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NOTE: The Committee has not yet determined how it will describe the new districts or various elements of the process envisioned by this bill. Legislative Counsel selected names such as “*expanded prekindergarten–12 school districts,*” and “*Essential Components*” as placeholders to be used in this draft. ALSO – all dates are preliminary.

Introduced by Committee on Education

Date:

Subject: Education; _____

Statement of purpose of bill as introduced: This bill proposes to require that, as of [July 1, 2019], supervisory unions shall cease to exist and current school districts shall be realigned into expanded prekindergarten – grade 12 school districts (Expanded Districts). The Expanded districts would be governed by a single board, operate on a single budget, and meet elements specifically identified in the bill (the Essential Components). The Essential Components conform generally to the requirements for the formation of Regional Education Districts (REDs) authorized in 2010 Acts and Resolves No. 153, Sec. 3. The process to achieve realignment includes the following:

- (1) The bill creates a working group to analyze and develop options on or before [January 15, 2015] to address legal and fiscal issues, including issues relating to voting and representation on school boards, the [integration] of

1 operating and nonoperating districts, and tax rates. The work of this group
2 shall be used to inform decisions to be made by the State Board of Education
3 and the Design Team, which is also created in the bill.

4 (2) The bill provides opportunity for the voluntary realignment of
5 existing school districts into Expanded Districts. Through plans and a process
6 that conforms generally to those for union school district and RED formation,
7 districts would develop voluntary realignment plans and submit them for final
8 approval by the State Board and the electorate on or before [March 15, 2017].

9 Districts interested in voluntary realignment could submit preliminary
10 applications to the State Board. In consultation with the Design Team, the
11 State Board would review the preliminary applications individually and
12 collectively. Districts that submitted preliminary applications would be
13 eligible to submit final plans of realignment to the State Board. The Board
14 would approve any application that (A) complies with the Essential
15 Components and (B) does not exclude an existing district that would be a
16 *[suitable]* member of the Expanded District and is either geographically
17 isolated from, or would otherwise be an *[unsuitable]* member of, another
18 proposed or potential Expanded District.

19 (3) The bill creates a Design Team to monitor the voluntary realignment
20 of school districts and to design a statewide plan for all remaining districts to
21 be realigned into Expanded Districts. The Design Team would conduct public

1 engagement activities to inform design of the statewide plan. It would then
2 submit the proposed statewide plan for approval by the State Board and
3 Legislative Committee on Administrative Rules through the statutory
4 rulemaking process.

5 An act relating to expanded prekindergarten – grade 12 school districts

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

7 Sec. 1. STATEMENT OF ISSUES AND PURPOSE [*or INTENT*]

8 (a) The General Assembly finds:

9 (1) In *Brigham v. State*, the Vermont Supreme Court stated: "In
10 Vermont the right to education is so integral to our constitutional form of
11 government, and its guarantees of political and civil rights, that any statutory
12 framework that infringes upon the equal enjoyment of that right bears a
13 commensurate heavy burden of justification." 692 A.2d 384, 390 (1997). In
14 reaching the judgment that led to Vermont's current finance system, the Court
15 ruled that "the conclusion becomes inescapable that the [then-current] system
16 [had] fallen short of providing every school-age child in Vermont an equal
17 educational opportunity." Id. at 386.

18 (2) The current education finance system, adopted by the State in
19 response to the *Brigham* decision, has considerably reduced the variability in
20 what our communities spend on education. Nevertheless, across the State, our

1 communities are characterized by sharp inequities in the breadth, depth, and
2 quality of opportunities to learn that they provide. This leaves children in
3 some of our communities ill-equipped to thrive in careers or to take advantage
4 of post-secondary opportunities to which they would otherwise have access.

