

S.122 – Side-by-Side Comparison
Prepared by Jim DesMarais, Office of Legislative Council

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 1. Findings</p>	<ul style="list-style-type: none"> • Sets out findings and purpose of the act 	<ul style="list-style-type: none"> • Adds new finding that “While Vermont generally does an excellent job educating our children, we fall short in two critical areas. First, we are not as successful as we need to be in educating children from families with low-income, and second, while we have a very high graduation rate from our high schools, we do not inspire enough of our graduates to continue their education. Fulfilling the goals of Act 46 is a critical step in addressing these shortcomings.” • Adds new purpose that “Nothing in this act should suggest that it is acceptable for a school district to fail to take reasonable and robust action to seek to meet the goals of Act 46.” 	<ul style="list-style-type: none"> • Consider including other findings from Act 46 	<ul style="list-style-type: none"> • House Education discussion • In House Education Amendment, highlight additional language only

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 2. Amendment To Two-By-Two Side-By-Side Structure</p>	<ul style="list-style-type: none"> • Amends Act 156, which created the Two-By-Two Side-by-Side Structure, to provide greater flexibility • Current requirement is that one district in the side-by-side must operate K–12 • Would eliminate that requirement and instead require that each district in the side-by-side have a model of operating schools or paying tuition that is different from the model of the other 	<ul style="list-style-type: none"> • Strike 	<ul style="list-style-type: none"> • Keep • Amend subsection (b) to state “<u>The provisions of Act 153, Sec. 4 shall apply only if the merger receives final approval of the electorate on or before November 30, 2017.</u> This section is repealed on July 1, 2017 <u>2019.</u>” 	
<p>Sec. 3. New Three-By-One Side-By-Side Structure</p>	<ul style="list-style-type: none"> • Creates a new incentivized governance structure, where three or more districts merge into a newly formed district, and, together with an existing district, are members of the same supervisory union following the merger • The existing district must, as of March 7, 2017 (Town Meeting Day), be: <ul style="list-style-type: none"> ○ geographically isolated, due to 	<ul style="list-style-type: none"> • Strike 	<ul style="list-style-type: none"> • Keep • In S.122, Sec. 3, amend subsection (c) and add new subsection (d) as per <u>Exhibit A</u> 	<ul style="list-style-type: none"> • Rep. Joseph proposal • Replace with new Three-By-One Side-By-Side Structure that permits up to two Existing Districts • See Exhibit <u>B</u>

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
	<p>lengthy driving times or inhospitable travel routes between the existing district's school or schools and the nearest school in which there is excess capacity as determined by the State Board of Education;</p> <ul style="list-style-type: none"> ○ structurally isolated, because all adjoining school districts have operating or tuitioning models that differ from the existing district; or ○ unable to reach agreement to consolidate with one or more other adjoining school districts because the school districts that adjoin the existing district have greatly differing levels of indebtedness per equalized pupil from that of the existing 			

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
	<p style="text-align: center;">district as determined by the State Board of Education</p> <ul style="list-style-type: none"> • The merged district and the existing district must have a model of operating schools or paying tuition that is different from the model of the other • The districts proposing to merge must receive final approval from their electorate for the merger proposal on or before November 30, 2017, and the merged district must be fully operational on or before July 1, 2019 • The incentives would be available to the merged district and would not be available to the existing district • The existing district would be exempt from the State Board of Education State-wide plan (the merged district would be exempt under existing law) 			

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 4. New Two-By-Two-By-One Side-By-Side Structure</p>	<ul style="list-style-type: none"> • Creates a new incentivized governance structure, where (i) two or more districts merge into a newly formed district, (ii) two or more districts merge into another newly formed district, and (iii) together with an existing district, the newly formed districts are members of the same supervisory union following the mergers • The terms and conditions of this structure are the same as in the Three-By-One Side-By-Side Structure 	<ul style="list-style-type: none"> • Strike 	<ul style="list-style-type: none"> • Keep • In S.122, Sec. 4, amend subsection (c) and add new subsection (d) as per <u>Exhibit A</u> 	
<p>Sec. 5. Temporary Authority To Withdraw From Union School District</p>	<ul style="list-style-type: none"> • Permits a school district to withdraw from a union high school district without approval by the remaining members of the union high school district if the school district proposing to withdraw from the union high school district operates a school or schools for all resident students in prekindergarten through grade 6 and pays tuition for resident students in grade 7 through grade 12 (Vernon) 	<ul style="list-style-type: none"> • Renumbered Sec. 2 		

