

Report on Act 46 of 2015

**Section 6(d) Accelerated Activity; Supervisory Union
Becoming a Supervisory District; Enhanced Tax
Incentives; Small School Support; Data and Report**

and

Report on Act 153 of 2010

**Section 8(a) Regional Education Districts; Status of
Merger Discussions and Votes**

REPORT

January 2016

**Report to the House Committees on Education,
Appropriations, and Ways and Means and the
Senate Committees on Education, Appropriations,
and Finance**

Submitted by Secretary of Education

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Legislation

[Act 46 of 2015](#): *An act relating to making amendments to education funding, education spending, and education governance*

[Act 153 of 2010](#): *An act relating to voluntary school district merger, virtual merger, supervisory union duties, and including secondary students with disabilities in senior year activities and ceremonies*

Summary of Legislation

[Act 46 of 2015](#), Section 6(d) requires the Secretary to report to House and Senate Committees on Education and on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance “regarding the districts merging under [the accelerated merger process created by Sec. 6(d)], conclusions drawn from the data collected, and any recommendations for legislative action.”

[Act 153 of 2010](#), Section 8 requires the Secretary to report to the House and Senate Committees on Education “regarding the status of [Regional Education District (RED)] merger discussions and votes.

Report

a. Overview of Activity

Act 46 has prompted numerous conversations within and among districts and supervisory unions (SUs) throughout the State. The Agency of Education is actively involved in answering questions and providing practical guidance to school districts, supervisory unions, merger study committees, legislators, and the general public.

The Agency has developed a new [Act 46 Governance webpage](#) that summarizes the multi-year process created by Act 46 to move the State towards sustainable models of education governance. It provides links to fact sheets, worksheets, guidance documents, answers to frequently asked questions, and merger proposals submitted

to the State Board of Education. The Agency is adding new materials to the webpage on a regular basis, both in anticipation of and in response to issues that arise in the field.

The Act 46 Governance Webpage refers to the multiple options for voluntary merger as the first three phases of the State’s multi-year process. The three phases are based upon the deadlines both for local votes on a proposal to merge and for a merged district to begin operations, as follows:

- Phase 1: Accelerated Mergers (Act 26 of 2015, Sec. 6)
- Phase 2:
 - REDs (Act 153 of 2010)
 - RED Variations -- Side-by-Side Mergers, Union Elementary School (Layered) Mergers, and Modified Unified Union School District (MUUSD) Mergers (Act 156 of 2012)
- Phase 3: Conventional Mergers (Act 46 of 2015, Sec. 7)

Prior to recommending a merger proposal to the State Board of Education, the Secretary and her Governance Team submit each proposal to a rigorous review that involves multiple conversations with the § 706b merger study committee or its representatives (*e.g.*, its chair; school board members; its attorney; its consultant; the superintendent(s)) and several revised drafts of the study committee’s final report and proposed articles of agreement.

By enacting Act 46, the General Assembly declared the intention to move the State toward sustainable models of education governance designed to meet the goals set forth in Section 2 of the Act. It is primarily through the lens of those goals that the Secretary (and ultimately the State Board) considers whether a study committee’s proposal is “in the best interests of the State, the students, and the school districts” as required by 16 V.S.A. § 706c.

The Agency has provided a worksheet to help ensure that a study committee’s report and proposed articles of agreement address all necessary issues – including the five stated goals of Act 46, the Act’s concern that mergers do not result in geographic isolation, and the union school district formation criteria of 16 V.S.A.

Chapter 11. The worksheet is submitted to the State Board of Education to provide an overview of the proposal, which is described in more detail in the study committee's final report and proposed articles of agreement. The Secretary submits her recommendation to the State Board at the same time.

b. § 706b Merger Study Committees

To the best of our knowledge, there are currently 23 SUs in which districts have formed a formal merger study committee pursuant to 16 V.S.A. § 706b:

- ** Addison Central SU
- Addison Northeast SU
- ** Addison Northwest SU
- ** Addison - Rutland SU
- ** Chittenden South SU
- ** Franklin Central SU
- Franklin Northeast SU
- Franklin West SU
- Grand Isle SU
- ** Lamoille North SU
- Orange East SU
- Orange Southwest SU
- ** Orleans Central SU
- Rutland Central SU
- Rutland Northeast SU
- Rutland South SU
- Southwest Vermont SU
- Two Rivers SU
- Washington Central SU
- ** Washington West SU
- ** Windham Southeast SU
- Windham Southwest SU
- Windsor Southeast SU

The nine SUs preceded by asterisks have notified the Agency of their intention to consider pursuing an Accelerated Merger, which requires approval by the voters in each potentially merging district by July 1, 2016. At least three other SUs are

considering the accelerated option as well, but have not formally notified the Agency.

