

1 H.883

2 **PROPOSAL**

3 : *[NOTE: all yellow dates = 2 years later than House Ed dates]*

4

5 \* \* \* Intent; Right to Equal Educational Opportunity \* \* \*

6 Sec. 1. INTENT

7 In order to increase equity in the quality and variety of educational  
8 opportunities for all Vermont students, it is the intent of the State of Vermont  
9 to transition to an education governance system of prekindergarten–grade 12  
10 school districts that are responsible for the education of all resident students.

11 \* \* \* Analysis \* \* \*

12 Sec. 2. REGIONAL EDUCATION DISTRICTS; ANALYSIS; REPORT

13 (a) The State Board of Education, in consultation with the Agency of  
14 Education, the Vermont School Boards Association, and school districts, shall  
15 identify at least three groups of school districts (Test Sites) in different regions  
16 of the State for an analysis of potential regional education district (RED)  
17 formation pursuant to 2010 Acts and Resolves No. 153, as amended by 2012  
18 Acts and Resolves No. 156. Both the school districts consulted and those  
19 analyzed shall be diversely representative of geography, size, socioeconomics,  
20 and other factors, including extreme complexity.

1        (b) The State Board shall comprehensively analyze the educational and  
2        financial benefits and detriments of consolidation in each of the three Test  
3        Sites, including a review of curriculum, course offerings, special programs,  
4        budgets, class sizes and student-to-adult ratios, collective bargaining  
5        agreements, district educational policies, relationships between schools and the  
6        community, and other important factors identified during the process. When  
7        analyzing financial costs, and for the purposes of modeling only, the State  
8        Board shall assume that employees within a RED bargaining unit shall receive  
9        compensation pursuant to the highest-paying fiscal year 2015 compensation  
10       schedule of the original districts. The State Board shall develop a possible  
11       administrative structure and budget for the RED, as well as an estimate of a  
12       unified education property tax rate for each of the Test Sites using data from  
13       fiscal year 2015 district budgets. The State Board shall also explore alternative  
14       governance structures for the REDs and shall consider constitutionally sound  
15       alternatives, such as weighted and nonweighted voting board members.

16       (c) When it has finished its analysis, but before it has issued a final report,  
17       the State Board shall meet with the communities analyzed under this section to  
18       present and discuss the results of its work.

19       (d) The State Board shall provide an interim report regarding the work  
20       required by this section to the House and Senate Committees on Education, the

1 House Committee on Ways and Means, and the Senate Committee on Finance  
2 on or before January 15, 2015.

3 (e) The State Board shall provide a final report of its analysis to the  
4 committees identified in subsection (d) of this section on or before November  
5 15, 2015. The final report shall serve to inform future legislation related to the  
6 consolidation of existing school districts into larger prekindergarten–grade 12  
7 REDs.

8 \* \* \* Prekindergarten–Grade 12 Education Districts \* \* \*

9 Sec. 3. 16 V.S.A. chapter 135 is added to read:

10 CHAPTER 135. PREKINDERGARTEN–GRADE 12 EDUCATION  
11 DISTRICTS; REALIGNMENT PROCESS

12 § 4051. PURPOSE

13 This chapter is enacted to encourage and support:

14 (1) increased equity in the quality and variety of educational  
15 opportunities available to students throughout the State in order to enable all  
16 Vermont students to acquire 21st Century skills and to decrease the  
17 achievement gap between students from different socioeconomic backgrounds;

18 (2) operational efficiencies, more equitable deployment of resources,  
19 and sharing of best practices; and

1           (3) stronger relationships between schools and the community by  
2           fostering stable school leadership and opportunities for community  
3           engagement.

4           § 4052. REALIGNMENT

5           As of July 1, 2022, pursuant to the processes and criteria set forth in  
6           this chapter, school districts in the State, except interstate school districts,  
7           and supervisory unions shall be realigned into an estimated 45–55  
8           prekindergarten–grade 12 education districts that are responsible for the  
9           education of all resident students in prekindergarten–grade 12 and that shall  
10          assume the responsibilities currently assigned to supervisory unions.

11          § 4053. DEFINITIONS

12          As used in this chapter:

13           (1) “Design Team” means the independent nine-member entity created  
14           by this chapter to conduct statewide public engagement meetings and develop  
15           a preliminary and final proposed Statewide Realignment Plan.

16           (2) “Education District” means a new district that shall be created from  
17           the realignment of existing school districts pursuant to this chapter that shall be  
18           responsible for the education of all resident students in prekindergarten–grade  
19           12 through educational opportunities that meet the educational quality  
20           standards adopted by the State Board of Education pursuant to section 165 of  
21           this title.