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
	<ul style="list-style-type: none"> • The electorate of the withdrawing district must approve the withdrawal • The State Board of Education must approve the withdrawal • The withdrawing district must settle its obligations to the remaining school districts in the union high school before withdrawing 			
<p>Sec. 6. Repeal</p>	<ul style="list-style-type: none"> • The authority enabled in Sec. 5 (Temporary Authority To Withdraw From Union School District) is repealed on July 2, 2019 	<ul style="list-style-type: none"> • Renumbered Sec. 3 • Changed cross-reference to Sec. 2 		

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 7. Self-Evaluation, Meetings, and Proposal</p>	<ul style="list-style-type: none"> • Amends Act 46 • Clarifies that districts that have merged under Acts 46/153/156 and have qualified for incentives do not need to submit an alternative governance structure proposal to the Secretary of Education • Provides more time to submit an alternative governance structure proposal to the Secretary of Education (from November 30, 2017 to January 31, 2018) if the district: <ul style="list-style-type: none"> ○ proposed a school district consolidation plan under Acts 46/153/156 that was rejected by voters; or ○ is a member of a study committee that provides to the Secretary a declaration that another school district wants to join the district’s study committee 	<ul style="list-style-type: none"> • Strike 	<ul style="list-style-type: none"> • Keep 	

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 8. Time Extension For Vote Of Electorate</p>	<ul style="list-style-type: none"> • Provides more time for a district to receive final approval from its electorate for its merger proposal under Acts 46/153/156 (from July 1, 2017 to November 30, 2017) if the district (same as above): <ul style="list-style-type: none"> ○ proposed a school district consolidation plan under Acts 46/153/156 that was rejected by voters; or ○ is a member of a study committee that provides to the Secretary a declaration that another school district wants to join the district’s study committee 	<ul style="list-style-type: none"> • Strike 	<ul style="list-style-type: none"> • Keep 	

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 9.</p> <p>School Districts Created After Deadline For Accelerated Activity; Tax Incentives; Small School Support; Joint Contract Schools</p>	<ul style="list-style-type: none"> • Amends Act 46 • Clarifies that a newly formed school district that merges into the preferred model after the initial accelerated phase is eligible for a transition facilitation grant (appr. \$150,000) • Clarifies that a newly formed school district that merges into the preferred model after the initial accelerated phase will not be disqualified for incentives if the State Board assigns it to a supervisory union 	<ul style="list-style-type: none"> • Strike 	<ul style="list-style-type: none"> • Keep 	
<p>Sec. 10.</p> <p>Reimbursement Of Fees For Consulting Services; Merger; School Districts; Sunset</p>	<ul style="list-style-type: none"> • Amends Act 156 • Permits a study committee to use legal and consulting grant fees for community outreach, including communications with voters, limited to those that are reasonably designed to inform, educate, and explain to the electorate a study committee’s position on the matter 	<ul style="list-style-type: none"> • Renumbered Sec. 4 		

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 11. Transition to Sustainable Governance Structures; Proposal; Final Plan</p>	<ul style="list-style-type: none"> • Amends Act 46 • Provides a \$10,000.00 grant to school districts that have consolidated under Act 46/153/156 and that, at the request of the State Board of Education, agrees to merge with another district (orphan district) under the Board's statewide plan 	<ul style="list-style-type: none"> • Renumbered Sec. 5 		
<p>Sec. 12. Organization and Adjustment of Supervisory Unions</p>	<ul style="list-style-type: none"> • Amends Title 16 • Requires the State Board of Education to act within 75 days of receipt of a request to adjust supervisory union boundaries 	<ul style="list-style-type: none"> • Renumbered Sec. 6 		

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 13. Union Elementary School Districts; Regional Education District Incentives</p>	<ul style="list-style-type: none"> • Amends Act 156; layered mergers • Moves the repeal date of this section from July 1, 2017 to July 1, 2019 to clarify that this provision, which enables layered mergers, remains in effect until the date by which this type of merger is required to be completed and the newly merged entity fully operational 	<ul style="list-style-type: none"> • Renumbered Sec. 7 		
<p>Sec. 14. Modified Unified Union School District</p>	<ul style="list-style-type: none"> • Amends Act 156; modified union school district mergers • Moves the repeal date of this section from July 1, 2017 to July 1, 2019 to clarify that this provision, which enables modified union school district mergers, remains in effect until the date by which this type of merger is required to be completed and the newly merged entity fully operational 	<ul style="list-style-type: none"> • Renumbered Sec. 8 		
<p>Sec. 15. Availability of Tax and Other</p>	<ul style="list-style-type: none"> • Clarifies that tax and other incentives under Acts 153/156 are only available if 	<ul style="list-style-type: none"> • Renumbered Sec. 9 		

