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1 **[encouraging governance change]**

2 ***note:***

- 3 • *yellow highlighted language is entirely new or has been amended since*
- 4 *draft 1.1 of the “governance options” version*
- 5 • *language is in **bold-faced type** to draw attention to the elements and*
- 6 *structure of a section*

7 TO THE HONORABLE SENATE:

8 The Committee on Education to which was referred House Bill No. 361
9 entitled “An act relating to making amendments to education funding,
10 education spending, and education governance” respectfully reports that it has
11 considered the same and recommends that the Senate propose to the House that
12 the bill be amended by striking out all after the enacting clause and inserting in
13 lieu thereof the following:

14 * * * **Findings;** Goals; Obstacles * * *

15 Sec. 1. EDUCATION SYSTEM; **FINDINGS;** GOALS; OBSTACLES

16 **(a) Findings.** The General Assembly finds: ***[note: these initial findings***
17 ***are based on Sen Cummings’ suggestions to begin the conversation]***

18 **(1) The “micro” size of some school districts and of some schools in**
19 **Vermont inhibits their ability to provide educational opportunities that are**
20 **necessary for students to** *[do what? are you thinking of something along the*

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1 *lines of:* acquire the skills and knowledge necessary to succeed in a 21st
2 Century, global economy.

3 (2) Vermont’s student population has declined rapidly during the last 20
4 years but the number of school-related personnel has remained fairly constant
5 during the last 10 years.

6 (3) Elementary and secondary education in Vermont lacks a cohesive
7 governance structure and delivery system. As a result, many school districts:

8 (A) are not well-suited to achieve economies of scale; and

9 (B) lack the flexibility to manage, share, and transfer resources,
10 including personnel, with other school districts.

11 (b) Goals. Vermont’s goals for educational spending, opportunities, and
12 outcomes throughout the State include the following:

13 (1) To decrease the rate of growth in education spending to reflect
14 declining student enrollment through a variety of approaches, including:

15 (A) increased flexibility to manage, share, and transfer resources,
16 including personnel, among schools;

17 (B) higher student-to-adult ratios, at both the local and more regional
18 levels; and

19 (C) greater public accountability and transparency.

20 (2) To provide substantial equity in the quality and variety of
21 educational opportunities that are available statewide and that support

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1 students' ability to meet or exceed the State's Education Quality Standards,
2 adopted as rules by the State Board of Education at the direction of the General
3 Assembly, including a range of

4 (A) course offerings;

5 (B) potential teachers and other adult mentors; and

6 (C) co-curricular activities and extended learning opportunities.

7 (3) To improve student outcomes, which: [question: delete (3)?]

8 (A) are measured through multiple forms of assessment; and

9 (B) can be expressed, at least in part and without violating federal or

10 State privacy protections, by data that:

11 (i) can be collected, shared, analyzed, and compared for groups of

12 students at the local, regional, and State levels; and also

13 (ii) facilitates the ability to gauge improvement in each individual

14 student's outcomes from year to year.

15 (4) To promote and facilitate:

16 (A) effective, consistent, and stable leadership;

17 (B) excellent teaching; and

18 (C) active parental and community engagement.

19 (c) Obstacles. Current factors that inhibit achievement of the goals set
20 forth in subsection (a) of this section include:

21 (1) the variety and complexity of governance units throughout the State;

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- 1 (2) the large number of relatively autonomous governance units in a
2 state with approximately 80,000 students;
3 (3) the “micro” size of some governance units and of some schools;
4 (4) the decline in student population statewide during the last 20 years
5 and the comparatively constant number of school-related personnel during the
6 last 10 years; and
7 (5) an increase in the number of students with severe emotional needs
8 and students from families in crisis due to loss of employment, opiate
9 addiction, and other reasons. [question: include (5)?]

10 *[to be moved to EFFECTIVE DATE section]*

11 () Sec. 1 (findings; goals; obstacles) shall take effect on July 1, 2015.

12 * * * Quality Assurance; Data-Driven Partnerships * * *

13 Sec. 2. 16 V.S.A. § 165(g) is added to read:

14 (g) As used in this section, the term “supervisory union” is explicitly
15 intended to include supervisory districts.

