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From: Tim Briglin <tim@tuckermancapital.com>
Date: March 12, 2016 at 9:56:42 AM EST
To: David Sharpe <DSarpe@leg.state.vt.us>
Cc: Jim Masland <jamesq56@yahoo.com>
Subject: Side-by-side merger memo

Dave,

Thanks for the time you took with me and Jim yesterday to dig further in our Act 153/156 issues and how they relate to our towns complying with Act 46. You had asked for more information on what we propose to do. Let me specifically lay out the challenge faced by our towns and the legislative fix we are pursuing.

Sharon (preK-6 operating, 7-12 choice), Thetford (preK-6 operating, 7-12 designation of Thetford Academy), and Strafford (preK-8 operating, 9-12 "designation-choice") are currently joined in a study committee seeking a preferred structure to comply with Act 46. These districts, jointly or separately, are also in conversations with Tunbridge (preK-8 operating, 9-12 choice), Stockbridge (preK-6 operating, 7-12 choice), and Rivendell (Fairlee, West Fairlee, and Vershire; preK-12 operating) regarding merger possibilities. Because of the variety of operating/choice/designation features across these towns, the study committee is considering a "side-by-side" merger configuration in order to arrive at an Act 46 preferred structure.

Act 153 of 2009-10 created incentives for school district mergers and the creation of regional education districts (REDs). Act 156 of 2011-12 amended Act 153 creating the "side-by-side" merger configuration. Act 46 classifies a "side-by-side" merger as one of the preferred configurations qualifying districts for financial incentives.

In creating the "side-by-side" configuration, Act 156 stipulated the following qualifications:

1. Each district must include at least two existing districts
2. Each district meets all RED criteria, except for size
3. One of the new districts is a K-12 operating district
4. Each district has the same effective date of merger
5. The new "side-by-side" districts are members of one SU
6. The new "side-by-side" districts jointly meet the 1,250 ADM size requirements

Conditions #3 and #4 on this list of "side-by-side" qualifications are extremely challenging for the towns with whom we are working. Per #3, our towns would need to append their yet to be determined "side-by-side" structure to a newly formed preK-12 operating district. There are two newly forming preK-12 districts in our region of Vermont, but neither are good options for our towns. Rochester-Chelsea-Bethel-Royalton are each preK-12 districts that will be merging, as are Wells River-Newbury-Bradford. Very few children from Sharon-Strafford-Thetford attend school in either of these emerging preK-12 districts, and our towns have very little communal education history. (In contrast, Sharon-Strafford-Thetford students have been attending school together for decades/centuries.) The consideration of appending our prospective "side-by-side" configuration to one of those new preK-12 districts is purely an administrative function of the requirements of Act 156 (#3).

Condition #4 – each district having the same merger date – is an even higher barrier to pursuing a “side-by-side” path. The Rochester-Chelsea-Bethel-Royalton merger, and the Wells River-Newbury-Bradford mergers are happening. They are moving forward. Our towns must determine their “side-by-side” configurations in the next six weeks, literally, in order to meet the timelines being pursued by these other new preK-12 districts. While our towns are moving very quickly to try to adhere to this schedule, this timeline does not allow for thoughtful decision-making and adequate public information/consideration. These are huge decisions for our towns.

What do we propose to do? Amend Act 156, Sec. 15 by doing the following:

1. Striking the requirement that a “side-by-side” district require a new preK-12 operating district as one of the districts and instead stating that “each side-by-side district shall be responsible for the elementary and secondary education of resident students”
2. Expanding the side-by-side configuration from each side having “at least two existing districts” to also allow for a configuration that has “at least three existing districts” on one side of the side-by-side and one existing district on the other.

Eliminating the requirement of having a new preK-12 operating district in the side-by-side eliminates the “same effective date of merger” issue. Expanding the allowable side-by-side configuration to include one district on one side and three+ districts on the other is a helpful amendment for our towns, but not critical.

To be clear: our purpose in amending Act 156 is to give our towns slightly more leeway in merging their districts so that they can successfully comply with Act 46.

I am attaching the language that Jim DesMarais drafted this week. I believe at Scott Beck’s direction, and with John Bartholomew’s permission, he used H.594 as a vehicle for our amendment. It might be more appropriate to instead put this language as a strike all to one of two bills (either H.636 or H.731) Jim Masland and I introduced that are on the wall in House Ed. – an administrative detail.

Please let me know if there is additional background you would like. Thanks again for your consideration.

Tim

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