

1 H.454

2 Representatives Wood of Waterbury, Kornheiser of Brattleboro, Bishop of
3 Colchester, Cole of Hartford, Donahue of Northfield, Eastes of Guilford,
4 Garofano of Essex, Maguire of Rutland City, McGill of Bridport, and Noyes of
5 Wolcott move that the bill be amended as follows:

6 First: By striking out Sec. 35, 16 V.S.A. § 4010, in its entirety and inserting
7 in lieu thereof a new Sec. 35 to read as follows:

8 Sec. 35. 16 V.S.A. § 4010 is amended to read:

9 § 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP
10 ~~AND PER PUPIL EDUCATION SPENDING~~ EDUCATION
11 OPPORTUNITY PAYMENT

12 (a) Definitions. As used in this section:

13 (1) “EL pupils” means pupils described under section 4013 of this title.

14 (2) “FPL” means the Federal Poverty Level.

15 (3) “Weighting categories” means the categories listed under subsection

16 (b) of this section.

17 (4) “Child with a disability” has the same meaning as in section 2942 of
18 this title.

19 (5) “Disability” means any of:

20 (A) a specific learning disability or a speech or language impairment,
21 each of which is identified as “Category A”;

1 (B) an emotional disturbance, intellectual disability, developmental
2 delay, or other health impairment, each of which is identified as “Category B”;
3 or

4 (C) autism spectrum disorder, deaf-blindness, hearing impairment,
5 orthopedic impairment, traumatic brain injury, or visual impairment, each of
6 which is identified as “Category C.”

7 (6) “English language proficiency level” means each of the English
8 language proficiency levels published as a standardized measure of academic
9 language proficiency in WIDA ACCESS for ELLs 2.0 and available to
10 members of the WIDA consortium of state departments of education.

11 (7) “Newcomer or SLIFE” means a pupil identified as a New American
12 or as a student with limited or interrupted formal education.

13 (b) Determination of average daily membership and weighting categories.
14 On or before the first day of December during each school year, the Secretary
15 shall determine the average daily membership, as defined in subdivision
16 4001(1) of this title, of each school district for the current school year and shall
17 ~~perform the following tasks:~~

18 ~~(1) Using~~ using average daily membership, list for each school district
19 the number of:

20 ~~(A) pupils in prekindergarten;~~

21 ~~(B) pupils in kindergarten through grade five;~~

1 ~~(C) pupils in grades six through eight;~~

2 ~~(D) pupils in grades nine through 12;~~

3 ~~(E)~~(1) pupils whose families are at or below 185 percent of FPL, using
4 the highest number of pupils in the district:

5 ~~(i)~~(A) that meet this definition under the universal income declaration
6 form; or

7 ~~(ii)~~(B) who are directly certified for free and reduced-priced meals;
8 and

9 ~~(F)~~(2) EL pupils that have been most recently assessed at an English
10 language proficiency level of:

11 (A) Level 1;

12 (B) Level 2 or 3;

13 (C) Level 4; or

14 (D) Level 5 or 6;

15 (3) EL pupils that are identified as Newcomer or SLIFE; and

16 (4) Children with a disability whose disability is identified as:

17 (A) Category A;

18 (B) Category B; or

19 (C) Category C, provided that a child with multiple disabilities shall
20 be counted solely under this subdivision (C).

1 ~~(2)(A) Identify all school districts that have low population density,~~
2 ~~measured by the number of persons per square mile residing within the land~~
3 ~~area of the geographic boundaries of the district as of July 1 of the year of~~
4 ~~determination, equaling:~~

5 ~~(i) fewer than 36 persons per square mile;~~

6 ~~(ii) 36 or more persons per square mile but fewer than 55 persons~~
7 ~~per square mile; or~~

8 ~~(iii) 55 or more persons per square mile but fewer than 100~~
9 ~~persons per square mile.~~

10 ~~(B) Population density data shall be based on the best available U.S.~~
11 ~~Census data as provided to the Agency of Education by the Vermont Center for~~
12 ~~Geographic Information.~~

13 ~~(C) Using average daily membership, list for each school district that~~
14 ~~has low population density the number of pupils in each of subdivisions~~
15 ~~(A)(i)–(iii) of this subdivision (2).~~

