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Potential Replacement Language for Secs. 1 and 17

Sec. 1. EDUCATION POLICY GOALS

(a) **Intent.** By enacting this legislation, the General Assembly intends to move the State toward integrated education systems responsible for the equitable delivery of high quality education to all resident prekindergarten–grade 12 students through a revised governance structure that:

(1) leads students to achieve or exceed the State’s Educational Quality Standards, adopted as rules by the State Board of Education at the direction of the General Assembly;

(2) leads to improved transparency and accountability; and

(3) is delivered at a cost that parents, voters, and taxpayers value.

(b) **Design.** This legislation is designed to encourage and support local decisions and actions linked to the Educational Quality Standards and to cost-effectiveness, including decisions and actions that:

(1) promote equity in the quality and variety of educational opportunities available throughout the State, regardless of the school’s size or location;

(2) improve student performance as established by each school in the continuous improvement plan it develops pursuant to 16 V.S.A. § 165;

(3) provide a sequential, logical curriculum to all students;

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1 (4) promote students’ ability to think critically; communicate verbally,
2 in writing, and through the use of technology; collaborate; and solve problems
3 creatively;

4 (5) advance solutions, including structural changes, that are developed
5 and implemented at the local level to meet community needs and priorities;

6 (6) enhance the possibility that the State’s small schools remain open if
7 they are able to provide students with equitable educational opportunities and
8 improved student performance at a stable, affordable cost;

9 (7) create enhanced opportunities and other conditions that promote
10 stability in leadership;

11 (8) foster strong relationships between schools and the broader
12 community and increased parental and community engagement at the school
13 level;

14 (9) facilitate operational and educational efficiencies and effectiveness
15 through greater flexibility in the management of resources to support student
16 achievement and success, with a goal of increasing the district-level ratio of
17 students to full-time equivalent staff;

18 (10) improve affordability and stability for taxpayers; and

19 (11) increase public accountability and transparency through:

20 (A) greater consistency in educational governance structures; and

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1 (B) the accounting and reporting of financial information in
2 accordance with Generally Accepted Accounting Principles and as otherwise
3 required by the Secretary of Education.

4 **(c) Educational Quality Standards; indicators; performance measures.**

5 The State Board shall continue to develop indicators to determine compliance
6 with Educational Quality Standards and, on or before December 31, 2015,
7 shall publish performance measures for the policy goals identified in the
8 Standards as expressed by this section, including those relating to student
9 outcomes.

10 (d) **Guidelines.** Based upon the performance measures it adopts in
11 subsection (c) of this section, including those relating to student outcomes, the
12 State Board of Education shall issue guidelines on or before December 31,
13 2015, that are designed to:

14 (1) assist districts to develop governance proposals pursuant to Sec. 17
15 of this act; and

16 (2) guide the State Board’s evaluation of the proposals, recognizing that
17 regional variations may result in a proposal that continues, expands, or creates
18 a new supervisory union.

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1 Sec. 17. GOVERNANCE TRANSITIONS TO ACHIEVE EDUCATION

2 POLICY GOALS; INTEGRATED EDUCATION SYSTEMS

3 **(a) Integrated education systems.** On or before July 1, 2019, the State
4 shall provide educational opportunities through integrated education systems
5 that are responsible for the equitable delivery of high quality education to all
6 resident prekindergarten through grade 12 students and that are designed to
7 improve transparency and accountability and to promote stable, affordable
8 education costs, all as set forth in Sec. 1 of this act.

9 **(b) Evaluation and proposal by districts.**

10 **(1) Evaluation.** Each district shall meet with neighboring districts that
11 have similar patterns of school operation and tuition payment (Neighboring
12 Districts) to evaluate the districts' structures and programs and determine how
13 best to create and implement an integrated education system in the region.
14 Neighboring Districts do not need to be contiguous and do not need to be
15 within the same supervisory union.

