

# The Marlboro School District's Alternative Structure Committee's Testimony to the State of VT Alternative Structures under Act 46

3 pm Wednesday, January 25th, 2017

The Alternative Structure Committee is a sub-committee of the Marlboro School Board

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To the Members of the Senate Education Committee:

Thank you for taking the time to listen today, we appreciate the opportunity to make our position clear. We are here as Marlboro voters and school board committee members on behalf of the residents and students of Marlboro, but we speak for all Vermont towns which are not finding satisfactory solutions to Act 46.

I am Lauren Poster, a Marlboro school board member and Chair of Marlboro's Act 46 sub-committee, a committee charged with exploring and understanding the Alternative Structure. Also with me is Douglas Korb, Chair of the Marlboro School Board and Alternative Structure Committee Member. And Dan MacArthur, School Board member and current Merger Study Committee Member for the potential Marlboro, Dover, and Wardsboro district.

Marlboro is in a unique situation; we are a K-8 school with high school choice and have no partners within our Supervisory Union that share our structure. We also do not have any natural potential partners, other K-8 districts with high school choice, within our region willing to partner with us as a side-by-side. We have done extensive outreach to districts outside our own supervisory union, to our south and west and have come up short. This is something we will explain in more detail later in our testimony.

What concerns us most is that Marlboro's situation is deeply impacted by a shortened timeline and unresolved rules surrounding proposals for Alternative Structures under Act 46. These concerns are addressed in House Bill -15. Our town is being asked to vote on March 7th on a merger that would, if successful, close our Junior High. This vote comes before two important pieces of information are finalized and made available.

First, we still require an understanding of the rules to an Alternative Structure where we might retain our current structure of K-8 with High School Choice within our current Supervisory Union. A draft proposal was submitted, but has been deemed only that – a draft. We're currently working from this draft but our work has been paused in anticipation of the final guidelines, after the feedback from the public comment period and, we hope, the legislature. Until this work is finalized, we cannot tell our community whether we feel our district would be approved.

Additionally, our district will require a K-12 side for us to form an accepted side-by-side. It is currently unknown if the 5 towns in the Windham Central Supervisory Union that are contracted with Leland and Gray Middle and High School will vote to form a Unified Union District., as the vote will not happen until March, 2017. Should that vote fail, we would be forced to explore the Alternative structure without an approved K-12 side.

As conscientious representatives to our community we cannot give appropriate guidance to our constituents without this information, yet a vote to merge with two K-6 districts that have middle and high school choice, and form a new district that would force us to abandon our junior high, is scheduled for March 7th, 2017. This is why we believe the current deadlines are untenable.

The Marlboro School Board has been diligently working to address the new law and we need some time to investigate the Alternative Structure. House Bill 15 suits Marlboro for its reconsideration of the current onerous rules under the Draft Proposal for Alternative Structure, and seeks to create rules that are in line with those in place for the “preferred” structures. H-15 also allows for an additional year that Marlboro certainly needs to be able to thoughtfully put a proposal together that will provide a successful educational outcome for our students. We strongly urge the Senate to draft a similar bill that address these concerns and inequities for Alternative Structures.

FIVE (5) REASONS FOR TESTIMONY In favor of the Senate drafting and implementing a Bill similar to H-15

- I. To add *time* to the process

Reason: We will present a short description of how impossible the upcoming deadlines are for towns in our situation.

- II. To *allow sufficient exploration* of the Alternative Structure,

Reason: so Districts submitting an Alternative proposal to the Board of Education (B.O.E.) have time to meet with other districts and discuss creative solutions to increase opportunities in their schools in line with the Vermont Standards. Marlboro would like to consider some inter-district and inter- Supervisory Union/District collaboration for its students; however, many of these districts are currently tied up in votes on Phase 2 (the preferred structure) which will not end until June 2017. Those districts just don’t have the resources to explore a collaboration with Marlboro, even though those districts have stated in open meetings that they are very enthusiastic to begin planning/discussion of shared programs. The current timeline allows only 4 months exploration after the June 2017 deadline – which is not enough time for proper educational exploration and fleshing out of ideas). An Alternative Structure is just that – an Alternative to what is being done and it requires some thinking outside of the box. This process should be encouraged by deadlines, not stifled by them.

- III. To request the Senate Education Committee to *have time to work with the AOE on simplifying and organizing the Rules for Alternative Structure proposals*

Reason: The VSBA has helped with this in the comment period and is the current resource for the AOE, but the legislature should be aware of the ways in which the original Act 46 language was interpreted by the BOE making Alternative Structure proposals much more onerous in comparison to the proposals of other models.

