

Jeanne Albert, Ph. D.
 Outline of Remarks before Senate Education Committee
 April 14, 2022

1. **Problem:** Merger and withdrawal process are misaligned

Proposed Union District	Withdrawing (reconstituted) town district
<ul style="list-style-type: none"> • A proposed merger is a newly formed entity 	<ul style="list-style-type: none"> • Many towns that want to withdraw from a union district have decades of prior history successfully running well-functioning schools ⇒ Not a brand new district
<ul style="list-style-type: none"> • Planning a new merger requires considering and evaluating new structures for every facet of the proposed new entity; integrating operations requires significant analysis of finances, facilities, staffing, curriculum, etc. 	<ul style="list-style-type: none"> • To the extent that new structures/operations are needed, there is much less complexity ⇒ A merger-type study committee is not needed

Solution

(To the extent useful), it's more appropriate to align the processes for **Joining an existing union district** and **Withdrawing from an existing union district**

2. **Problem:** *H.727 Session Law for withdrawals underway* is not an "exemption" or "carve-out"

Section 6:

- Requirements for report and plan [Section 6(b)(1)&(2)] **are nearly identical to** what is required under the new withdrawal process [H.727 §724(c)&(d)(1)]
- **Voters (in Lincoln and surrounding communities) relied on current law:** with respect to
 - (1) the expected withdrawal procedures leading up to meeting with the SBE [V.S.A. 16 §724]
 - (2) the statutory condition for the SBE to approve withdrawal [V.S.A. 16 §724(c)]
 - (2) the responsibility of the SBE after withdrawal [V.S.A. 16 § 261, SU assignment]
- Also: **Legislation targeted at particular towns**

Solution

Replace *H.727 Session Law for withdrawals underway*

- **Option 1: True Grandmothering** Respect voters who have acted in good faith and relied on current law [while retaining language for Stowe, Section 5(a)(1), applicability of V.S.A. 16 §724 to forced mergers]
- **Option 2: Herb Olson amendment** (rewrite of V.S.A. 16 §724)

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3A. Problem: Anti-democratic provisions related to 2nd-level mergers (mergers where one or more member districts are themselves union districts)

Potential statutory conflict: Amendment/Repeal of Articles of Agreement

- An **article of agreement** or other “specific condition... set forth as a distinct subsection,” that is warned on the unification vote ballot, **“may be amended only [by the voters] at a special or annual union district meeting.”** [V.S.A. 16 §706n; H.727 §722]
- In developing its new articles, a merger study committee may ignore these voter-approved articles and the essential (and sole) right of the voters of the union district to amend them
- In a 2nd-level merger, **H.727 §703(b)(1) would automatically repeal the voter-approved articles of agreement of a union district**, without requiring an affirmative vote of the union district voters to do so

Solution

Amend current law to require that, for each previously merged (i.e. union) district designated as either “necessary” or “advisable,” the merger study committee

(1) schedule a special meeting to discuss the existing articles of agreement of the union district, and

(2) upon completion of their report (but prior to submitting to the SBE) warn a vote of the union district to reaffirm or rescind the articles of agreement for the proposed merged district.

3B. Problem: Anti-democratic provisions related to 2nd-level mergers (mergers where one or more member districts are themselves union districts)

Dilution of member-town voting rights and independence

- A vote to form a merger specifies that the vote “shall be at separate school district meetings held on the same day.” [V.S.A. 16 §706d]
- For mergers between single-town districts, **each proposed member (town) school district votes separately to approve the merger by majority vote; however, for 2nd-level mergers, the vote is district-wide**
- In district-wide vote, if a union district includes a town that is sufficiently larger than the other member-towns, **a merger can be approved by a majority vote of just the larger town—even if all the remaining towns oppose the merger.**

Solution

• **Option 1: Preserve town independence and autonomy** Amend current law to require that, for a 2nd-level merger to be approved, **a majority of voters in each member town of a union district** must vote to approve the merger.

• **Option 2: Ensure (minimum) threshold merger-vote integrity** Amend current law to require that, for a 2nd-level merger to be approved, **a majority of the member towns of a union district** must vote to approve the merger.