

this version not yet reviewed by the editorial staff

1 **NOTE** – all dates are preliminary

2 **NOTE** – The House Committee on Education has not yet finalized names to
3 describe the new districts or various elements of the process
4 envisioned by this bill. Legislative Counsel selected the following
5 terms as placeholders to be used in this draft, which are listed in the
6 order in which they appear:

7 ***“Expanded Districts”*** – newly realigned school districts that are responsible
8 for the education of all resident students in kindergarten through grade 12

9 ***“Essential Components”*** – broad guiding principles by which districts are
10 realigned into Expanded Districts, either voluntarily or pursuant to the
11 Statewide Plan

12 ***“Performance Indicators”*** – criteria developed by the Agency of Education
13 to measure performance under the Essential Components – to the Legislature
14 by January 1, 2015

15 ***“Legal and Fiscal Working Group”*** – a group responsible for analyzing
16 and developing a menu of legal options to address legal and fiscal complexities
17 of the realignment process – to the Legislature by January 1, 2015

18 ***“Design Team”*** – a broadly diverse group of 9 individuals who engage the
19 public and develop the proposed Statewide Plan

20 ***“Statewide Plan”*** – a plan adopted through the statutory rulemaking
21 process to realign those districts that don’t vote by July 1, 2017 to do so

this version not yet reviewed by the editorial staff

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; _____

4 Statement of purpose of bill as introduced: This bill proposes to require the
5 following:

6 (a) **Realignment.** As of [July 1, 2020], supervisory unions shall cease to
7 exist and current school districts shall be realigned into expanded
8 prekindergarten – grade 12 school districts (Expanded Districts) that are
9 responsible for the education of all resident students in kindergarten through
10 grade 12.

11 (b) **The Essential Components.** The Expanded Districts shall be required
12 to meet broad elements specifically identified in the bill (the Essential
13 Components). The Essential Components conform generally to the
14 requirements for the formation of Regional Education Districts (REDs)
15 authorized in 2010 Acts and Resolves No. 153, Sec. 3. They require that the
16 Expanded Districts be governed by a single board and operate on a single
17 budget, and that each Expanded District be designed to recognize historic
18 relationships among communities, existing connections between school
19 districts, and potential obstacles caused by geography. Although the Essential
20 Components serve as the guiding principles of the realignment process, the bill
21 authorizes possible variations during both the voluntary realignment process

this version not yet reviewed by the editorial staff

1 and the adoption of a final Statewide Plan regarding (1) the size of Expanded
2 Districts and (2) the operation or nonoperation of schools.

3 (c) **Process.** The process to achieve realignment shall include the
4 following:

5 (1) **Performance indicators; accountability.** In order to guide and
6 assess the design of proposed Expanded Districts and the Statewide Plan and to
7 ensure subsequent accountability, the Agency of Education shall be required to
8 develop *[criteria]* and performance indicators for the Essential Components
9 and make them available to the General Assembly by **[January 1, 2015]**.

10 (2) **The Legal and Fiscal Working Group.** The bill creates a working
11 group to address specific legal and fiscal issues, including issues relating to
12 voting and representation on school boards, operating and nonoperating
13 districts, tax rates, and a uniform data and financial accounting systems. The
14 Legal and Fiscal Working Group shall analyze and develop a menu of options
15 to be presented on or before **[January 1, 2015]** to the General Assembly for
16 review and potential action. The work of this group shall be used to inform
17 decisions to be made by the State Board of Education, the Agency, and the
18 Design Team.

19 (3) **Voluntary realignment.** Existing school districts shall be provided
20 an opportunity to realign voluntarily into an Expanded District.

this version not yet reviewed by the editorial staff

1 (A) **General process.** Through plans and a process that conforms
2 generally to those for union school district and RED formation, districts shall
3 be permitted to develop voluntary realignment plans and submit them for final
4 approval by the State Board and the electorate of the districts.

5 (B) **Proposed plans.** Existing districts shall be permitted to develop
6 proposed realignment plans to address both general issues and issues of
7 particular interest to the local communities, such as representation on the
8 Expanded District’s school board and the conditions under which the new
9 district would be permitted to close an existing school building. If approved,
10 the proposed plan becomes the articles of agreement governing the actions of
11 the Expanded District.

12 (C) **Preliminary Applications.** Districts interested in voluntary
13 realignment, including those that have been pursuing options under RED
14 legislation, shall submit preliminary applications to the State Board on or
15 before [July 1, 2015]. The State Board shall review the preliminary
16 applications individually and collectively.

