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H.296

Introduced by Representatives Browning of Arlington, Bartholomew of
Hartland, Briglin of Thetford, Gannon of Wilmington, and
Masland of Thetford

Referred to Committee on

Date:

Subject: Education; school district consolidation; side-by-side structures;
average daily membership

Statement of purpose of bill as introduced: This bill proposes to (1) provide
greater flexibility for school district consolidation by providing tax incentives
for a side-by-side regional educational district structure where three or more
school districts merge and the newly merged district, together with a
preexisting district, are members of the same supervisory union at the
completion of the consolidation process, and (2) reduce the average daily
membership requirements and guidelines for school district consolidation by
300.

17 An act relating to school district consolidation

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 2012 Acts and Resolves No. 156, Sec. 15 is amended to read:

3 Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION
4 DISTRICT INCENTIVES

5 (a) Notwithstanding ~~Sec. 3(a)(1) of No. 153 of the Acts of the 2009~~
6 ~~Adj. Sess. (2010)~~ 2010 Acts and Resolves No. 153, Sec. 3(a)(1) that requires a
7 single regional education district (“RED”) to have an average daily
8 membership of at least 1,250 or result from the merger of at least four districts,
9 or both, ~~two or more each new districts~~ district shall be eligible ~~jointly~~ for the
10 incentives provided in ~~Sec. 4 of No. 153, Sec. 4~~ if:

11 (1) Either:

12 (A) two or more new districts are formed (each a Merged District)
13 and are members of the same supervisory union at the completion of the
14 consolidation process, with each new district is Merged District formed by the
15 merger of at least two existing districts (Dual Merger Model); or

16 (B) one district is newly formed by the merger of at least three
17 existing districts (Merged District) and the other district is an existing district
18 (Existing District), and the Merged District and the Existing District are
19 members of the same supervisory union at the completion of the consolidation
20 process (Single Merger Model).

1 (2) ~~each new district meets~~ Each Merged District in the Dual Merger
2 Model and each of the Merged District and the Existing District in the Single
3 Merger Model meet all criteria for RED formation other than the size criterion
4 of 2010 Acts and Resolves No. 153, Sec. 3(a)(1) of No. 153; (average daily
5 membership of at least 1,250) and otherwise as provided in this section.

6 (3) ~~one of the new districts provides education in all elementary and~~
7 ~~secondary grades by operating one or more schools and the other new district~~
8 ~~or districts pay tuition for students in one or more grades;~~

9 (4) ~~each new district~~ Each Merged District in the Dual Merger Model
10 has the same effective date of merger;

11 (5) ~~the new districts, when merged, are members of one supervisory~~
12 ~~union; and~~

13 (6)(4) ~~the new districts~~ The Merged Districts in the Dual Merger Model,
14 and the Merged District and the Existing District in the Single Merger Model,
15 jointly satisfy the size criterion of Sec. 3(a)(1) of No. 153 have an average
16 daily membership of at least 950.

17 (b) ~~This section is repealed on July 1, 2017~~ Each Merged District in the
18 Dual Merger Model, and each of the Merged District and the Existing District
19 in the Single Merger Model, may operate schools for one or more grades, may
20 pay tuition for one or more grades, or may operate schools for some grades and
21 pay tuition for other grades.

1 (c) The tax incentives provided in 2010 Acts and Resolves No. 153, Sec. 4
2 shall be available to each Merged District and shall not be available to an
3 Existing District.

4 Sec. 2. 2015 Acts and Resolves No. 46, Sec. 5 is amended to read:

5 Sec. 5. PREFERRED EDUCATION GOVERNANCE STRUCTURE;

6 ALTERNATIVE STRUCTURE

7 * * *

8 (b) Preferred structure: prekindergarten–grade 12 supervisory district
9 (Education District). The preferred education governance structure in Vermont
10 is a school district that:

11 * * *

12 (3) has a minimum average daily membership of ~~900~~ 600; and

13 * * *

14 (c) Alternative structure: supervisory union with member districts. An
15 Education District as envisioned in subsection (b) of this section may not be
16 possible or the best model to achieve Vermont’s education goals in all regions
17 of the State. In such situations, a supervisory union composed of multiple
18 member districts, each with its separate school board, can meet the State’s
19 goals, particularly if:

20 * * *

1 (4) the combined average daily membership of all member districts is
2 not less than ~~1,100~~ 800.

3 Sec. 3. 2015 Acts and Resolves No. 46, Sec. 6 is amended to read:

4 Sec. 6. ACCELERATED ACTIVITY; SUPERVISORY UNION
5 BECOMING A SUPERVISORY DISTRICT; ENHANCED TAX
6 INCENTIVES; SMALL SCHOOL SUPPORT; DATA AND
7 REPORT

8 (a) A newly formed school district shall receive the incentives set forth in
9 subsection (b) of this section if it:

10 * * *

11 (5) has a minimum average daily membership of ~~900~~ 600 in its first year
12 of operation; and

13 * * *

14 Sec. 4. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

15 Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE
16 STRUCTURES; PROPOSAL; FINAL PLAN

17 * * *

18 (c) Applicability. This section shall not apply to:

19 * * *

20 (3) a district that, between June 30, 2013 and July 2, 2019, ~~began to~~
21 ~~operate as a unified union school district and:~~

1 (A) voluntarily merged into the preferred education governance
2 structure, an Education District, as set forth in Sec. 5(b) of this act; or

3 (B) is a regional education district or a member of any ~~other district~~
4 ~~eligible to receive incentives~~ governance structure formed pursuant to 2010
5 Acts and Resolves No. 153, as amended by 2012 Acts and Resolves No. 156
6 and as further amended by this act, or pursuant to 2012 Acts and Resolves
7 No. 156 as amended by this act.

8 * * *

9 Sec. 5. 2010 Acts and Resolves No. 153, Sec. 3 is amended to read:

10 Sec. 3. VOLUNTARY SCHOOL DISTRICT MERGER INCENTIVE
11 PROGRAM

12 (a) Size.

13 (1) School districts, which may include one or more union school
14 districts, may merge to form a union school district pursuant to 16 V.S.A.
15 ~~chapter 11 of Title 16~~ (a “Regional Education District” or “RED”) that shall
16 have an average daily membership of at least ~~1,250~~ 950 or result from the
17 merger of at least four districts, or both.

18 * * *

19 Sec. 6. EFFECTIVE DATE

20 This act shall take effect on July 1, 2017.