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
Incentives	the new governance structure formed under these acts becomes fully operational on or before July 1, 2019			
Sec. 16. Declining Enrollment; Transition	<ul style="list-style-type: none"> Clarifies how the phantom student count is computed for districts for which the transitional declining enrollment provisions are delayed (districts that formed a study committee on or before July 1, 2016) 	<ul style="list-style-type: none"> Renumbered Sec. 10 		
Sec. 17. Effective Date	<ul style="list-style-type: none"> On passage 	<ul style="list-style-type: none"> Strike 		
Sec. 11. Reduction of Average Daily Membership Guideline for Alternative Structures		<ul style="list-style-type: none"> Lowers guideline ADM for Alternative Structures from 1,100 to 900 		
Sec. 12. Expanded Flexibility for Preferred Structures		<ul style="list-style-type: none"> Permits incentives for preferred structures if 900 ADM or merge at least 4 districts Clarifies that a newly formed school district that merges into the preferred 	<ul style="list-style-type: none"> Because RED already permits merger of 4 districts with no ADM requirement, this change is unnecessary and will create confusion. Clarification should apply 	

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
		model after the initial accelerated phase will not be disqualified for incentives if the State Board assigns it to a supervisory union	to preferred structures created before and after the acceleration phase.	
Sec. 13. State Board Rulemaking Authority		<ul style="list-style-type: none"> • Adds provision that “The State Board may adopt rules designed to implement this act but shall not by rule or otherwise impose additional requirements to those envisioned by this act.” 	<ul style="list-style-type: none"> • May create legal risk of challenge to State Board rules on the ground that they impose additional requirements 	
Sec. 14. Deadline for Alternative Structure Proposal		<ul style="list-style-type: none"> • Moves deadline from November 30, 2017 to “the date that is six months after the date the State Board’s rules on Alternative Structures take effect.” 	<ul style="list-style-type: none"> • Other deadlines may be impacted—AOE should testify • Consider “the earlier of January 30 or the date that is six months after the date the State Board’s rules on Alternative Structures take effect.” 	
Sec. 15. Secretary and State Board; Consideration of Alternative Structure Proposals		<ul style="list-style-type: none"> • Clarifies that the Secretary’s proposal to the State Board may include alternative governance structures with a smaller average daily membership (1,100 	<ul style="list-style-type: none"> • Not necessary because ADM for alternative structures is a guideline, not a requirement • Reference to “alternative governance structures” is 	

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
		<p>currently; 900 under proposed amendment)</p> <ul style="list-style-type: none"> • Adds new subsection on process that states “On and after October 1, 2017, the Secretary and State Board shall consider any proposals submitted by districts or groups of districts under Sec. 9 of this act. Districts that submit such a proposal shall have the opportunity to add to or otherwise amend their proposal in connection with the Secretary’s consideration of the proposal and conversations with the district or districts under subsection (a) of this section, and in connection with testimony presented to the State Board under subsection (b) of this section. The State Board may, in its discretion, approve an alternative governance proposal at any time on or before November 30, 2018.” 	<p>confusing given earlier reference to “supervisory union with member districts”</p>	

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
<p>Sec. 16. Deadline for Small School Support Metrics</p>		<ul style="list-style-type: none"> Moves the date by which the State Board is required to publish small school metrics from July 1, 2018 to August 31, 2017 		
<p>Sec. 17. Education Tax Relief</p>		<ul style="list-style-type: none"> Allows Lemington to merge into NEK District at average tax rate of other merging districts and not be subject to 5% annual limit on tax rate changes 		
<p>Sec. 18. Effective Date</p>		<ul style="list-style-type: none"> On passage 		
<p>Sec. 19. Statewide plan; Articles of Agreement</p>			<ul style="list-style-type: none"> Add new section See Exhibit C. 	
<p>Sec. 20. Alternative Structures; Indebtedness</p>				<ul style="list-style-type: none"> Rep. Ancel proposal See Exhibit D
<p>Sec. 21. Elmore-Morristown</p>				<ul style="list-style-type: none"> Rep. Yacovone proposal See Exhibit E
<p>Sec. 22. Elections to Unified District Boards</p>				<ul style="list-style-type: none"> Rep. Giambatista proposal See Exhibit F

Subject	S.122	House Education Amendment draft 6.1	VSBA (with support of Superintendents Association)	Other
Sec. 23. Modified Unified Union School Districts; Tax Incentives				<ul style="list-style-type: none"> • Rep. Greshin proposal • See Exhibit G
Sec. 24. Small School Grants; Joint Contract Schools				<ul style="list-style-type: none"> • Rep. Sabilia Proposal • See Exhibit H