17 (D) **Final proposed plan.** Districts that submitted a preliminary
18 application shall be eligible to submit a final proposed plans of realignment to
19 the State Board. The Board shall approve a plan that (A) complies with the
20 Essential Components, as may be clarified by the Performance Indicators and
21 the work of the Legal and Fiscal Working Group and (B) does not exclude an

this version not yet reviewed by the editorial staff

1 existing district that would be an appropriate member of the Expanded District,
2 which is either geographically isolated from, or would otherwise be an
3 inappropriate member of, another proposed or potential Expanded District.

4 (E) **Approval by the electorate.** Voluntary realignment into and
5 Expanded District shall be achieved if the electorate of the districts vote in
6 favor of a State Board-approved plan on or before [July 1, 2017]

7 (4) **Design Team and the Statewide Plan.** The bill creates a Design
8 Team to monitor the voluntary realignment of school districts and to design a
9 Statewide Plan for all remaining districts to be realigned into Expanded
10 Districts. The Design Team shall conduct public engagement activities to
11 inform design of the Statewide Plan, which shall also be guided by the
12 Performance Indicators and the work of the Legal and Fiscal Working Group.
13 On or before [November 1, 2017], the Design Team shall submit the proposed
14 statewide plan for approval by the State Board, and subsequently by the
15 Legislative Committee on Administrative Rules, through the rulemaking
16 process set forth in 3 V.S.A. chapter 25. Final approval of a Statewide Plan
17 shall occur on or before [July 1, 2018].

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

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

this version not yet reviewed by the editorial staff

1 Sec. 1. STATEMENT OF ISSUES AND LEGISLATIVE PURPOSE

2 (a) The General Assembly finds:

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

12 (2) The current education finance system, adopted by the State in
13 response to the *Brigham* decision, has considerably reduced the variability in
14 what our communities spend on education. Nevertheless, across the State, our
15 communities are characterized by sharp inequities in the breadth, depth, and
16 quality of opportunities to learn that they provide. This leaves children in
17 some of our communities ill-equipped to thrive in careers or to take advantage
18 of post-secondary opportunities to which they would otherwise have access.

19 (3) At the same time, technology and globalization and other societal
20 demands are changing what our students need to know and be able to do in
21 order to contribute to building a strong economic and civic future for the

this version not yet reviewed by the editorial staff

1 State. Notably, our students need to acquire what are generally called
2 "21st century skills," which include the ability to innovate, adapt,
3 handle non-routine problems, reason from evidence, synthesize and analyze
4 complex data, work confidently with technology, collaborate in teams, and
5 communicate effectively through a variety of media. Just as importantly,
6 because many of the low skill jobs that paid a livable wage are being replaced
7 by technology or sent overseas, we have to ensure that all students acquire the
8 capabilities they need to hold or create meaningful work, so that
9 growing inequality doesn't cripple the economic vitality of our State. The
10 remaining low skill jobs will likely be poorly compensated and inadequate to
11 comfortably support a family.

12 (4) These changes place tremendous demands on our schools.
13 Responding to these challenges will require substantial changes in how and
14 what teachers teach, how schools are organized, and what opportunities they
15 provide. In particular, these changes challenge our teachers to rethink the
16 work of teaching to support 21st century skills and challenge our schools to
17 organize in ways that ensure accountability around high expectations for all
18 students, while at the same time enabling sufficient resources and support to
19 allow flexibility and personalization in how we challenge students to meet
20 those high expectations. A growing body of research suggests that systematic
21 improvement of learning requires a systems level approach that provides

this version not yet reviewed by the editorial staff

1 teachers with the professional support and high quality information they need
2 to customize learning effectively.

3 (5) Many areas of the State face a profound leadership challenge. On
4 average, 30 percent of principals leave their positions every year in
5 Vermont. This year, more than 25 percent of the State’s superintendents will
6 also leave their positions. This leadership instability makes it difficult to
7 sustain continuous improvements in learning or to put in place coherent,
8 comprehensive strategies for providing teachers with feedback and support as
9 they develop their practice to meet the challenges of the 21st century

10 (6) Research supports systematic, continuous approaches to improving
11 learning. It is difficult to build coherence in prekindergarten through grade 12
12 across multiple governing units. The result can limit the educational
13 experience of many students.

