6 parent or guardian continues to fail, without legal excuse, to cause a child to
7 attend school as required by this chapter after having received the written
8 notice required pursuant to subsection (a) of this section, the truant officer shall
9 enter a complaint to the State's Attorney of the count and shall provide a
10 statement of the evidence and truancy reporting protocol upon which the
11 complaint is based.

12 (c) ~~The truant officer shall enter a complaint to the State's Attorney of the~~
13 ~~county and shall provide a statement of the evidence upon which the complaint~~
14 ~~is based.~~ The State's Attorney shall prosecute the person take legal action with
15 respect to a parent or guardian who allows, without legal cause, for a child to
16 continue to accumulate unexcused absences after contact by a truant officer. In
17 the a prosecution, the complaint, information, or indictment shall be deemed
18 sufficient if it states that the respondent (naming the respondent) having the
19 control of a child of school age parent or guardian (specifying if the applicable
20 person is a parent or guardian and naming the person) of the child (naming the

1 child) neglects to send that child to a public school or an approved or
2 recognized independent school or a home study program as required by law.

3 § 1128. ~~LEGAL PUPIL TAKEN TO SCHOOL; NONRESIDENT CHILD~~
4 ~~LIVING IN DISTRICT~~

5 ~~(a) A superintendent may and the truant officer shall stop a child between~~
6 ~~the ages of six and 16 years or a child 16 years of age or over and enrolled in~~
7 ~~public school, wherever found during school hours, and shall, unless such child~~
8 ~~is excused or exempted from school attendance, take the child to the school~~
9 ~~that she or he should attend.~~

10 ~~(b) A child of legal school age who is not exempt from school attendance~~
11 ~~and who has not finished the elementary school course and is living in a~~
12 ~~district other than the place of legal residence shall, with the school board's~~
13 ~~approval, be admitted immediately to a school in the district where he or she is~~
14 ~~found. If the child is not admitted to school, then immediate action shall be~~
15 ~~taken by the truant officer to cause the return of the child to the district of his~~
16 ~~or her residence. [Repealed.]~~

17 § 1129. JURISDICTION OF NONRESIDENTS

18 The superintendent of a school in which a nonresident pupil is enrolled and
19 a truant officer having jurisdiction of the pupils in such school shall have the
20 same authority and jurisdiction over such nonresident pupil and the person

1 ~~having the control of such pupil~~ parent or guardian as they have over resident
2 pupils and the ~~persons having control~~ parent or guardian of such pupils.

3 Sec. 3. 16 V.S.A. § 1162 is amended to read:

4 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

5 * * *

6 (e) A public school or an approved independent school shall provide access
7 to alternative education, such as tutoring, instructional materials, and
8 assignments to a student during any period of suspension of three or more
9 days. A public school or an approved independent school may provide access
10 to alternative education, such as tutoring, instructional materials, and
11 assignments to a student who has been expelled, except that the school shall
12 provide educational access to the extent otherwise required by law.

13 Sec. 4. PREVENTION OF CHRONIC ABSENTEEISM; AGENCY OF
14 EDUCATION POLICY; IMPLEMENTATION

15 (a) The Agency of Education shall adopt and publish the model policy
16 required pursuant to 16 V.S.A. § 1124 on or before July 1, 2027.

17 (b) School boards and the governing bodies of approved independent
18 schools shall adopt and implement a chronic absenteeism policy as required by
19 16 V.S.A. § 1124 on or before July 1, 2028.

20 Sec. 5. REPEAL

21 16 V.S.A. § 1076 (penalties) is repealed.

* * * Interstate Compact for Education * * *

Sec. 6. 16 V.S.A. chapter 35 is added to read:

CHAPTER 35. INTERSTATE COMPACT FOR EDUCATION

§ 1501. PURPOSE AND POLICY—ARTICLE I

(a) It is the purpose of this compact to:

(1) Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

(2) Provide a forum for the discussion, development, crystallization, and recommendation of public policy alternatives in the field of education.

