

AOE Testimony: Comprehensive Revision of Chapter 11

Testimony To: House Committee on Education
Respectfully Submitted by: Donna Russo-Savage, Staff Attorney
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Thank you for the opportunity to provide testimony regarding the proposed comprehensive revisions to Chapter 11 of Title 16.

The Legislature enacted Chapter 11 in the late 1960s to govern the formation and operation of union school districts (USD).¹ Few amendments have been made in the intervening decades.

When the Legislature passed Act 153 (2010), Act 46 (2015), and related legislation, it relied on Chapter 11 to manage the process of USD formation and to guide a new USD's day-to-day operations.

Although a USD can be organized to provide for the education of students in PreK-12 (a unified union school district or UUSD), Chapter 11 was drafted with union elementary and union high school districts in mind (UESD / UHSD).

For more than 40 years, communities relied on Chapter 11 almost exclusively for the creation and operation of UHSDs. Prior to 2010:

- Only 20 percent of all school districts in Vermont were USDs of any type.
- Nearly all of these USDs were UHSDs.
- There were only two UUSDs operating all grades, PreK-12.

In 2022, 50 percent of all school districts are USDs, and nearly 84 percent of USDs are UUSDs.²

While assisting communities to create and operate new USDs during the last six years, the Agency of Education discovered that the decades-old statutes in Chapter 11 are confusingly drafted, are at times inconsistent, and occasionally address a single subject in a piecemeal manner across multiple, non-adjacent statutes. In addition, the statutes do not address issues that are essential both to the potential creation, and also to the operation, of a USD.

Most significantly, because Chapter 11 was drafted with UHSDs in mind, the statutes sometimes do not make sense in the context of a UUSD, which – unlike a UHSD – has no member school districts.

¹ A USD is a school district that is responsible for the education of students residing in two or more towns in the grades for which the district is organized.

² There are currently 111 school districts in Vermont – 47 UUSDs, 5 UHSDs, 4 UESDs, and 55 town school districts. In addition, there are two interstate school districts and one associated town school district.

As a result, nearly half of all school districts in Vermont are struggling not only to adjust to a new operating structure, but also to identify and understand basic elements of operation – not because they are inherently difficult, but because there are no laws that clearly conform to a UUSD’s unique structure.

In 2019 we consulted extensively with the Elections Division of the Secretary of State’s Office, the School Boards and Superintendents Associations, and several private attorneys to draft an entirely new proposed Chapter 11 in bill form to address the identified problems.

- To the extent possible, all proposed changes are technical. Any that might be somewhat substantive are based on current practice, common sense, and laws governing other entities.
- We also created a list of potential changes that would require more extensive policy discussions, although most of them probably would not be controversial. We have shared the list with Legislative Counsel.
- Included on the list are potential amendments to the statutory sections governing withdrawal from and dissolution of a USD. These two sections, 16 V.S.A. §§ 721a and 724, are represented by placeholders in the draft bill because even the most basic elements would require policy decisions that could be made only after significant consideration by the Legislature.