14 (7) Effective, high-quality special education services are essential to
15 allow many students to access their learning. Some evidence suggests there
16 currently is variability in the educational- and cost-effectiveness of special
17 education services provided in Vermont. Reports from the field indicate that
18 the current governance structure may make it difficult to achieve regional
19 solutions to certain special education-related challenges, including a heavy
20 reliance on 1:1 aides and limited access to the full range of the increasingly
21 specialized expertise of special educators, especially in small districts.

this version not yet reviewed by the editorial staff

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

9 (9) Because federal mandates and State obligations impose the same
10 responsibilities on every district, regardless of size, we see increasing
11 proportions of our educational leaders' time — particularly in our smallest
12 districts— consumed by administrative tasks. These tasks are often related to
13 issues such as fiscal audits and federal reporting, rather than focused on the
14 critical work of improving learning. These functions could just as easily be
15 accomplished at a higher level, freeing up capacity for building leaders and
16 teachers to focus on more productive work.

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

this version not yet reviewed by the editorial staff

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

9 (12) This current effort is not an effort to standardize learning across all
10 schools. We recognize and cherish the value of our strong local voice and
11 local commitment to our children and our communities. We seek instead to
12 define a governance structure that will support strict accountability for learning
13 with respect to our ambitious goals for Vermont learners, as outlined in the
14 Vermont Education Quality Standards and various statutes, as well as provide
15 local flexibility around strategies for sharing and targeting resources that
16 reflect local strengths and innovative approaches for achieving our shared
17 goals.

18 (b) Legislative purposes of this act.

19 (1) This legislation replaces our current governance structure, which
20 relies primarily on singular governing units presiding over very small schools

this version not yet reviewed by the editorial staff

1 and loosely affiliated through a supervisory union, with a unified union school
2 district model that includes multiple towns in one shared governance structure.

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

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

11 (4) The new governance model will enable local educational leaders to
12 focus on improving learning in a customized, locally appropriate way, while
13 spreading administrative functions over larger numbers of units to achieve
14 efficiencies in those functions that can be standardized or which are improved
15 when administered at scale. This will enable principals to become
16 building-based leaders of instruction, and superintendents of these larger
17 districts to become systems-level district leaders and managers.

18 (5) In the Vermont tradition of local control, the new governance model
19 involves strict criteria for outcomes and goals at the district level, but supports
20 flexibility around how schools and districts approach those goals. This would

this version not yet reviewed by the editorial staff

1 support local innovation, while preserving the capacity to analyze effectiveness
2 and compare performance.

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

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

15 **Sec. 2. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL**

16 **DISTRICTS; CREATION**

17 As of [July 1, 2020], pursuant to the processes and criteria set forth in this
18 act:

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

20 (2) all school districts in the State, except interstate school districts, shall
21 be realigned into expanded prekindergarten – grade12 school districts

this version not yet reviewed by the editorial staff

1 (Expanded Districts) that are responsible for the education of all resident
2 students in kindergarten through grade 12.

3 **Sec. 3. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL**

4 **DISTRICTS; ESSENTIAL COMPONENTS; PERFORMANCE**
5 **INDICATORS; ACCOUNTABILITY**

6 (a) Essential Components. Each Expanded District created under this act
7 shall: **HEC: please consider the order in which these should be listed**

8 (1) be designed to recognize historic relationships among communities,
9 existing connections between school districts, and potential obstacles caused
10 by geography, and consider the existing transportation infrastructure and State-
11 and community-based service regions;

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

15 (3) operate one or more career technical education (CTE) center or enter
16 into an agreement for resident students to attend one or more CTE center not
17 operated by the district, or both;

18 (4) have an average daily membership of at least 1,250 students or result
19 from the realignment of at least four existing districts, or both, unless the
20 district obtains a waiver from the State Board pursuant to Sec. 7 of this act;

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

this version not yet reviewed by the editorial staff

1 (6) adopt one district-wide budget;

2 (7) negotiate district-wide collective bargaining agreements and employ
3 all licensed and nonlicensed personnel as employees of the Expanded District;

4 (8) be designed to: ***[see (b) below]***

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

7 (B) foster stable leadership by developing and supporting both school
8 and district leaders;

9 (C) hire, train, support, and retain excellent administrators, teachers,
10 and staff;

11 (D) *[provide for budgetary stability that promotes less volatility for*
12 *taxpayers]*;

13 (E) categorize and report expenditures in a manner that promotes
14 transparency and public accountability; and

15 (F) promote a shared commitment to a strong, flexible, and coherent
16 system.