1           (3) “Statewide Realignment Plan” or “the Plan” means the plan  
2           developed and adopted pursuant to this chapter by which existing school  
3           districts that have not voluntarily realigned into Education Districts shall be  
4           realigned.

5           § 4054. DESIGN TEAM; CREATION

6           (a) There is created a Design Team to be composed of nine members who  
7           are geographically representative, have a broad range of knowledge of and  
8           experience in the Vermont education system and in Vermont communities, and  
9           represent diverse points of view, opinions, and interests.

10          (b) The nine members shall be appointed as follows:

11           (1) On or before June 1, 2016, the Speaker of the House, the Committee  
12           on Committees, and the Governor shall each choose three members. No  
13           member of the Design Team shall be a member of the House of  
14           Representatives or the Senate during the period of appointment.

15           (2) In order to ensure the diversity of knowledge, experience, and  
16           opinions required by this section, the Speaker, the Committee on Committees,  
17           and the Governor, or their designees, shall work collectively to identify  
18           potential candidates for appointment.

19           (3) The Speaker, the Committee on Committees, and the Governor shall  
20           jointly appoint one of the nine members to serve as Chair of the Design Team.

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

3        (d) The Design Team shall have the authority to delegate to one or more of  
4        its members any responsibility or power granted to it in this chapter, provided,  
5        however, that no fewer than five of the Design Team members shall be present  
6        at the required public engagement meetings.

7        (e) The Design Team shall have the administrative, technical, and legal  
8        assistance of the Agency of Education and the Department of Taxes and may  
9        request data and other appropriate assistance from other public bodies, such as  
10       the Joint Fiscal Office, and private entities.

11       (f) Members of the Design Team who are not employees of the State and  
12       who are not otherwise compensated or reimbursed for their participation shall  
13       be entitled to per diem compensation and reimbursement of expenses pursuant  
14       to 32 V.S.A. § 1010.

15       (g) The Design Team shall cease to exist on July 1, 2020.

16       § 4055. VOLUNTARY REALIGNMENT

17       (a) Under the regional education district (RED) process set forth in 2010  
18       Acts and Resolves No. 153, Secs. 2–4, as amended by 2012 Acts and Resolves  
19       No. 156, Secs. 1 and 13–17, and further amended by 2013 Acts and Resolves  
20       No. 56, Sec. 3, existing school districts may realign into districts that meet  
21       specific criteria.

1        (b) Realignment into a RED follows the process set forth in 16 V.S.A.  
2        chapter 11 governing the formation of union school districts, under which  
3        existing school districts appoint a study committee and prepare a plan of  
4        realignment (the Report). Through creation of the Report, the districts  
5        exploring realignment:

6                (1) decide issues specified in section 706b of this title, including  
7                ownership of buildings, representation on the RED board, and whether votes  
8                on the budget and other issues will be by Australian ballot;

9                (2) decide issues of particular interest to the local communities, such as  
10               the conditions under which the RED would be permitted to close an existing  
11               school building; and

12               (3) provide for the election of an initial RED board prior to the first day  
13               of the RED's existence in order to transition to the new structure by  
14               negotiating and entering into contracts, preparing an initial proposed budget,  
15               hiring a superintendent, adopting policies, and otherwise planning for the  
16               RED's implementation.

17               (c) In addition, the Report shall address how the proposed district shall  
18               meet the requirements of an Education District that are itemized in  
19               subdivision 4056(b)(10) of this chapter.

20               (d) If the Report is approved by both the State Board and the electorate of  
21               the districts, it shall become the RED's articles of agreement.

1        (e) If the electorate of two or more districts approves a Report pursuant to  
2        the RED process on or before July 1, 2019, then the Statewide Realignment  
3        Plan shall not realign the RED and the RED shall be an Education District  
4        under the Plan; provided, however, pursuant to criteria identified by the Design  
5        Team, realignment is permissible if necessary to accommodate another  
6        existing district that:

7                (1) would become geographically isolated or would otherwise be an  
8                inappropriate member of any other potential Education District; and

9                (2) is an appropriate member of the RED.

10        § 4056. STATEWIDE REALIGNMENT PLAN; ELEMENTS

11        (a) Guidelines. The Statewide Realignment Plan shall be informed by the  
12        public meetings and other public engagement processes required by sections  
13        4058 and 4059 of this chapter and shall be designed to recognize:

14                (1) each community's unique character;

15                (2) the tradition of community participation in the adoption of school  
16        budgets;

17                (3) historic relationships among communities;

18                (4) existing connections between school districts;

19                (5) ongoing discussions between school districts engaged in the RED  
20        process;

21                (6) potential obstacles caused by geography; and



1           (7) to the extent possible, the effect that national Forest Service funds  
2           paid pursuant to section 557 of this title and other unique revenue sources have  
3           on public education and education property tax rates.

