

VSBA Draft Governance Reform Proposal Legislation

1. Assume that the governance structure now in place does not change, and we maintain the supervisory unions and the school districts that we now have.

§ 261a. Duties of supervisory union board¹

The board of each supervisory union shall ensure, through the development of policies, job descriptions, strategic plans and accountability systems, that the superintendent or his or her designee:

(1) coordinate curriculum plans among the sending and receiving schools in that supervisory union. The curriculum plans shall meet the requirements adopted by the state board under subdivision 165(a)(3)(B) of this title;

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(2) assist each school in the supervisory union to follow its respective curriculum plan as adopted under the requirements of the state board pursuant to subdivision 165(a)(3)(B) of this title;

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(3) if students residing in the supervisory union receive their education outside the supervisory union, annually review the compatibility of the supervisory union's curriculum plans with those other schools;

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(4) in accordance with criteria established by the state board, establish and implement a plan for receiving and disbursing federal and state funds distributed by the department of education, including funds awarded under P.L. 89-10, the Elementary and Secondary Education Act of 1965 as amended;

(5) plan and implement professional development programs for teachers employed in the supervisory union. (6) provide the following educational services on behalf of member districts:

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(A) special education;

Deleted: and periodically review that policy. The policy may provide financial assistance outside the negotiated agreements for teachers' professional development activities and may require the superintendent periodically to develop and offer professional development activities within the supervisory union.¶

(B) except as provided in section 144b of this title, compensatory and remedial services; and

(C) other services as directed by the state board and local boards;

Deleted: or, if agreed upon by unanimous vote at a supervisory union meeting, coordinate provision of

¹ These statutory changes are intended to give supervisory unions more clear authority to coordinate curriculum and provide services than they are currently given. If supervisory union powers expand, the nature of supervisory unions as legal entities should be reviewed. Currently, supervisory unions are not municipalities, have no electorate, are not required to follow one-person-one-vote requirements and are empowered to assess school districts for the costs of their operations.

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(7) manage the supervisory union accounts ~~and the accounts of the school districts within the supervisory union~~;

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(8) provide the following services for the benefit of member districts:

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(A) centralized purchasing;

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(B) construction management;

(C) budgeting, accounting and other financial management;

(D) teacher negotiations;

(E) transportation; and

(F) other services ~~as provided for in joint agreements under section 267 of this title~~;

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(9) ²(10) submit to the town auditors of each member school district, on or before January 15 of each year, a summary report of financial operations of the supervisory union for the preceding school year, an estimate of its financial operations for the current school year, and a preliminary budget for the supervisory union for the ensuing school year. This requirement shall not apply to a supervisory district. For each school year, the report shall show the actual or estimated amount of state aid for special education awarded to the supervisory union, including the amount generated by, and the amount allocated to each school district within the supervisory union;

Deleted: require that the superintendent as executive officer of the supervisory union board be responsible to the commissioner and state board for reporting on all financial transactions within the supervisory union. On or before August 15 of each year, the superintendent, using a format approved by the commissioner, shall forward to the commissioner a report describing the financial operations of the supervisory union for the preceding school year. The state board may withhold any state funds from distribution to a supervisory union until such returns are made;

(11) on or before June 30 of each year, ~~the supervisory union board shall~~ adopt a budget for the ensuing school year.

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§ 242. Duties of superintendents

The superintendent shall be the chief executive officer for each school board in the supervisory ~~union or~~ district, and shall:

(1) ~~promulgate administrative rules as necessary to~~ carry out the policies adopted by the school board;

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(2) prepare plans to achieve ~~the~~ goals and objectives ~~adopted by the school boards~~ ~~in the~~ ~~supervisory union~~;

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² See Section 242(4)

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(3) employ or dismiss persons as necessary to carry out the duties assigned to the supervisory union;³

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(4) furnish the commissioner data and information required by the commissioner; and be responsible to the commissioner and state board for reporting on all financial transactions within the supervisory union. The state board may withhold any state funds from distribution to a supervisory union until such returns are made.⁴

and

(5) provide for the general supervision of the public schools in the supervisory union or district.

