

H.876 – Miscellaneous Education Bill

**Comparing concepts addressed in Senate Education Committee’s Proposal of Amendment Secs 44–65 with current law and potential Senate Finance Committee Proposals
(3.1; 5/6/14) – DRAFT!**

Topic (SEC/SFC)	Current Law	Senate Education Committee	SFC Potential Amendments (draft 3.1)
Intent	* Right to Equal Educational Opportunity (16 V.S.A. § 1)	* supports voluntary mergers to increase opportunities and achieve economies of scale (Sec. 44)	* adds: * <i>intent to move to preK–12 districts</i> * <i>SU /district duties sections are transitional</i> (Sec. 44) * amends 16 V.S.A. § 1 to state that the intent to provide substantially equal opportunities <i>shall be through preK-12 districts</i> (Sec. 44a)
SU Board Duties			
policies	* adopt SU-wide truancy policies (16 V.S.A. § 261a(a)(12)) * adopt SU-wide policies generally (<i>implied – e.g., 16 V.S.A. § 242(1)</i>)	* adopt SU-wide policies, including truancy (Sec. 45, new 16 V.S.A. § 268(1))	
curriculum	* establishes SU-wide curriculum by developing curriculum OR assisting districts to develop it jointly (16 V.S.A. § 261a(a)(1))	* adopts SU-wide curriculum by * developing curriculum OR * <i>directing the superintendent</i> to assist districts to develop it jointly (Sec. 45, new 16 V.S.A. § 268(2))	
budget	* adopt SU budget annually (16 V.S.A. § 261a(a)(11))	* same as current law (Sec. 45, new 16 V.S.A. § 268(3))	
hire superintendent	* with the advice of the Secretary of Ed, <i>may</i> hire a superintendent (<i>not required</i>) (16 V.S.A. § 241(a))	* same as current law (Sec. 45, new 16 V.S.A. § 268(4) referring to § 270) (Sec. 47, redesignating § 241 as § 270)	

Topic (SEC/SFC)	Current Law	Senate Education Committee	SFC Potential Amendments (draft 3.1)
<i>(SU Board cont...)</i>			
employ staff	* employ all licensed and nonlicensed SU employees <i>(implied by 16 V.S.A. § 242(3))</i> * employ a person to provide financial / student data management services for SU and districts <i>(16 V.S.A. § 261a(a)(7))</i>	* combines both into one section <i>(Sec. 45, new 16 V.S.A. § 268(5))</i>	
negotiations	* negotiate all contracts (including for district employees) at the SU level; terms can vary by district *waiver possible <i>(16 V.S.A. § 261a(a)(8)(D))</i>	* <i>removes waiver provisions</i> <i>(Sec. 45, new 16 V.S.A. § 268(6))</i>	
federal funds	establish and implement a plan to receive disburse federal funds <i>(16 V.S.A. § 261a(a)(4))</i>	* same as current law <i>except directs the superintendent to implement the plan</i> <i>(Sec. 45, new 16 V.S.A. § 268(7))</i>	
SU Duties sole responsibility	(current law states each is duty of SU Board except where district indicated below)		
professional development	* provide and/or arrange for provision of professional development for employees throughout SU, including district employees <i>(16 V.S.A. § 261a(a)(5))</i>	* same as current law <i>(Sec. 46, new 16 V.S.A. § 269(a)(1))</i>	
special ed	* provide special education services on behalf of member districts * waiver possible <i>(16 V.S.A. § 261a(a)(6) – to be fully implemented by 7/1/2014)</i>	* same as current law <i>(Sec. 46, new 16 V.S.A. § 269(a)(2) AND 16 V.S.A. § 269(d))</i>	* <i>removes waiver provisions</i>

