



TO: House Education Committee

FROM: Sue Ceglowski, Executive Director, Vermont School Boards Association

RE: 22-0275 - Title 16, Chapter 11 Rewrite

DATE: February 1, 2022

Thank you for the opportunity to respond to the proposed rewrite of Chapter 11 of Title 16 and, in particular, the State Board of Education's proposed withdrawal language.

State Board of Education's Proposed Withdrawal Language

1. Section 724(b)(1) covers initiation of the process and requires the voters residing in the petitioning town to submit a petition to the board of the unified union school district indicating the petitioners' desire to withdraw the petitioning town from the union district. It requires the petition to be signed by at least five percent of the voters residing in the petitioning town and five percent of the voters residing in each of the other towns within the union district.
  - a. The threshold of five percent of voters is too low to begin a significant and time consuming process.
  - b. Equity work of unified union districts may be jeopardized by this low threshold - a small group of people who are opposed to equity initiatives may use this process to derail equity initiatives and other centralized initiatives.
  - c. Recommend consideration of a higher threshold such as requiring a higher percentage of voters to sign the petition and/or requiring a preliminary vote in all of the member towns on whether to initiate a withdrawal study
  
2. Section 724(b)(4) allows the withdrawal study committee to request technical and analytical services from the union district staff, supervisory union staff, or both. The board is expected to approve the request, with or without modifications, but cannot deny the request.

- a. There is a significant amount of technical and analytical work that is needed to analyze the potential effects of withdrawal - this work will be done primarily by the business manager and the superintendent but may also involve human resources staff, curriculum and assessment staff and special education directors. It will likely disrupt the functioning of the central office.
  - b. Central office staff may not support withdrawal - putting them in the role of technical support puts them in a difficult position and could lead to loss of talented leadership for the district.
  - c. Recommend providing technical support through a different mechanism.
  - d. However, concern regarding capacity - currently, there may not be a sufficient number of consultants in the State who are willing to do this type of work
3. Section 724(b)(5) allows the withdrawal study committee to use up to \$25,000 of union district funds to hire outside legal counsel and other assistance and to seek advice from the legal counsel for the union district and the supervisory union.
  - a. There is a concern that these costs could disproportionately affect towns that are satisfied with the status of the unified union district.
  - b. There is a concern that providing the withdrawal study committee with access to the legal counsel for the union district and the supervisory union could lead to a conflict of interest for legal counsel.
  - c. Recommend another source of funding or that the entire electorate approve money to be used for that purpose.
4. General Feedback on Proposed Withdrawal Language
  - a. There are no boundaries in the proposal regarding how often the withdrawal process can occur.
  - b. Under the proposed language, it is possible that multiple petitions from different interest groups may need to be managed at the same time
  - c. There is significant concern that this process, as currently proposed, will have a negative impact on retention of superintendents, business managers and other central office staff.
  - d. There is significant concern that this process may lead to an increase in the number of non-operating districts.
    - i. An increase in the number of non-operating districts is likely to increase the number of students attending independent schools, including religious schools, paid for with public funds.
    - ii. The landscape is not fully developed on guardrails that can be put in place to ensure that public funds are not used to support

discriminatory practices in religious schools. The U.S. Supreme Court's decision in *Carson v. Makin* will likely inform this topic - the decision is expected in the late spring or early summer of this year.