5 (3) At the same time, technology and globalization and other societal
6 demands are changing what our students need to know and be able to do in
7 order to contribute to building a strong economic and civic future for the
8 State. Notably, our students need to acquire what are generally called
9 "21st century skills," which include the ability to innovate, adapt,
10 handle non-routine problems, reason from evidence, synthesize and analyze
11 complex data, work confidently with technology, collaborate in teams, and
12 communicate effectively through a variety of media. Just as importantly,
13 because many of the low skill jobs that paid a livable wage are being replaced
14 by technology or sent overseas, we have to ensure that all students acquire the
15 capabilities they need to hold or create meaningful work, so that
16 growing inequality doesn't cripple the economic vitality of our State. The
17 remaining low skill jobs will likely be poorly compensated and inadequate to
18 comfortably support a family.

19 (4) These changes place tremendous demands on our schools.
20 Responding to these challenges will require substantial changes in how and
21 what teachers teach, how schools are organized, and what opportunities they

1 provide. In particular, these changes challenge our teachers to rethink the
2 work of teaching to support 21st century skills and challenge our schools to
3 organize in ways that ensure accountability around high expectations for all
4 students, while at the same time enabling sufficient resources and support to
5 allow flexibility and personalization in how we challenge students to meet
6 those high expectations. A growing body of research suggests that systematic
7 improvement of learning requires a systems level approach that provides
8 teachers with the professional support and high quality information they need
9 to customize learning effectively.

10 (5) In many districts across the State, tight financial circumstances at the
11 local level mean the current challenge of boards is to decide which programs to
12 cut, not which opportunities will enable students to meet our ambitious
13 goals. In addition, the isolation of some districts and schools means they do
14 not have access to critical expertise in special education or assessment or
15 instructional improvement that could help local communities make
16 more educationally and cost-effective decisions about how to meet the needs of
17 their students.

18 (6) Because federal mandates and State obligations impose the same
19 responsibilities on every district, regardless of size, we see increasing
20 proportions of our educational leaders' time — particularly in our smallest
21 districts— consumed by administrative tasks. These tasks are often related to

1 issues such as fiscal audits and federal reporting, rather than focused on the
2 critical work of improving learning. These functions could just as easily be
3 accomplished at a higher level, freeing up capacity for building leaders and
4 teachers to focus on more productive work.

5 (7) In some cases, a merger of governance structures may yield savings
6 that local voters can use to invest in other priorities, or in relief for
7 taxpayers. Over the long run, we expect that the elimination of redundancies
8 and sharing of resources to bend the cost curve, reducing the unsustainable
9 but persistent growth in expenditures we have seen in the State.

10 (8) We understand that a change in governance alone will not yield
11 better outcomes for students. We believe, however, that a strong supervisory
12 district structure will make it possible for our schools to collaborate, share
13 resources, and work systematically to provide more opportunities to learn and
14 higher quality instruction for our children. We believe that the
15 current structure, with its substantial inequities, multiple small governing units,
16 and conflicting lines of authority makes it too difficult for our schools to work
17 together coherently to support our ambitious goals for our students.

18 (9) This current effort is not an effort to standardize learning across all
19 schools. We recognize and cherish the value of our strong local voice and
20 local commitment to our children and our communities. We seek instead to
21 define a governance structure that will support strict accountability for learning

1 with respect to our ambitious goals for Vermont learners, as outlined in the
2 Vermont Education Quality Standards and various statutes, as well as provide
3 local flexibility around strategies for sharing and targeting resources that
4 reflect local strengths and innovative approaches for achieving our shared
5 goals.

6 (b) Legislative purposes of this act.

7 (1) This legislation replaces our current governance structure, which
8 relies primarily on singular governing units presiding over very small schools
9 and loosely affiliated through a supervisory union, with a unified union school
10 district model that includes multiple towns in one shared governance structure.

11 (2) This new model will streamline operations and facilitate
12 comparisons of operations across districts, so that board members and district
13 leaders can analyze their operations, make adjustments, and draw on the
14 experience of other districts in order to ensure the most educationally and
15 cost-effective decisions possible.

16 (3) Governance reform will bend the curve on expenditure increases
17 over the long term, because board members and district leaders will have better
18 data on which to base their decisions.

