

Vermonters for Schools and Community
51 South Pleasant St.
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April 13, 2015

Senate Committee on Education
Vermont General Assembly

Re: Draft No. 1.1 – H.361

We appreciate that the committee has twice welcomed our representatives to testify on this matter and that we have been afforded ample time to make our statement and to answer questions. We ask the committee to consider this written testimony on the committee draft bill as it appears on the committee webpage as document **H.361: Draft No. 1.1, 4-9-2015**

There is a lot for Vermonters for Schools and Community to like in this draft. But there are several provisions of this draft that we have serious concerns about. Below, we outline components of the bill that we support, followed by provisions about which we have concerns.

We are encouraged by the general direction of the committee draft insofar as it does not mandate consolidation or reorganization of school districts, the dissolution of school boards, or the reconfiguration of school districts into systems meeting a specified minimum student enrollment number.

We are happy that the draft does not include a cap on budgets that would constitute a diminution of school district voter rights and responsibilities.

We are pleased to see the use of the state's current Education Quality Standards as a benchmark for assessing school and school district performance and for establishing such improvement goals as may be necessary on a case-by-case basis.

We are pleased that pursuit of these goals will be supported by technical assistance, and that schools and school districts that fail to improve will be held accountable

We also appreciate the committee draft's attention to the need to better coordinate education and human services.

We have consistently supported all of these policies in our previous testimony and public statements.

V4SC Concerns: Below are several provisions about which V4SC has concerns. In each case, we briefly explain the reason for our concern and offer some alternatives.

We are concerned about the committee draft's language that would amend 16 V.S.A. 165. This language appears to greatly broaden the Secretary's discretionary and unilateral authority to establish

financial performance standards not part of the state Educational Quality Standards, and to determine that continued operation of a school is not financially viable, notwithstanding its performance under current Educational Quality Standards or its success in implementing Act 77. This portion of the draft would, for the first time, give the Secretary broad authority to identify schools as financial failures and recommend sanctions be imposed by the State Board without a transparent rule-making process by which financial viability standards and processes for imposing sanctions are first established.

The statute now allows the State Board to assume administrative control “...only to the extent necessary to correct deficiencies...” The proposed language would include “...budgetary control to ensure sound fiscal practices...” In addition, the State Board would be empowered to require two or more districts to consolidate. This is a broad and vague grant of discretion over matters that are now the province of local voters. Moreover, this determination can be made notwithstanding the school’s performance as measured by existing Educational Quality Standards or by its success in implementing Act 77. In effect, the committee draft seeks authority for the Secretary, not the State Board, to amend the Educational Quality Standards by adding fiscal performance standards to which schools are accountable, and which can be used to justify closing schools, even those that perform well against existing Educational Quality Standards and implementation of Act 77.

We are fortunate in Vermont to have recently approved a clear set of standards for measuring the effectiveness of our schools. The Vermont Educational Quality Standards approved in 2014 lay out in detail the structures, supports, and processes that should be present in our schools to ensure a high-quality education for our students. These standards also include support mechanisms for schools to improve, as well as provisions to address schools that are unable to meet the standards. These standards will be used to assess all schools (large and small) and will over time help schools to improve.

Given the real potential that these standards hold to improve our schools, we should not attempt now to craft new metrics for judging school effectiveness that are based not on student outcomes, but on school cost. Doing so stands a good chance of reducing educational quality in our state, if it results in the closure of some very good schools that somehow do not pass the fiscal test.

We should assess schools based on their educational quality as per the Educational Quality Standards and Act 77. This proposal raises the prospect that schools that are achieving strong student outcomes could be shut down just because of their relative cost, and without any standards or guidance on the educational performance of the school students are subsequently sent to. The focus on financial viability might also allow a school district with an ample per pupil valuation to rely on its local fiscal capacity to avoid state sanctions. This raises questions regarding the constitutionality of the proposed provision.

Any guideline, directive, set of standards, or procedure under this legislation affecting the identification or assessment of schools not already addressed in the Vermont Education Quality Standards should be subject to the Rule on Rulemaking promulgated by the Vermont Secretary of State under the authority of Title 3 V.S.A. Chapter 25. The fact that these various rules proposed in this draft legislation may be used to identify schools as presumably failing and that the administrative authority to sanction or close these schools or replace locally elected governing officials and

professional school leaders with state agency control, raises the stakes for the communities served by these schools to a level that requires formal rulemaking.