(3) Provide a clearinghouse of information on matters relating to education problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

(4) Facilitate the improvement of state and local education systems so that all of them will be able to meet adequate and desirable goals in a society that requires continuous qualitative and quantitative advance in educational opportunities, methods, and facilities.

1 (b) It is the policy of this compact to encourage and promote local and state
2 initiative in the development, maintenance, improvement, and administration
3 of education systems and institutions in a manner that will accord with the
4 needs and advantages of diversity among localities and states.

5 (c) The party states recognize that each of them has an interest in the
6 quality and quantity of education furnished in each of the other states, as well
7 as in the excellence of its own education systems and institutions, because of
8 the highly mobile character of individuals within the nation, and because the
9 products and services contributing to the health, welfare, and economic
10 advancement of each state are supplied in significant part by persons educated
11 in other states.

12 § 1502. STATE DEFINED—ARTICLE II

13 As used in this compact, “state” means a state, territory, or possession of the
14 United States, the District of Columbia, or the Commonwealth of Puerto Rico.

15 § 1503. THE COMMISSION—ARTICLE III

16 (a) The Education Commission of the States, hereinafter called “the
17 Commission,” is hereby established. The Commission shall consist of seven
18 members representing each party state. One of such members shall be the
19 governor; two shall be members of the state legislature selected by its
20 respective houses and serving in such manner as the legislature may determine;
21 and four shall be appointed by and serve at the pleasure of the governor, unless

1 the laws of the state otherwise provide. If the laws of a state prevent
2 legislators from serving on the Commission, six members shall be appointed
3 and serve at the pleasure of the governor, unless the laws of the state otherwise
4 provide. In addition to any other principles or requirements which a state may
5 establish for the appointment and service of its members of the Commission,
6 the guiding principle for the composition of the membership on the
7 Commission from each party state shall be that the members representing such
8 state shall, by virtue of their training, experience, knowledge, or affiliations, be
9 in a position collectively to reflect broadly the interests of the state
10 government, higher education, the state education system, local education, and
11 lay and professional, public and nonpublic educational leadership. Of those
12 appointees, one shall be the head of a state agency or institution, designated by
13 the governor, having responsibility for one or more programs of public
14 education. In addition to the members of the Commission representing the
15 party states, there may be not to exceed 10 nonvoting commissioners selected
16 by the Steering Committee for terms of one year. Such commissioners shall
17 represent leading national organizations of professional educators or persons
18 concerned with educational administration.

19 (b) The members of the Commission shall be entitled to one vote each on
20 the Commission. No action of the Commission shall be binding unless taken
21 at a meeting at which a majority of the total number of votes on the

1 Commission are cast in favor thereof. Action of the Commission shall be only
2 at a meeting at which a majority of the Commissioners are present. The
3 Commission shall meet at least once a year. In its bylaws, and subject to such
4 directions and limitations as may be contained therein, the Commission may
5 delegate the exercise of any of its powers to the Steering Committee or the
6 Executive Director, except for the power to approve budgets or requests for
7 appropriations, the power to make policy recommendations pursuant to section
8 1504 of this chapter, and adoption of the annual report pursuant to subsection
9 (j) of this section.

10 (c) The Commission shall have a seal.

11 (d) The Commission shall elect annually, from among its members, a
12 chairman, who shall be a governor; a vice chairman; and a treasurer. The
13 Commission shall provide for the appointment of an Executive Director. Such
14 Executive Director shall serve at the pleasure of the Commission, and together
15 with the Treasurer and such other personnel as the Commission may deem
16 appropriate shall be bonded in such amount as the Commission shall
17 determine. The Executive Director shall be Secretary.

18 (e) Irrespective of the civil service, personnel, or other merit system laws of
19 any of the party states, the Executive Director, subject to the approval of the
20 Steering Committee, shall appoint, remove, or discharge such personnel as
21 may be necessary for the performance of the functions of the Commission and

1 shall fix the duties and compensation of such personnel. The Commission in
2 its bylaws shall provide for the personnel policies and programs of the
3 Commission.