16 Sec. 3. 16 V.S.A. § 165(b) and (c) are amended to read:

17 ~~(b) Every two years, the Secretary shall determine whether students in each~~
18 ~~Vermont public school are provided educational opportunities substantially~~
19 ~~equal to those provided in other public schools. If Quality assurance.~~

20 (1) Comprehensive educational data. [AKA: the “dashboard”]

21 (A) Annually, the Secretary shall gather and evaluate data related to:

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1 (i) the **efficient and viable use** of financial, human, and other
2 resources, including:

3 (I) flexibility in the management, sharing, and transfer of
4 resources;

5 (II) staffing ratios at the local, district, and supervisory union
6 levels;

7 (III) per pupil costs; and

8 (IV) public accountability and transparency;

9 (ii) **equity** in the quality and variety of educational opportunities,
10 which meet education quality standards, that are available statewide;

11 (iii) academic **outcomes**; and

12 (iv) **other issues**, including enrollment projections and the
13 physical plant conditions.

14 (B) The Secretary shall publish the data collected **pursuant to**
15 **subdivision (A)**:

16 (i) for each supervisory union in the State; and

17 (ii) in a manner that is consistent with standards for reliability of
18 data and student confidentiality, for each school district and school in the State.

19 **(2) Regional Education Quality Review Teams.**

20 (A) The Secretary shall create Regional Education Quality Review
21 Teams (the Teams). Each Team shall include at least one Agency employee

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1 and, to the extent practicable, a current or former superintendent, principal,
2 teacher, business manager, and school board member. A Team shall not
3 include a member who is currently or was formerly employed by or serving in
4 a school district or a supervisory union located in the region for which the
5 Team is responsible.

6 (B) Based upon the annual evaluation of the data collected in
7 subdivision (1) of this subsection (b), the Secretary shall identify school
8 districts and supervisory unions, and specific schools within them, that are not
9 meeting or are in danger of not meeting the performance expectations
10 identified by this section and of which the Team shall conduct detailed, on-site
11 reviews.

12 (C) At the direction of the Secretary, each Team shall conduct on-site
13 reviews of schools in its assigned region. The Team shall examine dimensions
14 of school performance related to the data collected in subdivision (1) of this
15 subsection (b) and shall report directly to the Secretary. Unless the Secretary
16 determines otherwise, at least one on-site review shall occur at least once every
17 three years within each supervisory union.

18 (D) The Secretary shall develop guidelines for his or her evaluation
19 of the data and identification of the [school districts / supervisory unions] and
20 schools. The Secretary shall also develop guidelines and procedures to assist
21 the work of the Teams.

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1 (3) **Noncompliance; performance goals.** Based upon the data and
2 evaluations required in subdivisions (1) and (2) of this subsection (b), the
3 Secretary shall issue detailed performance goals that a school district or the
4 supervisory union in which the school district is located, or both, must meet if
5 the Secretary determines that:

6 (A) a school is not meeting the education **quality** standards listed in
7 subsubsection (a) of this section ~~or the~~ , including failure to meet or make
8 sufficient progress toward meeting the goals that the school established in its
9 continuous improvement plan developed pursuant to subdivision (a)(1) of this
10 section;

11 (B) the school is making insufficient progress in improving student
12 **performance** in relation to the standards for student performance set forth in
13 subdivision 164(9) of this title, ~~he or she shall describe in writing actions that a~~
14 ~~district must take in order to meet either or both sets of standards and shall~~
15 ~~provide technical assistance to the school; or~~

16 (C) continued operation of the school is not **financially viable**.

17 (4) **Technical assistance.** The Agency and the Team shall provide
18 guidance and technical assistance to the school, the school district, and
19 supervisory union, as applicable, to meet the performance goals identified in
20 subdivision (3) of this subsection (b).

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1 (5) **Continued failure** to meet or progress towards performance goals.

2 If the school fails to meet the ~~standards~~ performance goals identified in
3 subdivision (3) or to make sufficient progress toward meeting them by the end
4 of the next two-year period, then the **Secretary** shall **recommend** to the **State**
5 **Board** one or more of the following actions:

6 ~~(1)~~(A) that the Agency and Team continue to provide technical
7 assistance;

8 ~~(2)~~(B) that the State Board **adjust supervisory union boundaries** or
9 responsibilities of the superintendency pursuant to section 261 of this title;

10 ~~(3)~~(C) that the [Secretary / State Board] **assume administrative control**
11 of the school, the school district, or the supervisory union, including budgetary
12 control to ensure sound financial practices, only to the extent necessary to
13 correct deficiencies; ~~or~~

14 ~~(4)~~(D) that the State Board **close the school** and require that the school
15 district pay tuition to another public school or an approved independent school
16 pursuant to chapter 21 of this title; or

17 (E) that the State Board require two or more school districts to
18 consolidate their governance structures. [**question:** add the preceding (E)?]

