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H.37

Introduced by Representatives Nuovo of Middlebury, Stevens of Shoreham,  
Ancel of Calais, Andrews of Rutland City, Audette of S.  
Burlington, Bissonnette of Winooski, Bohi of Hartford, Botzow  
of Pownal, Branagan of Georgia, Bray of New Haven,  
Browning of Arlington, Canfield of Fair Haven, Cheney of  
Norwich, Clarkson of Woodstock, Courcelle of Rutland City,  
Davis of Washington, Devereux of Mount Holly, Donahue of  
Northfield, Edwards of Brattleboro, Evans of Essex, Fisher of  
Lincoln, French of Shrewsbury, French of Randolph, Gilbert of  
Fairfax, Haas of Rochester, Howard of Rutland City, Jerman of  
Essex, Jewett of Ripton, Krawczyk of Bennington, Lanpher of  
Vergennes, Lenes of Shelburne, Macaig of Williston, Maier of  
Middlebury, Marek of Newfane, Masland of Thetford, McFaun  
of Barre Town, Milkey of Brattleboro, Miller of Shaftsbury,  
Mitchell of Barnard, Mook of Bennington, Moran of  
Wardsboro, Mrowicki of Putney, Orr of Charlotte, Pellett of  
Chester, Peltz of Woodbury, Poirier of Barre City, Pugh of  
S. Burlington, Shand of Weathersfield, Sharpe of Bristol,  
Stevens of Waterbury, Sweaney of Windsor, Taylor of Barre  
City, Webb of Shelburne, Weston of Burlington, Wilson of

1 Manchester, Wicowaty of Burlington and Young of St. Albans  
2 City

3 Referred to Committee on

4 Date:

5 Subject: Education; school districts; education spending; divided question for  
6 voting budget; repeal

7 Statement of purpose: This bill proposes to repeal the provisions of Secs. 5  
8 and 6 of No. 82 of the Acts of 2007 amending 16 V.S.A. § 563, which require  
9 that school district budgets in excess of the maximum inflation amount be  
10 presented to the voters as a divided question.

11 An act relating to the repeal of the requirement that school budgets in  
12 excess of the maximum inflation amount be presented to the voters as a  
13 divided question

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

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

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

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

21 \* \* \*

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 subsection.~~

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:~~

5 (aa) ~~the district's equalized pupil count in the fiscal year~~  
6 ~~preceding the year for which the budget is proposed; or~~

7 (bb) ~~the district's equalized pupil count in the fiscal year for~~  
8 ~~which the budget is proposed.~~

9 (ii) ~~Form of vote:~~

10 ~~"School Budget Question #1:~~

11 ~~Shall the voters of the \_\_\_\_\_ School District approve a total~~  
12 ~~budget in the amount of [ \$ \_\_\_\_\_ ], which includes the~~  
13 ~~Maximum Inflation—Amount of education spending?~~

14 ~~"School Budget Question #2:~~

15 ~~If Question #1 is approved, shall the voters of the School~~  
16 ~~District also approve additional education spending of [ \$ \_\_\_\_\_ ]?"~~

17 ~~(C)~~(B) At a school district's annual meeting, the electorate may vote  
18 to provide notice of availability of the school budget required by this  
19 subdivision to the electorate in lieu of distributing the budget. If the electorate  
20 of the school district votes to provide notice of availability, it must specify how  
21 notice of availability shall be given, and such notice of availability shall be

1 provided to the electorate at least 30 days before the district's annual meeting.

2 The proposed budget shall be prepared and distributed at least ten days before  
3 a sum of money is voted on by the electorate. Any proposed budget shall show  
4 the following information in a format prescribed by the commissioner of  
5 education:

6 (i) all revenues from all sources and expenses, including as separate  
7 items any assessment for a union school district or a supervisory union of  
8 which it is a member, and any tuition to be paid to a technical center;

9 (ii) the specific amount of any deficit incurred in the most recently  
10 closed fiscal year and how the deficit was or will be remedied;

11 (iii) the anticipated homestead tax rate and the percentage of  
12 household income used to determine income sensitivity in the district as a  
13 result of passage of the budget; including those portions of the tax rate  
14 attributable to the union school and supervisory union assessments; and

15 (iv) in the case of a school district:

16 ~~(a)~~(I) other than a union school district, the definition of  
17 "education spending," the number of pupils and number of equalized pupils in  
18 the school district, and the district's education spending per equalized pupil in  
19 the proposed budget and in each of the prior three years; or

1                    ~~(b)~~(II) in the case of a union school district, the amount of the  
2                    assessment to each of the member districts and the amount of the assessments  
3                    per equalized pupil in the proposed budget and for the past three years.

4                    \* \* \*

5                    Sec. 2. REPEAL

6                    Sec. 6 (effective date; a divided question is required when voting for school  
7                    budgets that exceed the maximum inflation amount for fiscal years 2010  
8                    ((school year 2009-2010)) through 2014 ((school year 2013-2014)) ) of No. 82  
9                    of the Acts of 2007 is repealed.

10                  Sec. 3. EFFECTIVE DATE

11                  This act shall take effect on passage and shall apply to all proposed school  
12                  budgets on which the electorate will vote after the effective date of this act.