- IV. To allow time for Alternative Structures *to retain, acquire, and use necessary resources*

Reason: We have a small local grant and hope to apply for additional grants through the VSBA to hire a consultant to assist with our proposal, but many of the consultants we

would hope to hire are working on Phase 2 mergers (not to be completed until June 2017). Extending this timeline allows for our district to provide a reasonable request to a consultant for an Alternative Structure Proposal.

- V. To encourage the Committee to support a widespread dissemination of Section 712a of Vermont Statutes Annotated Article 16 Chapter 11 Subchapter 4 which allows this Article in the WCSU Elementary Study Committee Articles:

*Article 18 - Reconsideration by a district*

*A district voting to remain independent will have one year to reconsider and join the Unified District by voting in favor of joining no later than March 31 2018, with admission granted in advance by the Unified District. For the purpose of compliance with 16 VSA (721), the Unified District consents to admission. Thereafter, admission will be determined by state statutes which require favorable votes by both the non-member district and the voters of the Unified District.*

Having stated our 5 reasons for testimony today, we would like to give you a brief overview of what has taken place in our district so that the Committee has a better understanding of what Districts like Marlboro are going through to meet ACT 46's demands.

In 2015, Marlboro created a town-wide Act 46 committee made up of board members and community volunteers. The committee explored all options under ACT 46's Phase 1 and 2, including reaching out to and surveying every local school district, and making a matrix of the various operating structures and offered programs. This gave the board and committee a glimpse at program and structure compatibility amongst neighboring districts (in and outside our Supervisory Union). At the same time, we conducted a town-wide survey which gives us guidance as we wind our way through Act 46. With each decision, we turn to the survey to better understand what the Marlboro constituency values most highly about our school. In 2016 we decided to enter into an Exploratory Committee within the WCSU, led by former VSBA President, Stephen Dale. In his final report he explained that there is no good match within the WCSU for Marlboro. I encourage you to read the Report by our consultant (Please note his #4. )

***"A special note about Marlboro***

Marlboro has unique challenges. It is the only district in the SU that operates grades PreK-8. It has some logistical challenges in considering connections with districts in other supervisory unions. Some possible choices for action include the following:

1. As described above, join a study committee with Dover and Wardsboro to study the advisability of forming a union school district that creates a "side-by-side" with a PreK-12 operating district. You can simultaneously seek informal involvement with a second study committee (see option 3).
2. Connect with a PreK-8 operating district from another supervisory union and study the advisability of forming a union school district that would be a "side-by-side" with a

PreK-12 operating district in Windham Central, Windham Southwest, or Windham Southeast. You can simultaneously seek informal involvement with a second study committee (see option 3).

3. Ask to be an informal participant in one or more of the study committees which may be created in any of the three SUs. This would allow Marlboro to keep open its options to be included as an “advisable district” in a proposal to create a new, larger district which may qualify for “side-by-side” status.
4. **Involvement in 1, 2, or 3 may strengthen any later case to propose an “alternative structure”. Formal participation in a study committee may be helpful in qualifying to retain the small schools grant as Act 46 indicates that one consideration will be “the district’s participation in a merger study and submission of a merger report to the State Board pursuant to chapter 11 of this title.”**

This Exploratory Committee work took us up until June 2016. Once the exploratory committee finalized, we entered into Act 46’s Phase 2 and joined a study committee with Dover and Wardsboro to explore a merged District of three towns. This committee did not really convene until the end of the summer and it has been an intense 24 weeks of meetings to meet deadlines. The Study Committee wanted to have its Articles to Montpelier by December 2016 and to have the vote taken at Town Meeting 2017, which left very little time to get the Articles ready, and only within this past week have we finalized various ballot issues and pinned down the board member years for the Unified District Board. How is this possible? How can we not have enough time to get paper ballots ready and still be talking about major, deep-rooted, changes to our educational system? We will come back to the time issue at the end of this presentation. And for the record, in my opinion, the Articles which the Study Committee presented, and have been approved by the AOE, state that the Study Committee researched the educational opportunities of a merger but this is nothing but boiler plate text- the Committee had *no time* to actually look at how educational opportunities might be improved in the Unified District, nor can it state to the public with clarity what the new board might do to expand opportunities other than allowing students from all three towns to attend each other’s schools. Any reference to actual educational improvement is general and vague. For this reason, if others testify before you, today or any other day, and say that they have carefully researched educational opportunities of a proposed merger I would be skeptical.

