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Date: Tuesday, May 10, 2022 at 4:55:03 AM
To: "Brian Campion" <BCampion@leg.state.vt.us>, "Peter Conlon" <PConlon@leg.state.vt.us>
Subject: Possible Compromise on H727

Hi Brian & Peter -

How about this as a potential way forward, which would eliminate the AOE and State Board's ability to stop a withdrawal (which appears to be a firm position of the House), but provide some structure and breathing room to help avoid catastrophic outcomes.

Session Law

For Ripton/Lincoln/Starksboro, there would be no option for the communities to request a delay (the Senate floor amendment). They continue forward on their respective trajectories, would be required to provide a status report to the SBE, and SBE would provide an *advisory* opinion (just like in the House-passed version). If the advisory opinion is positive, the withdrawal moves forward. BUT, if the advisory opinion is negative, the school board (in the case of Ripton) has the option to take they off-ramp. In the case of Lincoln and Starksboro, where there is no school board yet, a vote would automatically be scheduled in the withdrawing town to give the voters the opportunity to take the off-ramp. If the school board (Ripton) or voters (Lincoln / Starksboro) choose not to take the off-ramp, the following would occur:

1. the operational date would be postponed by one year
2. the State Board's advisory opinion, along with findings and recommendations for legislative action, would be appended to the AOE's annual report on withdrawal activity for the Legislature's consideration
3. Unless the Legislature decides to step in and take action (based on the report above), the withdrawal proceeds as planned

The above compromise would accomplish the following:

1. Eliminates the ability of the AOE and/or State Board to prevent a withdrawal
2. Provides an incentive for withdrawing communities to "get it right" or take the off-ramp if its not going to work
3. Provides a one year "cooling off period" if they are on a bad path
4. Provides an opportunity for the Legislature to step in and take corrective action (but does not require it to do so) if it looks like things are really headed off the rails

Process for Future Withdrawals

A similar construct could be put in place for future withdrawals, except that I would recommend that the AOE provide the advisory opinion, rather than the State Board.

If the AOE provides the withdrawal study committee with a positive advisory opinion, everything moves ahead as planned. But if the AOE issues a negative advisory opinion, the following would happen:

1. The withdrawal study committee would have the option of ending the withdrawal effort and disbanding
2. There would be an automatic one-year delay on any withdrawal votes if the study committee chose not to end the process
3. The AOE would include its advisory opinion, along with findings and recommendations for possible legislative action, to its report on withdrawal activity for the Legislature's consideration
4. Unless the Legislature decides to step in and take action (based on the report above), the withdrawal question would be put to the voters after the one-year delay

Similar to the approach for session law, this approach would remove the ability of the AOE or State Board to stop a withdrawal, but providing a cooling off period and a window of opportunity for the Legislature to step in and take action if things are really headed in a bad direction.

I hope this is helpful.

Oliver