17 (9) create school-based community councils designed to build
18 partnerships among families, staff, and the community and strong community
19 involvement. A school council may, for example, serve as a liaison between
20 the school and the elected local representative or representatives to the school
21 board and perform advisory duties requested by the principal or included in the

this version not yet reviewed by the editorial staff

1 articles of agreement creating the Expanded District. The articles of agreement
2 shall determine membership on the council and the process by which members
3 are selected. For example, each constituency represented on the council (such
4 as parents, the community-at-large, students, teachers) could appoint its own
5 representative or each constituency could provide a list of names to be selected
6 by a single person or entity.

7 **(b) Performance indicators; accountability.**

8 (1) On or before [January 1, 2015], the Agency of Education, in
9 consultation with the State Board, shall develop criteria to measure
10 performance and ensure accountability under the Essential Components
11 itemized in subdivision (a)(8) of this section and shall make its work available
12 to the General Assembly for review.

13 (2) The indicators shall also provide guidance to:

14 (A) school districts pursuing voluntary realignment pursuant to Sec. 5
15 of this act;

16 (B) the State Board when reviewing a proposed voluntary plan of
17 realignment and requests for waivers from the Essential Components pursuant
18 to Secs. 5 and 7; and

19 (C) the development and adoption of the Statewide Plan pursuant to
20 Sec. 6.

this version not yet reviewed by the editorial staff

1 **Sec. 4. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL**
2 **DISTRICTS; **LEGAL AND FISCAL WORKING GROUP;****
3 **REPORT**

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

8 (1) voting and representation on school boards;

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

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

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

13 (5) uniform, integrated longitudinal student data and financial
14 accounting and reporting;

15 (6) the funding and payment structure for career technical education
16 centers by Expanded Districts that don't operate a center; and

17 (7) _____.

18 (b) The Working Group shall be composed of individuals with relevant
19 fiscal or legal expertise, or both, employed by the Agency, the Department of
20 Taxes, the Joint Fiscal Office, and the Office of Legislative Council, and
21 selected by those entities. In addition, the Working Group shall consult with

this version not yet reviewed by the editorial staff

1 the Secretary of State and with individuals who have substantial and varied
2 experience with or knowledge of the legal and fiscal issues. The Working
3 Group may create subcommittees of Group members or of Group members and
4 other individuals to perform and review the work required under this section.

5 (c) The Agency of Education shall convene the first meeting of the
6 Working Group to occur on or before [July 1, 2014].

7 (d) On or before [January 1, 2015], the Working Group shall submit a
8 written report of its analysis of identified issues, together with potential
9 practical options to address the issues, to the House Committees on Education
10 and on Ways and Means, the Senate Committees on Education and Finance,
11 the Agency of Education, the State Board of Education, and the Design Team
12 created in Sec. 6 of this act. After that date, the Working Group shall analyze
13 additional issues at the request of one or more of the entities named in this
14 subsection.

15 (e) The Working Group shall cease to exist on [the day on which the final
16 Statewide Plan is adopted pursuant to Sec. 6 of this act].

17 **Sec. 5. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL**

18 **DISTRICTS; VOLUNTARY REALIGNMENT**

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

this version not yet reviewed by the editorial staff

1 **(b) Realignment Plan.** Existing school districts may realign into
2 Expanded Districts by appointing a study committee and preparing of a plan of
3 realignment (Realignment Plan) to be approved by both the State Board and
4 the electorate of the districts. If approved, the Realignment Plan shall become
5 the Expanded District’s articles of agreement. The Realignment Plan shall:

6 (1) incorporate the Essential Components of an Expanded District
7 identified in Sec. 3 of this act, as may be clarified by the Performance
8 Indicators and the work of the Legal and Fiscal Working Group pursuant to
9 Secs. 3 and 4 respectively, and other components of a union school district
10 plan pursuant to 16 V.S.A. § 706b; and

11 (2) provide for the education of the resident students in kindergarten
12 through grade 12 in one of the following ways:

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

15 (B) by operating one or more public schools that offer elementary
16 education, by operating or not operating some or all secondary grades, and by
17 entering into an agreement with one or more of the four approved independent
18 schools that has historically served as the public school for the community in
19 which it is located that agrees to provide education for the remaining grades
20 [and to provide data and information as required by 16 V.S.A. § 242(4)(A)]; or

this version not yet reviewed by the editorial staff

1 (C) in some other manner pursuant to a waiver from the State Board
2 granted under the provisions of Sec. 7 of this act, including:

3 (i) by paying tuition for all resident students in some or all grades
4 to attend a public school located in another state and by operating one or more
5 public schools that provide education for any remaining grades; or

6 (ii) by paying tuition for some or all resident students in some or
7 all grades to attend a public school operated outside of the district or an
8 approved independent school and by operating one or more public schools that
9 provide education for any remaining grades.

