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H.15

Introduced by Representatives Ancel of Calais, Conquest of Newbury,  
Mrowicki of Putney, Botzow of Pownal, Briglin of Thetford,  
Browning of Arlington, Christensen of Weathersfield, Dunn of  
Essex, Hooper of Montpelier, Jessup of Middlesex, Masland of  
Thetford, Partridge of Windham, Scheuermann of Stowe, and  
Toll of Danville

Referred to Committee on

Date:

Subject: Education; school district consolidation; alternative structures; time  
frames

Statement of purpose of bill as introduced: This bill proposes to require the  
State Board of Education to evaluate proposals for alternative governance  
structures on a case-by-case basis and, when evaluating these proposals, to use  
the same criteria it uses to evaluate a proposal for the creation of an Education  
District; eliminate the requirement that the State Board find that a proposed  
alternative governance structure is the “best means” of meeting the goals of  
moving the State toward sustainable models of education governance;  
eliminate the references in Act 46 to a “preferred” educational governance  
structure; and extend the time frames for school district consolidation and  
associated dates by one year.

1 An act relating to amendments to Act 46 to facilitate the approval of  
2 alternative governance structures and extend time frames

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

4 Sec. 1. 2015 Acts and Resolves No. 46, Sec. 5 is amended to read:

5 Sec. 5. ~~PREFERRED EDUCATION GOVERNANCE STRUCTURE~~

6 EDUCATION DISTRICT; ALTERNATIVE STRUCTURE

7 (a) Sustainable Governance Structures. On or before ~~July 1, 2019~~ July 1,  
8 2020, the State shall provide educational opportunities through sustainable  
9 governance structures designed to meet the goals set forth in Sec. 2 of this act  
10 pursuant to one of the models described in this section.

11 (b) ~~Preferred structure: prekindergarten–grade 12 supervisory district)~~  
12 ~~(Education District)~~. Education District. ~~The preferred education governance~~  
13 ~~structure in Vermont~~ An Education District is a school district that:

14 (1) is responsible for the education of all resident prekindergarten  
15 through grade 12 students;

16 (2) is its own supervisory district;

17 (3) has a minimum average daily membership of 900; and

18 (4) is organized and operates according to one of the four most common  
19 governance structures:

20 (A) a district that operates a school or schools for all resident students  
21 in prekindergarten or kindergarten through grade 12;

1           (B) a district that operates a school or schools for all resident students  
2 in prekindergarten or kindergarten through grade 8 and pays tuition for all  
3 resident students in grade 9 through grade 12;

4           (C) a district that operates a school or schools for all resident students  
5 in prekindergarten or kindergarten through grade 6 and pays tuition for all  
6 resident students in grade 7 through grade 12; or

7           (D) a district that operates no schools and pays tuition for all resident  
8 students in prekindergarten through grade 12.

9           (c) ~~Alternative structure~~ Structure:—supervisory union with member  
10 districts. An Alternative Structure is a supervisory union composed of  
11 multiple member districts, each with its separate school board. An Alternative  
12 Structure may be appropriate where an Education District, as envisioned in  
13 subsection (b) of this section ~~may not be possible or the best model,~~ is not the  
14 most appropriate structure to achieve Vermont’s education goals in ~~all regions~~  
15 one or more regions of the State. An Alternative Structure may also be  
16 appropriate where there are factors which impede the merger of districts into a  
17 single Education District. For example, an Alternative Structure may be  
18 appropriate where the districts in the region do not have comparable levels of  
19 indebtedness per equalized pupil, as defined in 16 V.S.A. § 4001(3). ~~In such~~  
20 ~~situations, a supervisory union composed of multiple member districts, each~~  
21 ~~with its separate school board can meet the State’s goals, particularly if~~ If the

1 following conditions are met, the State Board shall evaluate a proposal to  
2 create, expand, or continue an Alternative Structure under Sec. 8 of this act:

3 (1) The member districts form a study committee under 16 V.S.A.  
4 § 706. The formation of a study committee by member districts on or after  
5 July 1, 2015 shall satisfy this condition.

6 (2) The study committee:

7 (A) considers, on or after July 1, 2015, one or more merger proposals  
8 that would satisfy the criteria of subsection (b) of this section, the creation of  
9 an Education District; and

10 (B) demonstrates in its report presented to the State Board that an  
11 Alternative Structure is better suited to the member districts than an Education  
12 District and will meet the goals set forth in Sec. 2 of this act.

