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1 Introduced by Committee on Education

2 Date: **changes from 6.1 indicated in yellow through page 25**

3 Subject: Education; supervisory unions; school districts

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 to  
12 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

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1 and the adoption of a final Statewide Plan regarding the size of Expanded  
2 Districts and 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 assess  
6 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 performance indicators for the Essential Components and make them  
9 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 research 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 system. 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.

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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 **December 31, 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 final proposed plans of realignment to  
19 the State Board. The Board shall approve a plan that (1) complies with the  
20 Essential Components, as may be clarified by the Performance Indicators and  
21 informed by the work of the Legal and Fiscal Working Group; and (2) does not

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

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

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

20 (d) Implementation. All Expanded Districts shall come into existence and  
21 begin operation no later than July 1, 2020.

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

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

3 **\*\*\* Issues and Purpose \*\*\***

4 Sec. 1. STATEMENT OF ISSUES AND LEGISLATIVE PURPOSE

5 (a) The General Assembly finds:

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

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

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1           (3) At the same time, technology and globalization and other societal  
2           demands are changing what our students need to know and be able to do in  
3           order to contribute to building a strong economic and civic future for the State.  
4           Notably, our students need to acquire what are generally called “21st century  
5           skills,” which include the ability to innovate, adapt, handle nonroutine  
6           problems, reason from evidence, synthesize and analyze complex data, work  
7           confidently with technology, collaborate in teams, and communicate  
8           effectively through a variety of media. Just as importantly, because many of  
9           the low skill jobs that paid a livable wage are being replaced by technology or  
10           sent overseas, we have to ensure that all students acquire the capabilities they  
11           need to hold or create meaningful work, so that growing inequality does not  
12           cripple the economic vitality of our State. The remaining low skill jobs will  
13           likely be poorly compensated and inadequate to comfortably support a family.

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

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1 those high expectations. A growing body of research suggests that systematic  
2 improvement of learning requires a systems level approach that provides  
3 teachers with the professional support and high quality information they need  
4 to customize learning effectively.

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

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

16 (7) Effective, high-quality special education services are essential to  
17 allow many students to access their learning. Some evidence suggests there  
18 currently is variability in the educational- and cost-effectiveness of special  
19 education services provided in Vermont. Reports from the field indicate that  
20 the current governance structure may make it difficult to achieve regional  
21 solutions to certain special education-related challenges, including a heavy

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1 reliance on 1:1 aides and limited access to the full range of the increasingly  
2 specialized expertise of special educators, especially in small districts.

3 (8) In many districts across the State, tight financial circumstances at the  
4 local level mean the current challenge of boards is to decide which programs to  
5 cut, not which opportunities will enable students to meet **State and local**  
6 **community** goals. **[deleted sentence]**

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

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

20 (11) We understand that a change in governance alone will not yield  
21 better outcomes for students. We believe, however, that a strong supervisory



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1 district structure will make it possible for our schools to collaborate, share  
2 resources, and work systematically to provide more opportunities to learn and  
3 higher quality instruction for our children. We believe that the current  
4 structure, with its substantial inequities, multiple small governing units, and  
5 conflicting lines of authority, makes it too difficult for our schools to work  
6 together coherently to support our ambitious goals for our students.

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

16 (b) Legislative purposes of this act.

17 (1) This legislation replaces our current governance structure, which  
18 relies primarily on singular governing units presiding over very small schools  
19 and loosely affiliated through a supervisory union, with a unified union school  
20 district model that includes multiple towns in one shared governance structure.

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- 1           (2) This new model will streamline operations and facilitate  
2           comparisons of operations across districts, so that board members and district  
3           leaders can analyze their operations, make adjustments, and draw on the  
4           experience of other districts in order to ensure the most educationally- and  
5           cost-effective decisions possible.
- 6           (3) Governance reform will bend the curve on expenditure increases  
7           over the long term, because board members and district leaders will have better  
8           data on which to base their decisions.
- 9           (4) The new governance model will enable local educational leaders to  
10           focus on improving learning in a customized, locally appropriate way, while  
11           spreading administrative functions over larger numbers of units to achieve  
12           efficiencies in those functions that can be standardized or which are improved  
13           when administered at scale. This will enable principals to become  
14           building-based leaders of instruction, and superintendents of these larger  
15           districts to become systems-level district leaders and managers.
- 16           (5) The new governance model involves the creation of criteria to  
17           evaluate outcomes of State goals at the district level but, in the Vermont  
18           tradition of local control, supports flexibility around how schools and districts  
19           develop community goals and outcomes. This would support local innovation,  
20           while preserving the capacity to analyze effectiveness and compare  
21           performance.