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

12 (d) **Preliminary application.**

13 (1) On or before [July 1, 2015], districts that are preparing a
14 Realignment Plan may submit a preliminary application to the Secretary in a
15 format developed by the Agency. The Secretary shall review the preliminary
16 applications and submit them with his or her recommendations to the State
17 Board on or before [August 1, 2015].

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

this version not yet reviewed by the editorial staff

1 (3) The State Board shall provide preliminary approval to an application
2 if it preliminarily complies with the Essential Components identified in Sec. 3
3 of this act and with 16 V.S.A. § 706c, and it does not exclude an existing
4 district that would be an appropriate member of the Expanded District, and
5 which is geographically isolated from, or would otherwise be an inappropriate
6 member of another proposed or potential Expanded District.

7 (4) If the Board does not give preliminary approval to an application,
8 then it shall provide guidance regarding the issues to be addressed prior to
9 submission of a final Realignment Plan pursuant to subsection (e) of this
10 section. The Board shall make a decision regarding each preliminary
11 application on or before [November 1, 2015].

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

19 **(e) Final application.**

20 (1) Districts that have submitted a preliminary application may submit a
21 proposed final Realignment Plan for review by the Secretary and State Board

this version not yet reviewed by the editorial staff

1 pursuant to 16 V.S.A. § 706c. In addition to the other considerations required
2 by that section, the State Board, in consultation with the Design Team, shall
3 review the proposed Realignment Plan to ensure:

4 (A) compliance with the Essential Components of Expanded
5 Districts, as may be clarified by the Performance Indicators and the work of the
6 Legal and Fiscal Working Group; and

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

8 (i) would be an appropriate member of the Expanded District; and

9 (ii) is geographically isolated from, or would otherwise be an
10 inappropriate member of, another Expanded District.

11 (2) If the State Board determines that the proposed Realignment Plan
12 does not comply with subdivision (1) of this subsection (e), then the Board
13 shall not approve it and the districts shall be realigned according to the
14 Statewide Plan adopted pursuant to Sec. 6 of this act.

15 (3) If the State Board determines that the proposed Realignment Plan
16 complies with subdivision (1) of this subsection (e), then the study committee
17 shall present the proposed Realignment Plan for a vote of the electorate
18 pursuant to the provisions of 16 V.S.A. chapter 11.

19 (f) **District vote.** If an Expanded District created under this section is
20 approved by the electorate pursuant to the provisions of 16 V.S.A. chapter 11
21 on or before [July 1, 2017]. If an Expanded District is approved, then it shall

this version not yet reviewed by the editorial staff

1 not be realigned under the statewide plan created pursuant to Sec. 6 of this act.

2 If an Expanded District is not approved, then it shall be subject to realignment

3 under the statewide plan.

4 **Sec. 6. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL**

5 DISTRICTS; **DESIGN TEAM; STATEWIDE PLAN; ADOPTION**

6 **BY RULEMAKING**

7 (a) **Creation of Design Team.** There is created a Design Team to monitor
8 the voluntary realignment of school districts authorized pursuant to Sec. 5 of
9 this act and to design the plan for all remaining districts to be realigned into
10 Expanded Districts by [July 1, 2020] (Statewide Plan). The Statewide Plan
11 shall be submitted to the State Board for adoption under the rulemaking
12 process set forth in 3 V.S.A. chapter 25.

13 (b) **Number and qualifications of members.** The Design Team shall be
14 composed of nine members who are geographically representative, have a
15 broad range of knowledge of and experience in the Vermont education system
16 and in Vermont communities, and represent diverse points of view, opinions,
17 and interests.

18 (c) **Appointment.**

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

this version not yet reviewed by the editorial staff

1 members, none of whom shall be members of the House of Representatives or
2 the Senate during the period of appointment.

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

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

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

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

12 (2) monitor, and maintain a public document that charts, the progress of
13 the voluntary realignment of school districts in order to:

14 (A) provide guidance to the State Board and the Agency for use in
15 the voluntary alignment and waiver processes *[to support broad inclusion of*
16 *districts]*; and

17 (B) inform the Statewide Plan design process; and.