19 (4) The new governance model will enable local educational leaders to
20 focus on improving learning in a customized, locally appropriate way, while
21 spreading administrative functions over larger numbers of units to achieve

1 efficiencies in those functions that can be standardized or which are improved
2 when administered at scale. This will enable principals to become
3 building-based leaders of instruction, and superintendents of these larger
4 districts to become systems-level district leaders and managers.

5 (5) In the Vermont tradition of local control, the new governance model
6 involves strict criteria for outcomes and goals at the district level, but supports
7 flexibility around how schools and districts approach those goals. This would
8 support local innovation, while preserving the capacity to analyze effectiveness
9 and compare performance.

10 (6) This new model will facilitate better support and technical assistance
11 from the State to the districts around special education, in the interest of
12 providing more educationally effective, and ultimately more cost effective,
13 strategies for supporting the learning of students with disabilities.

14 (7) Larger districts, because they include multiple schools and serve a
15 greater number of students, have the potential to expand opportunities for
16 school choice to all public schools and eligible independent schools within the
17 district. The ability to include these options and manage grade configuration
18 could foster an array of possibilities regarding the mission and make-up of
19 schools, including grade-specific schools (e.g., prekindergarten through grade
20 three), magnet schools, and schools that provide for more diverse cultural,
21 socio-economic, and educational diversity.

1 **Additional considerations that you may want to include in (a) Findings:**

2 (1) In many areas of the State, we face a profound leadership
3 challenge. 30% of our principals [turn over] every year, on average. This
4 year, over 25% of our superintendencies will also [turn over]. This leadership
5 instability makes it difficult to sustain continuous improvements in learning or
6 to put in place any kind of coherent, comprehensive strategies for providing
7 teachers with [feedback] and support as they develop their practice to meet the
8 challenges of the 21st century

9 (2) Research supports systematic, continuous approaches to improving
10 learning. It is impossible to build coherence in prekindergarten through
11 grade 12 across multiple governing units. The result is a limitation in the
12 educational experience of many of our students that can be corrected. [Rep
13 Buxton expressed concerns with this subdivision (2)]

14 (3) We see some evidence suggesting variability in the educational and
15 cost effectiveness of special education services across districts. We also hear
16 reports from the field that the current governance structure may make it
17 difficult to achieve regional solutions to certain challenges related to the
18 provision of special education services. These challenges include, among
19 other items: heavy reliance on 1:1 aides and limited access to the full range of
20 increasingly specialized expertise of special educators, especially in small
21 districts.

1 Sec. 2. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL

2 DISTRICTS; CREATION

3 As of [July 1, 2019], pursuant to the processes and criteria set forth in this
4 act:

5 (1) all existing supervisory unions shall cease to exist; and

6 (2) all school districts in the State, except interstate school districts, shall
7 be realigned into expanded prekindergarten–12 school districts (Expanded
8 Districts).

9 Sec. 3. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL

10 DISTRICTS; ESSENTIAL COMPONENTS; PERFORMANCE
11 INDICATORS

12 (a) Essential Components. Each Expanded District created under this act
13 shall:

14 (1) be designed to recognize historic relationships among communities,
15 existing connections between school districts, and potential obstacles caused
16 by geography, and consider the existing transportation infrastructure and [the
17 existing boundaries of human services regions and other State service
18 regions];

19 (2) provide for the education of resident prekindergarten–12 students
20 through educational opportunities that meet the educational quality standards
21 (EQS) adopted by the State Board of Education pursuant to 16 V.S.A. § 165;

1 (3) operate at least one career technical education (CTE) center or enter
2 into an agreement for resident students to attend at least one CTE center not
3 operated by the district, or both;

4 (4) have an average daily membership of at least 1,250 students or result
5 from the **realignment** of at least four existing districts, or both, unless the
6 district obtains a waiver from the State Board under the provisions of Sec. **7** of
7 this act;

8 (5) be governed by no more than one elected school board;

9 (6) adopt one district-wide budget;

10 (7) negotiate district-wide collective bargaining agreements and employ
11 all licensed and nonlicensed personnel as employees of the district;