4 (f) The Commission may borrow, accept, or contract for the services of
5 personnel from any party jurisdiction, the United States or any subdivision or
6 agency of the aforementioned governments, or from any agency of two or
7 more of the party jurisdictions or their subdivisions.

8 (g) The Commission may accept for any of its purposes and functions
9 under this Compact any and all donations and grants of money, equipment,
10 supplies, materials, and services, conditional or otherwise, from any state, the
11 United States, or any other governmental agency, or from any person, firm,
12 association, foundation or corporation, and may receive, utilize, and dispose of
13 the same. Any donation or grant accepted by the Commission pursuant to this
14 subsection or services borrowed pursuant to subsection (f) of this section shall
15 be reported in the annual report of the Commission. Such report shall include
16 the nature, amount, and conditions, if any, of the donation, grant, or services
17 borrowed, and the identity of the donor or lender.

18 (h) The Commission may establish and maintain such facilities as may be
19 necessary for the transacting of its business. The Commission may acquire,
20 hold, and convey real and personal property and any interest therein.

1 (i) The Commission shall adopt bylaws for the conduct of its business and
2 shall have the power to amend and rescind these bylaws. The Commission
3 shall publish its bylaws in convenient form and shall file a copy thereof and a
4 copy of any amendment thereto with the appropriate agency or officer in each
5 of the party states.

6 (j) The Commission annually shall make to the governor and legislature of
7 each party state a report covering the activities of the Commission for the
8 preceding year. The Commission may make such additional reports as it may
9 deem desirable.

10 § 1504. POWERS—ARTICLE IV

11 In addition to authority conferred on the Commission by other provisions of
12 the Compact, the Commission shall have authority to:

13 (1) Collect, correlate, analyze, and interpret information and data
14 concerning educational needs and resources.

15 (2) Encourage and foster research in all aspects of education, but with
16 special reference to the desirable scope of instruction, organization,
17 administration, and instructional methods and standards employed or suitable
18 for employment in public education systems.

19 (3) Develop proposals for adequate financing of education as a whole
20 and at each of its many levels.

1 (4) Conduct or participate in research of the types referred to in this
2 section in any instance where the Commission finds that such research is
3 necessary for the advancement of the purposes and policies of this Compact,
4 using fully the resources of national associations, regional compact
5 organizations for higher education, and other agencies and institutions, both
6 public and private.

7 (5) Formulate suggested policies and plans for the improvement of
8 public education as a whole, or for any segment thereof, and make
9 recommendations with respect thereto available to the appropriate
10 governmental units, agencies, and public officials.

11 (6) Do such other things as may be necessary or incidental to the
12 administration of any of its authority or functions pursuant to this Compact.

13 § 1505. COOPERATION WITH FEDERAL GOVERNMENT—ARTICLE V

14 (a) If the laws of the United States specifically so provide, or if
15 administrative provision is made therefore within the federal government, the
16 United States may be represented on the Commission by not to exceed 10
17 representatives. Any such representative or representatives of the United
18 States shall be appointed and serve in such manner as may be provided by or
19 pursuant to federal law, and may be drawn from any one or more branches of
20 the federal government, but no such representative shall have a vote on the
21 Commission.

1 (b) The Commission may provide information and make recommendations
2 to any executive or legislative agency or officer of the federal government
3 concerning the common education policies of the states, and may advise with
4 any such agencies or officers concerning any matter of mutual interest.