16 **(2) Study Committee and Report.** Except as provided in subsection
17 **(e)** of this section, a district shall form a study committee with one or more
18 Neighboring Districts. Each group of Neighboring Districts shall prepare a
19 study report (Report) pursuant to 16 V.S.A. chapter 11 proposing how best to
20 create a new supervisory district or an integrated education system with more
21 than one district pursuant to subsection **(c)** of this section by realigning

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1 Neighboring Districts that have similar patterns of school operation and tuition
2 payment. Reimbursement of expenses and other transition facilitation
3 assistance pursuant to 2012 Acts and Resolves No. 156 are available to the
4 extent provided in that act.

5 **(3) Submission of report and vote of electorate.** Through creation of
6 the Report, the Neighboring Districts shall demonstrate how their proposal is
7 designed to create an integrated education system that is capable of achieving
8 the goals and requirements set forth in this section and that is effective on or
9 before July 1, 2019. The Report, which if approved by the State Board of
10 Education pursuant to subsection (d) of this section and subsequently by the
11 electorate, shall be the new district's articles of agreement pursuant to 16
12 V.S.A. chapter 11.

13 **(c) Size and structure of integrated education districts.**

14 **(1) Minimum size; waiver.** Each integrated education system shall
15 have an average daily membership of at least 1,100 students in prekindergarten
16 through grade 12 unless granted a waiver by the State Board of Education
17 based upon criteria developed by the Board.

18 **(2) Supervisory districts.** In order to promote flexibility, transparency,
19 and accountability, the preferred structure for an integrated education system
20 shall be a supervisory district, as defined in 16 V.S.A. § 11(a)(24), that is
21 responsible for the education of all resident prekindergarten through grade 12

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1 students and that assumes one of the following four common governance
2 structures:

3 (A) a district that operates a school or schools for resident students in
4 prekindergarten or kindergarten through grade 12;

5 (B) a district that operates a school or schools for resident students in
6 prekindergarten or kindergarten through grade 6 and pays tuition for all
7 resident students in grade 7 through grade 12;

8 (C) a district that operates a school or schools for resident students in
9 prekindergarten or kindergarten through grade 8 and pays tuition for resident
10 students in grade 9 through grade 12;

11 (D) a district that operates no schools and pays tuition for resident
12 students in prekindergarten through grade 12.

13 **(3) Supervisory unions.**

14 (A) Recognizing that a supervisory district may not be the best means
15 of achieving the goals of this act in all regions of the State and to the extent
16 necessary under subdivision (1) of this subsection (minimum ADM; waiver),
17 subsection (g) of this section (protections for tuitioning and operating districts),
18 or otherwise, Neighboring Districts may propose and the State Board may
19 authorize the creation, expansion, or continuation of a supervisory union with
20 two or more member districts, each with a distinct school board, if the State
21 Board concludes that it is the best means of accomplishing an integrated

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1 education system capable of achieving the goals and requirements of this
2 section in a particular region

3 (B) Notwithstanding subdivision (A) of this subdivision, the State
4 Board shall approve a supervisory union structure only if the structure ensures
5 transparency and accountability for the member districts and the public at
6 large, including transparency and accountability in relation to the supervisory
7 union budget, which may include a process by which the electorate votes
8 directly whether to approve the proposed supervisory union budget. Pursuant
9 to 16 V.S.A. § 261(d), the State Board may waive requirements of 16 V.S.A.
10 chapters 5 and 7 if necessary to facilitate the vote.

11 **(d) Evaluation by the State Board of Education.** When evaluating
12 Reports presented to it pursuant to 16 V.S.A. chapter 11 and subsection (b) of
13 this section, the State Board shall also:

14 (1) Consider whether the proposal is designed to create an integrated
15 education system capable of achieving the goals and requirements set forth in
16 this section.

17 (2) Be mindful of any other district in the region that may become
18 geographically isolated or would otherwise be an inappropriate member of
19 another supervisory district or union school district.