12 (8) be designed to: **[these are the general ideas rewritten as suggested**
13 **by Rep Rachelson]**

14 (A) **maximize the effective and efficient use of fiscal, human, and**
15 **facility resources to support student achievement and success;**

16 (B) **foster stable leadership by developing and supporting both**
17 **school and district leaders;**

18 (C) **hire, train, support, and retain excellent teachers and staff;**

19 (D) **[promote stability and sustainability for taxpayers];**

20 (E) **categorize and report expenditures in a manner that promotes**
21 **transparency and public accountability; and**

1 (F) [achieve flexibility in the deployment of resources] and promote
2 a shared commitment to a strong, flexible, and coherent system.

3 (9) create school-based community councils designed to build
4 partnerships among families, staff, and the community and strong community
5 involvement. A school council may, for example, serve as a liaison between
6 the school and the elected local representative or representatives to the school
7 board and perform advisory duties requested by the principal or included in the
8 articles of agreement creating the Expanded District. The articles of agreement
9 shall determine membership on the council and the manner in which members
10 are selected. [NOTE: language as written would not prohibit elections but
11 “one elected board” in (5) above would]

12 (b) Performance indicators. On or before [DATE], the Agency of
13 Education [, in consultation with the State Board,] shall develop criteria to
14 measure performance under the Essential Components itemized under
15 subdivision (a)(8) of this section. It shall publish the indicators on its website
16 to provide guidance to school districts pursuing voluntary realignment pursuant
17 to Sec. 5 of this act. The State Board shall use the indicators to measure
18 compliance with those components when reviewing a proposed voluntary plan
19 of realignment and the Design Team’s statewide plan developed pursuant to
20 Sec. 6.

1 Sec. 4. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL

2 DISTRICTS; LEGAL AND FISCAL WORKING GROUP; REPORT

3 (a) There is established a Working Group that shall facilitate and inform
4 the work required under this act by analyzing and developing options to
5 address legal and fiscal issues, including issues relating to:

6 (1) voting and representation on school boards;

7 (2) current districts that operate schools, that operate schools for some
8 grades and pay tuition for the remaining grades, and that operate no schools;

9 (3) the Vermont Supreme Court decision in *Brigham v. State*;

10 (4) assessments, common level of appraisal, grand lists, and tax rates;

11 (5) uniform data and financial accounting and reporting; and

12 (6) _____.

13 (b) The Working Group shall be composed of: _____

14 (c) On or before [January 15, 2015], the Working Group shall submit a
15 written report of its analysis of identified issues, together with potential options
16 to address the issues, to the House Committees on Education and on Ways and
17 Means, the Senate Committees on Education and Finance, the Agency of
18 Education, the State Board of Education, and the Design Team created in
19 Sec. 7 of this act. After that date, the Working Group shall analyze additional
20 issues at the request of one or more of the entities named in this subsection.

21 (d) The Working Group shall cease to exist on [June 30, 2016].

1 Sec. 5. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL

2 DISTRICTS; VOLUNTARY REALIGNMENT

3 (a) Process. Existing school districts may realign into Expanded Districts
4 pursuant to the provisions of 16 V.S.A. chapter 11 governing the formation of
5 unified union school districts, as amended by this act.

6 (b) Plan. Existing school districts may realign into Expanded Districts by
7 appointing a study committee and preparing of a plan of realignment
8 (Realignment Plan) to be approved by the State Board of Education (State
9 Board) and the electorate of the districts. If approved, the Realignment Plan
10 shall become the Expanded District’s articles of agreement. The Realignment
11 Plan shall:

12 (1) incorporate the Essential Components of an Expanded District
13 identified in Sec. 3 of this act as may be clarified by the Working Group [and
14 the Design Team] created in Secs. 4 [and 6 respectively]; and [timing?]