5 § 1506. COMMITTEES—ARTICLE VI

6 (a) To assist in the expeditious conduct of its business when the full
7 Commission is not meeting, the Commission shall elect a Steering Committee
8 of 32 members which, subject to the provisions of this Compact and consistent
9 with the policies of the Commission, shall be constituted and function as
10 provided in the bylaws of the Commission. One-fourth of the voting
11 membership of the Steering Committee shall consist of governors, one-fourth
12 shall consist of legislators, and the remainder shall consist of other members of
13 the Commission. A federal representative on the Commission may serve with
14 the Steering Committee, but without vote. The voting members of the Steering
15 Committee shall serve for terms of two years, except that members elected to
16 the first Steering Committee of the Commission shall be elected as follows: 16
17 for one year and 16 for two years. The Chairman, Vice Chairman, and
18 Treasurer of the Commission shall be members of the Steering Committee and,
19 anything in this subsection to the contrary notwithstanding, shall serve during
20 their continuance in these offices. Vacancies in the Steering Committee shall
21 not affect its authority to act, but the Commission at its next regularly ensuing

1 meeting following the occurrence of any vacancy shall fill it for the unexpired
2 term. No person shall serve more than two terms as a member of the Steering
3 Committee, provided that service for a partial term of one year or less shall not
4 be counted toward the two-term limitation.

5 (b) The Commission may establish advisory and technical committees
6 composed of state, local and federal officials, and private persons to advise it
7 with respect to any one or more of its functions. Any advisory or technical
8 committee may, on request of the states concerned, be established to consider
9 any matter of special concern to two or more of the party states.

10 (c) The Commission may establish such additional committees as its
11 bylaws may provide.

12 § 1507. FINANCE—ARTICLE VII

13 (a) The Commission shall advise the governor or designated officer or
14 officers of each party state of its budget and estimated expenditures for such
15 period as may be required by the laws of that party state. Each of the
16 Commission's budgets of estimated expenditures shall contain specific
17 recommendations of the amount or amounts to be appropriated by each of the
18 party states.

19 (b) The total amount of appropriation requests under any budget shall be
20 apportioned among the party states. In making such apportionment, the

1 Commission shall devise and employ a formula which takes equitable account
2 of the populations and per-capita income levels of the party states.

3 (c) The Commission shall not pledge the credit of any party states. The
4 Commission may meet any of its obligations in whole or in part with funds
5 available to it pursuant to subsection 1503(g) of this chapter of this Compact,
6 provided that the Commission takes specific action setting aside such funds
7 prior to incurring an obligation to be met in whole or in part in such manner.
8 Except where the Commission makes funds available to it pursuant to
9 subsection 1503(g) of this chapter thereof, the Commission shall not incur any
10 obligation prior to the allotment of funds by the party states adequate to meet
11 the same.

12 (d) The Commission shall keep accurate accounts of all receipts and
13 disbursements. The receipts and disbursements of the Commission shall be
14 subject to the audit and accounting procedures established by its bylaws.
15 However, all receipts and disbursements of funds handled by the Commission
16 shall be audited yearly by a qualified public accountant, and the report of the
17 audit shall be included in and become part of the annual reports of the
18 Commission.

19 (e) The accounts of the Commission shall be open at any reasonable time
20 for inspection by duly constituted officers of the party states and by any
21 persons authorized by the Commission.

1 (f) Nothing contained herein shall be construed to prevent Commission
2 compliance with laws relating to audit or inspection of accounts by or on
3 behalf of any government contributing to the support of the Commission.

4 § 1508. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL—

5 ARTICLE VIII

6 (a) This Compact shall have as eligible parties all states, territories, and
7 possessions of the United States, the District of Columbia, and the
8 Commonwealth of Puerto Rico. In respect of any such jurisdiction not having
9 a governor, the term “governor,” as used in this Compact, shall mean the
10 closest equivalent official of such jurisdiction.

11 (b) Any state or other eligible jurisdiction may enter into this Compact, and
12 it shall become binding thereon when it has adopted the same, provided that in
13 order to enter into initial effect, adoption by at least 10 eligible party
14 jurisdictions shall be required.

15 (c) Adoption of the Compact may be either by enactment thereof or by
16 adherence thereto by the governor; provided that in the absence of enactment,
17 adherence by the governor shall be sufficient to make his state a party only
18 until December 31, 1967. During any period when a state is participating in
19 this Compact through gubernatorial action, the governor shall appoint
20 those persons who, in addition to himself, shall serve as the members of the
21 Commission from his state, and shall provide to the Commission an equitable

1 share of the financial support of the Commission from any source available to
2 him.