16 ~~(3)(A) Identify all school districts that have one or more small schools,~~
17 ~~which are schools that have an average two-year enrollment of:~~

18 ~~(i) fewer than 100 pupils; or~~

19 ~~(ii) 100 or more pupils but fewer than 250 pupils.~~

20 ~~(B) As used in subdivision (A) of this subdivision (3), “average two-~~
21 ~~year enrollment” means the average enrollment of the two most recently~~

1 ~~completed school years, and “enrollment” means the number of pupils who are~~
2 ~~enrolled in a school operated by the district on October 1. A pupil shall be~~
3 ~~counted as one whether the pupil is enrolled as a full time or part time student.~~

4 ~~(C) Using average two-year enrollment, list for each school district~~
5 ~~that has a small school the number of pupils in each of subdivisions (A)(i) (ii)~~
6 ~~of this subdivision (3).~~

7 (c) Reporting on weighting categories to the Agency of Education. Each
8 school district shall annually report to the Agency of Education by a date
9 established by the Agency the information needed in order for the Agency to
10 compute the weighting categories under subsection (b) of this section for that
11 district. In order to fulfill this obligation, a school district that pays public
12 tuition on behalf of a resident student (sending district) to a public school in
13 another school district, an approved independent school, or an out-of-state
14 school (each a receiving school) may request the receiving school to collect
15 this information on the sending district’s resident student, and if requested, the
16 receiving school shall provide this information to the sending district in a
17 timely manner.

18 (d) Determination of weighted long-term membership. For each weighting
19 category ~~except the small schools weighting category under subdivision (b)(3)~~
20 ~~of this section~~, the Secretary shall compute the weighting count by using the

1 long-term membership, as defined in subdivision 4001(7) of this title, in that
2 category.

3 (1) ~~The Secretary shall first apply grade level weights. Each pupil~~
4 ~~included in long-term membership shall count as one, multiplied by the~~
5 ~~following amounts:~~

6 ~~(A) prekindergarten—negative 0.54;~~

7 ~~(B) grades six through eight—0.36; and~~

8 ~~(C) grades nine through 12—0.39. [Repealed.]~~

9 (2) ~~The Secretary shall next apply a weight for pupils whose family is at~~
10 ~~or below 185 percent of FPL. Each pupil included in long-term membership~~
11 ~~whose family is at or below 185 percent of FPL shall receive an additional~~
12 ~~weighting amount of 1.03~~ 1.02.

13 (3) ~~The Secretary shall next apply a weight for EL pupils. Each EL~~
14 ~~pupil included in long-term membership shall receive an additional weighting~~
15 ~~amount, based on the EL pupil's English language proficiency level, of 2.49;~~

16 (A) 2.11, if assessed as Level 1;

17 (B) 1.41, if assessed as Level 2 or 3;

18 (C) 1.20, if assessed as Level 4; or

19 (D) 0.12, if assessed as Level 5 or 6.

20 (4) ~~The Secretary shall then apply a weight for pupils living in low~~
21 ~~population density school districts. Each EL pupil that is a Newcomer or~~

1 SLIFE included in long-term membership ~~residing in a low population density~~
2 ~~school district, measured by the number of persons per square mile residing~~
3 ~~within the land area of the geographic boundaries of the district as of July 1 of~~
4 ~~the year of determination,~~ shall receive an additional weighting amount of:

5 0.42

6 ~~(A) 0.15, where the number of persons per square mile is fewer than~~
7 ~~36 persons;~~

8 ~~(B) 0.12, where the number of persons per square mile is 36 or more~~
9 ~~but fewer than 55 persons; or~~

10 ~~(C) 0.07, where the number of persons per square mile is 55 or more~~
11 ~~but fewer than 100.~~

12 (5) ~~The Secretary shall lastly apply a weight for pupils who attend a~~
13 ~~small school. If the number of persons per square mile residing within the land~~
14 ~~area of the geographic boundaries of a school district as of July 1 of the year of~~
15 ~~determination is 55 or fewer, then, for each pupil listed under subdivision~~
16 ~~(b)(3)(C) of this section (pupils who attend small schools)~~ Each child with a
17 disability included in long-term membership shall receive an additional
18 weighting amount, based on the categorization of the child's disability, of:

19 (A) ~~where the school has fewer than 100 pupils in average two-year~~
20 ~~enrollment, the school district shall receive an additional weighting amount of~~

1 ~~0.21 for each pupil included in the small school's average two-year enrollment~~
2 0.79, if the disability is identified as Category A; or

3 (B) ~~where the small school has 100 or more but fewer than 250~~
4 ~~pupils, the school district shall receive an additional weighting amount of 0.07~~
5 ~~for each pupil included in the small school's average two-year enrollment~~ 1.89,
6 if the disability is identified as Category B; or

7 (C) 2.49, if the disability is identified as Category C.

8 (6) A school district's weighted long-term membership shall equal long-
9 term membership plus the cumulation of the weights assigned by the Secretary
10 under this subsection.

11 (e) Hold harmless. A district's weighted long-term membership shall in no
12 case be less than 96 and one-half percent of its actual weighted long-term
13 membership the previous year prior to making any adjustment under this
14 subsection.

15 (f) Determination of ~~per pupil education spending~~ educational opportunity
16 payment. ~~As soon as reasonably possible after a school district budget is~~
17 ~~approved by voters, the Secretary shall determine the per pupil education~~
18 ~~spending for the next fiscal year for the school district. Per pupil education~~
19 ~~spending shall equal a school district's education spending divided by its~~
20 ~~weighted long-term membership~~ The Secretary shall determine each school
21 district's educational opportunity payment by multiplying the school district's

1 weighted long-term membership determined under subsection (d) of this
2 section by the base amount.

3 * * *

4 (h) Updates to weights, base amount, and transportation reimbursement.
5 On or before January 1, ~~2027~~ 2026 and on or before January 1 of every fifth
6 year thereafter, the Agency of Education and the Joint Fiscal Office shall
7 calculate, based on their consensus view, updates to the weights and the base
8 amount, including any inflationary measure, to account for cost changes
9 underlying those weights and shall issue a written report on their work to the
10 House and Senate Committees on Education, the House Committee on Ways
11 and Means, and the Senate Committee on Finance. The General Assembly
12 shall update the weights under this section, the base amount, and transportation
13 reimbursement under section 4016 of this title not less than every five years
14 and the implementation date for the updated weights and transportation
15 reimbursement shall be delayed by a year in order to provide school districts
16 with time to prepare their budgets. Updates to the weights may include
17 recalibration, recalculation, adding or eliminating weights, or any combination
18 of these actions.

19 Second: By striking out Sec. 59, 16 V.S.A. § 4010, in its entirety and
20 inserting in lieu thereof a new Sec. 59 to read as follows:

1 Sec. 59. 16 V.S.A. § 4010 is amended to read:

2 § 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP
3 AND EDUCATION OPPORTUNITY PAYMENT

4 * * *

5 (d) Determination of weighted long-term membership. For each weighting
6 category, the Secretary shall compute the weighting count by using the long-
7 term membership, as defined in subdivision 4001(7) of this title, in that
8 category.

9 (1) [Repealed.]

10 (2) Each pupil included in long-term membership whose family is at or
11 below 185 percent of FPL shall receive an additional weighting amount of ~~1.02~~
12 1.00.

13 (3) Each EL pupil included in long-term membership shall receive an
14 additional weighting amount, based on the EL pupil's English language
15 proficiency level, of:

16 (A) ~~2.44~~ 1.00, if assessed as Level 1;

17 (B) ~~1.44~~ 1.00, if assessed as Level 2 or 3;

18 (C) ~~1.20~~ 1.00, if assessed as Level 4; or

19 (D) ~~0.42~~ 1.00, if assessed as Level 5 or 6.

20 (4) Each EL pupil that is a Newcomer or SLIFE included in long-term
21 membership shall receive an additional weighting amount of ~~0.42~~ 1.00.

4 (A) ~~0.79~~ 1.00, if the disability is identified as Category A;
5 (B) ~~1.35~~ 1.00, if the disability is identified as Category B; or
6 (C) ~~2.49~~ 1.00, if the disability is identified as Category C.

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