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

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

13           ***\*\*\* Expanded Prekindergarten – Grade 12 School Districts \*\*\****

14           Sec. 2. EXPANDED PREKINDERGARTEN–GRADE 12 SCHOOL  
15           DISTRICTS; CREATION

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

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

19           (2) school districts in the State, except interstate school districts, shall be  
20           realigned into an estimated 45–55 expanded prekindergarten–grade 12 school

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1 districts (Expanded Districts) that are responsible for the education of all  
2 resident students in **prekindergarten** 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:

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

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

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

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

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

5           (6) adopt one district-wide budget;

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

8           (8) be the local education agency as that term is defined in 20 U.S.C.  
9           § 7801(26);

10           (9) be designed to:

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

13           (B) foster stable leadership by developing and supporting both school  
14           and district leaders;

15           (C) hire, train, support, and retain excellent administrators, teachers,  
16           and staff;

17           (D) promote budgetary stability leading to less volatility for  
18           taxpayers;

19           (E) categorize and report expenditures in a manner that promotes  
20           transparency and public accountability and that supports a statewide integrated  
21           data collection system; and

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1           (F) promote a shared commitment to a strong, flexible, and coherent  
2 system.

3           (10) create school-based community councils designed to build  
4 partnerships among families, staff, and the community and strong community  
5 involvement. The articles of agreement shall determine membership on the  
6 council and the process by which members are selected. [deleted examples]

7           (b) Performance indicators; accountability. [reorganized (b)(1) generally]

8           (1) The Agency of Education, in consultation with the State Board, shall  
9 develop criteria by which to measure the Essential Components itemized in  
10 subdivision (a)(9) of this section in order to:

11           (A) provide guidance:

12                   (i) to school districts pursuing voluntary realignment;

13                   (ii) to the State Board when reviewing a proposed voluntary plan  
14 of realignment and requests for waivers from the Essential Components; and

15                   (iii) in the development and adoption of the Statewide Plan; and

16           (B) measure performance and ensure accountability after districts  
17 transition to an Expanded District.

18           (2) On or before January 1, 2015, the Agency shall complete the work  
19 required under subdivision (1) of this subsection (b) and present a detailed  
20 explanation of the performance indicators to the House Committees on

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1 Education and on Ways and Means and the Senate Committees on Education  
2 and on Finance for review.

3 Sec. 4. EXPANDED PREKINDERGARTEN–GRADE 12 SCHOOL

4 DISTRICTS; LEGAL AND FISCAL WORKING GROUP; REPORT

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

9 (1) voting and representation on school boards;

10 (2) ways to accommodate current districts that operate schools, that  
11 operate schools for some grades and pay tuition for the remaining grades, and  
12 that operate no schools;

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

14 (4) the common level of appraisal, grand lists, and tax rates;

15 (5) a statewide, uniform, integrated longitudinal student data and  
16 financial accounting and reporting system, and potential integration of the  
17 system with data and information delivery systems of other State entities, such  
18 as the Agency of Human Services;

19 (6) the funding and payment structure for career technical education  
20 (CTE) centers by Expanded Districts that do not operate a center and the  
21 governance structure of CTE districts

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1           (7) employment contracts; and

2           (8) municipal ownership of property.

3           (b) The Working Group shall be composed of individuals with relevant  
4 fiscal or legal expertise, or both, who are employed by the Agency of  
5 Education and the Department of Taxes, as selected by those entities, together  
6 with other individuals selected by the Secretary of Education and the  
7 Commissioner of Taxes who have substantial and varied experience with or  
8 knowledge of the legal and fiscal issues identified in this section. The  
9 Working Group shall consult with the Secretary of State and the Office of the  
10 Attorney General, and may consult with the Joint Fiscal Office, the Office of  
11 Legislative Council, and with any other individuals or entities with relevant  
12 data or expertise. The Working Group may create subcommittees of Group  
13 members or of Group members and other individuals to perform and review  
14 the work required under this section.

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

17           (d) On or before January 1, 2015, the Working Group shall submit a written  
18 report of its analysis of identified issues, together with a menu of potential,  
19 practical options to address the issues and a list of potential legislative  
20 amendments to the House Committees on Education and on Ways and Means,  
21 the Senate Committees on Education and on Finance, the Agency of Education,



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1 the State Board of Education, and the Design Team created in Sec. 6 of this  
2 act. After that date, the Working Group shall analyze additional issues at the  
3 request of one or more of the entities named in this subsection.

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

6 Sec. 5. EXPANDED PREKINDERGARTEN–GRADE 12 SCHOOL  
7 DISTRICTS; VOLUNTARY REALIGNMENT

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

11 (b) Realignment Plan. ***[changed structure of (b) for readability]***

12 (1) Existing school districts may realign into Expanded Districts by  
13 appointing a study committee and preparing of a plan of realignment  
14 (Realignment Plan) to be approved by both the State Board and the electorate  
15 of the districts. If approved, the Realignment Plan shall become the Expanded  
16 District’s articles of agreement.

17 (2) The Realignment Plan shall conform to the requirements of 16  
18 V.S.A. § 706b and shall address other general issues and issues of particular  
19 interest to the local communities, such as representation on the Expanded  
20 District’s school board, the manner in which school budgets are voted, the

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1 conditions under which the new district would be permitted to close an existing  
2 school building, and school choice.