Merging and collaboration: looking back at the matrix we formulated as we began to approach the Act, it is now obvious. There are no dance partners for Marlboro. We met with School Board members from towns to our south and southwest. Some of these members were vilified by their own townspeople for even talking with other towns whose spending is higher than their own. In one case, a former chair of the school board resigned because her situation became so uncomfortable by requesting a merger exploration with Marlboro. As I said before, no good options within the region were forthcoming.

After being a part of an Exploratory Committee within our current SU we chose to go to the dance with Dover and Wardsboro, knowing that either they would need to change their

structure or we would have to change ours. (Both Wardsboro and Dover have choice for their Middle School Students. Marlboro has a successful Junior High). Marlboro's representatives on the Study Committee agreed early on that we would not try to force these other towns to change their structure, so *if* we merge with Dover and Wardsboro, Marlboro will be losing its grades 7 and 8 and expanding school choice, which is not popular among the residents of the town. From my personal perspective, Marlboro students will be better served by preserving grades 7 and 8 and working with the school system where most of our kids go to high school, Brattleboro, to expand their opportunities. As we said, we have met with the Superintendent and the Chair of the Windham South East Supervisory Union School Board already, and are in talks to begin some sample programs where Brattleboro students might benefit from Marlboro's resources and vice versa. Over the years, Marlboro has invested time and resources expanding programming that addresses creative learning opportunities, such as movement, poetry, and field research. We believe these programs give our students who may have challenges in traditional learning environments more opportunities to succeed. We welcome the opportunity to share these programs with students in Brattleboro, especially at the 7th and 8th grade levels. We also believe that our students will benefit from some of the programs available at the WSESU that our small school can't provide. However, much of those conversations have been postponed until Brattleboro holds its own merger vote in June and resources are freed up to work with us (one of the main points outlined in our reasons mentioned above)

It is essential that the AOE define the Alternative Structure Proposal Rules- the Agency MUST get these together rapidly and properly with the same ease of submission afforded other structures

We ask that this body insist that the Agency of Ed:

- 1) **Define the time that the BOE can take to make decisions on Alternative Structure proposals** (The H-15 Bill would directly assist with this measure) Districts like Marlboro will be in a serious time crunch and this MUST be expedited. If a study committee – which we were just a part of - could have their proposals approved within 4 weeks around the holidays, then the same should be do-able for an Alternative Structure Proposal. Again, we hope that proposals will begin being reviewed swiftly after their submission – no matter when submitted.
- 2) **Extend the deadlines** for when Marlboro, and other similar Districts, can vote to re-enter their merged Study Committee districts
- 3) **Small Schools Grants: Define Geographical Isolation using the 2011 study's parameters** which already exist- with this metric Marlboro is listed as qualifying for Geographic Isolation and is able to maintain its Small Schools Grant.
- 4) **Ensure that pre-Existing metrics for students in poverty allow a District to not lose its Small Schools Grant** even if it chooses not to merge.

As promised, back to the time issue. This is where Marlboro, and the fifty-odd towns around the State grappling with Alternative Structure proposals, need the clarity and simplicity, which House Bill 15 offers.

Marlboro will be voting this March on a 706b merger proposal. If we vote no, as part of the Articles of this proposal we have until March of 2018 to be able to re-join the merged District without penalty. We will then immediately be exploring an A S proposal, but as of right now, there is no real description of what that proposal needs to look like, and all we know about timing is that it needs to be before the Board of Ed. in November 2017. The BOE will then look at all proposals and decide on a State-wide plan. There is no timeline yet associated with this Plan. Marlboro cannot be assured that the plan will be configured in time for us to have real and clear options by the March 2018 vote- we could once again be asking voters to make crucial votes concerning the future of their kids' education with-out knowing the options.

So we are here to ask your Committee to draft legislation similar to House Bill 15 for the reasons stated above, and because such a Bill will allow us, and many more towns around the state, to get clear resolution on what a simplified Alternative Structure proposal looks like and when we need to get it in. It will also clarify and that the Board of Ed. needs to look at these proposals as they come in, on a case-by-case basis, and make timely decisions about their merits. All of this will allow Marlboro to be prepared, in March of 2018, to have an informed vote on re-joining our merger partners. As noted before, the 706b Articles which were submitted by the WCSU Elementary Study Committee are some 4 or 5 pages in length and the Agency approved them, over the December holidays, within a month, and we expect that the AS proposals will get the same equitable treatment.

Again, thank you for giving us the time to express our concerns. We urge you to support these bills and we welcome your questions.

Sincerely,  
Lauren Poster, Committee Chair and School Board Director  
Douglas Korb, Committee member  
Chair of the Marlboro School Board  
Dan Mac Arthur, Marlboro School Director  
Member of the Dover/Marlboro/Wardsboro Study Committee