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To: The Senate Education Committee  
From: Nicole Mace, Executive Director  
Date: January 18, 2017  
Re: Modifications to Act 46

On Wednesday, January 11th, the VSBA board unanimously approved a slate of changes to Act 46. The vote took place after two months of focused board discussion regarding possible modifications to Act 46 and over a year of monitoring activity around the state with respect to implementation of the law.

Since the passage of Act 46 in 2015, voters in 58 towns in 14 SUs voted to merge 66 school districts into 13 unified union school districts (PK-12) and 1 modified unified union school district (“MUUSD”).

Voters in 3 SUs did not approve proposals to merge a total of 20 school districts: Addison-Rutland (4Y: 1N); Franklin NE (0Y : 5N); and Orleans Central (1Y: 6N). Voters in Barre Town are going to reconsider their no vote on the unification of the Barre Supervisory Union at the end of this month.

In December, the State Board approved 5 new proposals to create unified union school districts. Yesterday, the Board approved 4 additional merger proposals. Each approved proposal will be presented to the voters on Town Meeting Day 2017.

Given the number of districts that have complied with the law or are in the process of complying with the law, one important principle underlying the VSBA board's discussion was that any changes to the law should not fundamentally alter the rules that districts must follow in order to comply. With that principle as the backdrop, the board approved the following recommended changes:

### Timelines

1. Extend the July 1, 2017 deadline for RED/RED variation merger votes to November 2017 for districts that meet objective criteria indicating that more time is needed, such as a failed vote.
2. Extend the November deadline for Alternate Structure proposals for districts that objectively have extenuating circumstances.

### Alternative Structures

1. Clarify in statute that districts that successfully form a RED or RED variation do not have to submit an alternative structure proposal.

### Side-by-Sides (Act 156 RED variation)

1. Explore options for amending the law dictating that "side-by-sides" have one K-12 side formed by two districts. Other possibilities also include a 3:1 side by side.

### Transition Funds

1. Clarify that districts that form a preferred structure by July 1, 2019 are eligible for \$150K in transition funds. We believe this was a technical error that needs to be corrected.

With the respect to the changes contemplated by S.15, based on the action taken by the VSBA board last week, we would oppose the blanket timeline extensions and placing the alternative structure on equal footing with the preferred structure. The board specifically discussed timeline extensions, and decided to put forth a more limited timeline extension if districts could objectively demonstrate they were complying with the law as written in 2015. We would also oppose lowering the ADM requirement in supervisory unions from 1,100 to 500. This and the elimination of the preferred structure would represent a fundamental change to the rules of the game that school board members and school district officials have been playing by for over 19 months.

As you saw in your visit to the Northeast Kingdom last week, the structures eligible for incentives under Acts 46, 153 and 156 are not "one size fits all." The Education Committees spent several years taking testimony on the complexity of Vermont's education system and the need for flexibility within the law to accommodate that complexity. Making significant changes to the law in order to provide additional flexibility at this stage of the process could place school district officials in communities that complied with the law in an untenable position with the voters in their communities.

The types of changes and opportunities contemplated by Act 46 require that school board members navigate some of the most challenging and significant issues facing

public education today. As you can see by the attached map, Vermont's school board members have risen to the challenges posed by declining enrollment, rising costs, leadership turnover, and growing inequity in student opportunity, and are charting a positive course forward for public education in Vermont. This course builds upon our strengths but recognizes that preserving the status quo is not in the best interests of the students and communities we serve.

Act 46 can and should be improved, but the General Assembly should not lose sight of the goals of the law. We must achieve equity of opportunity for every child at a cost that taxpayers can support. The strength and vitality of our public education system depends upon it.