3 (3) **In addition**, the Realignment Plan shall:

4 (A) incorporate the Essential Components of an Expanded District, as  
5 may be clarified by the Performance Indicators and informed by the work of  
6 the Legal and Fiscal Working Group;

7 (B) be responsible for the education of the resident students in  
8 **prekindergarten** through grade 12 in one of the following ways:

9 (i) by operating one or more public schools that offer elementary  
10 and secondary education;

11 (ii) by operating one or more public schools that offer elementary  
12 education, by operating or not operating some or all secondary grades, and by  
13 **paying tuition to** one or more of the four approved independent schools that  
14 have historically served as the public schools for the community in which they  
15 are located; or

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

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

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1                    (II) by paying tuition for resident students in some or all grades  
2                    to attend a public school operated outside the Expanded District or an approved  
3                    independent school and by operating one or more public schools that provide  
4                    education for any remaining grades;

5                    (C) provide for the election of an initial school board prior to the first  
6                    day of the Expanded District’s existence in order to assist the realigning  
7                    districts to transition to the new structure; and

8                    (D) address the transition of employees to the new employer,  
9                    including impacts upon membership in the Vermont Municipal Employees’  
10                   Retirement System and in collective bargaining units.

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

13                   (d) Preliminary application.

14                   (1) On or before December 31, 2015, districts that are preparing a  
15                   Realignment Plan may submit a preliminary application to the Secretary in a  
16                   format developed by the Agency. The Secretary shall review the preliminary  
17                   applications and submit them with his or her recommendations to the State  
18                   Board on or before February 29, 2016.

19                   (2) The State Board, in consultation with the Design Team, shall review  
20                   each preliminary application on its own merits and in relation to the other  
21                   districts’ preliminary applications.

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1           (3) The State Board shall provide preliminary approval to an application  
2           if it preliminarily complies with the Essential Components and with 16 V.S.A.  
3           § 706c, and it does not exclude an existing district that would be an appropriate  
4           member of the Expanded District and that is geographically isolated from, or  
5           would otherwise be an inappropriate member of, another proposed or potential  
6           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 April 30, 2016.

12           (e) Final application.

13           (1) Districts that have submitted a preliminary application may submit a  
14           proposed final Realignment Plan for review by the Secretary and State Board  
15           pursuant to 16 V.S.A. § 706c. In addition to the other considerations required  
16           by that section, the State Board, in consultation with the Design Team, shall  
17           review the proposed Realignment Plan to ensure:

18           (A) compliance with the Essential Components of Expanded  
19           Districts, as may be clarified by the Performance Indicators and informed by  
20           the work of the Legal and Fiscal Working Group; and

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

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- 1                   (i) would be an appropriate member of the Expanded District; and  
2                   (ii) is geographically isolated from, or would otherwise be an  
3 inappropriate member of, another Expanded District.

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

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

12                   (f) District vote. If an Expanded District created under this section is  
13 approved by the electorate pursuant to the provisions of 16 V.S.A. chapter 11  
14 on or before July 1, 2017, then it shall not be realigned under the Statewide  
15 Plan created pursuant to Sec. 6 of this act. If an Expanded District is not  
16 approved, then the current districts shall be subject to realignment under the  
17 Statewide Plan.

18                   Sec. 6. EXPANDED PREKINDERGARTEN–GRADE 12 SCHOOL  
19                   DISTRICTS; DESIGN TEAM; STATEWIDE PLAN; ADOPTION  
20                   BY RULEMAKING

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1        (a) Creation of Design Team. There is created a Design Team to monitor  
2        the voluntary realignment of school districts authorized pursuant to Sec. 5 of  
3        this act and to design the proposed plan for all remaining districts to be  
4        realigned by July 1, 2020 into Expanded Districts (the Statewide Plan). The  
5        Design Team shall submit the proposed Statewide Plan to the State Board for  
6        adoption under the rulemaking process set forth in 3 V.S.A. chapter 25.

7        (b) Number and qualifications of members. The Design Team shall be  
8        composed of nine members who are geographically representative, have a  
9        broad range of knowledge of and experience in the Vermont education system  
10       and in Vermont communities, and represent diverse points of view, opinions,  
11       and interests.

12       (c) Appointment.

13       (1) On or before July 1, 2014, the Speaker of the House, the Committee  
14       on Committees, and the Governor shall each choose three members, none of  
15       whom shall be members of the House of Representatives or the Senate during  
16       the period of appointment.

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

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

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

4           (1) engage the public in all areas of the State and solicit information and  
5           guidance from current school board members in order to inform the Statewide  
6           Plan design process;

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

9                   (A) provide guidance to the State Board and the Agency for use in  
10           the voluntary alignment and waiver processes; and

11                   (B) inform the Statewide Plan design process;

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

14           (4) submit the proposed Statewide Plan on or before November 1, 2017  
15           to the State Board for adoption as rules pursuant to 3 V.S.A. chapter 25, which  
16           shall **be final** on or before July 1, 2018.

17           (e) The Statewide Plan.

18           (1) The Statewide Plan shall be guided by the public engagement  
19           process required under subsection **(d)** of this section, the Essential  
20           Components, the Performance Indicators developed by the Agency, the  
21           analysis and options developed by the Legal and Fiscal Working Group, and

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1 the work of the State Board in developing the waiver criteria and process under  
2 Sec. 7 of this act.

