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1 **Draft based on Committee’s comments to Potential Timeline (draft 4.2; 2/20/14)**

2 **NOTE:** The Committee has not yet determined how it will describe the new
3 districts envisioned by this bill. Legislative Counsel selected the name
4 “*expanded prekindergarten–12 school districts*” as a placeholder to be
5 used in this draft.

6

7 Introduced by Committee on Education

8 Date:

9 Subject: Education; _____

10 Statement of purpose of bill as introduced: This bill proposes to require that,
11 as of July 1, 2019, supervisory unions shall cease to exist and current school
12 districts are realigned into expanded prekindergarten–12 school districts
13 (Expanded Districts) that meet essential elements specifically identified in the
14 bill. The process to achieve realignment includes the following:

15 (1) The creation of a working group to analyze and develop options on
16 or before January 15, 2015 to address legal and fiscal issues, including issues
17 relating to voting and representation on school boards, school choice, and
18 district-wide assessments and tax rates. The work of this group shall be used
19 to inform decisions to be made by the State Board of Education and the Design
20 Team, also created in the bill.

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1 (2) Voluntary realignment into Expanded Districts by existing school
2 districts pursuant to plans developed by the district and approved by the State
3 Board and the electorate of those districts on or before March 15, 2017.

4 (3) The creation of a Design Team to assist with the voluntary
5 realignment of school districts and to design a plan, presented to the State
6 Board for approval through the rulemaking process, for all remaining districts
7 to be realigned into Expanded Districts by July 1, 2019.

8 An act relating to expanded prekindergarten–12 school districts
9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. STATEMENT OF ISSUES; PURPOSE [*or INTENT*] OF

11 LEGISLATION

12 (a) [Issues this legislation is designed to address]

13 *[to be drafted]*

14 (b) [Purpose [*or intent*] of this legislation]

15 *[to be drafted]*

16 *[goals/purpose of Acts 153 & 156 and work districts have done in response]*

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1 Sec. 2. EXPANDED PREKINDERGARTEN–12 SCHOOL DISTRICTS;

2 **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–12 SCHOOL DISTRICTS;

10 **ESSENTIAL COMPONENTS**

11 [Following from and {expanding upon} legislation that authorized Regional
12 Education Districts (REDs)], each Expanded District created under this act
13 shall be designed to:

14 (1) recognize historic relationships among communities, existing
15 connections between school districts, and potential obstacles caused by
16 geography;

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

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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 merger of at least four existing districts, or both, [unless the district
6 obtains a waiver from the State Board under Sec. 7 of this act]; [or will all
7 voluntary realignments have to follow the strict 1,250 / 4 district rule?]

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

9 (6) adopt one budget, with funding based on a district-wide [appraisal
10 /grand list] and tax rate;

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

13 (8) create school-based community councils, which shall be composed
14 of parents of students, community members, teachers employed at the school,
15 and the principal, and may include students. Members shall be selected by a
16 process developed by the governing document of forming the Expanded
17 District. The school councils shall be designed to build partnerships among
18 families, staff, and the community, and shall:

19 (A) serve as a liaison between the school and the elected local
20 representative or representatives to the school board;

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1 (B) develop a school improvement plan and adopt educational goals
2 for the school that are consistent with school district policies and statewide
3 standards;

4 (C) assist the principal to review the annual school building budget in
5 order to understand its implications on the school improvement plan; and

6 (E) perform other advisory duties as authorized or requested by the
7 school board.

8 Sec. 4. EXPANDED PREKINDERGARTEN–12 SCHOOL DISTRICTS;

9 LEGAL AND FISCAL WORKING GROUP; REPORT

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

13 (1) voting and representation on school boards;

14 (2) current districts that operate schools for all or some and districts that
15 operate no schools;

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

17 (4) district-wide [assessments / grand lists] and tax rates.

18 (b) The Working Group shall be composed of:

19 (1) _____, who shall call the first meeting of the Working
20 Group;

21 (2) _____;

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1 (3) _____

2 [etc.]