20 (A) At the request of the State Board, the Secretary shall work with
21 the potentially isolated district and other districts in the region to move toward

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1 an integrated education system that is designed to achieve the goals and
2 requirements set forth in this section.

3 (B) The State Board is authorized to deny approval to a proposal that
4 would geographically isolate a district that would not be an appropriate
5 member of another integrated education system in the region.

6 **(e) Exceptions to requirement for study committee.**

7 (1) **Supervisory district.** If the board of a supervisory district believes
8 that the district can function as an integrated education system pursuant to this
9 section without altering its current governance structure, then the board may
10 submit a Report to the State Board pursuant to subsection (b) of this section
11 and subsequently to the electorate pursuant to 16 V.S.A. chapter 11 without
12 forming a study committee pursuant to that chapter.

13 (2) **Supervisory union.** If the board of a supervisory union believes
14 that all member districts can function as an integrated education system
15 pursuant to subsection (a) of this section by realigning into a supervisory
16 district, then the supervisory union board may submit a Report to the State
17 Board pursuant to subsection (b) of this section and subsequently to the
18 electorate pursuant to 16 V.S.A. chapter 11 without forming a study committee
19 pursuant to that chapter.

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1 **(f) Creation of integrated education systems.**

2 (1) Secretary’s proposal. If a district or group of districts does not
3 complete the process outlined in subsection (b) of this section, or does so but
4 does not obtain a favorable vote of all “necessary” districts on or before
5 November 30, 2017 (collectively, the Remaining Districts), then the Secretary
6 shall develop a proposal by which the Remaining Districts of the State shall be
7 realigned to the extent possible to create integrated education systems pursuant
8 to this section. If it is not possible or practicable to realign one or more
9 Remaining Districts in a manner that meets one or more provisions of
10 subsections (a) and (c) of this section, then, in connection with the district or
11 districts, the proposal shall be designed in a manner that serves the best
12 interests of the resident students, the local communities, and the State. The
13 Secretary shall present the proposal to the State Board of Education on or
14 before July 1, 2018.

15 (2) State Board’s order. On or before September 1, 2018, the State
16 Board shall approve the Secretary’s proposal in its original or in an amended
17 form, and publish its order realigning Remaining Districts on the Agency’s
18 website.

19 **(g) Interstate school districts.** This section shall not apply to interstate
20 school districts.

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1 **(h) Protection for nonoperating districts and operating districts;**
2 **statement of intent.**

3 **(1) Nonoperating districts.** All governance transitions achieved
4 pursuant to this section shall preserve the ability of a district that, as of the
5 effective date of this act, provides for the education of all resident students in
6 one or more grades by paying tuition on the students' behalf, to continue to
7 provide education by paying tuition on behalf of all students in the grade or
8 grades if it chooses to do so and shall not require the district to limit the
9 options available to students if it ceases to exist as a discrete entity and is
10 realigned into a supervisory district or union school district.

11 **(2) Operating districts.** All governance transitions achieved pursuant
12 to this section shall preserve the ability of a district that, as of the effective date
13 of this act, provides for the education of all resident students in one or more
14 grades by operating a school offering the grade or grades, to continue to
15 provide education by operating a school for all students in the grade or grades
16 if it chooses to do so and shall not require the district to pay tuition for students
17 if it ceases to exist as a discrete entity and is realigned into a supervisory
18 district or union school district.

19 **(3) Statement of intent.** Nothing in this section shall be construed to
20 restrict or repeal, or to authorize or require the restriction or repeal of, the

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1 ability of a school district that, as of the effective date of this act, provides for
2 the education of all resident students in one or more grades:

3 (A) by paying tuition on the students' behalf, to continue to provide
4 education by paying tuition on behalf of all students in the grade or grades if it
5 chooses to do so; or

6 (B) by operating a school offering the grade or grades, to continue to
7 provide education by operating a school for all students in the grade or grades
8 if it chooses to do so.