3 (d) Except for a withdrawal effective on December 31, 1967, in accordance
4 with subsection (c) of this section, any party state may withdraw from this
5 Compact by enacting a statute repealing the same, but no such withdrawal shall
6 take effect until one year after the governor of the withdrawing state has given
7 notice in writing of the withdrawal to the governors of all other party states. No
8 withdrawal shall affect any liability already incurred by or chargeable to a
9 party state prior to the time of such withdrawal.

10 § 1509. AMENDMENTS TO THE COMPACT—ARTICLE IX

11 This Compact may be amended by a vote of two-thirds of the members of
12 the Commission present and voting when ratified by the legislatures of two-
13 thirds of the party states.

14 § 1510. CONSTRUCTION AND SEVERABILITY—ARTICLE X

15 This Compact shall be liberally construed so as to effectuate the purposes
16 thereof. The provisions of this Compact shall be severable and if any phrase,
17 clause, sentence, or provision of this Compact is declared to be contrary to the
18 constitution of any state or of the United States, or the application thereof to
19 any government, agency, person, or circumstance is held invalid, the validity
20 of the remainder of this Compact and the applicability thereof to any
21 government, agency, person, or circumstance shall not be affected thereby. If

1 this Compact shall be held contrary to the constitution of any state
2 participating therein, the Compact shall remain in full force and effect as to the
3 state affected as to all severable matters.

4 * * * Special Education Census Grant * * *

5 Sec. 7. 16 V.S.A. § 2961 is amended to read:

6 § 2961. CENSUS GRANT

7 (a) As used in this section:

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

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

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

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

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

20 ~~(i) equal to~~ the average State appropriation for fiscal years 2018,
21 2019, and 2020 for special education under sections 2961 (standard

1 mainstream block grants), 2963 (special education expenditures
2 reimbursement), and 2963a (exceptional circumstances) of this title; ~~and, as~~
3 adjusted for inflation,

4 ~~(ii) increased by:~~

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

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

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

13 (5) “Adjusted for inflation” means adjusting the uniform base amount
14 by the National Income and Product Accounts (NIPA) implicit price deflator
15 for state and local government consumption expenditures and gross investment
16 published by the U.S. Department of Commerce, Bureau of Economic
17 Analysis, from fiscal year 2020 through the fiscal year for which the amount is
18 being determined, and rounding upward to the nearest whole dollar amount.

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

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

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

14 ~~(i) the average amount it received for fiscal years 2018, 2019, and~~
15 ~~2020 or the average amount it received for fiscal years 2019, 2020, and 2021,~~
16 ~~whichever amount is greater, from the State for special education under~~
17 ~~sections 2961 (standard mainstream block grants), 2963 (special education~~
18 ~~expenditures reimbursement), and 2963a (exceptional circumstances) of this~~
19 ~~title; increased by~~

20 ~~(ii) the annual change in the National Income and Product~~
21 ~~Accounts (NIPA) Implicit Price Deflator for State and Local Government~~

1 ~~Consumption Expenditures and Gross Investment as reported by the U.S.~~
2 ~~Department of Commerce, Bureau of Economic Analysis.~~

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

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

10 ~~(3) For fiscal years 2024, 2025, and 2026, the amount of the census grant for a~~
11 ~~supervisory union shall be determined by multiplying the supervisory union's~~
12 ~~long-term membership by a base amount established under this subdivision.~~
13 ~~The base amounts for each supervisory union for fiscal years 2024, 2025, and~~
14 ~~2026 shall move gradually the supervisory union's fiscal year 2023 base~~
15 ~~amount to the fiscal year 2027 uniform base amount by prorating the change~~
16 ~~between the supervisory union's fiscal year 2023 base amount and the fiscal~~
17 ~~year 2027 uniform base amount over this three-fiscal-year period.~~

18 * * * Effective Date * * *

19 Sec. 8. EFFECTIVE DATE

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