4           (b) Requirements. Subject to the provisions of sections 4055 and 4057 of  
5           this chapter, an Education District shall:

6           (1) be responsible for the education of all resident  
7           prekindergarten–grade 12 students through educational opportunities that meet  
8           the educational quality standards adopted by the State Board of Education  
9           pursuant to section 165 of this title;

10           (2) have an average daily membership of at least 1,000 students or result  
11           from the realignment of at least four existing districts, or both, as may be  
12           adjusted by the flexibility authority in subsection 4057(c) of this title;

13           (3) be governed by no more than one elected board;

14           (4) adopt one districtwide budget;

15           (5) have a common, districtwide education property tax rate;

16           (6) negotiate districtwide collective bargaining agreements and employ  
17           all licensed and nonlicensed personnel as employees of the new district;

18           (7) be the local education agency as that term is defined in 20 U.S.C.  
19           § 7801(26);

20           (8) account for and report financial information in accordance with  
21           Generally Accepted Accounting Principles and in a manner that promotes

1 transparency and public accountability and supports a statewide integrated data  
2 collection system;

3 (9) operate one or more career technical education (CTE) centers or  
4 enter into an agreement for resident students to attend one or more CTE centers  
5 not operated by the district, or both; and

6 (10) be designed to:

7 (A) maximize the effective, flexible, and efficient use of fiscal,  
8 human, and facility resources to support student achievement and success;

9 (B) foster stable leadership by developing and supporting both school  
10 and district leaders;

11 (C) hire, train, support, and retain excellent administrators, teachers,  
12 and staff;

13 (D) promote budgetary stability leading to less volatility for  
14 taxpayers;

15 (E) account for and report financial information in accordance with  
16 Generally Accepted Accounting Principles and in a manner that promotes  
17 transparency and public accountability and supports a statewide integrated data  
18 collection system; and

19 (F) promote a shared commitment to a strong, flexible, and coherent  
20 system.

1        (c) Initial articles of agreement and other transitional issues. Among other  
2 things, the Statewide Plan:

3            (1) shall include one or more models of initial articles of agreement  
4 addressing issues required by section 706b of this title that will govern the  
5 actions of the Education Districts that were not created during the voluntary  
6 realignment process until such time as each Education District adopts its own  
7 amended articles, including the method of apportioning the representation on  
8 the Education District's board, whether votes on the budget and other issues  
9 will be by Australian ballot, and the conditions under which the Education  
10 District would be authorized to close a school building;

11            (2) shall establish transition procedures and guidance necessary for the  
12 creation of each Education District, including provisions for:

13            (A) the election of an initial education board prior to the first day of  
14 the Education District's existence in order to transition to the new structure by  
15 negotiating and entering into contracts, preparing an initial proposed budget,  
16 hiring a superintendent, adopting policies, and otherwise planning for the  
17 District's implementation;

18            (B) assumption of debt;

19            (C) ownership and management of property;

20            (D) the transition of employees to the new employer, including  
21 membership in collective bargaining units; and

1           (E) creation, at the Education District’s option, of school-based  
2           community councils designed to build partnerships among families, staff, and  
3           the community and strong community involvement; and

4           (3) shall ensure that no school employee subject to employment  
5           transition under the Plan will experience a detrimental change in status within  
6           the Vermont Municipal Employees’ Retirement System.

7           (d) Tax rates. During each of the first three years after realignment into an  
8           Education District created by the Plan:

9           (1) the equalized homestead property tax rate for each town within an  
10          Education District shall not increase or decrease by more than five percent in a  
11          single year; and

12          (2) the household income percentage shall not increase or decrease by  
13          more than five percent in a single year.

14          § 4057. STATEWIDE REALIGNMENT PLAN; PROTECTION FOR

15          TUITIONING DISTRICTS AND OPERATING DISTRICTS;

16          FLEXIBILITY; STATEMENT OF INTENT

17          (a) Tuitioning districts. The Statewide Realignment Plan shall preserve the  
18          ability of a district that, as of the effective date of this act, provides for the  
19          education of all resident students in one or more grades by paying tuition on  
20          the students’ behalf, to continue to provide education by paying tuition on  
21          behalf of all students in the grade or grades and shall not require the district to

1 limit the options available to students when it ceases to exist as a discrete  
2 entity and becomes realigned into an Education District.

