

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Ways and Means to which was referred House Bill No.
3 883 entitled “An act relating to expanded prekindergarten–grade 12 school
4 districts” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 * * * Prekindergarten–Grade 12 School Districts * * *

8 Sec. 1. 16 V.S.A. chapter 135 is added to read:

9 CHAPTER 135. PREKINDERGARTEN–GRADE 12 SCHOOL

10 DISTRICTS; REALIGNMENT PROCESS

11 § 4051. PURPOSE

12 This act will encourage and support:

13 (1) equity in the quality and variety of educational opportunities

14 available to students throughout the State;

15 (2) operational efficiencies and cost savings by facilitating the sharing

16 of best practices and resources; and

17 (3) better connections between schools and the community through

18 stronger school leadership.

19 § 4052. DEFINITIONS

20 As used in this act:

1 (1) “Design Team” means the independent nine-member entity created
2 by this act to conduct statewide public hearings and develop a preliminary and
3 final Statewide Realignment Plan.

4 (2) “Statewide Realignment Plan” or “the Plan” means the plan
5 developed and adopted pursuant to this act by which existing school districts
6 shall be realigned into 45–55 supervisory districts that are responsible for the
7 education of all resident students in prekindergarten through grade 12.

8 § 4053. GUIDELINES

9 (a) The Statewide Realignment Plan required by this act shall be designed
10 to recognize:

11 (1) each community’s unique character;

12 (2) the tradition of community participation in the adoption of school
13 budgets;

14 (3) historic relationships among communities;

15 (4) existing connections between school districts;

16 (5) ongoing discussions between school districts engaged in the regional
17 education district process set forth in 2010 Acts and Resolves No. 153, as

18 amended by 2012 Acts and Resolves No. 156; and

19 (6) potential obstacles caused by geography.

1 (b) The Statewide Realignment Plan shall preserve current opportunities
2 for school choice and shall endeavor to enhance opportunities for public school
3 choice.

4 § 4054. STATEWIDE REALIGNMENT PLAN

5 (a) The Statewide Realignment Plan shall realign existing school districts
6 into at least 45 and no more than 55 supervisory districts that are responsible
7 for the education of all resident students in prekindergarten through grade 12
8 through educational opportunities that meet the educational quality standards
9 adopted by the State Board of Education pursuant to 16 V.S.A. § 165.

10 (b) Under the Statewide Realignment Plan, each new district shall:

11 (1) endeavor to have an average daily membership of between 1,000 and
12 4,000 students;

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

14 (3) adopt one district budget;

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

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

18 (6) be the local education agency as that term is defined in 20 U.S.C.

19 § 7801(26); and

1 (7) operate one or more career technical education (CTE) centers or
2 enter into an agreement for resident students to attend one or more CTE centers
3 not operated by the district, or both.

4 (c)(1) To the extent feasible, the Statewide Realignment Plan shall not
5 realign a new district created under the regional education district (RED)
6 process set forth in 2010 Acts and Resolves No. 153, as amended by 2012 Acts
7 and Resolves No. 156.

8 (2) Under the RED process, existing school districts may realign into
9 districts that meet specific criteria. Realignment follows the provisions of
10 16 V.S.A. chapter 11 governing the formation of unified union school districts
11 under which districts appoint a study committee and prepare a plan of
12 realignment that must be approved by both the State Board and the electorate
13 of the districts. A plan of realignment may address issues of particular interest
14 to the local communities, such as representation on the new district's school
15 board, the manner in which school budgets are voted, and the conditions under
16 which the new district would be permitted to close an existing school building.
17 If approved, the plan becomes the new district's articles of agreement.

18 (d) During each of the first three years of realignment under the Plan:

19 (1) the equalized homestead property tax rate for each town within a
20 new supervisory district shall not increase or decrease by more than five
21 percent in a single year; and

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

3 (e) During and after the creation of supervisory districts under this act,
4 districts are encouraged to explore innovative ways to expand opportunities for
5 students and to seek waivers of State Board rules or other legal requirements
6 that inhibit implementation. Innovations may address any area of education
7 policy, including instructional practices and principles; the use of technology
8 and data systems to improve instruction and expand learning opportunities;
9 services provided to discrete populations of students, including gifted and
10 talented students, students with limited English proficiency, and students at
11 risk of academic failure or expulsion; early education and school readiness;
12 and preparation and counseling of students for postsecondary education,
13 training, and employment.

14 § 4055. DESIGN TEAM

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

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

20 (1) On or before June 1, 2014, the Speaker of the House, the Committee
21 on Committees, and the Governor shall each choose three members. One of

1 the members selected by the Speaker and one of the members selected by the
2 Committee on Committees shall have experience serving on a school board in
3 Vermont. One of the members selected by the Governor shall be the Chair of
4 the State Board of Education or the Chair's designee. No member of the
5 Design Team shall be a member of the House of Representatives or the Senate
6 during the period of appointment.

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

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

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

15 (d) The Design Team shall have the authority to delegate to one or more of
16 its members any responsibility or power granted to it in this act, including the
17 responsibility to conduct public hearings.

18 (e) The Design Team shall have the administrative, technical, and legal
19 assistance of the Agency of Education.

20 (f)(1) For attendance at meetings during adjournment of the General
21 Assembly, any legislative members of the Design Team shall be entitled to per

1 diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
2 § 406.