15 (2) provide for the education of the resident prekindergarten–12 students
16 in one of the following ways:

17 (A) by operating one or more public schools that offer elementary
18 and secondary education;

19 (B) by operating one or more public schools that offer elementary
20 education and may offer some secondary education and by entering into an
21 agreement with [one of the four approved independent schools that has

1 historically served as the public school for the community in which it is
2 located] to provide education for the remaining grades [and to provide data
3 and information as required by 16 V.S.A. § 242(4)(A)]; or

4 (C) in some other manner pursuant to a waiver from the State Board
5 granted under the provisions of Sec. 7 of this act, including by paying tuition
6 for all resident students in some or all grades to attend a public school located
7 in another state and operating one or more public schools that provide
8 education for any remaining grades.

9 (c) Technical assistance. The Agency shall provide technical support to
10 assist districts to develop a proposed Realignment Plan.

11 (d) Preliminary application.

12 (1) On or before [DATE], districts that are preparing Realignment Plans
13 may submit a preliminary application to the Secretary in a format developed by
14 the Agency. The Secretary shall review the preliminary applications and
15 submit them with his or her recommendations to the State Board on or before
16 [DATE].

17 (2) The State Board, in consultation with the Design Team created in
18 Sec. 6 of this act, shall review each preliminary application on its own merits
19 and in relation to the other preliminary applications.

20 (3) The State Board shall provide preliminary approval to an application
21 if it preliminarily complies with the Essential Components identified in Sec. 3

1 of this act and it does not exclude an existing district that would be a [suitable]
2 member of the Expanded District and is geographically isolated from, or would
3 otherwise be an [unsuitable] member of another proposed or potential
4 Expanded District.

5 (4) If the Board does not give preliminary approval to an application,
6 then it shall provide guidance regarding the issues to be addressed prior to
7 submission of a final Realignment Plan pursuant to subsection (e) of this
8 section. The Board shall make a decision regarding each preliminary
9 application on or before [DATE].

10 (5) An existing unified union school district that is also a supervisory
11 district, that has an average daily membership of at least 1,250 students, and
12 that does not wish to realign with another district may submit a preliminary
13 application and have it reviewed pursuant to the provisions of this subsection.
14 If approval is granted under this subsection, then the unified union school
15 district shall be considered an Expanded District and shall not be realigned
16 under the statewide plan created pursuant to Sec. 6 of this act.

17 (e) Final application.

18 (1) Districts that have submitted a preliminary application may submit a
19 proposed final Realignment Plan to the Secretary and State Board pursuant to
20 16 V.S.A. § 706c. In addition to the other considerations required by that

1 section, the State Board, in consultation with the Design Team, shall review the
2 proposed Realignment Plan to ensure:

3 (A) compliance with the Essential Components of Expanded Districts
4 identified in Sec. 3 of this act; and

5 (B) that the plan does not exclude an existing district that:

6 (i) would be a [suitable] member of the Expanded District; and

7 (ii) is geographically isolated from, or would otherwise be an
8 [unsuitable] member of another Expanded District.

9 (2) If the State Board determines that the proposed Realignment Plan
10 does not comply with subdivision (1)(A) or (1)(B) of this subsection, then the
11 Board shall not approve it and the districts shall be realigned according to the
12 statewide plan developed by the Design Team and approved by the State Board
13 and Legislative Committee on Administrative Rules pursuant to Sec. 6 of this
14 act.

15 (3) If the State Board determines that the proposed Realignment Plan
16 complies with subdivisions (1)(A) and (1)(B) and that it satisfies all other
17 considerations under 16 V.S.A. § 706c, then the study committee shall proceed
18 to a vote of the electorate pursuant to the provisions of 16 V.S.A. chapter 11.

19 (f) District vote. An Expanded District created under this section shall be
20 approved by the electorate pursuant to the provisions of 16 V.S.A. chapter 11
21 on [at?] or before [the district's annual meeting in 2017]. If an Expanded

1 District is approved, then it shall not be realigned under the statewide plan
2 created pursuant to Sec. 6 of this act. If an Expanded District is not approved,
3 then it shall be subject to realignment under the statewide plan.

4 (g) Tax rates. During the first four years an Expanded District created
5 under this section operates, the tax rate for each town within the District shall
6 not increase or decrease by more than five percent in a single year. The
7 household income percentage shall be calculated accordingly.