3 (b) Operating districts. The Plan shall preserve the ability of a district that,  
4 as of the effective date of this act, provides for the education of all resident  
5 students in one or more grades by operating a school offering the grade or  
6 grades, to continue to provide education by operating a school for all students  
7 in the grade or grades and shall not require the district to pay tuition for  
8 students when it ceases to exist as a discrete entity and becomes realigned into  
9 an Education District.

10 (c) Flexibility.

11 (1) If the requirements in subsections (a) and (b) of this section preclude  
12 creation of an Education District that has an average daily membership of at  
13 least 1,000 students, then the Plan may create an alternative governance  
14 structure providing common services to two prekindergarten–grade 12  
15 districts: one existing or newly realigned district that operates one or more  
16 public schools offering elementary and secondary education and one existing  
17 or newly realigned district that pays tuition for some or all grades.

18 (2) If other factors preclude creation of an Education District that has an  
19 average daily membership of at least 1,000 students, then the Plan may create  
20 an Education District that does not meet that criterion provided that the District

1 otherwise meets the criteria of an Education District and furthers the purposes  
2 of this chapter.

3 (d) Statement of intent. Nothing in this chapter shall be construed to  
4 restrict or repeal, or to authorize the restriction or repeal of, the ability of a  
5 school district that, as of the effective date of this act, provides for the  
6 education of all resident students in one or more grades:

7 (1) by paying tuition on the students' behalf, to continue to provide  
8 education by paying tuition on behalf of all students in the grade or grades; or

9 (2) by operating a school offering the grade or grades, to continue to  
10 provide education by operating a school for all students in the grade or grades.

11 § 4058. PRELIMINARY STATEWIDE REALIGNMENT PLAN

12 (a) On or before April 1, 2019, the Design Team shall:

13 (1) within the boundaries of each supervisory union, consult with  
14 members of school boards, parents, students, school administrators, teachers  
15 and other school staff, public and private entities that regularly collaborate  
16 with schools, and other local education and community leaders;

17 (2) conduct no fewer than ten facilitated public engagement meetings  
18 throughout the State, which:

19 (A) include an overview by the facilitator of the objectives and  
20 fundamental features of a 21st Century learning model;

1           (B) solicit public comments that identify individual and community  
2           visions, values, and goals relating to Vermont’s education system; and

3           (C) provide Vermonters the opportunity to comment on and inform  
4           development of the prekindergarten–grade 12 realignment process;

5           (3) conduct independent research and seek data, advice, and assistance  
6           from any individual and any public or private entity to inform development of  
7           the Plan;

8           (4) develop the preliminary Plan that reflects public comments and  
9           pertinent educational research and related models, which shall include:

10           (A) a description of the State’s vision for the characteristics and  
11           delivery of prekindergarten–grade 12 education in Vermont;

12           (B) a schedule and process by which transition to the new districts  
13           shall be fully implemented on or before July 1, 2022;

14           (C) a process, distinct from the additional public engagement  
15           meetings required in subsection 4059(a) of this chapter, by which a district can  
16           request a change in its proposed placement within an Education District or  
17           otherwise voice unique concerns prior to adoption of the final Plan;

18           (5) make the preliminary Plan available to the public; and

19           (6) submit the preliminary Plan to the State Board and the General  
20           Assembly for review.

1        (b) Within 28 days of receipt, the Joint Fiscal Office shall review the  
2        preliminary Plan and prepare a fiscal note to assist the General Assembly and  
3        the public to conduct informed deliberations on the preliminary Plan. The  
4        fiscal note shall contain an estimate of the effect of the Plan upon the  
5        expenditures or revenues of the State and school districts for fiscal year 2023  
6        and for the next five succeeding years

7        § 4059. FINAL STATEWIDE REALIGNMENT PLAN

8        (a) Between April 1, 2019 and November 1, 2019, the Design Team shall:

9                (1) conduct no fewer than ten public engagement meetings throughout  
10              the State and consult with local educational and community leaders to obtain  
11              opinions and comments on the preliminary Statewide Realignment Plan;

12              (2) conduct any additional independent research and seek any additional  
13              data, advice, and assistance the Design Team determines to be necessary to  
14              inform development of the final Statewide Realignment Plan;

15              (3) conduct the process by which a district can request a change in its  
16              proposed placement;

17              (4) consult with the State Board of Education; and

18              (5) develop a final Statewide Realignment Plan, which shall include a  
19              description of the State's vision for education and a detailed process and time  
20              line by which transition to the new districts will be fully implemented on or  
21              before July 1, 2022.