§ 244. Appointment and Duties of principals

(a) The principal shall be employed by the school board of the district following the receipt of recommendations made by the superintendent.

(b) The principal shall perform all duties specifically assigned by law or by the superintendent of the school district including the administration of policies adopted by the school board. The performance by the principal of his or her duties shall be annually evaluated by the superintendent who shall make recommendations as to the principal's continued employment to the board of the school district employing the principal. (c) The principal shall employ such persons as may be necessary to carry out the work of the school and shall dismiss any employee when necessary.⁵

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(d) Annually, the principal shall inform each secondary student and the student's parents or guardians of the right to opt out of the federal requirement that student contact information be provided to military recruiters or institutions of higher education pursuant to 20 U.S.C. § 7908(a). A school board shall enable the secondary student and the student's parents or guardians to disallow provision of student contact information to either military recruiters or institutions of higher education, while allowing provision of information to the other. For purposes of this subdivision, "secondary student" means a pupil in grade 9, 10, 11, or 12.⁶

³ Note that this provision empowers superintendents to manage personnel without supervisory union board approval of hiring or dismissal decisions. The superintendent is directly accountable to the supervisory union board for his or her personnel actions.

⁴ See Section 261a(9)

⁵ Note that this provision gives Principals the power to hire and dismiss employees without approval by the school board. The Principal is directly accountable to the board for his or her personnel actions. See Section 563(12) below.

⁶ See Sections 563(27-30) below.

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(e) Annually, the principal shall inform students and their parents or guardians of their options for school choice under applicable laws or policy.

(f) The principal shall annually:

(i) inform parents of students with life-threatening allergies and life-threatening chronic illnesses of applicable provisions of Section 504 of the Rehabilitation Act of 1973 and other applicable federal statutes, state statutes, federal regulations, and state rules;

(ii) inform appropriate school staff of their responsibilities; and

(iii) provide necessary training to carry out these responsibilities.

(g) The principal may make available school facilities and equipment for specified public purposes if such purposes appear, in the judgment of the principal, to be in the best interests of the district and are an efficient, economical, and appropriate use of the facilities and equipment.

(b) Without the approval of the state board of education, high school principals shall not be charged with supervisory responsibility outside of the high school.

§ 562. Powers of electorate

At a school district meeting, the electorate:

(1) Shall conduct meetings in accordance with Roberts Rules of Order, unless other rules of order are specifically adopted at a meeting;

(2) Shall elect a moderator at the annual meeting who shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote. The moderator may administer oaths to district officers and newly elected school board members. In the moderator's absence, a moderator pro tempore shall be chosen to preside;

(3) May elect a school district clerk at the annual meeting who shall keep a true record of all proceedings at each district meeting, certify its records, make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed serve as secretary of the school board, and perform such other duties as may be required by law;

(4) May authorize the school board to retain a public accountant, licensed in this state, to examine the accounts of the treasurer and the school board at the close of each fiscal year and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched;

(5) May vote annual salaries for school board members;

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(6),(7) May authorize the school board to enter into leases of real property for more than three years, to purchase buildings or sites for school purposes, to locate and erect schoolhouses, and to sell, or otherwise dispose of, schoolhouses or sites for same;

Deleted: May authorize the payment of actual and necessary expenses of school board members when traveling in the performance of duty;¶

(8) Shall authorize at each annual school district meeting an amount of money from all revenue sources to be expended by the board for the support of public schools; and, except for one-time purchase items which the board warns as a separate article, the board shall determine how the authorized funds shall be expended;

(9) May authorize the school board to borrow money by issuance of bonds, or notes not in excess of anticipated revenue for the school year;

(10) Shall elect school board directors and other school district officers.⁷ **§ 563. Powers of school boards; form of vote if budget exceeds benchmark and district** spending is above average

Deleted: as are required for each class of school district.¶

The school board of a school district, in addition to other duties and authority specifically assigned by law:

(1) Shall determine the educational policies of the school district. Board policies shall be of general application to the district, shall be in writing, codified, and made available to the public. Board policies shall be adopted at regular or special school board meetings. A school board shall give public notice of its intent to adopt a board policy, stating the substance of the proposed policy, at least ten days prior to its adoption. Where applicable, the school board shall ensure compliance of the school district with the policies and procedures adopted by the supervisory union pursuant to Section 261a of this Title.⁸(2) May take any action, which is required for the sound administration of the school district. The commissioner, with the advice of the attorney general, upon application of a school board, shall decide whether any action contemplated or taken by a school board under this subdivision is required for the sound administration of the district and is proper under this subdivision. The commissioner's decision shall be final.

Deleted: A school board may also approve or disapprove rules and regulations proposed by the principal or superintendent for the conduct and management of public schools in the district.

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(3) Shall have the possession, care, control and management of the property of the school district, subject to the authority vested in the electorate or any school district official.

(4) [Repealed.]

⁷ See 16 V.S.A. §426 making town treasurers school district treasurers unless otherwise voted by the school district electorate. Section 426 should be reviewed and revised. Town and school district treasurer functions should be separated.

⁸ Consideration should be given to the question of how much authority S.U. boards should have to adopt policies that district school boards must accept without change. In areas of non-discrimination, harassment and hazing for example, consistent policies throughout a supervisory union would make implementation of those policies efficient and consistent.

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(5) Shall ~~ensure that~~ the school buildings and grounds ~~are kept~~ in good repair, suitably equipped, insured and in safe and sanitary condition at all times. The school board shall regulate or prohibit firearms or other dangerous or deadly weapons on school premises. At a minimum, a school board shall adopt and implement a policy at least consistent with section 1166 of this title and section 4004 of Title 13, relating to a student who brings a firearm to or possesses a firearm at school.

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(6) ~~May establish policies as needed to provide~~ instruction to pupils who have completed a secondary education and to ~~operate, or contract for the provision of,~~ early educational programs.

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(7) May relocate or discontinue use of a schoolhouse or facility, subject to the provisions of section 821 and section 822 of this title.

(8) Shall establish and maintain a system for receipt, deposit, disbursement, accounting, control, and reporting procedures that meets the criteria established by the state board pursuant to subdivision 164(15) of this title and that ensures that all payments are lawful and in accordance with a budget adopted or amended by the school board. The school board ~~shall authorize the~~ superintendent of schools, or a ~~his or her~~ designee, to examine claims against the district for school expenses and draw orders for such as shall be allowed by it payable to the party entitled thereto. Such orders shall state definitely the purpose for which they are drawn and shall serve as full authority to the treasurer to make such payments. It shall be lawful for a school board to submit to its treasurer a certified copy of those portions of the board minutes, properly signed by the clerk and chair, or a majority of the board, showing to whom, and for what purpose each payment is to be made by the treasurer, and such certified copy shall serve as full authority to the treasurer to make the payments as thus approved.

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(9) Shall ~~annually report on~~ school district finances and ~~the~~ financial condition of the school district.

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(10) Shall ~~distribute to the electorate, not less than ten days prior to the district's annual meeting,~~ a report of the conditions and needs of the district school system, including the superintendent's, supervisory union treasurer's, and school district treasurer's annual report for the previous school year, the balance of any reserve funds established pursuant to 24 V.S.A. § 2804, a summary of the town auditor's report as to fiscal years which are audited by town auditors as required by 24 V.S.A. § 1681, a summary of the public accountant's report as to fiscal years which are audited by a public accountant, and a notice of the time and place where the full report of the town auditor or the public accountant will be available for inspection and copying at cost. Each town auditor's and public accountant's report shall comply with 24 V.S.A. § 1683(a). At a school district's annual meeting, the electorate may vote to provide notice of availability of the report required by this subdivision to the electorate in lieu of distributing the report. If the electorate of the school district votes to provide notice of availability, it must specify how notice of availability shall be given, and such notice of availability shall be provided to the electorate at least 30 days before the district's annual meeting.

