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H.361

Potential amendments to draft 3.2 as discussed by the  
Senate Committee on Education on 4/21/15

**\*\*\* Findings \*\*\***

Sec. 1. FINDINGS

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(g) National literature suggests that the optimal size for student learning is in elementary schools of 300 to 500 students and in high schools of 600 to 900 students. In Vermont, the smallest elementary school has a total enrollment of 15 students (kindergarten – grade 6) and the smallest high school has a total enrollment of 55 students (grades 9 – 12). Of the 300 public schools in Vermont, 205 have 300 or fewer enrolled students and 64 have 100 or fewer enrolled students. Of those 64 schools, 16 have 50 or fewer enrolled students.

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**\*\*\* Preferred Education Governance Structure; Alternative Structure \*\*\***

Sec. 2. PREFERRED EDUCATION GOVERNANCE STRUCTURE;  
ALTERNATIVE STRUCTURE

(a) Preferred structure: prekindergarten-grade 12 district. In order to provide ...

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1       (b) Alternative structure: supervisory union. A single prekindergarten-  
2 grade 12 district as envisioned in subsection (a) of this ....

3  
4       *[and also removed the word “optimal” from Sec. 2(b)(2), page 5, line 14]*

5  
6               \* \* \* **Transition to Sustainable Governance Structures** \* \* \*

7       Sec. 23. VOLUNTARY SELF-EVALUATION, MEETINGS, AND  
8               DECLARATION

9       (a) The board of each school district in the State that has a governance  
10 structure different than the preferred structure set forth in Sec. 2(a) of this act  
11 or that does not expect to move or will not be moving into the preferred  
12 structure on or before July 1, 2020, may choose to pursue one or more of the  
13 following actions:

14               (1) Self-evaluation. The board may choose to evaluate the quality and  
15 variety of educational opportunities the district offers and the district’s  
16 operational efficiencies, including its flexibility to manage, share, and transfer  
17 nonfinancial resources with other districts.

18               (2) Meetings.

19                       (A) The board may choose to meet with the boards of one or more  
20 other districts, including those representing districts that have similar patterns

1 of school operation and tuition payment, to discuss ways to promote  
2 improvement throughout the region in connection with:

3 (i) the quality, variety, and equity of available educational  
4 opportunities;

5 (ii) operational efficiencies, including the flexibility to manage,  
6 share, and transfer resources; and

7 (iii) transparency and accountability.

8 (B) The districts would not need to be contiguous and would not need  
9 to be within the same supervisory union.

10 (3) Declaration. A board of a district, solely on behalf of its own district  
11 or jointly with the boards of other districts, may choose to submit a letter to the  
12 Secretary of Education and the State Board of Education on or before June 30,  
13 2017, that:

14 (A) declares the district's intention to retain its current governance  
15 structure or to work with other districts to form a different governance  
16 structure or otherwise enter into joint activity;

17 (B) demonstrates, through reference to enrollment projections,  
18 student-to-staff ratios, the comprehensive data collected pursuant to 16 V.S.A.  
19 § 165, and otherwise, how the intention stated in subdivision (A) of this  
20 subdivision supports the district's or districts' ability to:

1                    (i) provide high-quality and varied educational opportunities that  
2                    are substantially equitable when compared to opportunities available statewide;

3                    (ii) to maximize operational efficiencies through increased  
4                    flexibility to manage, share, and transfer resources among educational units;  
5                    and

6                    (iii) to promote transparency and accountability; and

7                    (C) identifies detailed actions it would take to continue to improve its  
8                    performance in each of the three areas set forth in subdivisions (B)(i) – (iii).

9                    Sec. 24. TRANSITION TO SUSTAINABLE GOVERNANCE

10                    STRUCTURES

11                    (a) Goals; Secretary’s proposal. In order to provide substantial equity in  
12                    the quality and variety of educational opportunities statewide; to maximize  
13                    operational efficiencies through increased flexibility to manage, share, and  
14                    transfer resources; and to promote transparency and accountability, the  
15                    Secretary of Education shall:

16                    (1) Review the governance structures of the school districts and  
17                    supervisory unions of the State as they will exist, or are anticipated to exist, on  
18                    July 1, 2020. This review shall include consideration of any declarations  
19                    submitted by districts or groups of districts pursuant to Sec. 23 of this act and  
20                    conversations with those and other districts.

1           (2) On or before April 1, 2018, shall develop, publish on the Agency's  
2 website, and present a proposed plan to the State Board of Education that, to  
3 the extent necessary to promote the purpose stated at the beginning of this  
4 subsection (a), would move districts into the more sustainable, preferred model  
5 of governance set forth in Sec. 2(a) of this act. If it is not possible or  
6 practicable to develop a proposal that realigns districts, where necessary, in a  
7 manner that adheres to the protections of Sec. 3(c) (protection for tuition-  
8 paying and operating districts) or that otherwise meets all aspects of Sec. 2(a),  
9 then the proposal may include alternative governance structures as necessary,  
10 such as a supervisory union with member districts or a unified union school  
11 district with a smaller average daily membership; provided, however, that any  
12 proposed alternative governance structure shall be designed to:

13                 (A) ensure adherence to the protections of Sec. 3(c); and

14                 (B) promote equity of educational opportunities, financial efficiencies,  
15 accountability, and transparency in a sustainable governance structure.

16           (b) State Board's proposed plan. On or before December 31, 2018, the  
17 State Board shall review and analyze the Secretary's proposal under the  
18 provisions in subsection (a) of this section, may take testimony or ask for  
19 additional information from districts and supervisory unions, shall approve the  
20 proposal in either its original form or in an amended form that adheres to the  
21 provisions of subsection (a), and shall present to the General Assembly and

1 publish on the Agency of Education’s website a proposed plan realigning  
2 districts and supervisory unions where necessary.

3 (c) General Assembly. Upon review of the State Board’s proposed plan  
4 and receipt of testimony from the public and interested parties, it is the intent  
5 of the General Assembly in 2015 that the 2019–2020 General Assembly shall  
6 enact the proposed plan either in its original form or in an amended form that:

7 (1) adheres to the provisions of subsection (a) of this section:

8 (2) establishes a date by which any new districts and expanded or  
9 otherwise realigned supervisory unions that might be created under this section  
10 shall be operational.

11 (d) Applicability. This section shall not apply to:

12 (1) interstate school districts;

13 (2) regional career technical center school districts formed under 16  
14 V.S.A. chapter 37, subchapter 5A; or

15 (3) districts that, between June 30, 2013, and July 2, 2020, have  
16 voluntarily created and have begun or will begin to operate as a unified union  
17 school district that:

18 (A) is a regional education district (RED) or a district eligible to  
19 receive RED incentives; or

20 (B) is formed pursuant to the preferred structure set forth Sec. 2(a) of  
21 this act.