8 Sec. 6. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL
9 DISTRICTS; DESIGN TEAM; REPORT

10 (a) Creation. There is created a Design Team to assist with the voluntary
11 realignment of school districts authorized pursuant to Sec. 5 of this act and to
12 design the plan for all remaining districts to be realigned into Expanded
13 Districts by [July 1, 2019] (Statewide Plan). The plan shall be submitted to the
14 State Board for adoption under the rulemaking process.

15 (b) Number and qualifications of members. The Design Team shall be
16 composed of nine members who are [geographically representative, have a
17 broad range of knowledge of and experience in the Vermont education system
18 and in Vermont communities, and represent diverse points of view and
19 interests, such as _____].

20 (c) Appointment. On or before [July 1, 2014], the Speaker of the House,
21 the Committee on Committees, and the Governor shall each choose three

1 members, none of whom shall be members of the House of Representatives or
2 the Senate during the period of appointment. In order to ensure the diversity of
3 knowledge, experience, and opinions required by this section, the Speaker, the
4 Committee on Committees, and the Governor, or their designees, shall work
5 collectively to identify potential candidates for appointment. The Speaker, the
6 Committee on Committees, and the Governor shall jointly appoint one of the
7 nine members to serve as Chair of the Design Team.

8 (d) Powers and duties. The Design Team shall:

9 (1) engage the public in all areas of the State in order to inform the
10 Statewide Plan design process;

11 (2) monitor the progress of voluntary realignment of school districts and
12 provide guidance to the State Board and the Agency [in order to support broad
13 inclusion of districts in the voluntary realignment process].

14 (3) design the Statewide Plan by which the districts that did not
15 voluntarily realign shall be assigned to Expanded Districts
16 on or before [July 1, 2019]; and

17 (4) submit the Statewide Plan on or before [August 1, 2017] to the State
18 Board for adoption as rules pursuant to 3 V.S.A. chapter 25, which shall occur
19 on or before [April 1, 2018].

20 (e) The Statewide Plan.

1 (1) The Statewide Plan shall be guided by the Essential Components as
2 set forth in Sec. 3 of this act, the analysis of the Working Group created in
3 Sec. 4, and the public engagement process required under subsection (d) of this
4 section.

5 (2) Among other things, the Statewide Plan shall:

6 (A) include articles of agreement that will govern the actions of the
7 Expanded Districts that were not created during the voluntary realignment
8 process, including the method of apportioning the representation that each prior
9 school district shall have on the new school board of the Expanded District;

10 (B) establish transition procedures necessary for the creation of the
11 Expanded District, including assumption of debt by the Expanded District, [the
12 allocation of capital and operating expenses?], and provisions regarding the
13 transition of employees to the new employer, including impacts upon
14 membership in the Vermont Municipal Employees' Retirement System and in
15 collective bargaining units.

16 (3) If the Design Team determines it is [in the best interest of the State],
17 the Statewide Plan may include gradual transition to new tax rates as
18 [provided] to voluntarily realigned districts under Sec. 5(g).

19 (f) Assistance. The Design Team shall have the administrative, technical,
20 and legal assistance of the Agency of Education, the Department of Taxes, the
21 Joint Fiscal Office, and the Office of Legislative Council. [hire staff?]

1 (g) Updates. Beginning in [October 2014], the Design Team shall provide
2 quarterly updates to the House Committees on Education and on Ways and
3 Means, the Senate Committees on Education and Finance, the Agency of
4 Education, and the State Board of Education regarding the status of voluntary
5 realignment and the development of the Statewide Plan.

6 (h) Meetings.

7 (1) The Chair of the Design Team shall call the first meeting of the
8 Design Team to occur on or before [August 15, 2014].

9 (2) The Design Team shall conduct its meetings pursuant to 1 V.S.A.
10 chapter 5, subchapter 2.

11 (i) Reimbursement. *[is this how you want to handle it?]* Members of the
12 Design Team who are not employees of the State and who are not otherwise
13 compensated or reimbursed for their participation shall be entitled to *[per diem*
14 *compensation/reimbursement of expenses/both]* pursuant to 32 V.S.A. § 1010.