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

4 (A) shall include initial articles of agreement that will govern the  
5 actions of the Expanded Districts that were not created during the voluntary  
6 realignment process until such time as each district adopts its own amended  
7 articles, which shall include the method of apportioning the representation on  
8 the new school board of the Expanded District and the conditions under which  
9 the Expanded District would be authorized to close a school building;

10 (B) shall establish transition procedures and guidance necessary for  
11 the creation of each Expanded District, including provisions for the election of  
12 an initial school board prior to the first day of the Expanded District's  
13 existence in order to assist the realigning districts to transition to the new  
14 structure, assumption of debt, ownership of property, and the transition of  
15 employees to the new employer, including membership in collective  
16 bargaining units.

17 (3) The Statewide Plan shall preserve the ability of a district that, as of  
18 the effective date of this act, provides for the education of all resident students  
19 in one or more grades by paying tuition on the students' behalf to continue to  
20 pay tuition on their behalf and shall not require the district to limit the options  
21 available to those students. ***[deleted "to choose" per Rep Champion's request]***



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

4           (f) Assistance. The Design Team shall have the administrative, technical,  
5           and legal assistance of the Agency of Education and the Department of Taxes.

6           (g) Updates. Beginning in January 2015, the Design Team shall provide  
7           quarterly updates to the House Committees on Education and on Ways and  
8           Means, the Senate Committees on Education and on Finance, the Agency, and  
9           the State Board regarding the status of public engagement activities, voluntary  
10           realignment, and the development of the Statewide Plan.

11           (h) Meetings.

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

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

16           (i) Compensation and reimbursement. Members of the Design Team who  
17           are not employees of the State and who are not otherwise compensated or  
18           reimbursed for their participation shall be entitled to per diem compensation  
19           and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

20           (j) Existence. The Design Team shall cease to exist on July 1, 2020.

***not yet reviewed by editorial staff***

1       Sec. 7. EXPANDED PREKINDERGARTEN–GRADE 12 SCHOOL  
2               DISTRICTS; WAIVERS

3               (a) On or before [May 1, 2015], the State Board of Education shall develop  
4               criteria and a process under which it may grant waivers under Sec. 3(4) (1,250  
5               average daily membership or 4 districts) and Sec. 5(b)(3)(B)(iii) (voluntary  
6               realignment of districts that do not operate any or all grades) of this act to  
7               districts that wish to realign in an alternative manner.

8               (b) The waiver criteria shall be guided by the Essential Components and  
9               the Performance Indicators developed by the Agency, and shall be informed by  
10              the analysis and options developed by the Legal and Fiscal Working Group.

11              (c) The State Board shall grant a waiver only if doing so would not isolate  
12              an existing district that would be an appropriate member of the proposed  
13              alternative district, and which is geographically isolated from, or would  
14              otherwise be an inappropriate member of any other potential Expanded  
15              District.

16       Sec. 8. REGIONAL EDUCATION DISTRICTS

17              Districts that have been exploring transition into a Regional Education  
18              District (RED) pursuant to 2010 Acts and Resolves No. 153, as amended by  
19              2012 Acts and Resolves No. 156 and that wish to proceed pursuant to the work  
20              they have done under that model shall file a preliminary application and final

***not yet reviewed by editorial staff***

1 proposed plan pursuant to the voluntary realignment provisions of Sec. 5 of  
2 this act.

3 Sec. 9. TRANSITIONAL PROVISIONS

4 (a) For purposes of this section, “realigning districts” means the school  
5 districts and the supervisory union, supervisory unions, or portions of  
6 supervisory unions that compose an Expanded District.

7 (b) Upon the election, before the Expanded District becomes a body politic  
8 and corporate, of the initial transitional school board, the board shall:

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

11 (2) recognize the representatives of the employees of the realigning  
12 districts as the recognized representatives of the employees of the Expanded  
13 District.

14 (c) Negotiations shall commence within 90 days after formation of the  
15 initial transitional school board and shall be conducted pursuant to the  
16 provisions of 16 V.S.A. chapter 57 for teachers and administrators and  
17 pursuant to 21 V.S.A. chapter 21 for other employees.

18 (d) An employee of a realigning district who was not a probationary  
19 employee shall not be considered a probationary employee of the Expanded  
20 District.

21 (e) If a new agreement is not ratified by both parties prior to July 1, 2020:

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

3           (2) the parties shall adhere to the provisions of an agreement among the  
4           employees, as represented by their respective recognized representatives,  
5           regarding how issues of seniority, reduction in force, layoff, and recall will be  
6           addressed during the period prior to ratification of a new agreement; and

7           (3) a new employee beginning employment after July 1, 2020 will be  
8           covered by the agreement in effect that applies to the largest bargaining unit  
9           among the realigning districts in that Expanded District.

10          (f) On the first day of its existence, the Expanded District shall assume the  
11          obligations of existing individual employment contracts between the realigning  
12          districts and their employers.

13          Sec. 10. POSITIONS; AGENCY OF EDUCATION

14          The General Assembly authorizes the establishment of two new limited  
15          services analyst positions in the Agency of Education in fiscal year 2015.

