VERMONT
AGENCY OF EDUCATION
ACT 46 OF 2015

School Board Membership – Proportionality
Senate Committee on Education; January 28, 2016

I. Proportional Model:

- Key Elements:
  - Membership on the union school board is apportioned to each town/village/city ("town") within the new union school district based on the town's population relative to the total population in the union school district
  - Population numbers are determined by the most recent decennial census
  - Voters in the town nominate town residents to fill the town's apportioned seats
  - Only voters in the town vote on that town's nominees to fill the town's apportioned seats
- Proportionality (One Person – One Vote):
  - Although proportionality does not have to be exact, a large deviation could violate the Equal Protection Clause of the U.S. Constitution – *Barnes v. Mount Anthony Union High School District*, 418 F. Supp. 845 (D. Vt. 1975)
  - If a proposed model is possibly unconstitutional, there are at least three alternatives:
    - The At-Large Model (see II below)
    - The Hybrid Model (see III below)
    - The Proportional Model with Weighted Voting:
      - Identical to the Proportional Model above, but each member's vote carries a different weight
    Example of Weighted Voting:

Town	Population	Board Members	Weight of *Each* Member's Vote
A	4,000	4	1
B	4,000	4	1
C	1,000	2	0.5

- Examples of Successful or Proposed Mergers with the Proportional Model:
  - Addison Northwest (12 members)
  - Addison Rutland (18 members)
  - Essex Westford (10 members; weighted voting = 9 votes)
  - Lamoille North (18 members)
  - Rutland South (11 members)

II. At-Large Model:

- Key Elements:
  - At-large members of the union school board can reside in any town
  - At-large members of the union school board are nominated by the voters of any town
  - Membership is not apportioned – so proportionality requirements do not apply
  - Voters in all towns vote on the same slate of candidates to fill all at-large seats on the union school board – the total of all votes determines successful candidate
  - At-large members are presumed to represent all students in the union school district and to be accountable to all voters
- Proportionality (One Person – One Vote): Does not apply to the At-Large Model
- Examples of Successful or Proposed Mergers with the At-Large Model:
  - Elmore Morristown (7 members)

III. Hybrid Model (Apportioned Members with At-Large Voting):
- Key Elements:
  - o Membership on the union school board is apportioned to each town
  - o Apportionment does not have to be proportional to the town's population
  - o Numbers can be apportioned pursuant to any agreed-upon method, for example:

Town	Population	Board Members
A	2,100	3
B	3,200	3
C	2,500	3

Town	Population	Board Members
A	4,000	3
B	4,000	3
C	1,000	1

  - o Voters in all member towns vote on the same slate of candidates
  - o The ballot is categorized to represent each town's apportioned seats on the union school board (*e.g.*, in Example #2 above, the voters in each town would vote on the following: "Here is the list of candidates for Town A – vote for not more than 3; Here is the list of candidates for Town B – vote for not more than 3; Here is the list candidates for Town C – vote for not more than 1")
  - o Each town has a "seat at the table," but the at-large method of voting promotes a culture where each member represents all students in the union school district and is accountable to all voters
- Proportionality (One Person – One Vote): Does not apply to the Hybrid Model
- Examples of Successful or Proposed Mergers with the Hybrid Model:
  - o Addison Central (13 members)
  - o Franklin Central (10 members; weighted voting = 9 votes)

IV. Other Models:

It is also possible to create a board of directors with seats from more than one model. For example, for both unified union districts within the Rutland Northeast SU Side-by-Side merger, the articles of agreement provide that some seats are filled pursuant to the At-Large Model and other seats by the Hybrid Model.

IV. 16 V.S.A. chapter 11 (union school district creation) explicitly:
- Limits the total number of board members to 18 individual members
- States that each member town is "entitled" to at least one board member
- Acknowledges that board membership must be structured to meet proportionality requirements of the Equal Protection Clause of the U.S Constitution
- Authorizes election of at-large board members
- Authorizes weighted voting

Please refer to:
- o *The proportionality guidance document on the Agency's Governance webpage for more details (http://education.vermont.gov/documents/edu-act46-faq-proportionality-nominating-voting.pdf), including the process for nominating and electing members of the initial union school board*
- o *The bottom of the Agency's Governance webpage for links to merger study committee reports & proposed articles of agreement (http://education.vermont.gov/laws/2015/act-46)*

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