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(11) Shall prepare and distribute annually a proposed budget for the next school year according to such major categories as may from time to time be prescribed by the commissioner.

Deleted: Subdivision (11) shall apply to budgets for fiscal years 2010 (school year 2009-2010) through 2014 (school year 2013-2014) only.¶

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(A) At a school district's annual meeting, the electorate may vote to provide notice of availability of the school budget required by this subdivision to the electorate in lieu of distributing the budget. If the electorate of the school district votes to provide notice of availability, it must specify how notice of availability shall be given, and such notice of availability shall be provided to the electorate at least 30 days before the district's annual meeting. The proposed budget shall be prepared and distributed at least ten days before a sum of money is voted on by the electorate. Any proposed budget shall show the following information in a format prescribed by the commissioner of education:

Deleted: B) If the proposed budget contains education spending in excess of the Maximum Inflation Amount, and the district's education spending per equalized pupil in the fiscal year preceding the year for which the budget is proposed was in excess of the statewide average district education spending per equalized pupil in that same fiscal year, as determined by the commissioner of education, then in lieu of any other statutory or charter form of budget adoption or budget vote, the board shall present the budget to the voters by means of a divided question, in the form of vote provided in subdivision (ii) of this subdivision.¶

(i) all revenues from all sources and expenses, including as separate items any assessment for a union school district or a supervisory union of which it is a member, and any tuition to be paid to a technical center;

(i) "Maximum Inflation Amount" in this section means:¶

(ii) the specific amount of any deficit incurred in the most recently closed fiscal year and how the deficit was or will be remedied;

(I) the statewide average district education spending per equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year preceding the year for which the budget is proposed, as determined by the commissioner of education, multiplied by the New England Economic Project Cumulative Price Index percentage change, as of November 15 preceding distribution of the proposed budget, for state and local government purchases of goods and services for the fiscal year for which the budget is proposed, plus one percentage point; plus the district's education spending per equalized pupil in the fiscal year preceding the year for which the budget is proposed, as determined by the commissioner of education.¶

(iii) the anticipated homestead tax rate and the percentage of household income used to determine income sensitivity in the district as a result of passage of the budget; including those portions of the tax rate attributable to the union school and supervisory union assessments; and

(II) multiplied by the higher of the following amounts as determined by the commissioner of education: (aa) the district's equalized pupil count in the fiscal year preceding the year for which the budget is proposed; or (bb) the district's equalized pupil count in the fiscal year for which the budget is proposed.¶

(iv) in the case of a school district:

(ii) Form of vote.¶

(I) other than a union school district, the definition of "education spending," the number of pupils and number of equalized pupils in the school district, and the district's education spending per equalized pupil in the proposed budget and in each of the prior three years; or

=us "School Budget Question #1:¶
Shall the voters of the School District approve a total budget in the amount of [\$], which includes the Maximum Inflation Amount of education spending?¶
=us "School Budget Question #2:¶
If Question #1 is approved, shall the voters of the School District also approve additional education spending of [\$]?"

(II) in the case of a union school district, the amount of the assessment to each of the member districts and the amount of the assessments per equalized pupil in the proposed budget and for the past three years.

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(12) ~~In accord with regulations of the state board of education, shall employ a full or part-time principal to administer each school in the district, and shall dismiss a principal when necessary.~~ The school board shall consider the recommendation of the superintendent before employing or dismissing a principal.

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Deleted: such persons as may be required to carry out the work of the school district and dismiss any employee when necessary.

(13) Shall prepare annually, on or before August 5, a report for the school district containing, on forms prescribed and furnished by the commissioner, a classified statement under oath of the

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⁹ The deleted sections in subsection (11) are from Act 82 of 2007.

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accrued expenditures of the school district for the preceding school year for school purposes, and such other information as the commissioner prescribes. A district shall not be entitled to receive any portion of school money distributed by the state unless such returns are made.