16          Sec. 11. PREKINDERGARTEN – GRADE 12 SCHOOL DISTRICT

17                         SPECIAL FUND

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

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1        (b) Monies in the fund shall be available to the Agency of Education to be  
2        used to support the purposes of Secs. 2 through 10 of this Act, including:

3            (1) to support the work of the Agency to provide technical assistance to  
4        districts during voluntary realignment pursuant to Sec. 5 of this Act;

5            (2) to support the work of the State Board of Education to review  
6        preliminary and final applications under the voluntary realignment process  
7        pursuant to Sec. 5 of this Act and to review the Statewide Plan under the  
8        rulemaking process pursuant to Sec. 6 of this act;

9            (3) to support the work of the Design Team pursuant to Sec. 6 of this  
10       act; and

11           (4) to provide property tax and other transitional assistance to school  
12       districts during realignment pursuant to Secs. 2 through 9 of this act.

13        (c) The fund shall be known as the Prekindergarten – Grade 12 School  
14       District Special Fund.

15        Sec. 12. APPROPRIATION

16        The sum of \$ [REDACTED] is transferred in fiscal year 2014 to the  
17       Prekindergarten – Grade 12 School District Special Fund from the special fund  
18       created by 32 V.S.A. § 6075, pursuant to the provisions of § 6075(d).

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1       **\*\*\* Public Education Innovation Zones \*\*\*** [H.615; slightly revised]

2       Sec. 13. APPLICABILITY

3           (a) Prior to July 1, 2020, the provisions of Sec. 14, 16 V.S.A. § 261b, of  
4       this act shall apply only to the boards of two or more districts that are pursuing  
5       voluntary realignment pursuant to Sec. 5 of this act and that include the § 261b  
6       innovation plan as a component of the Realignment Plan submitted to the State  
7       Board and electorate.

8           (b) Beginning on July 1, 2020, the word “district” in Sec. 14 of this act, 16  
9       V.S.A. § 261b, means an Expanded District created pursuant to Secs. 2 through  
10       8 of this act.

11       Sec. 14. 16 V.S.A. § 261b is added to read:

12       § 261b. PUBLIC EDUCATION INNOVATION ZONES; REPORT

13           (a) Public education innovation zone. As used in this section, “public  
14       education innovation zone” or “innovation zone” means one or more districts  
15       that implement an innovation plan developed and approved pursuant to this  
16       section.

17           (b) Initiation of innovation plan. An innovation plan may be initiated and  
18       developed in one of two ways:

19               (1) The boards of two or more districts may collaborate to develop a  
20       joint innovation plan and submit the plan to the Secretary pursuant to  
21       subsection (e) of this section.

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1           (2) A superintendent, in consultation with principals, teachers, and  
2           community members, may develop an innovation plan for a district and submit  
3           it to the board of the district. The board shall review the innovation plan and  
4           shall either approve or disapprove the plan within 60 days of its receipt. If the  
5           board disapproves the plan, then it shall issue a written explanation detailing  
6           the basis of its decision. The superintendent may submit an amended plan to  
7           the board at any time. If the board approves the plan in its original or an  
8           amended version, then the board shall submit the plan to the Secretary pursuant  
9           to subsection (e) of this section.

10           (c) Areas of innovation. An innovation plan may address any area or areas  
11           of education governance, policy, or funding, including:

12                   (1) curriculum, standards, and assessments;

13                   (2) instructional practices and principles;

14                   (3) services provided to discrete populations of students, including  
15           students eligible for special education, gifted and talented students, students  
16           with limited English proficiency, and students at risk of academic failure or  
17           expulsion;

18                   (4) early education and school readiness;

19                   (5) preparation and counseling of students for postsecondary education,  
20           training, and employment;

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- 1           (6) use of technology and data systems to improve instruction and
- 2           expand learning opportunities;
- 3           (7) grouping of students by factors other than age;
- 4           (8) structure and length of the school day or year;
- 5           (9) public school choice;
- 6           (10) partnerships with approved independent schools eligible to receive
- 7           public funding;
- 8           (11) recruitment, employment, training, and professional development
- 9           of teachers, administrators, or other staff within the innovation zone;
- 10           (12) performance expectations and evaluation procedures for all staff;
- 11           (13) compensation, including retirement and other benefits;
- 12           (14) governance and the responsibilities of individuals in key leadership
- 13           positions; and
- 14           (15) use of financial or other resources.
- 15           (d) Components of innovation plan. An innovation plan submitted to the
- 16           Secretary pursuant to subsection (e) of this section shall include:
- 17           (1) a statement of the innovation zone’s mission and the ways in which
- 18           designation as an innovation zone will advance the mission;
- 19           (2) a description of the proposed innovation or innovations;



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1           (3) identification of the educational outcomes that will be measured and  
2           the improvements that are expected to result from implementation of the  
3           innovations;

4           (4) a list of the programs, practices, and policies that would be affected  
5           by the proposed innovations and the ways in which the innovations will affect  
6           them;

7           (5) a description of any statutory or other requirements that would  
8           inhibit implementation of the innovation plan and from which the proposed  
9           innovation zone requests a waiver;

10           (6) identification of businesses, industries, postsecondary institutions,  
11           nonprofit organizations, and other entities with which the proposed innovation  
12           zone plans to develop partnerships;

13           (7) an estimate of the financial savings and any increased efficiencies or  
14           economies of scale anticipated to result from the innovations;

15           (8) identification of proposed strategies to secure and maintain resources  
16           necessary to implement and sustain the innovations; and

17           (9) provision for the continuation and assumption of collective  
18           bargaining agreements until their expiration

19           (e) Review and approval of Secretary.