15 (j) Appropriation. The sum of [\$.00] is appropriated to Agency of
16 Education from the *[FUND]* for use in Fiscal Years 2015 through [YEAR] for
17 *[per diem compensation] [and reimbursement of expenses], the costs of*
18 *conducting public engagement activities, and [add in any other expenses that*
19 *the section authorizes/directs the Design Team to incur – staff?].*

20 *[(1) This should probably be enough money to cover the Team for all*
21 *years of work]*

1 *[(2) Do you want to authorize them to hire staff?]*

2 (k) The Design Team shall cease to exist on [DATE].

3 Sec. 7. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL

4 DISTRICTS; **WAIVERS**

5 The State Board of Education shall develop criteria and a process under
6 which it may grant waivers under Sec. 3(4) (1,250 average daily membership
7 or 4 districts) and Sec. 5(b)(2)(C) (voluntary realignment of districts that do
8 not operate any or all grades) to districts that wish to realign in an alternative
9 manner. The waiver criteria shall be guided by the Essential Components set
10 forth in Sec. 3 of this act and the analysis of the Working Group created in
11 Sec. 4. In addition, the State Board shall grant a waiver only if doing so:

12 (1) would not isolate an existing district that would be a [suitable]
13 member of the alternative district and that is geographically isolated from, or
14 would otherwise be an [unsuitable] member of any other potential Expanded
15 District; and

16 (2) would not inhibit the uniform collection and reporting of student and
17 financial data throughout the State.

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FOR INITIAL DISCUSSION

Sec. 8. **REPEAL; REGIONAL EDUCATION DISTRICTS**

- *Keep all / any?*
- *Grandfather any – as of what event occurring on what date?*

(a) The following are repealed:

(1) 2012 Acts and Resolves No. 156, Sec. 2 (reimbursement of up to \$5,000.00 for fees relating to initial exploration of joint activity by school districts or supervisory unions).

(2) 2012 Acts and Resolves No. 156, Sec. 4 (reimbursement of up to \$10,000.00 for fees relating to joint activity other than a merger by school districts or supervisory unions).

(3) 2012 Acts and Resolves No. 156, Sec. 5 (reimbursement of up to \$20,000.00 in fees relating to analysis of supervisory unions’ potential merger).

(4) 2012 Acts and Resolves No. 156, Sec. 6 (\$150,000.00 facilitation grant for successful merger of supervisory unions).

() [Rutland Windsor / Windsor SW? – No. 156, Sec. 7?]

(5) 2012 Acts and Resolves No. 156, Sec. 9 (reimbursement of up to \$20,000.00 in fees relating to analysis of school districts’ potential merger).

(6) 2012 Acts and Resolves No. 156, Sec. 11 (facilitation grant for successful merger of school districts).

1 **() [joint contract schools? –No. 156, Sec. 12?]**

2 (7) 2010 Acts and Resolves No. 153, Sec. 2, as amended by 2012 Acts
3 and Resolves No. 156, Sec. 1 (regional school district (RED) merger incentive
4 program; creation).

5 (8) 2010 Acts and Resolves No. 153, Sec. 3 (REDs; criteria).

6 (9) 2010 Acts and Resolves No. 153, Sec. 4, , as amended by 2012 Acts
7 and Resolves No. 156, Sec. 13 (REDs; incentives).

8 (10) 2012 Acts and Resolves No. 156, Sec. 15 (exception to RED
9 criteria; two or more simultaneous mergers).

10 (11) 2012 Acts and Resolves No. 156, Sec. 16 (exception to RED
11 criteria; union elementary school districts).

12 (12) 2012 Acts and Resolves No. 156, Sec. 17, as amended by 2013
13 Acts and Resolves No. 56, Sec. 3 (exception to RED criteria; modified unified
14 union school districts).

15 (13) 2010 Acts and Resolves No. 153, Sec. 8 (RED reports to General
16 Assembly through 2018).