Deleted: Such report shall be prepared in triplicate, one copy shall be retained by the superintendent, and one copy shall be sent to the school district clerk and the other sent to the commissioner on or before August 15.

(14) Shall provide, at the expense of the district, subject to the approval of the superintendent, all text books, learning materials, equipment and supplies.

(15) Shall exercise the general powers given to a legislative branch of a municipality.

(16) May execute contracts on behalf of the school district, including contracts providing for binding arbitration, by its chair or any person designated whose appointment is recorded in the minutes of the board.

(17) Shall employ a public accountant at least once in each period of three years to audit the financial statements of the school district. However, if the town has voted to eliminate the office of auditor under section 2651b of Title 17, the school board shall employ a public accountant annually to audit the financial statements of the school district pursuant to that section. The school board may authorize an audit in conjunction with another school district or a supervisory union.

(18) [Repealed.]

(19) Shall allow any high school student, who meets the academic requirements of the high school, to graduate and receive a diploma in less than four years.

(20) Shall establish policies and procedures designed to avoid the appearance of board member conflict of interest.

(21) Shall have the authority to engage in short-term borrowing to cover the costs of those portions of projects approved by the state board and which will be reimbursed by the state board under sections 3447-3456 of this title but which payments will be delayed. However, the board shall borrow under this subdivision only amounts which it would receive if the state board could fund its obligation and may borrow no earlier than the time it would have received the funds. The state shall not pay for costs of borrowing funds under this subdivision.

(22) May apply for grants and may accept and expend grants or gifts. The board shall include, in its annual report, a description of all grants or gifts accepted during the year and associated expenditures.

(23) May, at the expense of the district, present informational materials to the electorate on any matter to be voted. However, such materials shall be limited to those that are reasonably designed to inform, educate and explain to the electorate the board's position on the matter.

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(24) Shall, in accordance with rules adopted by the state board of education, integrate home study students into its schools through enrollment in courses, participation in cocurricular and extracurricular activities and use of facilities.

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(25) Shall, if it is a school board of a school district which maintains a secondary school, upon request, award a high school diploma to any Vermont resident who served in the military in World War II, the Korean War, or during the Vietnam era, was honorably separated from active federal military service, and does not hold a high school diploma. The state board shall develop and make available an application form for veterans who wish to request a high school diploma.

(26) Shall carry out the duties of a local education agency, as that term is defined in 20 U.S.C. § 7801(26), for purposes of determining pupil performance and application of consequences for failure to meet standards and for provision of compensatory and remedial services pursuant to 20 U.S.C. §§ 6311-6318.

(27) Notwithstanding any provision of law to the contrary, shall refer all quasi-judicial functions assigned to school boards to hearing officers retained and assigned by the Commissioner of Education.¹⁰

Deleted: (27) Annually, shall inform each secondary student and the student's parents or guardians of the right to opt out of the federal requirement that student contact information be provided to military recruiters or institutions of higher education pursuant to 20 U.S.C. § 7908(a). A school board shall enable the secondary student and the student's parents or guardians to disallow provision of student contact information to either military recruiters or institutions of higher education, while allowing provision of information to the other. For purposes of this subdivision, "secondary student" means a pupil in grade 9, 10, 11, or 12.¶
(28) Annually, shall inform students and their parents or guardians of their options for school choice under applicable laws or policy.¶
(29) Shall assign an employee to annually:¶
(A) inform parents of students with life-threatening allergies and life-threatening chronic illnesses of applicable provisions of Section 504 of the Rehabilitation Act of 1973 and other applicable federal statutes, state statutes, federal regulations, and state rules;¶
(B) inform appropriate school staff of their responsibilities; and¶
(C) provide necessary training to carry out these responsibilities.¶
(30) May make available school facilities and equipment for specified public purposes if such purposes appear, in the judgment of the board, to be in the best interests of the district and are an efficient, economical, and appropriate use of the facilities and equipment.¶

¹⁰ This provision would remove school boards from acting as hearing boards for appeals in student discipline, employee termination and school district residency cases. Appeals in these cases would be decided by hearing officers employed by the state.