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1           (1) The district board or boards shall submit an innovation plan  
2           developed and approved pursuant to subsection (b) of this section to the  
3           Secretary.

4           (2) The Secretary shall review the innovation plan and shall either  
5           approve or disapprove the plan within 60 days of its receipt. The Secretary  
6           shall approve the plan unless the Secretary concludes that the plan, including  
7           any requested waivers, is likely to result in decreased educational outcomes or  
8           opportunities or is not fiscally feasible. If the Secretary disapproves the plan,  
9           then he or she shall issue a written explanation detailing the basis of the  
10           decision.

11           (3) If the Secretary disapproves a submitted plan, the district board or  
12           boards may submit an amended plan to the Secretary at any time and may  
13           request additional waivers or changes to the waivers previously requested. The  
14           Secretary shall then approve or disapprove the amended plan pursuant to the  
15           provisions of subdivision (2) of this subsection and, if disapproved, the district  
16           board or boards may submit an amended plan.

17           (f) Waivers. Upon approval of an innovation plan pursuant to subsection  
18           (e) of this section, the Secretary shall grant the innovation zone a waiver from  
19           compliance with any related State statute or State Board rule; provided,  
20           however, that the Secretary shall not waive requirements relating to:

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1           (1) employee participation in the State Teachers’ Retirement System of  
2           Vermont or the Vermont Municipal Employees’ Retirement System;

3           (2) the statewide assessment system adopted by the State Board  
4           pursuant to chapter 3 of this title to measure educational outcomes and related  
5           State Board rules; or

6           (3) existing legal obligations owed to employees arising under State or  
7           federal law, collective bargaining agreements, individual employment  
8           contracts, or otherwise, including recognition of the recognized representatives  
9           of the employees and assumption and continued observance of all existing  
10          collective bargaining agreements.

11          (g) Performance review. Within three years after the Secretary approves an  
12          innovation plan, and every three years thereafter, the district board or boards  
13          shall review the performance of the innovation zone and determine whether the  
14          innovation zone is achieving or making adequate progress toward achieving  
15          the educational and operational results identified in the innovation plan. The  
16          district board or boards may revise the innovation plan to improve academic  
17          performance or operational efficiencies and submit the revised plan to the  
18          secretary for review and approval under subsection (e) of this section.

19          (h) Funding. An innovation zone may seek and accept publicly and  
20          privately supported grants and donations to support development and

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1 implementation of an innovation plan, provided that the funding is approved  
2 by the district board or boards prior to receipt.

3 (i) Annual report. On or before January 15 annually, the Secretary shall  
4 submit to the Governor and shall post on the Agency website a report on  
5 innovation zones that shall include:

6 (1) the number of district designated as innovation zones during the  
7 previous academic year;

8 (2) the innovations implemented in each innovation zone;

9 (3) a summary of the educational outcomes of students enrolled in  
10 public schools within the innovation zone and a comparison of them with  
11 outcomes from before implementation of the innovations; and

12 (4) recommendations for any legislative changes.

13 **\*\*\* Common Chart of Accounts; Longitudinal Data System \*\*\* [H.840]**

14 Sec. 15. COMMON CHART OF ACCOUNTS; STUDENT

15 LONGITUDINAL DATA SYSTEM; **APPROPRIATION**

16 (a) On or before July 1, 2020:

17 (1) the Agency of Education shall have fully implemented its systems to  
18 maintain a common chart of accounts and student longitudinal data; and

19 (2) each Expanded District created pursuant to Secs. 2 through 9 of this  
20 act shall have the technological ability to provide all requested data to the

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1 systems and access all data to which they are entitled under State and federal  
2 privacy laws.

3 (b) On or before July 1, 2018, the Agency shall identify all technological  
4 obstacles inhibiting a district’s ability to comply with subsection (a) of this  
5 section and shall provide assistance in the form of technological support and  
6 grants from the funds appropriated in

7 (c) The sum of \$100,000.00 is appropriated to the Agency of Education  
8 from the General Fund in fiscal year 2015 for grants to school districts in  
9 support of the technology advancements required in this section.

10 ***\*\*\* Innovation in Education; Technology; Task Force; Grant Program;***

11 ***Appropriation \*\*\* [H.826]***

12 Sec. 16. VERMONT INNOVATION IN EDUCATION TASK FORCE;  
13 REPORT

14 (a) Creation. There is created a Vermont Innovation in Education Task  
15 Force to examine barriers to the effective use of technology in Vermont’s  
16 schools and to support access to that technology through, among other things,  
17 the dissemination of best practices and awarding of matching funds under the  
18 Vermont Innovation in Education Grant Program created in Sec. 17 of this act.