17 **NOTE: The following sections are for consideration if you decide to repeal**

18 **the mandatory movement of SpEd / Transportation to the SU level**

19 **Sec. 9.** 16 V.S.A. § 261a is amended to read:

20 § 261a. DUTIES OF SUPERVISORY UNION BOARD

21 **[this section is amended to be essentially as written before Act 153]**

1 (a) Duties. The board of each supervisory union shall:

2 * * *

3 (6) provide, or if agreed upon by unanimous vote of the supervisory
4 union board, coordinate the provision of special education services on behalf
5 of its member districts and, except as provided in section 144b of this title,
6 compensatory and remedial services, and provide or coordinate the provision
7 of other educational services as directed by the State Board or local boards;
8 ~~provided, however, if a supervisory union determines that services would be~~
9 ~~provided more efficiently and effectively in whole or in part at the district~~
10 ~~level, then it may ask the Secretary to grant it a waiver from this provision;~~

11 (7) employ a person or persons qualified to provide financial and student
12 data management services for the supervisory union and the member districts;

13 (8) provide the following services for the benefit of member districts in
14 a manner that promotes the efficient use of financial and human resources,
15 which shall be provided pursuant to joint agreements under section 267 of this
16 title whenever feasible; provided, however, if a supervisory union determines
17 that services would be provided more efficiently and effectively in another
18 manner, then it may ask the Secretary to grant it a waiver from this
19 subdivision:

20 * * *

1 (E) at the option of the supervisory union [board], provide
2 transportation or arrange for the provision of transportation, or both in any
3 districts in which it is offered within the supervisory union;

4 * * *

5 **Sec. 10.** 2010 Acts and Resolves No. 153, Sec. 23(b), as amended by 2011
6 Acts and Resolves No. 30, Sec. 1; 2011 Acts and Resolves No. 58, Sec. 34;
7 and 2012 Acts and Resolves No. 156, Sec. 20, is further amended to read:

8 (b) Secs. 9 through 12 of this act shall take effect on passage and shall be
9 fully implemented on July 1, 2013, subject to the provisions of existing
10 contracts; ~~provided, however, that the special education provisions of Sec. 9,~~
11 ~~16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A.~~
12 ~~§ 261a(a)(8)(E), shall be fully implemented on July 1, 2014.~~ **[DRS: does this**

13 **work?]**

14 **Sec. 11.** 2010 Acts and Resolves No. 153, Sec. 18, as amended by 2011 Acts
15 and Resolves No. 30, Sec. 2; 2011 Acts and Resolves No. 58, Sec. 18; 2013
16 Acts and Resolves No. 56, Sec. 23; and 2014 Acts and Resolves No. 92, Sec.
17 303, is further amended to read:

18 Sec. 18. TRANSITION

19 (a) ~~Each~~ A supervisory union shall provide for any transition of
20 employment of special education and transportation employees by member

1 districts to employment by the supervisory union, ~~pursuant to Sec. 9 of this act,~~
2 ~~16 V.S.A. § 261a(a)(6) and (8)(E)~~, by:

3 * * *

4 (b) For purposes of this section ~~and Sec. 9 of this act~~, “special education
5 employee” shall include a special education teacher, a special education
6 administrator, and a special education paraeducator, which means a teacher,
7 administrator, or paraeducator whose job assignment consists of providing
8 special education services directly related to students’ individualized education
9 programs or to the administration of those services. Provided, however, that
10 “special education employee” shall include a “special education paraeducator”
11 only if the supervisory union board elects to employ some or all special
12 education paraeducators because it determines that doing so will lead to more
13 effective and efficient delivery of special education services to students. If the
14 supervisory union board does not elect to employ all special education
15 paraeducators, it must use objective, nondiscriminatory criteria and identify
16 specific duties to be performed when determining which categories of special
17 education paraeducators to employ.

18 (c) Education-related parties to negotiations under either Title 16 or 21
19 shall incorporate in their current or next negotiations matters addressing the
20 terms and conditions of special education employees.