1           (b) On or before November 1, 2019, the Design Team shall submit the final  
2 Plan to the State Board, which shall post it on its website.

3           (c) On or before January 1, 2020:

4                 (1) the State Board shall submit the final Plan with the Board's  
5 recommendations to the General Assembly: and

6                 (2) the Joint Fiscal Office shall review the final Plan and prepare a fiscal  
7 note to assist the General Assembly and the public to conduct informed  
8 deliberations on the final Plan. The fiscal note shall contain an estimate of the  
9 effect of the Plan upon the expenditures or revenues of the State and school  
10 districts for fiscal year 2023 and for the next five succeeding years.

11           (d) The final Statewide Realignment Plan presented to the General  
12 Assembly shall take effect on July 1, 2020 when the General Assembly enacts  
13 it, or an amended plan, into law.

14           § 4060. ACCOUNTABILITY

15                 On or before July 1, 2018:

16                 (1) the Agency of Education shall have fully implemented statewide,  
17 integrated systems to maintain financial reporting and accounting data and  
18 longitudinal student data that are designed to measure and to compare on a  
19 district-to-district basis:

20                         (A) the quality and variety of educational opportunities available to  
21 students throughout the State;

1           (B) student outcomes; and

2           (C) financial costs; and

3           (2) each supervisory union and school district shall have the  
4           technological ability to provide all requested data to both data systems and  
5           access all data to which they are entitled under State and federal privacy laws,  
6           and shall follow protocols to be developed by the Agency by which they  
7           transition the data systems, if necessary, to the Education Districts.

8           § 4061. TRANSITIONAL PROVISIONS

9           (a) As used in this section, “realigning districts” means the school districts  
10           and the supervisory union, supervisory unions, or portions of supervisory  
11           unions that compose an Education District created under the RED process  
12           pursuant to section 4055 of this chapter or under the Statewide Realignment  
13           Plan.

14           (b) Prior to the first day of the Education District’s existence, upon the  
15           election of the initial transitional board, the board shall:

16           (1) appoint a negotiations council for the purpose of negotiating with  
17           future employees’ representatives; and

18           (2) recognize the representatives of the employees of the realigning  
19           districts as the recognized representatives of the employees of the Education  
20           District.

1       (c) Negotiations shall commence within 90 days after formation of the  
2       initial transitional board and shall be conducted pursuant to the provisions of  
3       16 V.S.A. chapter 57 for teachers and administrators and pursuant to 21 V.S.A.  
4       chapter 22 for other employees.

5       (d) An employee of a realigning district who was not a probationary  
6       employee shall not be considered a probationary employee of the Education  
7       District.

8       (e) If a new agreement is not ratified by both parties prior to July 1, 2022,  
9       or the first day of the Education District's existence if earlier than July 1, 2022:

10       (1) the parties shall comply with the existing agreements in place in  
11       each of the realigning districts until a new agreement is reached;

12       (2) the parties shall adhere to the provisions of an agreement among the  
13       employees, as represented by their respective recognized representatives,  
14       regarding how provisions under the existing contracts regarding issues of  
15       seniority, reduction in force, layoff, and recall will be reconciled during the  
16       period prior to ratification of a new agreement; and

17       (3) a new employee beginning employment after July 1, 2022, or the  
18       first day of the Education District's existence if earlier than July 1, 2022, shall  
19       be covered by the agreement in effect that applies to the largest bargaining unit  
20       among the realigning districts in that Education District.

1        (f) On the first day of its existence, the Education District shall assume the  
2        obligations of existing individual employment contracts between the realigning  
3        districts and their employees.

4        § 4062. INNOVATION

5        During and after the creation of Education Districts under this chapter,  
6        districts are encouraged to explore innovative ways to expand learning  
7        opportunities for students and to seek waivers of State Board rules or other  
8        legal requirements that inhibit implementation. Innovations may address any  
9        area of education policy, including instructional practices and principles; the  
10       use of technology and data systems to improve instruction and expand learning  
11       opportunities; services provided to discrete populations of students, including  
12       gifted and talented students, students with limited English proficiency, students  
13       not demonstrating adequate academic growth, and students at risk of academic  
14       failure or expulsion; early education and school readiness; and preparation and  
15       counseling of students for postsecondary education, training, and employment.