19 (b) Membership. The Task Force shall be composed of the following nine  
20 members:

21 (1) the President Pro Tempore of the Senate or designee;

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1           (2) the Speaker of the House or designee;

2           (3) the Chair of the House Committee on Education or a member of that  
3 committee appointed by the Chair;

4           (4) the Chair of the Senate Committee on Education or a member of that  
5 committee appointed by the Chair;

6           (5) one member appointed by the Governor;

7           (6) The Secretary of Education or designee;

8           (7) a representative of the postsecondary education community  
9 appointed by the Governor;

10           (8) a representative of the Vermont Superintendents Association  
11 appointed by the Association; and

12           (9) a representative of the business and industry community appointed  
13 by the Vermont Business Roundtable.

14           (c) Powers and duties. The Task Force shall:

15           (1) examine barriers to the effective use of technology in Vermont's  
16 schools and solutions to overcome them, including:

17           (A) methods to ensure that both current teachers and students  
18 enrolled in teacher preparation programs are able to use technology effectively;

19           (B) strategies to create and procure engaging and cost-effective  
20 digital content to inspire Vermont students;

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1           (C) strategies to ensure that all students benefit from access to  
2           technology, especially students who face learning challenges;

3           (D) methods to increase operating efficiencies and enhance learning  
4           opportunities, especially in rural areas, through the use of technology; and

5           (E) best practices to assist schools to prepare students to enter the  
6           workforce or pursue postsecondary education or training without the need for  
7           remediation;

8           (2) develop criteria and a process for awarding grants pursuant to Sec.  
9           17 of this act, including the ways in which it will solicit and evaluate grant  
10           applications; and

11           (3) evaluate and award grants pursuant to Sec. 17 of this act.

12           (d) Assistance. The Task Force shall have the administrative, technical,  
13           and legal assistance of the Agency of Education. For purposes of preparing  
14           recommended legislation, the Task Force shall have the assistance of the  
15           Office of Legislative Council.

16           (e) Reports.

17           (1) On or before October 1, 2014, the Task Force shall publish on the  
18           Agency of Education’s website and submit to the Governor and the House and  
19           Senate Committees on Education a written report detailing:

20           (A) the results of its examination under subdivision (c)(1) of this  
21           section;

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1           (B) the criteria and processes it established for awarding grants under  
2           Sec. 17 of this act; and

3           (C) any recommendations for legislative action.

4           (2) On or before January 31 in 2015, 2016, and 2017, the Task Force  
5           shall submit to the Governor and the House and Senate Committees on  
6           Education a written report detailing the amounts, recipients, and purposes of  
7           grants awarded under Sec. 17 of this act.

8           (f) Meetings.

9           (1) The Secretary of Education shall call the first meeting of the Task  
10          Force to occur on or before June 1, 2014.

11          (2) The Secretary of Education shall be the chair.

12          (3) Action shall be taken on grant applications only if there is both a  
13          quorum and a majority vote of all members of the Task Force.

14          (4) The Task Force shall cease to exist on July 1, 2017.

15          (g) Reimbursement.

16          (1) For attendance at meetings during adjournment of the General  
17          Assembly, legislative members of the Task Force shall be entitled to per diem  
18          compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

19          (2) Other members of the Task Force who are not employees of the State  
20          of Vermont and who are not otherwise compensated or reimbursed for their  
21          attendance shall be entitled to both per diem compensation and reimbursement



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1 of expenses pursuant to 32 V.S.A. § 1010 from funds appropriated to the  
2 Agency of Education.

3 **Sec. 17. VERMONT INNOVATION IN EDUCATION GRANT PROGRAM;**

4 REPORT; **APPROPRIATION**

5 (a) Creation. There is established the Vermont Innovation in Education  
6 Grant Program for the purpose of awarding matching funds to assist **districts,**  
7 especially those located in rural areas, to use technology to increase operating  
8 efficiencies and enhance learning opportunities.

9 (b) Process and criteria. Pursuant to the requirements and deadlines  
10 established in Sec. **16** of this act, the Vermont Innovation in Education Task  
11 Force shall develop criteria and a process for awarding grants under this  
12 section, including the ways in which it will solicit and evaluate grant  
13 applications and ensure post-award compliance. At a minimum, a successful  
14 applicant shall demonstrate that it has plans to ensure:

15 (1) the long-term financial sustainability of any technological advances  
16 supported by the grant;

17 (2) professional development opportunities that enable educators to  
18 access the full capacity of new devices and digital content;

19 (3) the creation and procurement of engaging and cost-effective digital  
20 content;

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1           (4) student access to and benefit from access to technology, especially  
2           for students who face learning challenges;

3           (5) support from and partnerships with local businesses, entities that  
4           provide postsecondary education and training, and other school districts; and

5           (6) parental involvement with the program to encourage students to  
6           access resources beyond the school day and develop skills necessary to  
7           evaluate online content.

8           (c) **Application.** On or before **November 15, 2014**, a **school district** or  
9           group of **school districts** may submit an application for funding under the  
10           Program pursuant to the criteria and processes established by the Task Force.

