

# Memorandum

To: Senate Education Committee

From: Oliver Olsen, Chair, Vermont State Board of Education

Subject: H727 - Senate Proposal of Amendment (Draft 2.1, 4/22/2022)

Date: April 26, 2022

Thank you for the opportunity to comment on the most recent draft of the proposed strike-all amendment to H727. The State Board of Education (SBE) is supportive of legislation that minimizes disruption in our education system and ensures that governance changes (including school district withdrawals) result in good outcomes for students and communities.

## **Comment on Proposed Changes to Statutory Withdrawal Process**

The proposed changes to the withdrawal process in 16 VSA § 724 (beginning at line 9 on page 63 of Draft 2.1) strike a good balance between local control and the State's constitutional duty to provide for the education of our students. No withdrawal action should be put before the voters until it has been fully analyzed and vetted by an objective entity at the state level. The Agency of Education (AOE) has the experience, skills, and resources necessary to evaluate withdrawal proposals - and their potential impacts - in a comprehensive and objective manner. The proposed role of the SBE as a second-level reviewer is consistent with other processes that involve the AOE and SBE (e.g. where the Secretary makes a recommendation for the SBE's consideration and final decision in connection with merger proposals).

***We recommend adoption of the changes to current state oversight of §724 withdrawal activity, as proposed in Draft 2.1.*** These changes will provide for a better process that will help ensure the success of future withdrawals.

The committee may wish to consider amending the timeline for the AOE to issue its advisory opinion. We know from our experience with school district mergers that there is often a fair amount of iterative back and forth between the AOE and the local study committees, which has consistently resulted in higher quality merger proposals. A more flexible approach to the AOE's timeline would provide greater opportunity for a withdrawal proposal to be successful in the process.

## **Comment on Proposed Changes to Session Law**

Proposed changes to session law in Section 4 and Section 6 of Draft 2.1 would allow current withdrawal actions to move forward, but would introduce an objective and meaningful status review to ensure successful transitions, and if necessary, would allow for the cessation of withdrawals that are unlikely to be successful. The SBE is particularly concerned that well-intentioned, but potentially poorly planned and executed withdrawal actions (due to

inadequate statutory processes and safeguards under current law) could result in a regional crisis that would put undue stress on an education system that is already under severe strain.

The timing for activities related to the status review are aggressive and would likely prove challenging to operationalize. I recommend that, for the session law provisions in Sections 4 and 6, that there be only one level of state review with a final determination that either permits continued progress or brings the withdrawal action to close. Eliminating the need for a formal warned meeting (with timing associated with notice requirements, etc) would also provide more flexibility with the timing of this review activity. The objective is to ensure that a clear decision is evident no later than October, so that there is sufficient time for the responsible school district to plan and prepare for operations in the following school year (including development of a budget). In this unique situation, it should be pointed out that the responsible school district could end up being the newly created school district (if the status review results in a positive determination) OR the union school district (if the status review results in a negative determination). We don't want either school district to be left scrambling at the last minute.

***With some minor modifications, along the lines of above suggestions, we recommend adoption of the changes to the session law in Sections 4 and 6 of Draft 2.1.*** Current withdrawal actions are high risk endeavors that could result in significant regional impacts without additional mitigation.

### **School Closures**

The SBE does not have a position on school closures. We continue to stress the importance of the SBE's role in evaluating the long-term sustainability of governance structures and the need to keep this activity separate from local decisions about school building configurations.

It should be noted that concerns about school closures have been the impetus for some of the withdrawal activity that the SBE has been faced with, although we are unaware of any specific, imminent plans to close schools in these districts. A study, such as the one in Draft 2.1, could be useful in understanding the breadth and depth of issues involved with school closures, which would help inform future policy discussions within the General Assembly.