16       § 4063. GUIDELINES AND FLEXIBLE; ALTERNATIVE MODELS;

17                ACCOUNTABILITY

18        (a) Guidelines; models. The Agency of Education, in consultation with the  
19        Design Team, shall revise and add to the existing template developed in  
20        connection with the RED process to provide meaningful guidance and flexible,  
21        alternative models to districts pursuing voluntary realignment under this

1 chapter and districts created under the Statewide Realignment Plan on issues  
2 including voting and representation on Education District boards; tax rates; the  
3 funding and payment structure for career technical education (CTE) centers by  
4 new districts created under this chapter that do not operate a center and the  
5 governance structure of CTE districts; municipal ownership of school-related  
6 property; procedures for voting on a districtwide budget; and unique matters  
7 relating to existing incorporated school districts. The Agency and Design  
8 Team shall update these materials as necessary until full implementation of the  
9 Education Districts.

10 (b) Performance indicators; accountability.

11 (1) The Agency, in consultation with the State Board of Education,  
12 shall develop criteria by which to measure requirements itemized in  
13 subdivision 4056(b)(10) of this chapter in order to:

14 (A) provide guidance:

15 (i) to school districts pursuing voluntary realignment pursuant to  
16 section 4055 of this chapter;

17 (ii) to the State Board when reviewing reports under the voluntary  
18 realignment phase and the preliminary and final Statewide Realignment  
19 Plans; and

20 (iii) in the development of the Statewide Realignment Plan; and

1           (B) measure performance and ensure accountability after districts  
2           transition to an Education District.

3           (2) On or before January 1, 2017, the Agency shall complete the work  
4           required under subdivision (1) of this subsection and present a detailed  
5           explanation of the performance indicators to the House Committees on  
6           Education and on Ways and Means and the Senate Committees on Education  
7           and on Finance for review and potential adoption of legislation that would  
8           provide guidance during the realignment process and clarification of State  
9           policy.

10           \* \* \* Joint Action and Regional Education Districts; Incentives \* \* \*

11           Sec. 4. REIMBURSEMENT OF FEES AND INCENTIVE GRANTS

12           Nothing in this act shall be construed to restrict or repeal the following:

13           (1) 2012 Acts and Resolves No. 156, Sec. 2 (reimbursement of up to  
14           \$5,000.00 for fees relating to initial exploration of joint activity by school  
15           districts or supervisory unions).

16           (2) 2012 Acts and Resolves No. 156, Sec. 4 (reimbursement of up to  
17           \$10,000.00 for fees relating to joint activity other than a merger by school  
18           districts or supervisory unions).

19           (3) 2012 Acts and Resolves No. 156, Sec. 5 (reimbursement of up to  
20           \$20,000.00 in fees relating to analysis of supervisory unions' potential  
21           merger).

1           (4) 2012 Acts and Resolves No. 156, Sec. 6 (\$150,000.00 facilitation  
2 grant for successful merger of supervisory unions).

3           (5) 2012 Acts and Resolves No. 156, Sec. 11 (facilitation grant for  
4 successful merger of school districts other than a RED).

5           (6) 2012 Acts and Resolves No. 156, Sec. 9 (reimbursement of up to  
6 \$20,000.00 in fees relating to merger of school districts).

7           Sec. 5. 2010 Acts and Resolves No. 153, Sec. 2(a), as amended by 2012 Acts  
8 and Resolves No. 156, Sec. 1, is further amended to read:

9           (a) Program created. There is created a school district merger incentive  
10 program under which the incentives outlined in Sec. 4 of this act shall be  
11 available to each new unified union school district created pursuant to Sec. 3 of  
12 this act and to each new district created under Sec. 3 of this act by the merger  
13 of districts that provide education by paying tuition; and to the Vermont  
14 members of any new interstate school district if the Vermont members jointly  
15 satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district  
16 meets all other requirements of Sec. 3 of this act. Incentives shall be available,  
17 however, only if the ~~effective date of merger is~~ electorate approves the merger  
18 on or before July 1, ~~2017~~ 2019.

19           Sec. 6. 2010 Acts and Resolves No. 153, Sec. 4, as amended by 2012 Acts and  
20 Resolves No. 156, Sec. 13, is further amended to read:

21           Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES

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\* \* \*

(h) This section is repealed on July 1, ~~2017~~ 2026.