We believe that some of the legislative findings are actually hypotheses, and the General Assembly should await the compilation of the comprehensive data called for in Section 3 (2) of the committee draft before it makes judgments about: 1) the ability of “micro” schools to provide educational opportunities necessary for students to acquire the skills and knowledge necessary to succeed in the 21st century, global economy; and the governance structures and delivery systems that will enable school districts to “manage, share, and transfer resources, including personnel, with other school districts” in both effective and efficient ways. (See attached resolutions).

We believe that some of the “obstacles” cited are in fact supportive of, not injurious to, the Education Quality Standards established by the State Board of Education, and to Act 77 passed by the General Assembly in 2013.

The “micro” size of some governance units is a measure of how close our schools are to the small communities they serve, and how integrated they are into the lives of those communities. The “active parental and community engagement” in schools that this committee draft seeks to promote and facilitate is already alive and well in many communities across Vermont, precisely because they have “relatively autonomous governance units.” Parents and community members are involved because they understand that their involvement will have an impact on their school.

An obstacle not mentioned in the committee draft is the prolonged economic distress suffered by some parts of our state. Sustaining a quality school system in these communities is a challenge, and it is precisely these communities the state should embrace, not abandon, with educational services.

The Small School Grants should be retained as they play a vital role in the support of fully one-third of the school districts in Vermont at a very low cost.

Annually, the Small Schools Grants account for 7.3 million dollars (or 0.6%) of the 1.2 billion dollar cost of Vermont’s public schools. Elimination of this funding that is currently awarded to a total of 95 schools across the state will do little to meet the goals put forward in this legislation, and may actually make it more difficult to reach them.

It will not decrease the rate of growth in education spending. In fact, if the local districts affected by the loss of revenue increased their local property tax effort to replace the revenue, it will actually increase property tax rates in 95 towns.

It will not provide substantial equity in the quality and variety of educational opportunities. The grants are critical to supporting a strong academic program in the schools receiving them. It will therefore not improve student outcomes. The reductions in educational program that would result from eliminating these grants would in all likelihood diminish rather than improve student outcomes.

If the objective is to push communities into closing their school, it may do so at the risk of compromising educational wellbeing of students.

It will not promote and facilitate effective leadership, excellent teaching, and active parental and community engagement. Reducing critical support to small schools is likely to make leadership (and possibly teaching) more challenging at those schools.

Elimination of these grants will have a significant negative impact on the one-third of Vermont schools that currently receive them. Until we have a much better understanding of the schools and practices in Vermont that are effective, it is illogical to remove critical supports for one subset of those schools that happen to be smaller. The financial savings will be miniscule, and the impact on students will be large.

The “hold harmless provision” regarding declining enrollment should be retained as an important “soft landing” for schools serving some of Vermont’s currently distressed communities. For those more fortunate, it is an insurance policy against the time when their fortune might be reversed.

Most school districts in Vermont have experienced some level of enrollment decline over the past decade. The “hold harmless” provision represents a relatively small financial commitment from the State of Vermont to limit the impact of increased cost/pupil and local property tax rates that accompany a drop in enrollment from one year to the next. The provision costs nothing to the education system as a whole. Enrollment changes can go in either direction from year-to-year for any school district. If this support were to be eliminated, the burden would be felt primarily by taxpayers who, in a given year, happen to be living in a district with a large drop in enrollment. Stripping these communities of this timely support may turn what may actually be a short-term economic problem into an assigned fate.

The Regional Education Quality Review Teams (REQRT) should conduct comprehensive reviews of quality and opportunity rather than targeted investigations.

We applaud the use of review teams, but we feel these teams should be a systemic part of the statewide educational system and should review all schools on a rotating basis. Reviews should not be targeted as the committee draft suggests, at schools the Secretary of Education has pre-determined as deficient in some way because “ they are not meeting or are in danger of not meeting performance expectations” rather they should be a system of accountability for all schools which pinpoint innovations, exemplary programs, and accomplishments as well as areas for improvement. The composition of the REQRT should include parents, board members and other members of the general public as well as education peers.

Thank you once again for giving attention to our concerns.

Vermonters for Schools and Community Steering Committee:

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