11           (d) **Grant awards.** On or before **December 31, 2014**, the Task Force shall  
12           select **districts** to receive grant funds under the Program. Upon certification by  
13           a recipient that it has immediate access to 70 percent of project costs from  
14           sources other than the Program, the Task Force shall award the recipient an  
15           amount not to exceed 30 percent of project costs. At the request of an  
16           applicant, the Task Force is authorized to make periodic partial award  
17           payments at any time on or before **June 30, 2017**.

18           (e) **Appropriation.** The sum of **\$750,000.00** is appropriated to the Agency  
19           of Education from the General Fund in **fiscal year 2015** for **grants** to school  
20           districts under the Vermont Innovation in Education Grant Program created in  
21           this section.

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

**OPTION #1:** *Do nothing – implementation required by July 1, 2014*

**OPTION # 2:** *Extend implementation date*

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

(b) Secs. 9 through 12 of this act shall take effect on passage and shall be fully implemented on July 1, 2013, subject to the provisions of existing contracts; provided, however, that the special education provisions of Sec. 9, 16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A. § 261a(a)(8)(E), shall be fully implemented on July 1, 2014 **20\_\_**.

**OPTION #3:** *Repeal requirement because moving to Expanded Districts*

*[repeal/amend all of these in future when all statutes repealed/amended for Extended Districts]*

**Sec. 18.** 16 V.S.A. § 261a is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

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

\* \* \*

(6) provide, or if agreed upon by unanimous vote of the supervisory union board, coordinate the provision of special education services on behalf of its member districts and, except as provided in section 144b of this title,

***not yet reviewed by editorial staff***

1 compensatory and remedial services, and provide or coordinate the provision  
2 of other educational services as directed by the State Board or local boards;  
3 ~~provided, however, if a supervisory union determines that services would be~~  
4 ~~provided more efficiently and effectively in whole or in part at the district~~  
5 ~~level, then it may ask the Secretary to grant it a waiver from this provision;~~

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

8 (8) provide the following services for the benefit of member districts in  
9 a manner that promotes the efficient use of financial and human resources,  
10 which shall be provided pursuant to joint agreements under section 267 of this  
11 title whenever feasible; provided, however, if a supervisory union determines  
12 that services would be provided more efficiently and effectively in another  
13 manner, then it may ask the Secretary to grant it a waiver from this  
14 subdivision:

15 \* \* \*

16 (E) at the option of the supervisory union [board], provide  
17 transportation or arrange for the provision of transportation, or both in any  
18 districts in which it is offered within the supervisory union;

19 \* \* \*

**not yet reviewed by editorial staff**

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

4 (b) Secs. 9 through 12 of this act shall take effect on passage and shall be  
5 fully implemented on July 1, 2013, subject to the provisions of existing  
6 contracts; ~~provided, however, that the special education provisions of Sec. 9,~~  
7 ~~16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A.~~  
8 ~~§ 261a(a)(8)(E), shall be fully implemented on July 1, 2014.~~ **[does this work?]**

9 **Sec. 20.** 2010 Acts and Resolves No. 153, Sec. 18, as amended by 2011 Acts  
10 and Resolves No. 30, Sec. 2; 2011 Acts and Resolves No. 58, Sec. 18; 2013  
11 Acts and Resolves No. 56, Sec. 23; and 2014 Acts and Resolves No. 92, Sec.  
12 303, is further amended to read:

13 Sec. 18. TRANSITION

14 (a) ~~Each~~ A supervisory union shall provide for any transition of  
15 employment of special education and transportation employees by member  
16 districts to employment by the supervisory union, ~~pursuant to Sec. 9 of this act,~~  
17 ~~16 V.S.A. § 261a(a)(6) and (8)(E),~~ by:

18 \* \* \*

19 (b) For purposes of this section ~~and Sec. 9 of this act,~~ “special education  
20 employee” shall include a special education teacher, a special education  
21 administrator, and a special education paraeducator, which means a teacher,

***not yet reviewed by editorial staff***

1 administrator, or paraeducator whose job assignment consists of providing  
2 special education services directly related to students' individualized education  
3 programs or to the administration of those services. Provided, however, that  
4 "special education employee" shall include a "special education paraeducator"  
5 only if the supervisory union board elects to employ some or all special  
6 education paraeducators because it determines that doing so will lead to more  
7 effective and efficient delivery of special education services to students. If the  
8 supervisory union board does not elect to employ all special education  
9 paraeducators, it must use objective, nondiscriminatory criteria and identify  
10 specific duties to be performed when determining which categories of special  
11 education paraeducators to employ.

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

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

20 **Sec. 21.** 24 V.S.A. § 5053a(a) is amended to read:

***not yet reviewed by editorial staff***

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

5 ***\*\*\* Act 156 Incentives \*\*\****

6 ***Repeal any? See Table labeled "Overview of Act 156 Incentives" posted on***  
7 ***the Committee's webpage on March 12, 2014.***

8

9

10 Sec. . EFFECTIVE DATE

11 This act shall take effect on passage.