\* \* \* Supervisory Unions; Special Education; Transportation \* \* \*

Sec. 7. 16 V.S.A. § 261a is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

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

\* \* \*

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

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

(8) provide the following services for the benefit of member districts in a manner that promotes the efficient use of financial and human resources, which shall be provided pursuant to joint agreements under section 267 of this title whenever feasible; provided, however, if a supervisory union determines



1 that services would be provided more efficiently and effectively in another  
2 manner, then it may ask the Secretary to grant it a waiver from this  
3 subdivision:

4 \* \* \*

5 (E) ~~provide transportation or arrange for the provision of~~  
6 ~~transportation, or both in any districts in which it is offered within the~~  
7 ~~supervisory union; [Repealed.]~~

8 \* \* \*

9 (11) on or before June 30 of each year, adopt a budget for the ensuing  
10 school year; ~~and~~

11 (12) adopt supervisory union-wide truancy policies consistent with the  
12 model protocols developed by the commissioner; ~~and~~

13 ~~(13)–(17) [Repealed.]~~ (13) at the option of the supervisory union board,  
14 provide transportation or arrange for the provision of transportation, or both, in  
15 any districts in which it is offered within the supervisory union.

16 ~~(14)–(17) [Repealed.]~~

17 Sec. 8. 2010 Acts and Resolves No. 153, Sec. 23(b), as amended by 2011 Acts  
18 and Resolves No. 30, Sec. 1; 2011 Acts and Resolves No. 58, Sec. 34; and  
19 2012 Acts and Resolves No. 156, Sec. 20, is further amended to read:

20 (b) Secs. 9 through 12 of this act shall take effect on passage and shall be  
21 fully implemented on July 1, 2013, subject to the provisions of existing

1 contracts; ~~provided, however, that the special education provisions of Sec. 9,~~  
2 ~~16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A.~~  
3 ~~§ 261a(a)(8)(E), shall be fully implemented on July 1, 2014.~~

4 Sec. 9. 2010 Acts and Resolves No. 153, Sec. 18, as amended by 2011 Acts  
5 and Resolves No. 30, Sec. 2; 2011 Acts and Resolves No. 58, Sec. 18; 2013  
6 Acts and Resolves No. 56, Sec. 23; and 2014 Acts and Resolves No. 92,  
7 Sec. 303, is further amended to read:

8 Sec. 18. TRANSITION

9 (a) ~~Each~~ A supervisory union shall provide for any transition of  
10 employment of special education and transportation employees by member  
11 districts to employment by the supervisory union, ~~pursuant to Sec. 9 of this act,~~  
12 ~~16 V.S.A. § 261a(a)(6) and (8)(E),~~ by:

13 \* \* \*

14 (b) ~~For purposes of this section and Sec. 9 of this act~~ As used in this  
15 section, “special education employee” shall include a special education  
16 teacher, a special education administrator, and a special education  
17 paraeducator, which means a teacher, administrator, or paraeducator whose job  
18 assignment consists of providing special education services directly related to  
19 students’ individualized education programs or to the administration of those  
20 services. Provided, however, that “special education employee” shall include a  
21 “special education paraeducator” only if the supervisory union board elects to

1 employ some or all special education paraeducators because it determines that  
2 doing so will lead to more effective and efficient delivery of special education  
3 services to students. If the supervisory union board does not elect to employ  
4 all special education paraeducators, it must use objective, nondiscriminatory  
5 criteria and identify specific duties to be performed when determining which  
6 categories of special education paraeducators to employ.

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

10 (d) ~~If a supervisory union has not entered into a collective bargaining~~  
11 ~~agreement with the representative of its prospective special education~~  
12 ~~employees by August 15, 2015, it shall provide the Secretary of Education~~  
13 ~~with a report identifying the reasons for not meeting the deadline and an~~  
14 ~~estimated date by which it expects to ratify the agreement. [Repealed.]~~

15 Sec. 10. 24 V.S.A. § 5053a(a) is amended to read:

16 (a) ~~For purposes of~~ As used in this section, the term “transferred employee”  
17 means an employee under this chapter who transitioned from employment  
18 solely by a school district to employment, wholly or in part, by a supervisory  
19 union pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) ~~as amended on June 3,~~  
20 ~~2010.~~

1                                   \* \* \* Ownership of School Buildings \* \* \*

2           Sec. 11. OWNERSHIP OF SCHOOL BUILDINGS; TRANSFER OF TITLE

3                   Notwithstanding any other provision of law to the contrary, in each of the  
4                   following situations, title to real property owned by a school district shall  
5                   transfer to the municipality that is not a school district in which the property is  
6                   located unless the electorate of the municipality votes not to accept ownership:

7                   (1) if existing school districts choose to discontinue use of the property  
8                   as a school building as part of realignment into an Education District;

9                   (2) if an Education District chooses to discontinue use of the property as  
10                  a school building at any time after realignment occurs; or

11                  (3) if, at the time of realignment, the property is owned by a school  
12                  district that does not operate a school.

