

## Statehouse Update

April 5, 2021

Our firm is supporting the Dover community's capital advocacy for reform that will correct the unfairness in the state's education funding formula for rural, economically disadvantaged, English language learners and secondary-level students.

The general goal of this advocacy is to implement the equalized pupil weighting changes outlined in the Pupil Weighting Factors Report dated December 24, 2019. The particular focus of this advocacy is for the positive consideration of S.13 and the enactment of the policy reforms in H.54.

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The 2021 Vermont General Assembly is operating through remote communication platforms (Zoom/YouTube) so the pace of activity in the Capital is limited. Lawmakers are focusing their attention on COVID-19 and major, pressing matters.

Despite those limits, the issue of education funding fairness is on the Capital agenda.

Our campaign is purposefully working to bring more public attention to the problem. Along those lines, your supporters have published Op-Eds in the papers, including:

<https://vtdigger.org/2020/03/08/laura-sibilia-student-weighting-correction-is-just-not-complicated/>

<https://vtdigger.org/2021/03/08/marc-schauber-correcting-pupil-weights-cannot-wait-its-been-20-years/>

A coalition of negatively impacted communities has come together. Dover is a member. The Coalition held an impactful press conference that helped increase the demand for change:

<https://vtdigger.org/2021/03/15/29-school-board-members-fairness-in-school-funding-cant-wait/>

<https://www.vpr.org/post/education-reformers-say-vts-funding-system-weighted-against-disadvantaged-students#stream/0>

In the Statehouse, working with the Coalition advocates we developed a database showing how every lawmaker is impacted by the current law. Using this data we are now starting weekly meetings with lawmakers that are champions for change.

In January and February, multiple committees took testimony from the authors of the Pupil Weighting Factors Report. During these hearings the Secretary of Education agreed there is a real problem that needs to be fixed but he argued the Agency does not have the resources to tackle figuring out how to proceed. He urged lawmakers to create a Task Force to develop a solution for enactment by the Legislature next Session.

When the Senate Finance Committee took testimony on the issue in mid-February, Vicki Capitani, Dover Selectboard Chair, was the leading local community witness. This is her testimony:

<https://legislature.vermont.gov/Documents/2022/WorkGroups/Senate%20Finance/Education%20Financing/W~Vicki%20Capitani~Weighting%20Reform~2-23-2021.pdf>

This is the testimony from the Winooski area supporter of our cause.

<https://legislature.vermont.gov/Documents/2022/WorkGroups/Senate%20Finance/Education%20Financing/W~Alex%20Yin~Pupil%20Weighting~2-23-2021.pdf>

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In early March, facing the Crossover Deadline, the Senate Education Committee scaled S.13 back from a bill mandating the Agency implement the needed reforms

to one that sets up a Task Force to develop an implementation plan for the 2022 Legislature to consider. This article summarizes the committee's changes to the bill:

[https://www.benningtonbanner.com/local-news/senate-ed-panel-oks-implementation-plan-for-per-pupil-weighting/article\\_7d3b8ea2-8387-11eb-b357-7793078e61bd.html](https://www.benningtonbanner.com/local-news/senate-ed-panel-oks-implementation-plan-for-per-pupil-weighting/article_7d3b8ea2-8387-11eb-b357-7793078e61bd.html)

This is the Senate passed version of the bill, which is now considered an implementation task force:

<https://legislature.vermont.gov/Documents/2022/Docs/BILLS/S-0013/S-0013%20As%20Passed%20by%20the%20Senate%20Unofficial.pdf>

When the bill passed the Senate floor, the Education Committee Chair summarized the Senate view of the situation:

Senator Brian Campion:

*"If passed, this amendment would create a task force on the implementation of the student weighting factors report. This task force would recommend to the General Assembly an action plan and propose legislation to ensure that all public-school students have equitable access to educational opportunities, taking into account the weighting report from the weighting study, which is a product of Act 173. The weighting report, and now the weighting implementation plan, S13, both stem from concerns about the extent to which the education funding formula is effective in equalizing educational costs and – by extension – opportunities to learn for students across the state. The manner in which the state currently calculates the number of equalized pupils in a school district has been criticized for being out of step with contemporary educational conditions. The factors and weights used in the calculation have not been modified for more than 20 years, despite significant changes in statewide demographics and student need that have transpired during that time. The weighting study report recommended that we increase certain existing weights and that we add population density as a new weighting factor, given the report's finding that rural districts pay more to educate a student. Senate Education recognizes that some would like a more expedited process of implementation, but given the statewide nature of Vermont's education funding system and the reality that any change in the weighting formula is complex due to its relationship to other educational policies, and that several outstanding*

*questions still exist, and the public health crisis that we are all in, we are taking a step forward that puts us on the path toward implementation.*

*... We've asked the task force to recommend to the General Assembly an action plan and proposed legislation to ensure that all public-school students have equitable access to educational opportunities. Taking into account the weighting report, additionally the committee has developed a number of considerations that the task force must also consider in their draft legislation and questions they must answer in their report. ...The committee vote was 6-0-0."*

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Meanwhile, Rep Laura Sibiliala has been pushing the House. Being aggressive, along with other champions of change, she's used procedural opportunities to make the case for change to the full House. One example of that advocacy is these remarks on the House floor on March 25<sup>th</sup>.

