



To: Vermont House Education Committee
From: Vermont Superintendents Association
Re: H.630 - Cooperative Education Services
Date: February 21, 2024

Good afternoon. I am Jeffrey Francis, Executive Director for the Vermont Superintendents Association. I am here to provide testimony on H.630 version 1.1, which pertains to cooperative education services. With me today, and also here to share insights and perspective, are three superintendents. They are:

Superintendent Michael Clark of the Grand Isle Supervisory Union
Superintendent Michael Leichliter of the Harwood Unified Union School District
Superintendent Brooke Olsen-Farrell of the Slate Valley Unified Union School District

It is worth noting that both Superintendent Leichliter (Pennsylvania) and Superintendent Olsen-Farrell (New York) have experience working with intermediary services entities in other states.

To prepare for today's testimony, I held a meeting yesterday that was attended by ten superintendents, including the three who are with you today.

The subject of our discussion was the Committee's draft 1.1 which we reviewed in the context of the labeled decision points. We also looked specifically at the set of questions that Chair Conlon had sent to us ahead of your meeting today.

Before we started with the specific decision points, we reviewed the findings and purpose of draft 1.1 which set the context for the bill. We understand the emphasis of the bill and its focus on supporting efficiency and effectiveness of Vermont's school districts through useful support and collaboration, which we believe is a purposeful endeavor.

That stated, some of the superintendents participating wondered about the efficacy of developing a formal system for collaborative services until another round of consolidation among school systems takes place. This reflects that among certain superintendents there is a belief that some of Vermont's school systems are so small that it would be counterproductive to provide collaborative services supports in their current size and configuration.

Two additional general themes emerged at the meeting.

First, there were beliefs expressed that absent a comprehensive mission and vision for public education in Vermont - particularly with respect to what the obligations for public schools are vis a vis their role in responding to community mental health needs and other widespread societal challenges that affect the education delivery system - it could be counterproductive to support districts (with varying levels of current capacities) to respond to those needs through collaborative service models.

In other words, superintendents favor collaborative supports for those services traditionally within the purview of schools, but they are concerned that a system of collaborative services could affirm the expansion of obligations of school districts (mental health response for example) that have not yet been reconciled in terms of mission and budget pressures.

Second, with respect to the questions about sources of authority and oversight for regional cooperative education services, there was general skepticism expressed about the current abilities, capacities and intentionality of both the Agency of Education and the State Board of Education. That is an unfortunate reality, so in responding to questions relative to the role of each in this legislation, we imagined that both were operating optimally in the context of the bill.

Regarding the decision points reflected in version 1.1 and the related underlying questions, following is the outcome of our discussions.

1. Section 2 - should boards of regional cooperative education services be established consistent with CTE regions / boundaries?

Among the ten superintendents participating, there was unanimous agreement that the boundaries for regional cooperative education service entities **should not** be mandated for formation along CTE regions lines. It was noted that there is typically no uniformity in terms of CTE region configurations and the patterns of those regions generally don't conform to any other patterns of interrelationship between school districts. Some superintendents serve supervisory unions with school districts in more than one CTE region. Similarly, some supervisory unions have school districts in more than one county - so county lines were also rejected as the demarcation for cooperative education services.

The upshot of the discussion of boundaries was a general conclusion that boundaries for cooperative education services should not be prescribed by the legislation and that state statute in support of the formation of regional cooperative education service entities should be **enabling** and should provide for the formation of entities in a flexible manner reflecting both currently existing natural affiliations and the nature of the services that are the impetus of the formation for these cooperative entities. That stated, the bases for the BOCES formation - collaboration for better service availability and economy of scale should not be lost as BOCES are established.

2. Section 2 - should the formation of the BOCES be subject to the approval of the Agency of Education or the State Board?

The conclusion here was that the formation of the BOCES should be subject to the approval of the Agency of Education in a narrower rather than expansive context.

Specifically, there was a recognition that the formation of the BOCES should be certified by the Agency as conforming to the statutory requirements as set forth in law, but that the Agency should not have any subjective authorities relative to the BOCES and its services otherwise.

