

1 H.299

2 Introduced by Committee on Education

3 Referred to Committee on

4 Date:

5 Subject: Education; school districts; budgets; divided vote

6 Statement of purpose: This bill proposes to repeal the requirement that a  
7 school district's proposed budget be presented as a divided question if the  
8 proposed budget contains education spending in excess of the maximum  
9 inflation amount and the district's proposed spending per equalized pupil  
10 exceeds the statewide average.

11 An act relating to repealing the provision that some school district budgets  
12 be presented to the voters by means of a divided question

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

14 Sec. 1. 16 V.S.A. § 563 is amended to read:

15 § 563. POWERS OF SCHOOL BOARDS; ~~FORM OF VOTE IF BUDGET~~  
16 ~~EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE~~  
17 ~~AVERAGE~~

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

20 \* \* \*

1           (11)(A) Shall prepare and distribute annually a proposed budget for the  
2 next school year according to such major categories as may from time to time  
3 be prescribed by the commissioner.

4           ~~(B) If the proposed budget contains education spending in excess of~~  
5 ~~the Maximum Inflation Amount, and the district's education spending per~~  
6 ~~equalized pupil in the fiscal year preceding the year for which the budget is~~  
7 ~~proposed was in excess of the statewide average district education spending~~  
8 ~~per equalized pupil in that same fiscal year, as determined by the commissioner~~  
9 ~~of education, then in lieu of any other statutory or charter form of budget~~  
10 ~~adoption or budget vote, the board shall present the budget to the voters by~~  
11 ~~means of a divided question, in the form of vote provided in subdivision (ii) of~~  
12 ~~this subdivision (11)(B).~~

13           ~~(i) "Maximum Inflation Amount" in this section means:~~

14           ~~(I) the statewide average district education spending per~~  
15 ~~equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year~~  
16 ~~preceding the year for which the budget is proposed, as determined by the~~  
17 ~~commissioner of education, multiplied by the New England Economic Project~~  
18 ~~Cumulative Price Index percentage change, as of November 15 preceding~~  
19 ~~distribution of the proposed budget, for state and local government purchases~~  
20 ~~of goods and services for the fiscal year for which the budget is proposed, plus~~  
21 ~~one percentage point; plus the district's education spending per equalized pupil~~

1 in the fiscal year preceding the year for which the budget is proposed, as  
2 determined by the commissioner of education;

3 (II) ~~multiplied by the higher of the following amounts as~~  
4 ~~determined by the commissioner of education: (aa) the district's equalized~~  
5 ~~pupil count in the fiscal year preceding the year for which the budget is~~  
6 ~~proposed; or (bb) the district's equalized pupil count in the fiscal year for~~  
7 ~~which the budget is proposed.~~

8 (ii) ~~The ballot shall be in the following form:~~

9 ~~"The total proposed budget of \$\_\_\_\_\_ is the amount determined~~  
10 ~~by the school board to be necessary to support the school district's educational~~  
11 ~~program. State law requires the vote on this budget to be divided because (i)~~  
12 ~~the school district's spending per pupil last year was more than the statewide~~  
13 ~~average and (ii) this year's proposed budget is greater than last year's budget~~  
14 ~~adjusted for inflation.~~

15 ~~"Article #1 (School Budget):~~

16 ~~Part A. Shall the voters of the school district authorize the school~~  
17 ~~board to expend \$ \_\_\_\_\_/t, which is a portion of the amount the school board~~  
18 ~~has determined to be necessary?~~

19 ~~Part B. If Part A is approved by the voters, shall the voters of the~~  
20 ~~school district also authorize the school board to expend \$ \_\_\_\_\_/t, which is~~  
21 ~~the remainder of the amount the school board has determined to be necessary?"~~



1           ~~(A) For purposes of determining whether a proposed budget shall be~~  
2 ~~presented by means of a divided question pursuant to subdivision 563(11)(A)~~  
3 ~~of this title, “education spending” shall not include:~~

4                     ~~(i) Spending during the budget year for approved school capital~~  
5 ~~construction for a project that received preliminary approval under section~~  
6 ~~3448 of this title, including interest paid on the debt; provided the district shall~~  
7 ~~not be reimbursed or otherwise receive state construction aid for the approved~~  
8 ~~school capital construction.~~

9                     ~~(ii) For a project that received final approval for state construction~~  
10 ~~aid under chapter 123 of this title:~~

11                     ~~(I) Spending for approved school capital construction during the~~  
12 ~~budget year that represents the district’s share of the project, including interest~~  
13 ~~paid on the debt;~~

14                     ~~(II) Payment during the budget year of interest on funds borrowed~~  
15 ~~under subdivision 563(21) of this title in anticipation of receiving state aid for~~  
16 ~~the project.~~

17                     ~~(iii) For a district that provides for the education of its resident pupils~~  
18 ~~in one or more grades by paying tuition and does not maintain a school that~~  
19 ~~includes the grade or grades, in the district’s discretion, the district’s~~  
20 ~~anticipated spending for tuition in the year for which the budget is proposed;~~

1 alternatively, the district may choose to include within its definition of  
2 “education spending” its estimated tuition expenditures for the budget year.

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

6 (v) ~~Spending attributable to the district’s share of spending for 21st~~  
7 ~~Century Community Learning Centers after school programs.~~

8 (vi) ~~Spending during the budget year attributable to the costs of~~  
9 ~~providing alternative educational opportunities designed to encourage at risk~~  
10 ~~high school students to remain enrolled in and to graduate from high school,~~  
11 ~~whether offered by the district or a contracting entity.~~

12 \* \* \*

13 Sec. 3. Sec. 6 of No 82 of the Acts of 2007 is amended to read:

14 ~~Sec. 6. EFFECTIVE DATE~~

15 ~~Sec. 5 of this act (form of vote if budget exceeds the maximum inflation~~  
16 ~~amount) shall apply to budgets for fiscal years 2010 (school year 2009–2010)~~  
17 ~~through 2014 (school year 2013–2014) only.~~

18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on passage and shall apply to budgets for fiscal  
20 year 2013 and after.