19 (c) The State Board, after offering the school board an opportunity for a
20 hearing, shall either dismiss the Secretary's recommendation or order that one
21 or more of the actions listed in ~~subsection (b)~~ subdivision (b)(5) of this section

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1 be taken. The action ordered by the State Board shall be the least intrusive
2 consistent with the need to provide students attending the school substantially
3 equal educational opportunities. A school board aggrieved by an order of the
4 State Board may appeal the order in accordance with the Rules of Civil
5 Procedure.

6 *[to be moved to EFFECTIVE DATE section]*

7 () Secs. 2 through 3 (quality assurance) shall take effect on July 1, 2015.

8 ***** Small Schools Grants *****

9 **Some Options:**

- 10 a. Eliminate
- 11 b. Eliminate except if geographically isolated
- 12 1. Based on what specific criteria?
- 13 2. Who develops criteria?
- 14 3. Who evaluates district under the criteria each year?
- 15 c. Eliminate except if either geographically isolated AND / OR no nearby
- 16 school has capacity
- 17 1.-3. {same questions as in b}
- 18 d. Eliminate as in b or c PLUS meet additional criteria: _____
- 19 e. ALSO receive even if don't meet b/c above, if meet specific criteria: _____

20 ***Effective in What Fiscal Year???***

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1 ***** Declining Enrollment; 3.5 Percent Hold-Harmless Provision *****

2 **Some Options:**

- 3 a. Eliminate
- 4 b. Eliminate the tail but keep at 3.5%
- 5 c. Eliminate the tail but change the percentage from 3.5% to _____ %
- 6 d. Applies only if meet specific criteria: _____

7 *Effective in What Fiscal Year???*

8 ***** Excess Spending Penalty *****

9 **Some Options:**

10 *note* – current law:

- 11 • FY15 and FY16 — 123%
- 12 • FY17 and after — 121%
- 13 a. Lower the percentage to ___%?
- 14 b. Compare not to statewide average education spending but to district's
- 15 own growth as a rolling average over a specific [larger?] number of years
- 16 c. Exempt districts from the penalty if _____

17 *Effective in What Fiscal Year???*

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1 ***** Agencies of Human Services and of Education;**

2 **Coordination; Report *****

3 **Sec. ____.** COORDINATION OF EDUCATIONAL AND SOCIAL

4 **SERVICES; REPORT**

5 (a) The Secretaries of Education and of Human Services, in consultation
6 with school districts, supervisory unions, social service providers, and other
7 interested parties, shall develop a plan for maximizing collaboration and
8 coordination between the Agencies in delivering social services to Vermont
9 public school students and their families. The plan shall:

10 (1) propose ways to improve access to and quality of social services
11 provided to Vermont public school students and their families through
12 systems-level planning and integration;

13 (2) propose sustainable ways to increase efficiencies in delivering social
14 services to Vermont public school students and their families while
15 maintaining access and quality, including ways to promote effective
16 communication between the Agencies at the State and local levels;

17 (3) consider ways in which schools and social service providers can
18 share services, personnel, and other resources, including the use of available
19 space in school buildings by Agency of Human Services personnel;

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1 (4) identify the amounts and sources of spending by the Agency of
2 Human Services and the education system to provide social services to families
3 with school-aged children; and

4 (5) identify any barriers to increased efficiency, statutory or otherwise
5 and including federal and State privacy protections, and propose ways to
6 address these barriers, including any recommendations for legislative action.

7 (b) On or before January 15, 2016, the Secretaries shall present their plan and
8 recommendations to the Senate Committees on Education and on Health and
9 Welfare and the House Committees on Education and on Human Services.

10 *[to be moved to EFFECTIVE DATE section]*

11 () Sec. ____ (Agencies of Education and of Human Services; coordination)
12 shall take effect on passage.

13 *** Authorization; Appropriation; Technical Assistance ***

14 Sec. __. AUTHORIZATION; TECHNICAL ASSISTANCE

15 Version #1 (Ed Fund Money): Prior to any reversions and
16 notwithstanding the provisions of 16 V.S.A. § 4025(d), of the amount
17 appropriated to the Agency of Education in fiscal year 2015 pursuant to 2014
18 Acts and Resolves No. 179, Sec. B.505, the Agency may expend up to
19 \$300,000.00 in fiscal year 2016 for purposes of providing technical assistance
20 to school districts and supervisory unions pursuant to Sec. 3 of this act.