13                                   \* \* \* Special Fund; Appropriations; Positions \* \* \*

14           Sec. 12. PREKINDERGARTEN–GRADE 12 DISTRICT SPECIAL FUND

15                  (a) There is created a special fund pursuant to 32 V.S.A. chapter 7,  
16                  subchapter 5, comprising sums deposited into this account and interest  
17                  accruing to the Fund. Any remaining balance at the end of the fiscal year shall  
18                  be carried forward in the Fund.

19                  (b) Monies in the Fund shall be available to the Agency of Education to be  
20                  used to support the purposes of this act as follows:

1           (1) to support the work of the Agency to provide technical assistance to  
2           districts during the voluntary realignment process;

3           (2) to support the work of the State Board of Education during the  
4           voluntary realignment process and to review and prepare recommendations  
5           regarding the Statewide Realignment Plan;

6           (3) to support the work of the Design Team created in Sec. 1, 16 V.S.A.  
7           § 4054, of this act to monitor the voluntary realignment process, to conduct  
8           public hearings and other public engagement activities, and to develop the  
9           preliminary and final Plans;

10           (4) to contract for technical assistance from recognized experts on  
11           behalf of the Design Team, including for the services of a skilled facilitator  
12           with deep experience in public policy at the community and State levels for the  
13           ten or more public hearings preceding development of the preliminary  
14           Plan; and

15           (5) to reimburse up to \$20,000.00 in fees incurred by groups of districts  
16           during the voluntary realignment process pursuant to 2012 Acts and Resolves  
17           No. 156, Sec. 9.

18           (c) The fund shall be known as the Prekindergarten–Grade 12 District  
19           Special Fund.

20           (d) This section and the Fund it creates are repealed on July 1, 2024.

1       Sec. 13. POSITIONS; AGENCY OF EDUCATION *[dates? effective date?]*

2           The General Assembly authorizes the establishment of four new limited  
3       service positions in the Agency of Education in fiscal year 2015 as follows:

4           (1) one clerical position to provide assistance primarily to the Design  
5       Team created in Sec. 1 of this act; and

6           (2) three analyst positions to provide technical assistance to school  
7       districts during the voluntary realignment process and after adoption of the  
8       Statewide Realignment Plan, to the State Board, and to the Design Team.

9       Sec. 14. TRANSFERS *[dates? effective date?]*

10           (a) The sum of \$2,069,175.00 is transferred in fiscal year 2014 from the  
11       Supplemental Property Tax Relief Fund created by 32 V.S.A. § 6075 to the  
12       Prekindergarten–Grade 12 District Special Fund for use in fiscal years 2015  
13       and 2016.

14           (b) The sum of \$329,000.00 in unexpended monies appropriated to support  
15       the purposes of 2010 Acts and Resolves No. 153 and 2012 Acts and Resolves  
16       No. 156 is transferred in fiscal year 2014 and may be carried forward to fiscal  
17       year 2015 for the purpose of funding the positions and activities authorized  
18       under Secs. 8 and 9 of this act.

1       Sec. 15. PREKINDERGARTEN–GRADE 12 DISTRICT

2                    APPROPRIATIONS [*dates? effective date?*]

3       The following sums are appropriated from the Prekindergarten–Grade 12  
4       District Special Fund to the Agency of Education in fiscal year 2015:

5             (1) the sum of \$362,650.00 for personal services;

6             (2) the sum of \$53,575.00 for operational expenses; and

7             (3) the sum of \$351,000.00 for grant funding for districts.

8       Sec. 16. EDUCATION ANALYST; UNIFORM CHART OF ACCOUNTS;  
9                    BUSINESS MANAGER HANDBOOK AND TRAINING;  
10                  SOFTWARE SPECIFICATIONS

11       Secs. 12–15 of this act are intended to be in addition to, and to work in  
12       concert with, those sections of 2014 Acts and Resolves No. \_\_\_\_\_ (H.889)  
13       (education tax) regarding an education analyst who shall create tools and  
14       indicators for State and local education decision makers and a contract for  
15       development and completion of a uniform chart of accounts; an updated,  
16       comprehensive accounting manual, with related business rules, for school  
17       district business managers; related training programs; and specifications for  
18       school financial software.

19   \* \* \* Effective Date \* \* \*

20       Sec. 17. EFFECTIVE DATES

1           (a) This section and Secs. 1–2, 7–10, 12. and 16 shall take effect on  
2           passage.                            ***13–15??***

3           (b) All remaining sections in this act shall take effect on July 1, 2016.

4           and that after passage the title of the bill be amended to read: “An act relating  
5           to prekindergarten–grade 12 education districts”.