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To: Senate Education Committee
From: Neil Odell, Vice President
Re: H.39
Date: March 14, 2019

Thank you for the opportunity to testify. My name is Neil Odell and I am the Vice President of the Vermont School Boards Association Board of Directors. Before I share with you the board's position on H.39, I would like to start with our organization's mission and vision.

Vision: The Vermont School Boards Association (VSBA) envisions a state where every student has access to and is engaged in a world-class education, where local boards provide student-focused oversight of education systems, and where educators, families and communities are engaged partners, ensuring that the futures of all Vermont children are driven by their aspirations, not bound by their circumstances.

Mission: The VSBA works to achieve our vision for public education by supporting local and supervisory union boards to be effective trustees for their communities, and by providing a strong collective voice toward enhancing the cause of public education in Vermont.

The VSBA has a 24 member board of directors: a president, immediate past president and 22 regional representatives – 2 representatives elected by school board members from each of 11 regions. The VSBA is governed by bylaws, resolutions and policies. In the absence of a resolution on a particular topic, the VSBA board provides guidance to VSBA staff.

Acts 46 and 49 have been challenging for school boards in all of Vermont. Many districts have merged, some have not. Some mergers went smoothly. Some did not. Some tried and failed. Some tried, failed, tried again and then passed. Some want a delay. Some do not. Some believe the law is unconstitutional and have joined a lawsuit. Others have not challenged the law. In summary, this has been a very challenging item for the VSBA.

Previous positions on Acts 46/49 had served the organization well. We were neither in favor of, nor opposed to school district consolidation. We did, however, remain engaged in the process, offering testimony on a variety of different aspects of bills as they were being crafted.

We have found this current environment, particularly on the issue of delay, to be quite different. In an effort to be as inclusive as possible, the organization originally adopted a similar position on delay. We were neither in favor of, nor opposed to delay but we did want to remain part of the discussion. Unfortunately, that position has been parsed differently by different constituents as the conversation of delay has escalated. Some interpreted any testimony provided by the VSBA as a stance in favor of delay. Recent attempts to clarify our position proved unsuccessful. Our attempts to capture and reflect the wide and disparate views on this issue failed.

Last night, the VSBA Board of Directors met and reviewed the Senate Education Committee amendment to H.39, considered the testimony offered by the Agency of Education and the opinion of Judge Mello, and for over two hours, discussed the experiences with Act 46 implementation in their regions. While many points of view emerged, the Board also reflected on the organization's mission and vision, in addition to best practice in school district governance, and concluded that taking a position at this time is the right thing to do.

The Board adopted the following motion:

The VSBA recognizes that this is a challenging time for boards and our membership is divided on the issue. Our mission and vision statements require us to support policies that promote good governance. To prolong the uncertainty regarding Acts 46/49 will have a detrimental effect on students and employees. Therefore:

- 1. We oppose delay.*
- 2. We support default budgets.*
- 3. The legislature should decide on delay, not individual school districts.*
- 4. If there is a delay, the legislature should also reaffirm the State Board of Education's merger plan.*

The Board's discussion highlighted the following concerns:

1. We are deeply concerned about the effect that delay will have on children. Public education has an ambitious mission, which is expanding every year with initiatives intended to better respond to the needs of struggling students (Act 173); to provide safe and healthy environments (S.40); and to ensure all children feel safe and welcome in schools (H.3). School officials cannot focus on the critical needs of students and support the employees who directly work with students if they are consumed with disputes over school governance.
2. We are concerned that the recent acts of civil disobedience among board members and community members sets a dangerous precedent for the governance of school districts. The role of a school board is to serve as effective trustees on behalf of the community, by: ensuring the district complies with the law, adopting a budget that meets the educational needs of students, adopting district policy and procedure, and operating ethically and effectively. Current news coverage and the experiences of our own members shared at board meetings makes clear that in many of these communities, good governance is at risk, placing the students and employees of those schools at risk. A delay of Acts 46/49 rewards these acts of civil disobedience and sends a message to school officials that failure to follow the law may be rewarded with relief from the law.
3. We are concerned that delaying Acts 46/49 will be interpreted by community members in recently unified districts that the General Assembly may be backing off of its intent to fully implement the law. We are already hearing from some community members that believe a delay means the law will be repealed and it is reigniting debates in communities that already unified about whether that was the right thing to do.
4. The General Assembly passed Acts 46/49. It is the General Assembly's job to see the law fully implemented and on schedule. Do not defer decisions regarding delay to local communities that have been engaged in contentious discussions about the law for over four years. School boards across the state have carried out the law as you wrote it. They are relying on you to ensure it is implemented fully, not to defer difficult decisions about when to implement to communities that are divided on the issue.

The General Assembly passed Act 46 four years ago in order to respond to concerns about the sustainability of our public education system. The types of changes and opportunities contemplated by Act 46 have required school board members to navigate some of the most challenging and pressing issues facing public education today.

In large measure, 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.

The VSBA Board of Directors recognizes that it cannot speak for all school boards on this issue. It speaks as an organization that is deeply committed to great governance, excellent education, and strong communities. We call on the General Assembly to first and foremost consider the needs of students and the health and well-being of our public education system as you consider your amendment to H.39.