

Governance – Possible Provisions
Section by Section Summary – **DRAFT!**
(draft 1.1; 4/28/14)

I. Intent; Right to Equal Educational Opportunity

Sec. 1 (p. 1): Section 1 states the State’s intention to transition to an education governance system of prekindergarten–grade 12 school districts in order to increase equity in the quality and variety of educational opportunities available to all Vermont students.

Sec. 2 (pp. 1–2): Section 2 amends 16 V.S.A. 1, Right to Equal Educational Opportunity, to include a reference to prekindergarten–grade 12 school districts.

II. Transitional Provisions

Sec. 3 (p. 2): Section 3 states the General Assembly’s intent that Secs. 4 through **15** (which clarify and amend the responsibilities of supervisory unions and school districts, require supervisory unions to work collaboratively, and assess penalties for a district’s noncompliance with law) will assist the State as it transitions to a prekindergarten–grade 12 educational governance system.

a. Supervisory Union and School District Responsibilities

Secs. 4–11 (pp. 2–10): SU and District Responsibilities. These sections clarify and reassign responsibilities of supervisory union boards, supervisory unions, superintendents, and state boards. Among other changes, they:

- divide current SU board responsibilities into policy-making duties assigned to the board and implementation duties assigned to the SU for which the superintendent is then made directly responsible
- clarify that the SU is solely responsible for some duties and remove the ability to seek a waiver to allow districts to perform the duties on their own behalf
- shift / clarify responsibilities for the care and maintenance of school buildings (goods and services) so that all would be the responsibility of the SU; ownership and the responsibility to insure the buildings would remain with the school district
- rewrite current language that has been amended many times so that it is stated in a more straightforward, consistent manner

[Sec. 6 adds requirement that hiring / nonrenewal of super happens only with Secretary approval AND Sec. 7 adds a new (9) requiring superintendent to notify Secretary of district’s noncompliance – both are added in connection with Sec. 15, the financial penalty for noncompliance]

b. Supervisory Union Regions

Secs. 12–14 (pp. 11–12): Current law encourages SUs to collaborate to provide services jointly. Agreements are required to include a cost–benefit analysis. Sec. 12 requires the Secretary to group SUs into SU Service Regions for purposes of requiring collaboration. *[not sure if Secs. 13 & 14 are supposed to be included as well?]* Sec 13 requires each SU Service Region to provide the following services jointly: professional development; procurement and distribution of goods and operational services; transportation. Sec. 14 amends existing law to reflect the effect of Sec. 13.

c. Compliance Penalty

Sec. 15 (pp.12–13): This section would create a penalty to be assessed against a school district if the superintendent determines that the district failed to comply with law. The penalty would be equal to equal to one percent of a district’s total education spending and would be added to the numerator of the ratio used to calculate the district’s “district spending adjustment” – in the same manner as the excess spending penalty is assessed. *[see earlier note about Secs. 6 and 7]*

d. Special Education Funding; Pilot

Sec. 16 (pp. 13–15): Section 16 creates a pilot program designed to encourage reduced special education expenditures through the use of best practices to provide special education services in the general classroom setting. Pursuant to a process and criteria to be developed by the Secretary of Education, and notwithstanding the provisions of 16 V.S.A. § 2961, the Secretary would be authorized to provide to the districts within up to four supervisory unions an enhanced mainstream block grant (Enhanced Grant) that is [up to] 50 percent greater than the amount calculated pursuant to that section. *[questions to be answered are noted in and after text]*

III. Voluntary Realignment

Sec. 17 (p. 16): Currently a group of districts is eligible for incentives under the RED process only if the RED is operational on or before July 1, 2017. Section 17 permits payment of the incentives if there has been an affirmative vote approving the RED by that date.

Sec. 18 (pp. 16–17): Section 18 reduces the ADM criterion for RED formation from a minimum of 1,250 to a minimum of 1,000.

Sec. 19 (pp. 17–18): Section 19 increases the transition facilitation grant available for formation of a RED from \$150,000 to \$300,000 except for the formation of a modified unified union school district. It also removes the subsection repealing the statute to provide more flexibility in connection with the amendment made in Sec. 17 of the bill.

Sec. 20 (pp. 18–23): Section 20 would extend the incentives for RED formation for an additional 2 years beyond the original July 1, 2017 deadline BUT the incentives are reduced to 50% of the original amounts if the RED is approved between July 1, 2017 and July 1, 2019.

Sec. 21 (pp. 23–24): Acts 153/156 transform small school support grants into merger support grants for districts that lose small school funding due to formation of a RED. Section 21 permits this practice to continue, despite the amendments in H.889 that restrict small school grants to areas of geographic necessity, provided that the RED merger support grants must be used to support programs and activities at the small schools.

Sec. 22 (pp. 24–25): REDs are formed pursuant to the voting process established for union school district formation. Pursuant to that process, each district identified as :”necessary” to formation fo the new district must vote in favor of the plan of merger. For groups of districts that have already voted unsuccessfully on formation of a RED, Section 23 would permit the districts that did not support the RED to vote on the same plan of merger at a newly warned meeting and if these districts vote in favor, the RED would be approved without the need for the other (favorable) districts to vote again as well.

Sec. 23 (p. 25): Section 23 authorizes the Secretary of Education to assess a penalty similar to the excess spending penalty for any district that doesn’t make adequate has not [**made a serious effort**] to move toward realignment of its governance structure by a date certain. [**dates and details need to be finalized**]

Sec. 24 (pp. 25–26): Section 24 confirms that nothing in the act intends or should be construed as limiting or repealing a “choice” district’s decision to continue to pay tuition for students in one or more grades or an operating district’s decision not to pay tuition.

Sec. 25 (p. 26): Section 25 requires the Agency to update and supplement the RED formation template and to create a technical assistance handbook for districts exploring REDs. It also requires the State Board of Ed to monitor the RED process. [**need more detail about what is intended**]

IV. Special Fund; Appropriations; Positions

Sec. 26 (pp. 27–28): Section 26 creates a special fund for the purposes under the act (providing technical support and grant funding to districts).

Sec. 27 (p. 28): Section 27 creates **■** new limited services analyst positions in the Agency ot provide technical assistance to districts.

Sec. 28 (p. 28): Section 28 transfers into the new special fund: (1) \$_____ from the Supplemental Property Tax Relief Fund and (2) \$329,000 in unexpended monies previously appropriated for RED related reimbursement and grants.

Sec. 29 (p. 29): would appropriate money from the new special fund for three purposes: personal services, operational expenses, and grant funding for districts. *[amounts need to be filled in]*

Sec. 30 (p. 29): Section 30 provides that the positions created and money appropriated in this act are in addition to, and intended to work in concert with, money and positions for an analyst, the uniform chart of accounts, and other related purposes in H.889.