18 (3) design the Statewide Plan by which the districts that did not
19 voluntarily realign shall be assigned to Expanded Districts; and

this version not yet reviewed by the editorial staff

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

4 **(e) The Statewide Plan.**

5 (1) The Statewide Plan shall be guided by the public engagement
6 process required under subsection (d) of this section, the Essential
7 Components, the Performance Indicators developed by the Agency, the
8 analysis and options developed by the Legal and Fiscal Working Group, and
9 the work of State Board in developing the waiver criteria and process under
10 Sec. 7 of this act.

11 (2) Among other things, the Statewide Plan:

12 (A) may include:

13 (i) articles of agreement that will govern the actions of the
14 Expanded Districts that were not created during the voluntary realignment
15 process, including the method of apportioning the representation on the new
16 school board of the Expanded District and the conditions under which the
17 Expanded District would be authorized to close a school building; or

18 (ii) a process by which the existing districts that will become an
19 Expanded District under the Plan will develop and adopt their own articles of
20 agreement; or

21 (iii) both (i) and (ii); and

this version not yet reviewed by the editorial staff

1 (B) shall establish transition procedures and guidance necessary for
2 the creation of the Expanded District, including assumption of debt by the
3 Expanded District, ownership of property, and the transition of employees to
4 the new employer, including impacts upon membership in the Vermont
5 Municipal Employees' Retirement System and in collective bargaining units.

6 (f) Assistance. The Design Team shall have the administrative, technical,
7 and legal assistance of the Agency of Education, the Department of Taxes, the
8 Joint Fiscal Office, and the Office of Legislative Council.

9 *[hire staff?]*

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

15 (h) Meetings.

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

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

20 (i) Compensation and reimbursement. Members of the Design Team
21 who are not employees of the State and who are not otherwise compensated or

this version not yet reviewed by the editorial staff

1 reimbursed for their participation shall be entitled to per diem compensation
2 and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

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

8 (k) **Existence.** The Design Team shall cease to exist on [July 1, 2020].

9 **Sec. 7. EXPANDED PREKINDERGARTEN – GRADE 12 SCHOOL**

10 **DISTRICTS; WAIVERS**

11 (a) On or before [May 1, 2015], The State Board of Education shall
12 develop criteria and a process under which it may grant waivers under Sec.
13 3(4) (1,250 average daily membership or 4 districts) and Sec. 5(b)(2)(C)
14 (voluntary realignment of districts that do not operate any or all grades) to
15 districts that wish to realign in an alternative manner.

16 (b) The waiver criteria shall be guided by the Essential Components, the
17 Performance Indicators developed by the Agency, and the analysis and options
18 developed by the Legal and Fiscal Working Group. [may need to make this
19 time and then the times for a prelim application [July 1, 2015] and ruling on
20 prelim apps all a little later – in order to allow the GA to respond to the
21 Performance Indicators and Working Group]

this version not yet reviewed by the editorial staff

1 (c) The State Board shall grant a waiver only if doing so:

2 (1) would not isolate an existing district that would be an appropriate
3 member of the proposed alternative district, and which is geographically
4 isolated from, or would otherwise be an inappropriate member of any other
5 potential Expanded District; and

6 (2) [would not inhibit the uniform collection and reporting of student
7 and financial data throughout the State].

8 Sec. 8. REGIONAL EDUCATION DISTRICTS

9 Districts that have been exploring transition into a Regional Education
10 District (RED) pursuant to 2010 Acts and Resolves No. 153, as amended by
11 2012 Acts and Resolves No. 156 and that wish to proceed pursuant to the work
12 they have done under that model shall file a preliminary application and final
13 proposed plan pursuant to the voluntary realignment provisions of Sec. 5 of
14 this act.

15

16 Sec. . EFFECTIVE DATE

17 This act shall take effect on passage.

18

19 **for other issues still under discussion - see next page**

this version not yet reviewed by the editorial staff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

UNDER DISCUSSION

(a) INCENTIVES

See Table of Incentives uploaded to Committee webpage on March 12

- Keep all / any incentives from Act 153/156?
- If so, for whom?
 - districts that have reached a certain threshold by a certain date?
 - anyone who voluntarily realigns into and Expanded District under this bill?
 - only those that have already done all need to do to be eligible for whatever payment they are eligible to receive?

(b) TRANSITIONAL FINANCIAL SUPPORT FOR NEW DISTRICTS

- only for voluntary?
- for all?

(c) INCENTIVES FOR NEW VOLUNTARY MERGERS

(d) SU RESPONSIBILITIES – SpEd & Transportation

- keep 7/1/2014 deadline?
- extend deadline?
- remove requirement?

(e) SUPPORT for AOE and SBE

(f) AUDITS: return to every three years for interim?