3 (c) Assistance. The Working Group shall have the administrative,
4 technical, and legal assistance of [named entity]. [this may not be necessary,
5 depending upon who will be part of the Group]

6 [ALSO, the Education Committee may decide to include a provision for
7 expenses/per diem depending upon the membership]

8 (d) Report. On or before January 15, 2015, the Working Group shall
9 submit a written report of its analysis of identified issues together with
10 potential options to address the issues to the House Committees on Education
11 and on Ways and Means, the Senate Committees on Education and Finance,
12 the Agency of Education, the State Board of Education, and the Design Team
13 created in Sec. 6 of this act. After that date, the Working Group shall analyze
14 additional issues at the request of one or more of the entities named in this
15 subsection.

16 (e) The Working Group shall cease to exist on June 30, 2016.

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1 Sec. 5. EXPANDED PREKINDERGARTEN–12 SCHOOL DISTRICTS;

2 **VOLUNTARY REALIGNMENT**

3 (a) [Following from and {expanding upon} legislation that authorized
4 REDs], existing school districts may realign into Expanded Districts pursuant
5 to the provisions of 16 V.S.A. chapter 11 governing the formation of unified
6 union school districts, as [amended / modified] by this act. [consider -
7 explicitly cite those sections of chapter 11 union school district formation that
8 do not apply? or maybe explicitly cite those that do apply?]

9 (b) Existing school districts may realign into Expanded Districts by
10 appointing a study committee and preparing of a plan of merger (Plan), that
11 shall be the District’s [articles of agreement / governing document], to be
12 approved by the State Board of Education (State Board) and the electorate of
13 the districts. The Plan shall:

14 (1) incorporate the essential components of an Expanded Districts
15 identified in Sec. 3 of this act [as may be clarified by the Working Group and
16 the Design Team created in Secs. 4 and 6 respectively]; [timing?]

17 (2) provide for the education of the resident prekindergarten–12
18 students:

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

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1 (B) by operating one or more public schools that offer elementary
2 education and may offer some secondary education and entering into an
3 agreement with one of the [four historic academies] [or a public school in
4 another district, or both] to provide education for the remaining grades; or

5 (C) in some other manner pursuant to a waiver from the State Board
6 granted under Sec. 7 of this act.

7 (c)(1) The districts shall submit the proposed final plan of merger to the
8 Secretary and State Board pursuant to 16 V.S.A. § 706c. In addition to the
9 other considerations required by that section, the State Board, in consultation
10 with [the Working Group and] the Design Team, shall review the proposed
11 plan to ensure:

12 (A) compliance with the essential components of Expanded Districts
13 identified in Sec. 3 of this act; and

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

15 (i) would be an [obvious/suitable/natural] [participant in] the
16 Plan; and

17 (ii) is geographically isolated from, or would otherwise be an
18 [unsuitable] [participant in] another Expanded District.

19 [include explicit reference to:

20 * *not allowing districts to exclude an “undesirable” district?*

21 * *obvious district that can’t easily go elsewhere that doesn’t want to join?*

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1 (2) If the State Board determines that the proposed plan does not comply
2 with subdivision (1)(A) or (1)(B) of this subsection, then the Board shall not
3 approve the proposed plan and shall provide guidance regarding the issues a
4 proposed plan must address prior to resubmission to the Board.

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

9 (d) An Expanded District created under this section shall be approved by
10 the electorate pursuant to the provisions of 16 V.S.A. chapter 11 on or before
11 March 31, 2017.

12 Sec. 6. EXPANDED PREKINDERGARTEN–12 SCHOOL DISTRICTS;

13 **DESIGN TEAM**; REPORT

14 (a) Creation. There is created a Design Team to assist with the voluntary
15 realignment of school districts authorized pursuant to Sec. 5 of this act and to
16 design the plan, pursuant to the essential components outlined in Sec. 3 of this
17 act, for all remaining districts to be realigned into Expanded Districts by July 1,
18 2019. The plan shall be submitted to the State Board for adoption under the
19 rulemaking process.