**Rep. Sibiliala:**

*"The excess-spending threshold is that place where we've determined that we're spending too much money. And when you spend dollars above that, your district is penalized dollar for dollar. This can be extremely expensive. There are many reasons that districts exceed per-pupil spending thresholds. The intent of the threshold is to hold down over spending. Under-weighted districts in Vermont have to face choices to manage the excess-spending threshold. They can do that by cutting the budget, by cutting essential services, in order to avoid paying higher taxes. Or they may decide not to cut essential services and pay significantly higher taxes with the penalty. Under-weighted districts are facing this excess-spending threshold for a number of reasons. They could be: Changes in equalized, weighted pupils in small, rural districts. When we see large fluctuations in the student population in a small district, that can trigger the excess spending thresholds. (Or they could be) unexpected increases in special education, high costs associated with poverty, or with a large population of English-language learners and the needs that come with poverty and English-language learners. Districts can face the excess-spending threshold due to unexpected equipment failure in a very poor district. Or because they are required to make life-safety repairs to buildings even though the voters in their district have turned down bond votes to make the repairs...All of these burdens are being experienced across Vermont's neediest and most rural districts."*

**Rep Sims:**

*“All children, no matter where they live, deserve equitable access to education. Our current system applies weighting factors to determine equalized pupil counts. The greater a district’s equalized pupil count, the greater its taxing capacity and education spending. More resources mean better student outcomes. We’ve learned, from the UVM Pupil Weight Factors Report, that the current weighting factors do not accurately reflect the true cost of educating children, which is greater in smaller, high-poverty districts, and districts with the larger proportion of English-language learners. The current weighting system results in education inequities for our most vulnerable children. Schools are doing everything they can to pass responsible budgets while providing the quality of education our students deserve. However, under-weighted school districts are overtaxed and underfunded. With less taxing capacity to provide for the basic needs of students, under-weighted districts are more likely to exceed the spending threshold. This year, Newport Town School worked hard to stay under the spending threshold at the time they went to press with their budget, but a change in equalized pupil count bumped them over. Voters in Peacham passed a budget over the threshold because they didn’t want to cut their pre-K or afterschool programs. Voters in Cabot are being asked to pass a budget that puts them over the threshold in order to cover increased special-ed costs over which the school has no control. The resulting penalty will mean a 6-cent increase to their education tax rate. While we’re working on a long-term solution, these schools need immediate relief from the excess spending penalty, so they can provide their students with the same quality education as neighboring communities. I urge the committee to provide relief to all under-weighted districts this year.”*

**Rep. Sibilialia:** *...some of our neediest districts are given a reprieve and not others. ...Hear the pleas of our neediest districts and act this year to provide relief.*

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The campaign for change is now focused on the House. Starting this Friday, April 9<sup>th</sup>, the House Education Committee will begin working on S.13.

IF the House resolves to stick with an Implementation Task Force as the way to proceed this year, Rep. Sibilialia will advocate for an amendment that freezes the excess spending penalty.

In the House, we anticipate working through the concerns raised by the House Ways and Means Chair, Rep Janet Ancel, that reform of the Weighting Factors is not the right way to proceed. You can learn more about her concerns here:

<https://www.vpr.org/post/reporter-debrief-lawmakers-consider-altering-how-vt-distributes-18-billion-education-funds#stream/0>

This clip from this VPR story is the key explanation of her concerns:

*House lawmakers are amenable to the concept of a study committee. They're not convinced yet, though, that changing the way we count students is going to result in schools with lots of poor kids or lots of English language learners actually getting the additional resources they need to provide that equitable education.*

*Changing the people weights doesn't automatically mean districts get more money. What it means is that, if they keep their local property tax rates where they're at right now, those rates will generate more money for the schools.*

*So, if you make this change, school boards could decide to just keep school budgets where they're at right now, and give their local residents a tax cut instead.*

*[Democratic] Calais Rep. Janet Ancel is the chair of the House Committee on Ways and Means. She's a very influential figure in this debate. And this is a real concern of hers.*

*"If you have a high poverty district and you adjust the weight so that the tax rate goes down, there's nothing that says that that district needs to keep their spending at that same level, or increase it." — Rep. Janet Ancel*

*Ancel says the Legislature should look at other ways to address this resource gap, including possibly creating a new system of financial grants for districts with high rates of students from poverty, or districts with large number of students who are English language learners.*