



Vermont
Superintendents
Association



To: The House and Senate Education Committees
From: Nicole L. Mace, Vermont School Boards Association
Jeffrey Francis, Vermont Superintendents Association
Re: Section 8 of Act 49
Cc: Krista Huling, State Board of Education
Rebecca Holcombe, Agency of Education
Donna Russo-Savage, Agency of Education

Section 8 of Act 49 directs the VSBA and the VSA to work in consultation with the Agency of Education to develop recommendations for legislation that address how communities may modify the default Articles of Agreement issued by the State Board of Education in the final statewide plan required by Section 10 of Act 46.

Act 49 states that after the State Board of Education issues the statewide plan, districts subject to merger shall have 90 days to form a committee with members appointed in the same manner and number as required for a study committee under 16 V.S.A. chapter 11, and which shall draft Articles of Agreement for the new district.

During this period, the committee shall hold at least one public hearing to consider and take comments on the draft Articles of Agreement. If the committee's draft Articles of Agreement are not approved within the 90-day period, then the provisions in the State Board's default Articles of Agreement included in the statewide plan shall apply to the new district.

The charge to our Associations was to work with the Agency of Education to identify which of the specific Articles developed by the committee must or should be approved only by the electorate and which can or should be approved by the committee created in that subdivision or another legal body; and amends 16 V.S.A. § 706n, which currently requires all later amendments to articles to be approved by either the electorate or the unified board based upon whether the provision was included in the Warning for the original merger vote.

We met with Donna Russo-Savage from the Agency of Education twice during the off-session to consider whether the current statutory framework adequately addresses

which Articles must be approved by the electorate and which may be amended by the unified board. **Based on a review of Chapter 11 of Title 16, we are recommending no additional statutory changes.**

Current law gives the electorate specific powers and authority to approve and modify certain provisions of the Articles of Agreement (*See* 16 V.S.A.706f and 16 V.S.A.706n). The electorate has the authority to determine the grades the union school district shall operate, the members of the board of directors and the method through which proportional representation will be achieved, how the assumption of debt and ownership of school property will be handled, and whether votes on the union school district budget or public questions shall be by Australian ballot. All other provisions of the Articles of Agreement may be modified by the unified union board (*See* 16 V.S.A.706n(c)).

In the context of the State Board's default Articles of Agreement, we believe that the committee formed under Section 10(d) must recommend any changes to the default Articles to the interim unified union board appointed under the default Articles. Those recommended changes could include a slate of questions to be put to the electorate of the new unified district, including the structure and composition of the unified board, the grades to be operated, and whether votes will be by Australian ballot. If the interim unified board approves those recommendations within 90 days, the board would then warn a special meeting of the new union school district in order for the electorate to vote on the changes that are within their authority to modify.

Other changes to the default Articles that are not within the statutory authority of the electorate to approve may be modified by the interim unified board. These could include the plan for the first year of operation for the transportation of students, the assignment of staff, and curriculum that is consistent with existing contracts and collective bargaining agreements.

Rather than statutory changes, the default Articles of Agreement should be accompanied by clear guidance from the State Board of Education regarding the process that districts being merged should use to become operational by July 1, 2019. This includes guidance regarding the timing of the unified district's organizational meeting, the budget adoption process, and elections and terms of office.