20 (b) Number and qualifications of members. The Design Team shall be
21 composed of nine members who are *[are these the qualities you want? once*

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1 *decided, I can work on the wording] [geographically representative, have a*
2 *broad range of knowledge of and experience in the Vermont education system*
3 *and in Vermont communities, and represent diverse points of view and*
4 *interests, such as _____]. [should someone on the team have legal*
5 *expertise or will that be provided from AOE? Ditto fiscal expertise?]*

6 (c) Appointment. On or before [July 1, 2014], the Speaker of the House,
7 the Committee on Committees, and the Governor shall each choose three
8 members, none of whom shall be members of the House of Representatives or
9 the Senate during the period of appointment. In order to ensure the diversity of
10 knowledge, experience, and opinions required by this section, the Speaker, the
11 Committee on Committees, and the Governor, or their designees, shall work
12 collectively to identify potential candidates for appointment. The Speaker, the
13 Committee on Committees, and the Governor shall jointly appoint one of the
14 nine members to serve as Chair of the Design Team.

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

16 (1) engage the public in all areas of the State in order to inform the
17 design process;

18 (2) monitor the progress of voluntary realignment of school districts and
19 provide [what sort of assistance?];

20 (3) design the plan, guided by the public engagement process and the
21 analysis of the Working Group created in Sec. 4 of this act, by which the

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1 districts that did not voluntarily realign shall be assigned to Expanded Districts
2 by July 1, 2019; and

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

6 (e) Assistance. The Design Team shall have the administrative, technical,
7 and legal assistance of [named entity].

8 (f) Reporting. [how often? and beginning when?], the Design Team shall
9 report to the House Committees on Education and on Ways and Means, the
10 Senate Committees on Education and Finance, the Agency of Education, the
11 State Board of Education. [What form does the report take – written or verbal
12 (at some sort of joint meeting)?] [On what aspects does the DT report?]

13 (g) Meetings.

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

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

18 (h) Reimbursement. [is this how you want to handle it?] Members of the
19 Design Team who are not employees of the State and who are not otherwise
20 compensated or reimbursed for their participation shall be entitled to [per diem

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1 compensation/reimbursement of expenses/both pursuant to 32 V.S.A. § 1010
2 [for no more than [#] meetings].

3 (i) Appropriation. The sum of [\$.00] is appropriated to Agency of
4 Education from the Education Fund in fiscal year [2015] for [per diem
5 compensation] [and reimbursement of expenses] pursuant to subsection (h) of
6 this section, the costs of conducting public engagement activities, [and add in
7 any other expenses that the section authorizes/directs the Design Team to
8 incur]. [consider: Will this be enough \$\$ to cover the Team for all years of
9 work or do you anticipate there will need to be an annual appropriation?]

10 (j) The Design Team shall cease to exist on [date].

11

12 Sec. 7. STATE BOARD OF EDUCATION; **WAIVERS**

13 *[to be drafted]*

14

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1 **Sections still to consider and/or draft:**

2 1. incentives for voluntary realignment

3 2. incentives that may be outstanding under Act 153/156

4 3. grandfathering current students if any step of process would put them
5 into different situation –constitutional limits by Working Group

6 4. how to deal with the separate technical center *districts*

7 5. how to deal with existing RED provisions in session law

8 6. how to ensure AOE has whatever support it needs to provide assistance
9 to the districts and to the Design Team

10 7. how to ensure that the State Board has whatever support it needs to
11 review the plans of voluntary realignment and to adopt the plan the
12 Design Team creates by rulemaking

13 8. (LC prepares bill to amend statutes? or is this year too early to require
14 that – need to see what Working Group and DT comes up with first?)

15 Sec. X. EFFECTIVE DATE

16 This act shall take effect on _____