Topic (SEC/SFC)	Current Law	Senate Education Committee	SFC Potential Amendments (draft 3.1)
(<i>SU cont...</i>) financial & student data	* provide financial and student data management services on behalf of the member districts * waiver possible (16 V.S.A. § 261a(a)(8)(C)) * provide human resources management support (16 V.S.A. § 261a(a)(8)(F))	* adds: <i>perform the districts' business and human resources functions</i> * removes waiver provisions (Sec. 46, new 16 V.S.A. § 269(a)(3))	* adds: <i>be the districts' business office and human resources office</i> * agrees with removal of waiver provisions (Sec. 46, new 16 V.S.A. § 269(a)(3))
transportation	* provide or arrange for provision of transportation on behalf of member districts * waiver possible (16 V.S.A. § 261a(a)(8)(E) – <i>to be fully implemented by 7/1/2014</i>)	* provide or <i>contract for</i> the provision of transportation on behalf of member districts * maintains waiver (Sec. 46, new 16 V.S.A. § 269(a)(4) AND 16 V.S.A. § 269(d))	* removes waiver provisions (Sec. 46, new 16 V.S.A. § 269(a)(4))
goods/services	* <i>manage a system</i> to procure and distribute goods and operational services for the districts * waiver possible (16 V.S.A. § 261a(a)(8)(A)) (note: textbooks currently district responsibility per 16 V.S.A. § 563(14))	* <i>procure and distribute</i> goods and operational services for the districts, <i>including office and classroom supplies and equipment, textbooks, and cleaning materials</i> * maintains waiver (Sec. 46, new 16 V.S.A. § 269(a)(5) AND 16 V.S.A. § 269(d))	* procure and distribute <i>all</i> goods and operational services for the districts, including same as SEC PLUS custodial services * <i>custodial for CTE district provided by SU within which it is geographically situated</i> * removes waiver provisions * <u>Implemented</u> no later than 2015-2016 school year, subject to existing contracts (Sec. 46, new 16 V.S.A. § 269(a)(5))
buildings and other property	* SUs have only general authority described above; authority provided to School Districts : * have possession, care, control, and management (16 V.S.A. § 563(3)) * keep buildings and grounds in good repair, suitably quipped, insured, and in safe and sanitary condition (16 V.S.A. § 563(5))	* same as current law (16 V.S.A. § 563(3) and (5))	* <i>manage all property owned or leased by the districts, keep the buildings and grounds in good repair, suitably equipped, and in sanitary condition</i> * <i>Districts would continue to own, have possession of, and insure property</i> * <u>Implemented</u> no later than 2015-2016 school year, subject to existing contracts (Sec. 46, new 16 V.S.A. § 269(a)(6)) (See also Sec. 50 – duties of school boards))

Topic (SEC/SFC)	Current Law	Senate Education Committee	SFC Potential Amendments (draft 3.1)
<i>(SU cont...)</i>			
construction	* manage construction projects for districts * waiver possible (16 V.S.A. § 261a(a)(8)(B))	* manage all construction projects within the SU * maintains waiver (Sec. 46, new 16 V.S.A. § 269(a)(6) AND 16 V.S.A. § 269(d))	* <i>removes waiver provisions</i> (Sec. 46, new 16 V.S.A. § 269(a)(7))
summary of operations	* submits to boards of member districts annually (16 V.S.A. § 261a(a)(10))	* same as current law (Sec. 46, new 16 V.S.A. § 269(b))	
other services	* may provide grant writing and fundraising assistance as requested by districts (16 V.S.A. § 261a(a)(8)(C))	* may provide <i>other services</i> as requested, including grant writing and fundraising (Sec. 46, new 16 V.S.A. § 269(c))	
Superintendent			
CEO	* CEO for SU board and each district board (16 V.S.A. § 242)	* same as current law	
policies	implement SU and district boards' policies (16 V.S.A. § 242(1))	* same as current law	
plans	prepare plans for boards to achieve their goals (16 V.S.A. § 242(2))	* same as current law	
hiring	for SU & all district employees: * nominate licensed for board to hire * hire nonlicensed * dismiss licensed & nonlicensed (16 V.S.A. § 242(3))	* same as current law	
data	* provide SU/district data to Secretary of Education (16 V.S.A. § 242(4))	* same as current law	
class size	* work with districts to develop & implement class size policies (16 V.S.A. § 242(5))	* same as current law	

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<i>(Super. cont...)</i>			
training	* arrange for board member training (16 V.S.A. § 242(6))	* same as current law	
SU-wide curriculum	SU Board: * ensure implementation * assist schools to follow it * alignment w/ out-of-district students (16 V.S.A. § 261a(a)(1)-(3))	* transfers all three duties from SU Board to superintendent (Sec. 48, 16 V.S.A. § 271(7))	
SU <i>non</i> -policymaking duties generally		* perform all duties required of an SU in (new) Sec. 269 (Sec. 48, 16 V.S.A. § 271(8))	
legal compliance		ensure SU / school district compliance with law (Sec. 48, 16 V.S.A. § 271(9))	
general supervision	* provide for the general supervision of the schools in the SU (16 V.S.A. § 242(6))	* same as current law	
School Districts	<i>(ONLY duties in amended sections included here)</i>		
general	* may take any action that is required for the sound administration of the school district (16 V.S.A. § 563(2))	* adds: <i>except actions explicitly reserved to the supervisory union pursuant to chapter 7</i> (Sec. 50)	
buildings and other property	* have possession, care, control, and management (16 V.S.A. § 563(3)) * keep buildings and grounds in good repair, suitably quipped, insured, and in safe and sanitary condition (16 V.S.A. § 563(5))	* same as current law	* <i>SUs manage all property owned or leased by the districts, keep the buildings and grounds in good repair, suitably equipped, and in sanitary condition</i> (Districts own, have possession of, and insure) (Sec. 46, new 16 V.S.A. § 269(a)(6))