13 (1)(3) ~~the~~ The member districts consider themselves to be collectively  
14 responsible for the education of all prekindergarten through grade 12 students  
15 residing in the supervisory union; ~~as demonstrated in the study committee~~  
16 report presented to the State Board by an undertaking that the member districts  
17 shall work in a collective and collaborative manner to coordinate the delivery  
18 of educational services throughout the elementary and secondary school  
19 educational process for all member district students.

20 (2)(4) The study committee demonstrates in its report presented to the  
21 State Board that ~~the supervisory union operates~~ shall operate in a manner that

1 maximizes efficiencies, to the extent practicable, through economies of scale  
2 and the flexible management, transfer, and sharing of nonfinancial resources  
3 among the member districts;

4 ~~(3)(5) the~~ The study committee demonstrates in its report presented to  
5 the State Board that the proposed supervisory union has will have the smallest  
6 number of member school districts practicable taking into consideration the  
7 unique characteristics of the region, ~~achieved wherever possible by the merger~~  
8 ~~of such as~~ districts in the region with similar operating and tuitioning patterns;

9 ~~(4)(6) the~~ The combined average daily membership, as defined in  
10 16 V.S.A. § 4001(1), of all member districts is not less than ~~1,400~~ 500.

11 Sec. 2. 2015 Acts and Resolves No. 46, Sec. 7 is amended to read:

12 Sec. 7. SCHOOL DISTRICTS CREATED AFTER DEADLINE FOR  
13 ACCELERATED ACTIVITY; TAX INCENTIVES; SMALL  
14 SCHOOL SUPPORT; JOINT CONTRACT SCHOOLS

15 (a) A newly formed school district shall receive the incentives set forth in  
16 subsection (b) of this section if it:

17 (1) is formed pursuant to the processes and requirements of 16 V.S.A.  
18 chapter 11 ~~(, union school district formation)~~;

19 (2) obtains a favorable vote of all “necessary” districts, which do not  
20 need to be contiguous or within the same supervisory union, on or after  
21 July 1, 2015;

1 (3) meets the criteria for an accelerated merger set forth in ~~subdivisions~~  
2 Sec. 6(a)(3) through (7) of this act; and  
3 (4) becomes operational after July 1, 2017, and on or before  
4 ~~July 1, 2019~~ July 1, 2020.

5 \* \* \*

6 (d) Notwithstanding other provisions of law to the contrary, if two or more  
7 districts enter into a contract pursuant to 16 V.S.A. chapter 11, subchapter 1 to  
8 operate a school jointly, and if at least one of the districts was an “eligible  
9 school district” that received a small school support grant in the fiscal year two  
10 years prior to the effective date of the contract, then the contracting school  
11 districts, as a single unit, shall receive annual merger support grants pursuant  
12 to the provisions of subdivision (b)(2) of this section; provided, however, that  
13 this section shall apply only to contracting districts that receive a favorable  
14 vote of all affected districts to enter into a finalized contract after the effective  
15 date of this section and on or before ~~July 1, 2017~~ July 1, 2018.

16 Sec. 3. 2015 Acts and Resolves No. 46, Sec. 8 is amended to read:

17 Sec. 8. EVALUATION BY THE STATE BOARD OF EDUCATION

18 (a) ~~School districts. When evaluating a proposal~~ The State Board shall  
19 evaluate proposals to create a union school district pursuant to 16 V.S.A.  
20 chapter 11, including a proposal to create an Education District submitted  
21 pursuant to the provisions of ~~Sees. Sec. 6 or 7 of this act~~ and proposals to

1 create, expand, or continue an Alternative Structure pursuant to Sec. 5(c) of  
2 this act. When evaluating these proposals, the State Board of Education shall:

3 (1) ~~consider~~ Consider whether the proposal is designed to create a  
4 sustainable governance structure that can meet the goals set forth in Sec. 2 of  
5 this act; ~~and.~~

6 (2) ~~be~~ Be mindful of any other district in the region that may become  
7 geographically isolated, including the potential isolation of a district with low  
8 fiscal capacity or with a high percentage of students from economically  
9 deprived backgrounds as identified in 16 V.S.A. § 4010(d).

10 (A) At the request of the State Board, the Secretary of Education  
11 shall work with the potentially isolated district and other districts in the region  
12 to move toward a sustainable governance structure that is designed to meet the  
13 goals set forth in Sec. 2 of this act.