Presumably, requirements for the articles of agreement would provide for a straightforward analysis of compliance, and the determination of the services that would be conducted by the BOCES - including any future expansion of those services - would be within the purview of the BOCES itself.

It was noted in our discussion that should the BOCES seek to provide specific services or a program that under existing statute or regulation would require approval by either the Agency or State Board, that those requirements would be applied, thereby ensuring appropriate oversight by the proper authority in those cases.

3. Section 2 - Establishing a fee basis for services provided to a non-BOCES member district requesting BOCES support/services

The superintendents participating in our review of draft 1.1 concluded that it was not necessary to establish a specific fee differential for services provided to a non BOCES member district and that instead, any determination of fees for non-member districts should follow a process that resulted in a “justifiable and transparent fee determination and basis fairly reflecting distributed costs.” This means that fees charged to non-member districts should be established fairly with an explanation of direct costs to provide the service with the addition of justifiable overhead costs. The

consumer of the services could make a decision relative to the acceptability of those costs.

In the context of that specific discussion, superintendents have two logical interests. One, that it would be desirable to have more districts participating as members of a BOCES, and two, that in some circumstances, districts from outside a BOCES might seek services that the BOCES could provide.

4. Section 2 - Must persons appointed as board member of a BOCES be an elected member of a participating school district board

While not outlined as a decision point in draft 1.1, this requirement included in the draft caught the attention of the superintendents because there was general agreement that a BOCES board would benefit from administrator expertise - both functionally and experientially. We didn't spend a great deal of time on this issue but generally concluded that 1) elected school boards for districts participating as BOCES members should be able to appoint an administrator as their voting representative to the BOCES board and/or 2) enabling legislation (H.630) should provide for an advisory board comprised of administrators to work in concert with the BOCES board (of elected school officials) in supporting the functions of the BOCES.

5. Section 2 - Non-payment to those serving as BOCES board members and prohibition of service as a board member of any related non-profit or for profit organization.

In the discussion at the meeting of superintendents yesterday, the questions immediately above were not discussed, so if this is an important consideration either for the Committee or the superintendents testifying, I recommend discussing it in testimony today.

6. Section 2 - There shall not be more than one BOCES in each CTE service region.

As noted in response 1 above, superintendents do not support the alignment of BOCES boundaries with CTE service regions. We did not arrive at a firm recommendation relative to whether BOCES regions should overlap, but the discussion by superintendents seemed to 1) acknowledge that the preferred approach would be to have any school district participating be a member of just one BOCES and that 2) as BOCES are created and evolve overtime, that their complement of services would evolve and expand as well and 3) there should not be a prohibition on any school district that was not a member of BOCES either joining an available BOCES or receiving services from a BOCES as a non-member district.

7. Section 2 - Finance Related Provisions

We were not able to spend any time at our meeting yesterday on the financial, budgeting and accounting “decision-points” laid out in section 2 so those provisions should either be deferred to the next version of the bill, or time permitting, be discussed at testimony today.

Ancillary questions not reflected in draft 1.1 but of interest to the House Education Committee:

1. Boundaries - addressed in the testimony above
2. Who approves a BOCES and is it even necessary? Addressed in testimony above
3. Who helps districts create a BOCES? Absent improved technical assistance by the Agency of Education generally, districts seeking to establish a BOCES should work with existing staff from the districts themselves and/or seek outside consulting assistance. The General Assembly might establish a grant program to support BOCES creation through feasibility and implementation funding assistance.
4. Who makes up a BOCES Board of Directors? Addressed in testimony above
5. Is this something that requires rulemaking by AOE? We ran out of time and were not able to discuss this question, but our preference

would be to see limited, if any, rulemaking and rely on statute for enabling and operating authority to the extent possible.

6. Can we incentivize early adopters? Rather than incentivize early adopters, we would rather see a grant program as indicated in item 3 above.

Thank you for the opportunity to testify. We look forward to discussing this important topic further with the Committee.