3 (2) Members of the Design Team who are not employees of the State
4 and who are not otherwise compensated or reimbursed for their participation
5 shall be entitled to per diem compensation and reimbursement of expenses
6 pursuant to 32 V.S.A. § 1010.

7 (g) The Design Team shall cease to exist on July 1, 2017.

8 § 4056. PRELIMINARY STATEWIDE REALIGNMENT PLAN

9 On or before April 1, 2016, the Design Team shall:

10 (1) consult with local education leaders, including members of school
11 boards in every supervisory union;

12 (2) conduct no fewer than ten public hearings throughout the State to
13 inform development of the Statewide Realignment Plan;

14 (3) conduct independent research and seek data, advice, and assistance
15 from any individual and any public or private entity to inform development of
16 the Statewide Realignment Plan;

17 (4) develop a preliminary Statewide Realignment Plan, which shall
18 include a schedule and process by which transition to the new districts shall be
19 fully implemented on or before July 1, 2020;

20 (5) make the preliminary Statewide Realignment Plan available to the
21 public; and

1 (6) submit the preliminary Statewide Realignment Plan to the General
2 Assembly for review.

3 § 4057. FINAL STATEWIDE REALIGNMENT PLAN

4 (a) Between April 1, 2016 and January 1, 2017, the Design Team shall:

5 (1) conduct no fewer than ten public hearings throughout the State and
6 consult with local educational leaders concerning the preliminary Statewide
7 Realignment Plan;

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

11 (3) develop a final Statewide Realignment Plan, which shall include a
12 detailed process and time line by which transition to the new districts will be
13 fully implemented on or before July 1, 2020.

14 (b) On or before January 1, 2017, the Design Team shall make the final
15 Statewide Realignment Plan available to the public and submit it to the
16 General Assembly

17 § 4058. STATEWIDE REALIGNMENT OF SCHOOL DISTRICTS

18 The final Statewide Realignment Plan presented to the General Assembly
19 pursuant to § 4057 of this act shall take effect on July 1, 2017 unless
20 disapproved by explicit legislative action before that date.

1 * * * Joint Action and Regional Education Districts; Incentives * * *

2 Sec. 2. REIMBURSEMENT OF FEES AND INCENTIVE GRANTS

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

4 (1) 2012 Acts and Resolves No. 156, Sec. 2 (reimbursement of up to
5 \$5,000.00 for fees relating to initial exploration of joint activity by school
6 districts or supervisory unions).

7 (2) 2012 Acts and Resolves No. 156, Sec. 4 (reimbursement of up to
8 \$10,000.00 for fees relating to joint activity other than a merger by school
9 districts or supervisory unions).

10 (3) 2012 Acts and Resolves No. 156, Sec. 5 (reimbursement of up to
11 \$20,000.00 in fees relating to analysis of supervisory unions' potential
12 merger).

13 (4) 2012 Acts and Resolves No. 156, Sec. 6 (\$150,000.00 facilitation
14 grant for successful merger of supervisory unions).

15 (5) 2012 Acts and Resolves No. 156, Sec. 11 (facilitation grant for
16 successful merger of school districts other than a RED).

17 (6) 2010 Acts and Resolves No. 153, Sec. 4, as amended by 2012 Acts
18 and Resolves No. 156, Sec. 13 (financial and other incentives for successful
19 formation of a RED).

1 * * * Supervisory Unions; Special Education; Transportation * * *

2 Sec. 3. 16 V.S.A. § 261a is amended to read:

3 § 261a. DUTIES OF SUPERVISORY UNION BOARD

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

5 * * *

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

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

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

1 manner, then it may ask the Secretary to grant it a waiver from this
2 subdivision:

3 * * *

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

7 * * *

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

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

12 ~~(13)-(17) [Repealed.]~~ (13) at the option of the supervisory union board,
13 provide transportation or arrange for the provision of transportation, or both, in
14 any districts in which it is offered within the supervisory union.

15 ~~(14)-(17) [Repealed.]~~

16 Sec. 4. 2010 Acts and Resolves No. 153, Sec. 23(b), as amended by 2011 Acts
17 and Resolves No. 30, Sec. 1; 2011 Acts and Resolves No. 58, Sec. 34; and
18 2012 Acts and Resolves No. 156, Sec. 20, is further amended to read:

19 (b) Secs. 9 through 12 of this act shall take effect on passage and shall be
20 fully implemented on July 1, 2013, subject to the provisions of existing
21 contracts; ~~provided, however, that the special education provisions of Sec. 9,~~

1 ~~16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A.~~
2 ~~§ 261a(a)(8)(E), shall be fully implemented on July 1, 2014.~~

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

7 Sec. 18. TRANSITION

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

12 * * *

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

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

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

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

14 Sec. 6. 24 V.S.A. § 5053a(a) is amended to read:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

* * * North Bennington School District * * *

Sec. 7. NORTH BENNINGTON SCHOOL DISTRICT

Notwithstanding any other provision of law to the contrary, on the day on which the North Bennington School District ceases to exist as a discrete entity and becomes realigned into a supervisory district pursuant to the provisions of this act, title to the building that is currently owned by the North Bennington School District and occupied by the Village School of North Bennington shall transfer to the Village of North Bennington.

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE