

TESTIMONY

Testimony To: Senate Committee on Education
Respectfully Submitted by: Emily Simmons, General Counsel, Agency of Education
Subject: H.727, District Withdrawal Actions
Date: April 26, 2022

16 V.S.A. § 724 and § 725

After the Secretary (SOE) receives a report from a withdrawal study committee, subdivision (e)(1) requires the SOE to review and analyze the report; hold a meeting in the petitioning town to hear from the study committee, the liaison subcommittee, and any other parties; ask for more details and/or for amendments; and issue an advisory opinion. All of this must occur within 90 days, which could increase the likelihood of a negative advisory opinion because there wouldn't be enough time to request and consider additional materials and/or amendments.

SUGGESTION - "within 90 days of receipt of the report or reports, unless the study committee agrees to an extension of the deadline, the Secretary shall" in the following locations:

- p. 70, lines 16-17
- p. 71, lines 15-16
- p. 89, lines 1-2
- p. 89, lines 19-20

Sec. 4 (Ripton) and Sec 6 (Lincoln)

Sec. 4 creates a process to assess the readiness of the new district (Ripton) and the petitioning town (Lincoln) to assume full responsibility on the proposed operational date(s) according to a timeline between July 1 and November 1 of this year. The timeline requires each entity (the district, the petitioning town representatives, the AOE, and the State Board) to take its required actions extremely quickly. For example, between July 1 and August 1, the Secretary is required to do the following for the pending withdrawal of both of two districts:

- warn and conduct a local meeting in the new district and in the petitioning town to hear input from the respective school board and interested community members,
- analyze the district's and petitioning town's status reports,
- formulate and issue the written determinations on likelihood of district's and petitioning town's preparedness on the proposed operational date(s).

SUGGESTION – The processes would be simpler and would allow more time for careful analysis if in each case:

- The new district's board or petitioning town representatives gives the status report directly to the SBE

- The SBE is directed to take testimony from the school board/representatives and the AOE, ask for more information, etc.
- With regard to Ripton, the SBE issues a final declaration regarding preparedness that results either in:
 - The new district continuing to prepare to assume responsibility on the operational date
OR
 - The SBE rescinding its earlier declarations that approved withdrawal and created the new district
- With regard to Lincoln, the SBE issues a final declaration regarding preparedness that results either in:
 - The petitioning town taking steps to elect a board and prepare to assume responsibility on the proposed operational date
OR
 - The SBE denies the proposal to withdraw

Sec. 8 (Moratorium on School Closures) and Sec. 9 (Report)

The moratorium on school closures as currently drafted is likely to result in unintended consequences. The current language, which defines closure broadly, would apply to activity that has been planned and funded in adopted budgets, such as moving all sixth-grade students in the district to a centralized middle school or moving a prekindergarten program to a separate larger facility. In districts where these changes have been planned, the district will not have budgeted to provide space for students in the former location next school year.

The AOE supports the study provided in Sec. 9. We anticipate that districts will delay planning for more controversial closures until the report is available, making the moratorium unnecessary. In addition, we are not aware that the three UUSDs that are the subject of the proposed session law are contemplating closure of a school building within the next year.

SUGGESTION – Delete Sec. 8.

ALTERNATIVE SUGGESTION – Amend the definition of “closure” to make it less expansive and/or more targeted:

Sec. 8. TEMPORARY MORATORIUM ON UNION SCHOOL DISTRICT SCHOOL CLOSURES

(a) Notwithstanding any provision of law to the contrary, a union school district from which there is an ongoing withdrawal action identified in Sec. 4 or Sec. 6 of this Act, shall be prohibited from closing a school building within its district unless the closure is approved by the district voters residing in the town in which the building is located. For the purposes of this section, “closing a school building” ~~includes the complete cessation of operation of all grades within a school building as well as the cessation of operation of fewer than all grades within the building~~ means that the district ceases to use the building to provide direct education in at least one grade, prekindergarten through grade 12.

(b) This section is repealed on July 1, 2023.