

Education Legislative Report

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Dynamic Conversations Continue in the General Assembly

The General Assembly continues its work on a host of education issues before it breaks for Town Meeting week. This week the House Education Committee unanimously approved the special education funding bill, the House Ways & Means Committee held a public hearing on its education funding proposal, and Governor Scott and Legislature Leaders called for quick action on gun reform laws. The Senate Education Committee continued to work on pre-K, special education in independent schools, and mandatory radon testing of school buildings.

As leaders of your school systems, you serve as a voice for public education. As your state associations, we work to strongly represent education officials' concerns. Yet, there is no substitute for contact by constituents with their legislators. We encourage you to read our *Reports*, keep abreast of issues, and stay in touch with your house members and senators. Here is a link to Legislators' contact information, organized by supervisory union/district:

http://docs.wixstatic.com/ugd/b44bfd_c9e309b3f77449bda14c5f3cf152c469.pdf

Throughout the session, you will receive regular issues of this *Education Legislative Report*. The *Report* is a collaboration of the Vermont School Boards Association (VSBA), the Vermont Superintendents Association (VSA), the Vermont Principals' Association (VPA), the Vermont Association of School Business Officials (VASBO), the Vermont Council of Special Education Administrators (VCSEA) and Vermont School Boards Insurance Trust (VSBIT).

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Governor Scott Moves to Address Gun Laws; School Security

Yesterday, Governor Scott held a press conference and released a [comprehensive memorandum](#) addressing school security in the wake of recent threats of gun violence in Vermont schools. The memo lays out specific proposals to strengthen school security, protect people who speak up, act to keep guns out of hands of violent and dangerous people, advocate for legislation for safe and healthy communities, and forms a Violence Prevention Task Force to recommend additional steps. The Governor indicated that he has directed the Vermont State Police and Vermont Emergency Management, together with the AOE and the Vermont School Safety Center to conduct security assessments of all Vermont schools over the next several weeks. At this point, details regarding those assessments are still under development.

The Governor also urged the General Assembly to move quickly to pass legislation that would restrict access to guns, including legislation that would allow police officers to remove firearms from homes when called on domestic disputes. Existing legislation tangentially addresses this proposal, [S.221](#), yet this bill likely would change before leaving the General Assembly. Governor Scott also expressed openness to the idea of universal background checks.

For their part, leaders of the General Assembly also expressed a commitment to passing gun safety legislation this session. At a press conference yesterday, these leaders were joined by students from Vermont high schools calling on elected officials to take steps to ensure students feel safe at school.

Ways & Means Signals FY 20 Implementation of Any Changes to Education Funding Formula

The House Ways & Means Committee continues to evaluate proposed changes to the education funding formula, although it has decided that implementation of any changes would not go into effect until FY 20, rather than FY 19, as had been previously discussed. FY 19 implementation was a common concern raised by the roughly dozen members of the public who attended the Committee's public hearing earlier this week.

This means that the Committee will take action to establish property and income yields and the non-residential rate for FY 19. In addition, the Committee appears ready to eliminate the General Fund transfer, possibly in FY 19. In lieu of this transfer under the proposal currently being discussed, 100% of the sales and use tax and 25% of the meals and rooms tax would be dedicated to the Education Fund. The Ways and Means Committee also plans to propose bifurcating property tax bills, establishing a system under which municipal and education property taxes would be billed separately,

possibly in FY 19. Their goal is to finalize these elements next week before they break for Town Meeting Day.

The bill will then proceed to the House Education Committee for further evaluation and review. The Ways & Means Committee met with the House Education Committee this morning to discuss the proposal. The updated funding proposal can be [found here](#), with additional information on the proposal [found here](#).

House Education Unanimously Endorses Special Education Bill

On Wednesday, the House Education Committee unanimously approved its bill that shifts special education funding from a reimbursement model to a census-based model beginning in FY 21. The current bill, H. 897, can be [found here](#).

The bill includes the findings from the District Management Group (DMG) report on supports for struggling students and summarizes the findings from the University of Vermont (UVM) report on special education funding. These two reports emphasize the importance of high quality instruction for all students who need additional support, while the UVM report outlines the shortcomings of the current reimbursement funding model.

The bill also finds that students requiring additional support would be better served using the best practices outlined in the DMG report, and that the current reimbursement model impedes implementation of these best practices.

Early Implementation Program: The bill creates an early implementation program, which would allow SUs/SDs that have worked with DMG on their special education practices to opt-in as early implementers of the census-based model in FY20. The bill directs the AOE and State Board to work together to determine how to waive existing rules that apply to the reimbursement model for these SUs/SDs.

Census-Based Funding Model: All SUs/SDs would shift to a census-based educational support grant in FY21. In FY21 the amount of the grant would be based on the average amount an SU/SD received in FY17, FY18 and FY19 for their standard mainstream block grants, special education expenditure reimbursement and exceptional circumstances amount, adjusted for inflation.

The bill charges the State Board with establishing, through the rulemaking process, a base amount for the educational support grant beginning in 2025, plus an educational support grant adjustment. The adjustment is intended to account for an SU/SD's

relatively higher costs in supporting students who require additional support due to the number of students or nature of the services required.

For FY22, FY23 and FY24, the block grant will be determined by an SU's long-term membership and a base amount established by the State Board's rules. Between FY21 and FY25, SUs/SDs will transition from a base amount that is connected to the SUs' specific base amount to a statewide base amount in FY25.

Extraordinary Special Education Expenditures: The bill also makes changes to the funding of extraordinary special education expenditures. Current law sets the threshold amount at \$50,000 with 90% of costs in excess of \$50,000 covered by the State. The bill would increase the threshold amount for extraordinary expenditures to \$60,000. The State will then cover 95% of any costs in excess of the \$60,000 threshold. The State Board would define allowable education expenditures by rule.

Census-Based Funding Advisory Group: The bill also creates an Advisory Group, made up of education practitioners and professionals. In January 2019, the Advisory Group would deliver a report with recommendations to the State Board regarding the rules for implementing funding and practice changes required by the bill. Additionally, the Advisory Group would make recommendations to the General Assembly on necessary statutory changes to facilitate implementation of the funding change, and provide implementation guidance to the AOE and SUs/SDs. The Advisory Group would meet monthly beginning in September 2018 for eighteen months.

Weighting Study: The bill also requires a weighting study by the AOE, which would determine weighted long-term membership of SUs/SDs. While the legislature required a weighting study last year, the AOE did not complete the work, citing lack of capacity to perform the analysis. This bill expands the scope of the study required last year to include a look at how the State Board of Education should account for increasing the amount of educational support grants through the educational support grant adjustment. The bill includes a \$300,000 appropriation to fund the analysis.

AOE Capacity: The bill allows for consulting services to assist SUs in their transition to the new special education practices and funding. Additionally, the draft bill would add three positions at the AOE – one position for a special education attorney and two for programming in special education.

House Government Operations Committee Resumes Work on Open Meeting & Public Records Bill

The House Government Operations Committee continued to work on changes to the Open Meeting and Public Records laws. This week the Committee voted to approve the definitions of a “meeting” outlined [here](#). The Committee seems focused on clarifying existing law so that it is easier for new and municipal government officials to use and understand. The proposed legislation, which does not yet have a number, can be [found here](#).

List of Education Bills Introduced this Session

Please follow [this link](#) to a comprehensive list of education-related bills currently in the General Assembly.