Topic (SEC/SFC)	Current Law	Senate Education Committee	SFC Potential Amendments (draft 3.1)
<i>(Districts cont...)</i>			
check writing etc.	* establish and maintain a system for receipt, deposit, disbursement, accounting, control and reporting <i>(16 V.S.A. § 563(8))</i>	* adds: <i>Subject to the duties and authority of the supervisory union pursuant to 263(a)(3) (Sec. 50)</i>	
textbooks	* provide all textbooks at the expense of the district subject to approval of superintendent <i>916 V.S.A. § 563(14))</i>	* includes within SUs purchasing duties <i>(Sec. 46, new 16 V.S.A. § 269(a)(5))</i> * waiver possible <i>(16 V.S.A. § 269(d))</i>	* <i>removes waiver provisions (Sec. 46, new 16 V.S.A. § 269(a)(5))</i>
Employment Transition			* transitional language for employees of school district who are required to become employees of SU (e.g., custodial) <i>(Sec. 50a)</i>
Noncompliance with Division of Duties			* financial penalty equal to 1% of a district's ed spending assessed as calculation of district spending adjustment (same as for excess spending penalty) for districts that violate division of duties above * can be assessed for noncompliance on or after 7/1/2015 EXCEPT: * for facilities management duties (<i>new § 269(a)(6)</i>), can be assessed for noncompliance on or after 7/1/2016 <i>(Sec. 50b)</i>

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SU Collaboration with other SUs	<p>* SUs encouraged to collaborate with other SUs to perform duties if can achieve financial savings or enhanced outcomes (16 V.S.A. § 261a(b))</p>	<p>* SBE establishes SU Service Regions (not a governance change) * SUs provide transportation, professional development, and purchasing jointly except: * if SU received a waiver for districts to perform the duties instead of the SU * if formed a RED * if Sec’y determines more costly to do jointly (Secs. 52–54)</p>	<p>* <i>Secretary of Ed</i> establishes them * All SUs perform – <i>no exceptions other than</i> if Sec’y determines more costly to do jointly * if SU cannot find another SU willing to engage in conversations, Secretary has authority to facilitate discussions (Secs. 52–54)</p>
SU Merger Discussions		<p>* by 4/1/2015, each SU explores possibility of merger with at least one other SU and presents either a plan of merger or an explanation of why merger would inhibit effective and efficient use of resources or diminish quality and opportunity * an SU in which districts have appointed a RED study committee do not need to do this (Sec. 54a)</p>	<p>* <i>removes exceptions</i> * adds: <i>by 7/1/2015, Secretary of Ed either approves of merger plan or explanation of why the SU is not merging OR directs the SU to talk with another SU; the Secretary can direct the SU to do repeatedly</i> * adds: <i>despite SBE’s statutory authority to redraw boundaries of SUs, the Secretary has sole authority until satisfied w/ response from each SU</i> (Sec. 54a)</p>

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Voluntary Mergers			
REDS	* incentives available if RED is <i>operational</i> by 7/1/15	* incentives available if <i>electorate approves</i> formation of RED by 7/1/15 (Sec. 55)	
	* RED requires 1,250 ADM or merger of 4 districts or both	* reduces ADM to 1,000 (Sec. 56)	
	* incentive grant of \$150,000 for successful creation of a RED * deduct from this amount any State money received to reimburse legal and other planning fees	* increases incentive to \$500,000 * MUUSD stays at \$150,000 (Sec. 57)	* increases incentive <i>up to</i> \$500,000 based on projected post-merger savings * MUUSD stays at \$150,000 * <i>do NOT</i> deduct reimbursement from grant (Sec. 57)
	* RED formation complete by 2017 in order to receive incentives	* districts that have a positive vote on RED formation between 7/1/2017 and 6/30/2019 are eligible to receive ~50% of regular RED incentives (Sec. 58)	
	* districts receive small school support based on size of district – not size of school – RED incentives provides that if a district loses the grant because of merger into a RED, the RED can continue to receive the grant for several years as merger support	* affirms this RED incentive * adds requirement that grant be used specifically for the small school (Sec. 59)	
	* when forming a RED (or any kind of union school district), the electorate of each “necessary” district must vote in favor for the merger to occur; if there is going to be a revote after the revote period expires, then the electorate of all districts must vote again	* where a RED vote has already occurred: if the school boards of all of the “necessary” districts agree, then there can be a revote just of the “necessary” districts that did NOT vote in favor of merger at the most recent vote (Sec. 59)	

Topic (SEC/SFC)	Current Law	Senate Education Committee	SFC Potential Amendments (draft 3.1)
<i>SU Mergers</i>	* SUs exploring merger may receive reimbursement of up to \$20,000 in legal and other planning fees * amount deducted from grant (immediately below)		* increases amount to up to \$40,000 reimbursement * do NOT deduct reimbursement from grant below (Sec. 60a)
	* SUs that have successfully merged receive an incentive grant of \$150,000 less the amount reimbursed above		* increases amount to up to \$750,000 based on projected post-merger savings * not reduced by reimbursement received above (Sec. 60b)
Appropriations & Positions		* Creates two limited services analyst positions (Sec. 62)	
		* appropriates \$175,500 from Supplemental Property Tax Relief Fund for positions (Sec. 63)	
		* positions & appropriations are in addition to others in other bills (Sec. 64)	
SpEd Pilot			Authorizes Secretary of Ed to conduct 3 year pilot for use of best practices that permits more flexibility with block grant funding (Sec. 65)