Several of the SUs listed above are pursuing a different form of merger (*e.g.*, REDS; Side-by-Sides) with the intention of being operational on July 1, 2016 or July 1, 2017. As a result, they are within the Accelerated Merger timeframe, but are not Accelerated Mergers. Two mergers that, if successful, would be operational in July 2016 are the Rutland Northeast SU (Side-by-Side) and the Rutland South SU (RED).

The decision to follow an option other than an Accelerated Merger is generally the result of one three things: (1) the desire to spend more time discussing and preparing a merger proposal; (2) the size of the student population (*e.g.*, Rutland South SU's proposed RED); or (3) the existence of multiple governance structures within a single SU (*e.g.*, Rutland Northeast SU's proposed Side-by-Side).

There are many other regional conversations occurring throughout the State. We have heard informally that there likely will be additional § 706b merger study committees formed in 2016.

c. State Board of Education -- Approval of Merger Proposals

Since enactment of Act 46 in June 2015, the Secretary has favorably recommended and the State Board of Education has approved the following merger proposals:

- Addison Central SU (Accelerated)
- Addison Northwest SU (Accelerated)
- Addison-Rutland SU (Accelerated)
- Elmore-Morristown (Unified Union School District – eligible for a transitional assistance grant under Act 156 of 2012, but not eligible for incentives under the three phases listed above)
- Essex-Westford – Chittenden Central SU & Essex Town SD (Accelerated)
- Franklin Central SU (Accelerated)
- Lamoille North SU (Accelerated – or an MUUSD if one or two districts do not approve merger and the remaining districts do)
- Rutland Northeast SU (Side-by-Side)
- Rutland South SU (RED)

The Agency is currently reviewing other draft merger proposals and assisting study committees in other ways, with the expectation that the State Board will review additional study committee reports and proposed articles of agreement at its meetings throughout the Spring of 2016.

d. Merger Votes by the Electorate

Since enactment of Act 46 in June 2015, the following merger proposals have been presented to the voters of the pertinent school districts or a vote is anticipated to occur on or before April 12, 2016:

- Voter-Approved Mergers:
 - Essex-Westford SD (Accelerated) – approved by the voters; vote is final; organizational meeting is scheduled for January 26, 2016.
 - Elmore-Morristown (Unified Union School District) – approved by both Elmore and Morristown on reconsideration; vote is final; organizational meeting to be scheduled.
 - Rutland Northeast SU (Side-by-Side) – approved by voters of each district on January 19, 2016; vote is not final – petitions for reconsideration may be filed until February 18, 2016.
- Town Meeting Day (TMD) Vote by Electorate:
 - Addison Central SU (Accelerated)
 - Addison Northwest SU (Accelerated)
 - Franklin Central SU (Accelerated)
 - (Orange Southwest SU (RED) has stated that it intends a TMD vote)
 - Rutland South SU (RED)
- April 12, 2016 Vote by Electorate:
 - Addison-Rutland SU (Accelerated)
 - Lamoille North SU (Accelerated, with possibility of MUUSD)

In addition, the voters of the Huntington Town School district will vote on March 1, 2016 whether to join the Mount Mansfield Modified Unified Union School District (MMUUSD). If approved by the voters of Huntington and subsequently approved by the voters of the MMUUSD, the Chittenden East SU and all districts in it will dissolve and be replaced by the Mount Mansfield Supervisory District.

e. Maps

Attached are three maps:

- Current governance structure of each school district
- SUs with formal merger study committees as of January 15, 2016
- Status of merger activity as of January 19, 2016