14 (B) The State Board is authorized to deny approval to a proposal that  
15 would geographically isolate a district that would not be an appropriate  
16 member of another sustainable governance structure in the region.

17 (b) ~~Supervisory unions.~~ The State Board shall approve the creation,  
18 expansion, or continuation of a supervisory union only if the Board concludes  
19 that this alternative structure:

20 ~~(1) is the best means of meeting the goals set forth in Sec. 2 of this act in~~  
21 ~~a particular region; and~~





1 Sec. 5. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

2 Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE  
3 STRUCTURES; PROPOSAL; FINAL PLAN

4 (a) Secretary of Education's proposal. In order to provide educational  
5 opportunities through sustainable governance structures designed to meet the  
6 goals set forth in Sec. 2 of this act pursuant to one of the models described in  
7 Sec. 5, the Secretary shall:

8 (1) Review the governance structures of the school districts and  
9 supervisory unions of the State as they will exist, or are anticipated to exist, on  
10 ~~July 1, 2019~~ July 1, 2020. This review shall include consideration of any  
11 proposals submitted by districts or groups of districts pursuant to Sec. 9 of this  
12 act and conversations with those and other districts.

13 (2) On or before ~~July 1, 2019~~ July 1, 2020, shall develop, publish on the  
14 Agency of Education's website, and present to the State Board of Education a  
15 proposed plan that, to the extent necessary to promote the purpose stated at the  
16 beginning of this subsection (a), would move districts into the ~~more~~  
17 ~~sustainable, preferred~~ Education District model of governance set forth in  
18 Sec. 5(b) of this act (~~Education District~~). If it is not possible or practicable to  
19 develop a proposal that realigns some districts, where necessary, into an  
20 Education District in a manner that adheres to the protections of Sec. 4 of this  
21 act (~~protection for tuition-paying and operating districts~~), or that otherwise

1 meets all aspects of Sec. 5(b), then the proposal may also include ~~alternative~~  
2 other governance structures as necessary, such as ~~a supervisory union with~~  
3 ~~member districts~~ an Alternative Structure or a unified union school district  
4 with a smaller average daily membership; provided, however, that any  
5 proposed ~~alternative~~ governance structure shall be designed to:

6 (A) ensure adherence to the protections of Sec. 4 of this act; and

7 (B) promote the purpose stated at the beginning of this subsection (a).

8 (b) State Board's plan. On or before ~~November 30, 2018~~ November 30,  
9 2019, the State Board shall review and analyze the Secretary's proposal under  
10 the provisions in subsection (a) of this section, may take testimony or ask for  
11 additional information from districts and supervisory unions, shall approve the  
12 proposal either in its original form or in an amended form that adheres to the  
13 provisions of subsection (a) of this section, and shall publish on the Agency's  
14 website its order merging and realigning districts and supervisory unions  
15 where necessary.

16 (c) Applicability. This section shall not apply to:

17 (1) an interstate school district;

18 (2) a regional career technical center school district formed under  
19 16 V.S.A. chapter 37, subchapter 5A; or

20 (3) a district that, between June 30, 2013 and ~~July 2, 2019~~ July 2, 2020,  
21 began to operate as a unified union school district and:

1 (A) voluntarily merged into ~~the preferred education governance~~  
2 ~~structure~~, an Education District, as set forth Sec. 5(b) of this act; or

3 (B) is a regional education district or any other district eligible to  
4 receive incentives pursuant to 2010 Acts and Resolves No. 153, as amended by  
5 2012 Acts and Resolves No. 156; or

6 (4) a district that:

7 (A) on or before November 1, 2018, received approval by the State  
8 Board under Sec. 8 of this act to operate as an Alternative Structure as  
9 envisioned under Sec. 5(c) of this act; and

10 (B) between July 1, 2017 and July 2, 2020, operates or began to  
11 operate as an Alternative Structure as approved by the State Board.

12 Sec. 6. 2015 Acts and Resolves No. 46, Sec. 11 is amended to read:

13 Sec. 11. QUALITY ASSURANCE; ACCOUNTABILITY; DATA

14 COLLECTION

15 The Secretary of Education shall regularly review, evaluate, and keep the  
16 State Board of Education apprised of the following:

17 (1) the discussions, studies, and activity among districts to move  
18 voluntarily toward creating ~~the preferred education governance structure~~, an  
19 Education District, as set forth Sec. 5(b) of this act;

20 \* \* \*

1       Sec. 7. EFFECTIVE DATE

2       This act shall take effect on passage.