

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.~~

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\* \* \* 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