

**Verbal Testimony (listed in order presented)**

\* = provided written copy of testimony

David Kelly\*

David Schoales

Cheryl Charles

Rama Schneider

Bruce Sterling

Dan McArthur

Margaret MacLean\*

Dorothy Naylor

Carin Ewing Park\*

Scott Thompson\*

Linda Treash

**Written Testimony (only) Provided in connection with SBE's March 21, 2017 Meeting:**

Elizabeth Adams

Rick Gordon

Beth McDonald

Randall Szott and Pamela Fraser

Richard Virkstis

Public comments  
SBE, March 21, 2017  
David Kelley

In Orleans Southwest we have a union elementary school with two towns, a union high school with three other towns, two choice towns, and a distant K-12 town. Where consolidation is impractical, such as in our area, Section 9(a)(3) of Act 46 requires “a different governance structure” or “another model of joint activity.”

Section 3450.13 of the Rules is an attempt to address this issue. It talks about addressing “inequities and disparities” revealed by traditional data. I would caution you about comparing Craftsbury Academy and South Burlington High School. They are both great schools with entirely different strengths serving entirely different communities.

The language of 3450.13 should underscore substantial credit given to creative, cooperative initiatives that show promise of improving efficiency, opportunity and educational outcomes and should acknowledge bigger is not necessarily better. Collaboration can be more effective than mere consolidation.

Maine's experience should make us skeptical about the actual benefits of simply merging school boards. The obvious temptation is to achieve savings through closing small, rural schools. That “savings” has an enormous price tag. Once a town has its elementary school taken away there is less reason for people to move there, children are bused longer distances, property values go down and the social capital of the town is forever devalued.

For most districts where mergers made sense they have been put in place. Now alternative structures should be judged with a transparent public process and flexible threshold requirements spelled out in the rules; not by one person, behind closed doors, lacking clear guidelines. These rules should do more to encourage grassroots cooperation, imagination and innovation. And then we should monitor academic and financial outcomes for all structures. In doing so we can develop a better road map to the future.

I urge you to remember why we live here. Rural is an asset, not a liability. Let me repeat: Rural is an asset, not a liability. We should not try to put round pegs in square holes. Instead we should use these rules to encourage and reward imaginative, innovative and cooperative programs that offer genuine alternatives for creating better schools.

## Russo-Savage, Donna

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**From:** Margaret D MacLean <margmaclean@netscape.net>  
**Sent:** Tuesday, March 21, 2017 12:41 PM  
**To:** Chen, Rainbow; Huling, Krista; Johnson-Aten, Bonnie; Mathis, William; Peltz, Peter; Perrin, Mark; Solimano, Connor; Weinberger, Stacy; Holcombe, Rebecca; Russo-Savage, Donna  
**Subject:** Public Comment Rules 3400  
**Attachments:** Rules 3400 Public Comment MM.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please find attached my public comment from this morning's meeting.

At the end of the public comment the chair person, Krista stated that she hoped communities would make alternative proposals and come to the board with them. That is something these communities also hope for.

An opportunity to present a proposal to the board is NOT currently a part of Rules 3400 for Alternative Structures. This is a part of the "gaping hole" when it comes to how Alternative Structure proposals will be reviewed, presented, approved and appealed.

These rules are not ready. Please include a process for a transparent review of these proposals and include that process in the rules.

Sincerely

Margaret MacLean Peacham

Margaret D. MacLean  
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Public Comment - Alternative Structures Rule 3400 March 21<sup>st</sup> - Vermont State Board of Education.

I came today to make a public comment related to Rule 3400 on Alternative Structures. It feels a little different sitting this side of the table, rather than with you as a fellow State Board of Education member but I think I can get used to it!

I know that many of you live and work, or both, in communities that are not impacted by Act 46 due to their populations. That some of you live in districts that have chosen merger as their best course of action and others live in districts that are having problems finding a pathway to merger under the current rules.

Orleans Southwest SU is a significant example. This district had a 3 yearlong committee look at merger under Act 153/156 which ended up not able to bring anything to a public vote. Since the passage of Act 46 this district has still been unable to find a route to merger and has come to the conclusion that an Alternative Structure is its best route forward due to local complexities of operation. To date board members in these district schools have been grappling with governance for 5 years and due to history and geography are unable to find a pathway to meet the goals of the law within the current options.

A number of other whole supervisory unions are like Orleans Southwest, unable to comply with the law, along with many town school districts, in a way that makes sense other than via an Alternative Structure. Approx. 96 school districts are having problems, a similar number to those that have chosen merger. This makes rule 3400 significant and it is important the State Board get the rules right.

I wish to repeat that proposals for merger have not come to the board from these districts through a lack of trying. These districts have been working hard, many have put in as many hours on this [Peacham for example has had a committee of 9 working for over a year [www.peachamact46.org](http://www.peachamact46.org)] as successful mergers have and some have put in more. It is not their intention to not comply with the goals of the law, rather it is their intention to make a case why an Alternative structure can meet the goals of the law when other structures cannot and is their best path forward, based on their local circumstance.

Related to the specific rules. In working to develop Alternative Structure applications you have stressed the bar is no higher than that for merged proposals, the same evidence is required. That is reassuring. Thank you for reviewing the draft and reducing it from 27 pages to 15 pages and cross checking that an Alternative proposal requires no more evidence than a preferred one.

Yet when I look at approved proposals I see inconsistency. They do not all have a common template, some have specific information related to certain goals and less information related others, or vice versa, there is no evidence of a common standard. The requirement by rule is that certain information should be addressed but the reality in practice is that supplying all the information required by the rules in their proposals has not always been necessary to receive approval. This is the case even with, articulated rules, a clear and transparent process, and an opportunity for a public presentation to the state board of education along with an opportunity to be approved by local voters. Two things are going on - one related to rules and the other to judgments made around submitted plans.

This is not a criticism of the process it is merely an observation but it highlights for me a significant issue related to rule 3400. It is not the requirements they contain that are problematic it is the process that is missing that is problematic. A major goal of the law is transparency. I urge the board to direct the secretary to develop a transparent process by which they will apply the rules to judge the applications received.

It is not required that these applications be considered or approved individually by the state board. Nor is it required that the public vote on them. Two important aspects of the merger plans to date that have been an important part of the process. It merely requires that they be submitted to the secretary and what comes next, is a mystery, a gaping hole in the rules, what appears from this gaping hole is the secretaries' plan, which the board ultimately approves when it is complete.

While we can all hope the secretary will conduct a fair and transparent process in developing her plan, nothing in the rules requires this. No standards or guidelines are given. The rules have no clarity regarding how the process is to be conducted, no requirement that she consult with the communities, who will have spent hours developing proposals. No guidelines for how she should handle situations were communities have rejected merger at the ballot box, perhaps more than once. How should the secretary deal with this? Does the secretary have the authority to override the wishes of local voters? And if so would she be wise to use it? No appeal process is articulated, which means appeals would likely take place in a court of law, an inappropriate and time consuming place for dealing with such issues.

Currently the rules say the decisions are to be made by an administrative official, who is not publicly elected and who is not accountable to the public, with no transparency about how the rules will be applied. It is gaping hole, which is also unfortunately being used by some to instill fear, it has been repeatedly stated to committee members around the state and by committee members to their communities " Merge now or the Secretary will do it to you". How exactly the secretary will "Do it to you" in complex situations where local communities have grappled with the rules and rejected plans at the ballot box for legitimate reasons, is unknown. Personally I find this lack of a clear public process a great risk for the secretary and for the board. Including clear guidelines regarding how the secretary and board will handle these situations in the rules would bring much needed structure and transparency.

**These communities deserve a fair and transparent process by which their proposals are judged. Just as the proposals approved to date have received. I urge you to clarify this vital process and how it will be conducted and to include this in the final rules.**

Thank you  
Margaret MacLean Peacham, Vermont.

## Russo-Savage, Donna

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**From:** Carin Ewing <carinewing@yahoo.com>  
**Sent:** Tuesday, March 21, 2017 1:15 PM  
**To:** Huling, Krista; Holcombe, Rebecca; Morse, Stephan A; Oller, SeanMarie N.; Chen, Rainbow; Johnson-Aten, Bonnie; Mathis, William; Peltz, Peter; Perrin, Mark; Solimano, Connor; Weinberger, Stacy  
**Cc:** Russo-Savage, Donna  
**Subject:** Public Comment Alternative Structures Rule 3400  
**Attachments:** Park public comment act 46 rules.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Secretary Holcombe and the Board of Education,

Please find attached my public comment for the Alternative Structures Rule 3400. I presented briefly at the meeting this morning, and have attached my full comment here.

Respectfully submitted,

Carin Ewing Park  
Barnard School Board  
Barnard, VT

Public Comment – Alternative Structures Rule 3400

March 21, 2017

Carin Ewing Park (School Board, Barnard, VT)

To the State Board of Education:

My town, Barnard, is one of two towns within Windsor Central Supervisory Union that voted “No” on Town Meeting day to the merger proposal put forward by our Act 46 Study Committee. The Plan they put forward unfairly undercut the viability of these two towns’ small elementary schools by including Articles of Agreement that would have stripped these schools of grades and limited the voice of these towns in decisions around school closings. The re-structuring proposal was unjustified with respect to the academic quality, fiscal responsibility, student-to-staff ratio, or per-pupil spending at our school, and we believe it would have an inequitable affect on our students. In addition, our student population has held steady for eight years (unlike other districts within our supervisory union not slated for re-structuring), and our town is vital and growing. We believe the Study Committee’s Plan would not only have undermined our school’s future, and so the economic strength of our small town, but in doing so would negatively affect the economic picture in our region. Act 46 was not meant to hasten the closure of successful small schools like ours. We support the goals of Act 46 and believe that an Alternative Structure can do better to meet these goals than the proposal put forward by the WCSU Study Committee.

That being said, the language in the Rules does not explicitly encompass the reality of the options faced by towns like ours. For example, Section 3450.2 states “A proposal under Act 46, Sec. 9 shall include a comparison of options considered, including consideration of a Preferred Structure.” But the State Board must acknowledge that burden of proof for our Alternative Structure proposal must be that it meets the goals of the Act better than the *specific merger proposal* that our SU’s study committee brought to the State. The specific details of that proposed merger reflect an injustice that we believe undermine the goals of the Act, especially that regarding equity. In the absence of some platform to re-negotiate terms of a merger with our neighboring towns, the real options before us are not “That Preferred Structure Plan” or “Our Preferred Structure Plan,” but rather “That Preferred Structure Plan” or “Our Alternative Structure Plan.” We are not developing this Plan in the abstract, but in response to a concrete proposal that we saw to be detrimental to our students and our town.

Section 3450.3 of the Rules state that “A proposal under Act 46, Sec. 9 should demonstrate on what basis the State Board would be able to ‘conclude[] that this alternative structure... is the *best* means of meeting the [Goals] in a particular region’ as the Board is required to do pursuant to Sec. 8(b).” Again, I ask that there be recognition and clear guidance in the Rules here that an Alternative Structure proposal must show itself to be the best means of meeting the Goals *as compared to the other real* options available to our district voters.

The well-meaning voters of Barnard have been working hard to find a way forward that best supports our students and the goals of Act 46. I urge you to consider amending the language of the Rules so as to give greater assurance to our voters that any Alternative Structure proposal will be reviewed fairly and appropriately at this critical point in rolling out Act 46.

## Russo-Savage, Donna

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**From:** Regina & Scott Thompson <hernalser@aol.com>  
**Sent:** Tuesday, March 21, 2017 1:41 PM  
**To:** Russo-Savage, Donna  
**Subject:** Thompson statement at 3/21 State Board meeting  
**Attachments:** State Board intervention 3-21-2017.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi, Donna — here's an e-copy of what I gave you after the public comment period. My spoken version mashed it up to squeeze under the 2-minute limit. Panicking as the clock ran out, I wound up mixing my buzzsaw & train wreck metaphors. I hope the general idea got across nevertheless.

I meant what I said about the quality of your work. Its serious, patient, methodical craftsmanship (& craftiness too!) impressed me a lot. I'm just sorry it has to further a policy of going all-in on consolidation. One should always hedge against the possibility of error, especially when the welfare of others is at stake — and even more especially when the possibility of error rises to near-certainty in a significant number of cases.

At any rate, many thanks. I'm sure we haven't heard the last of each other, so I look forward to next time!

All the best,  
Scott



## Intervention re: Draft Rule 3400

Scott Thompson, Calais

At the meeting of the Vermont State Board of Education

21 March 2017

- Praise for Donna Russo-Savage's work revising the draft rules.
- Why then is draft rule 3400 still wholly inadequate to the situation?
  - Assumes with Act 46 that consolidation is a governance panacea, incapable of failure.
  - Failure is not only possible but likely in many places, an assessment based on:
    - academic research and case studies from 1970's to present
    - direct observation of neighbors
    - profound split in Vermont's present consolidation effort
- What does draft rule 3400 need? — *Flexibility for towns to test structures **they** create.*
  - From the legislature: authority for the State Board to allow redistribution of board powers and responsibilities under T.16 ch. 9.
  - From Agency of Education: a rule enabling towns to conduct controlled experiments of governance arrangements that towns can establish are superior to both consolidation and status quo.
- But: Legislature is flailing.
  - A breakout attempt, H.15/S.15, remains blocked in education committees.
  - S.122 is a set of baroque structures contorted to fit a reality that refuses to conform.
  - S.122 does not offer flexibility but only more of different kinds of rigidity.
- Result: dozens of towns are on a collision course with the state.
  - *Not* due to "fear of change," "dead-ender localism," "anti-education," etc.
  - Consolidation may work in some situations, but not in all.
  - Where it doesn't work, it fails badly — in our case, demonstrably worse than status quo.
  - Towns are coming up with progressive solutions that state officials have not thought of.
  - Vermont education law is too underdeveloped to accommodate these solutions.
  - Resistance to forced consolidation is coalescing in a spirit of civil disobedience.
  - If nothing changes, State Board will eventually find itself in the middle of a monumental train wreck with neither the power nor the appropriate guidance to set it right.

Elizabeth Adams  
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802-387-5258

VT Board of Education  
RE: Alternative rules and other economic consequences

I am not able to be present at the Board meeting on Tuesday and would like to submit these comments.

I agree that we need to try to bring down education spending in VT. However, the one-size-fits-all is not a good approach for VT. In fact, it is the antithesis of what VT is about. This forced merger issue is tearing some towns apart. When a merger is formed with 1 large school district and a few small ones, the small schools lose their voice on a super board. In the case of WSESU, Brattleboro would have 4 members, 1 each from Putney, Dummerston and Guilford and 2 elected from the whole merged district. Because Brattleboro far outnumbers the small towns, those 2 seats would be more than likely belong to Brattleboro.

As the AOE and Dept. Of Education have made rule after rule, they refuse to allow an alternative structure that consists of a supervisory school union with individual town districts, although it seems to be somewhat addressed in the most recent rule proposals. However, insisting on the merged model as the "best" and requiring an alternative model to be the best virtually assures that the alternative model will not be deemed the best. WSESU could be called a model for how a supervisory union has streamlined its functions well with member towns while retaining their local schools and school boards. We have already worked well together and plan to continue doing that. In fact, a former member of the Putney Town School Board Member (Putney Central) was instrumental in Brattleboro's 3 elementary schools forming early childhood teams to address the ways that these children develop.

Other items about school mergers that I have not seen addressed.

- 1) Why has there not been a study period to see if merged districts actually improve outcomes and save money in VT?
- 2) How can anyone with a straight face say that school budgets in a merged district are more transparent? Those much larger numbers will be harder to decipher as pertaining to a local school.

Economic consequences

- 1) What family wants to move to a small community with no school?
- 2) This will drive down the value of real estate in the town leading to less revenue to fund schools.
- 3) The economic vitality of these communities will decrease drastically which in turn leads to less revenue for the state.
- 4) Demographics are what keeps small towns thriving (states as well).
- 5) With our aging population, what happens when younger people and people with children no longer choose to buy a home in a town without a community school? Well, we have a town where the "Cares" organizations no longer have the ability to help meet the needs of an aging population. This translates into potentially higher costs to the State as it copes with much higher costs of "aging in place" (which are far less than nursing home care).
- 6) For many small towns in VT, the school is at the heart of the community. If the State chooses to force every school district to merge and local schools to close, the public from these small towns will be less likely to support the merged district and public education. Therefore, Act 46 as it is interpreted by the AOE and State Board of Education is penny wise and dollar foolish. If people are disgruntled now about the cost of education, wait until the above economics come into effect.

I have been reading the Picus Odden Report that so much of the AOE and the State Board of Ed base their reasoning on. I haven't finished reading it yet, so I'll just give you notes on what jumped out at me. Did the legislature even read this document?

While it is a noble goal to set high standards, the following is simply unrealistic especially when you consider the annoying old Bell Curve.

I wonder if anyone from the Legislature has questioned the AOE and State Board of Education about the following.

Pg. 33 The Picus Odden report is based on "full day preschool for 3 and 4 year olds."

My note: VT does not and cannot afford to provide full day preschool for 3 and 4 year olds. Without (particularly) the 3 year olds, much of the study loses a critical time in brain development.

From pg. 17:

No matter what course of studies a high school student completes – college prep or career tech – **all Vermont students** are expected to achieve to college and career ready standards. This includes children from low-income homes, students of color, English language learners (ELL) and students with disabilities.

From pg. 21

Set higher goals, such as aiming to educate at least **95 percent of the students** in the school to proficiency or higher on state reading and math tests; seeing that a significant portion of the school's students reach advanced achievement levels; having more high school students take and pass AP classes; and making significant progress in closing the achievement gap. The goals tend to be numerically explicit, and far beyond just producing "improvement" or "making AYP." Further, because the goals are ambitious, even when not fully attained they help the school produce large gains in student performance.

Critique:

While I have no problem with setting higher goals, issues arise when holding schools to unrealistic goals. Unfortunately, the Bell Curve has not been addressed in the Picus Odden Report nor in state educational standards.

While researching online. I found out that NECAP tests are NOT normed - referenced. This throws their validity into account, and the percentages of students that score as partially proficient or substantially below proficient are exaggerated.

The Smarter Balanced tests are better, but the legislature and the Board needs to understand the Bell Curve to understand that there will always be a certain group that is below standard and above standard. That does not mean that schools are "failing" or not making progress. I agree that we need to work on the achievement gap but also need to recognize that below standard test scores for a certain percentage of students is going to be normal. From what I am reading on <https://portal.smarterbalanced.org/library/en/2014-15-technical-report.pdf> 42.6% of scores will be at/near the standard which comes close to a bell curve.

Note: 5% have an IQ of less than between 70 - 75; Below 70 is 2.2%. In general, kids with an IQ of less than 80 is probably not going to be able to graduate from high school at a 12<sup>th</sup> grade reading and math level. I don't know the percentage of students who fall below 80, but about 25% will fall below 100. The range for normal is 90 – 110.

From: <https://www.nap.edu/read/10295/chapter/8>

*Classification of Diseases and Related Health Problems, Tenth Revision (ICD-10)* Children with specific learning disabilities show academic underachievement relative to their composite IQ. Specific learning disabilities may occur in basic reading (decoding), reading comprehension, mathematics reasoning, mathematics calculation, written expression, oral expression, and listening comprehension.

Severe forms of specific learning disability may result in illiteracy, failure to understand the most basic of mathematical concepts, or inability to write. These disabilities can interfere with the individual's ability to maintain gainful employment, and estimates indicate that they may affect 4 percent or more of the overall population (U.S. Department of Education)... example: 18 year old: *composite IQ of 72 and was reading at the 2nd-grade level.*

Picus Odden:

Pg. 44 First, **each tutor would tutor one student every 20 minutes, or three students per hour. This would allow one tutor position to tutor 18 students a day.** (Since tutoring is such an intensive activity, individual teachers might spend only half their time tutoring; but a 1.0 FTE tutoring position would allow 18 students per day to receive 1-1 tutoring.) Four positions would allow 72 students to receive individual tutoring daily in the prototypical elementary and middle schools.

Critique:

I certainly think that intensive tutoring in the early grades will help but will not eliminate the problem. This is crazy and not really possible in a 6 1/2 hour school day. Shove them in and shove them out.

Special Education:

P. 99 "Many mild and moderate disabilities, often those associated with students learning to read, are correctable through strategic early intervention – before a student is identified as an individual with a disability and an IEP is created."

For children with severe and profound disabilities, the EB model recommends that the state pay the entire cost of their programs, minus the cost of the basic education program for all non-public placements, **up to 2 percent of all students.**

p. 104: As background, however, we accomplish this task by making **an assumption that 25 percent of the 16 percent incidence of students with disabilities in Vermont could be serviced by the EB (evidence-based) model's extra help resources:** core tutors and school counselors, and additional tutors, pupil support, extended day, summer school and ESOL resources. This would bring the percentage of students needing and triggering additional special education **resources to 12 percent...**

At an incidence rate of 12 percent, it would be reasonable to assume that 1 to 2 percentage points of that total would be for children with severe and profound disabilities. **That would leave 10 percent with mild and moderate disabilities.** Although the previous EB provision for resources for students with mild and moderate disabilities was 1 teacher and 1 aide for every 150 regular students, we are changing that via the following analysis.

Critique:

While we may over-identify kids for IEPs, can you realistically limit special ed. resources to 12%? Is that even legal? As we find out about more different disabilities, can we realistically say that 12% funding is going to be adequate?

Huge elephants in the room that are not addressed:

- 1) IQ and the Bell Curve
- 2) NECAP tests are NOT normed referenced so that a disproportionate number of kids will score as partially proficient or substantially below proficient. Those results are exaggerated.
- 3) The Smarter Balanced tests are better, but the legislature needs to understand the bell curve to understand that there will always be a certain group that is below standard and above standard. That does not mean that schools are "failing." I agree that we need to work on the achievement gap but also need to recognize that below standard test scores for a certain percentage of students is going to be normal. From what I am reading on <https://portal.smarterbalanced.org/library/en/2014-15-technical-report.pdf>, 42.6% of scores will be at/near the standard which comes closer to a bell curve.
- 4) **Vocabulary** (both oral and receptive) at age 3 predicts reading success in 3<sup>rd</sup> grade. The best window for vocabulary is age 18 months to 3 years of age. After that, the brain begins to rapidly prune unused synapses. Those can never be fully made up after the window closes. As an early childhood teacher/caregiver for almost 30 years, I am quite familiar with these developmental windows. I have seen the huge gains that children can make in a small setting regardless of background. While CIS addresses as many birth – three children as it can, once a child turns 3, it is very difficult to qualify for EEE. A 40% lag is necessary. In my small group of 5, I could devote a great deal of time to helping children catch-up. That same small group setting also allowed me to know each child very well in each area of development and provide a platform to allow them to get to the next

Thank you for your time and consideration. Please feel free to call me.

Elizabeth Adams

## Russo-Savage, Donna

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**From:** Rick Gordon <rickgordon12@gmail.com>  
**Sent:** Monday, March 20, 2017 8:20 AM  
**To:** Russo-Savage, Donna; Oller, SeanMarie N.; Chen, Rainbow; Huling, Krista; Johnson-Aten, Bonnie; Mathis, William; Peltz, Peter; Perrin, Mark; Solimano, Connor; Weinberger@vermont.gov; rebecca.holcombe@state.vt.us  
**Subject:** rule 2400 comments  
**Attachments:** Public Comment.ags. March 21.docx

Dear SBE Board Members,

Attached are comments regarding rule 3400 I hope you can read before the board meeting on Tuesday. I am unable to attend the meeting to provide commentary in person. I trust members from our board and town who will be there to offer more detail about our perspective.

Thanks for your consideration.

Rick Gordon, PhD.  
Westminster School Board

Public Comment - Alternative Structures Rule 3400 March 21, 2017

Dear Vermont State Board of Education,

I want to share brief comments regarding the need for support for Alternative Governance Structures in order to achieve the laudable goals of Act 46 for greater efficiency, equity and transparency.

Act 46 garnered legislative support, I believe, because it offered flexibility for achieving the stated goals. Legislators were aware of how circumstances differ throughout the state and what works for Chittenden County may not work for Windham County. I know our local boards have been thoughtfully engaged in thinking about Act 46 but it didn't seem to our board that the preferred merger option would help achieve the Act 46 goals and our voters, and those from our surrounding towns, resoundingly agreed with this assessment in the recent election.

I think Act 46 was also supported because it gave our local voters final say on consolidation and our voters have spoken quite clearly against the preferred merger approach. We look forward to consideration of alternative governance structures that might better achieve Act 46 goals. But there seems to be a lack of clarity or support for the process for approval of alternative governance structures. I hope the board can make the process as streamlined as possible to encourage districts to find ways to meet Act 46 goals that our communities can support and have a good chance of achieving successful results.

As an educator and board member, I know the value of local boards is vital to the health of our communities and to the success of our students. Westminster has valued a strong school-community partnership for decades. The close relationship of the community to our school has resulted in a model school garden program, an exceptional farm to table food program supported by local farmers, an in-development experiential learning immersion program for all students, and, most importantly, a responsive school where each student is known well and the individual needs of each child is met by a system that can be flexible and personalized to support each child. This kind of individual responsiveness is the real heart of equity. Equity is about much more than just access to program offerings—attention to individual students and families is what matters for more equitable results.

I know our citizens don't want to lose the involvement in town meeting and the closeness to school board members that is central to participatory democracy and the connections within our community. At a time when many in this country feel powerless to impact national policy, it would be shameful to give up what is probably the one place we still have real input as citizens into policy and spending that matters to our lives.

We believe that there are alternative governance approaches that can help with efficiencies and equity. I know our local school boards could work together simply by meeting together every other month to explore shared opportunities. This would cut in half meetings for the superintendent and open the door to countless possibilities for better collaboration across

districts. Likewise, I am sure there are arrangements within the SU that could facilitate more sharing of teachers and simplification of contracts.

There surely are ways to meet the goals of Act 46 beyond the preferred merger structure. In fact, I think the preferred model is likely to be less effective, in many areas, for achieving these goals than some other alternatives.

I encourage you to do whatever you can to support alternative governance approaches and help all our districts pursue ways to realize the goals of Act 46 while retaining qualities of our schools and districts that are valued by our communities.

PS Our school budget was down by several percent despite a several percent increase at the SU level—local boards can control costs and often better than the central office.

Thank you for your consideration.

Sincerely,

Rick Gordon, PhD.  
Westminster School Board

## Russo-Savage, Donna

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**From:** Pete and Beth McDonald <219woodburn@gmail.com>  
**Sent:** Tuesday, March 21, 2017 5:42 PM  
**To:** Russo-Savage, Donna  
**Subject:** Act 46 Windham Elementary School

Dear Ms. Russo-Savage,

I am writing to you in regard to act 46. I realize today was the day to send in commentary and hopefully this will not be disregarded, I just found out about it. My little elementary school has been participating in the Act 46 discussion and the previous RED study, Act 153, the Mudd. I have been a school board member for Windham Elementary School for the past 10 years and just resigned this past December. I feel like I have lost the last 10 years worrying, fighting and desperately trying to support my children's school and my town. My children are 18, 16 and 12 and I can't get back the time I missed out participating in their lives while I worked for our community. I finally gave up the school board but quickly found myself still making an effort in regard to Act 46 and what it will mean for our little community. I would appreciate it if you could still share my words.

Windham Elementary is one of the last of the little 2 room school houses that used to be the norm in Vermont. I was raised in NJ where we had 4 elementary schools with 2 classes per grade and the typical 25+ students per classroom. I wanted something different for my children so we raised our family in Windham, Vt. I did not want to see my kids lost and no more than a number. WES has provided my children and all the children in this community with a stellar education that went beyond the core requirements and included music (ukulele club), contra dancing, gardening, farm school and a deep connection to Vermont's history and culture.

WES is located in Windham Vt. We are an isolated town in that it is good 12 mile ride down a very steep hill (Windham Hill Rd.) to Townshend or Jamaica or Wardsboro. Over the years we have looked into the cost of sending kids on a bus, out of the community to attend school elsewhere and at no time could we get beyond the cost of transportation aside from the fact that it would include potentially sending little ones down the road along with our ms/hs students (Leland and Gray UHS, Townshend, Vt) early in the am. On top of that, what would it do to families and the children who participate in extra-curricular activities after school? Would parents, many of them economically hard pressed, be able to continue to participate in their children's education and interests?

What bothers me most, as someone who bought a house in town because of this amazing school, is Windham has a \$370,000 budget and yet the town itself sends over twice that much to the state and yet we are constantly asked to do more. Why is the state putting the cost of education on it's youngest citizens? How does the town attract young families if it has no school? If our taxpayers support our school, why does Montpelier feel the need to pressure us to change. We have heard from teachers at Leland and Gray that the WES students come to L&G prepared and ahead of the game. I have no problem with taking in more kids to our school but I have a concern that Montpelier does not know and therefore does not value what we do here.

We are being asked to make decisions on rules and articles that so far have no clear answer and outcome. We are being asked to hope that this newest (one of so many) is the answer without any real evidence. We are being asked to make our youth guinea pigs for a system that may not work in their benefit nor the towns benefit. This could truly hurt Windham and it will certainly have an effect on our state. For years I balked at the bumper stickers that read "Don't Jersey Vermont" and yet that is exactly what is happening here. The Ed Agency is participating in an experiment with no assurance's.



I think of why I moved here, and it wasn't for the income. I think of the people who stayed here because they valued what they grew up with. I think of the people who retire here, own second homes here because they love Vermont. But for some reason, it is assumed that our youth, who had no choice in being here, are somehow seen as lesser citizens and not worth the investment to educate them and their parents and community members are not equipped to make the decision of how our children will be educated.

If Montpelier truly wants to know what you could potentially lose I would ask that you come to WES and see what we do. I can promise you it would make you proud. WES is trying as best it can to address this issue. My school board, which includes State Representative Carolyn Partridge, has been diligent, present and open to the issues of education finance. We have reached out to other schools and will continue to make an effort to be a part of the solution. I do not want that solution to be one that hurts our communities children and hurts the heart of our town.

We had a fantastic, very positive meeting last night and look forward to continuing the conversation and brainstorming what we can do to participate moving forward. If you have any insight I would appreciate it. If you know of another time for public commentary I would make every effort to attend and speak. For the next couple weeks I am very short of staff at the farm and we are heading into lambing and calving season. I apologize for the length of this. I have gotten the very best out of all the little schools in this union and would like to see all the children and families who live in our area given the same opportunity to participate in the children's lives.

dly, Beth McDonald

Windham VT

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## Russo-Savage, Donna

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**From:** Randall Szott <dilettanteventures@gmail.com>  
**Sent:** Monday, March 20, 2017 4:15 PM  
**To:** Oller, SeanMarie N.  
**Subject:** Public Commentary for Proposed Rules on Alternative Structures  
**Attachments:** 3400\_Comment\_Szott\_Fraser.pdf

Please find attached the comments of Pamela Fraser and Randall Szott regarding the Rules on Alternative Structures being discussed by the State Board of Education tomorrow.

Thanks,

Randall Szott

Public Comment - Alternative Structures Rule 3400

March 20, 2017

Randall Szott and Pamela Fraser (Barnard, VT)

SBE -

We carefully reviewed the public commentary and responses from the public comment period ending 12/20/2016. We are thankful to the SBE for considering the commentary and making some much needed clarifications and revisions to the rules.

As you may know, Barnard recently voted on the Windsor Central merger proposal, and along with Reading, decisively voted NO. There were many motivations, but the pervasive attitude expressed was that the plan was inherently unfair. There was not opposition to finding innovative solutions for sharing resources and increasing educational opportunity. The plan we voted on made two decisive mistakes - it created a wildly unbalanced new governance structure (despite being urged to consider the "hybrid" model for board representation) and it did not provide adequate protection for towns affected by potential school closure (despite reasonable suggestions that enrollment and budgetary "triggers" could be added that would bypass the potential veto power of a small town). Changes to those provisions might have led to passage despite other objections some of which are below.

The path forward for our town and school remains unclear. We need the rules to clarify if the pending Statewide Plan would simply disregard the vote in our town and force us into a merger that violates the expressed will of the people (Rules 3440.3 and subsequent). If so, we also need the rules to clarify whether the Sec. of Education or someone else will aid our town in negotiating entry on more equitable terms as part of the Statewide Plan.

A major point of clarification is needed regarding the specifically enumerated conditions that facilitate application for approval as an Alternative Structure - we clearly believe that Act 46's goal of achieving equity (on which you have received several comments previously regarding a needed definition) was violated by the plan we voted on.

Do the rules allow for an Alternative Structure based on isolation due to an unreasonable and unfair merger proposal that places unequal burden on students and their community? Could Rule 3440.8 be amended to include "(4) D: A school district that lawfully voted to reject merging due to extenuating circumstances rather than to circumvent the goals of Act 46"?

The merger plan we rejected proposed that our school lose students through restructuring (converting our PK-6 school to PK-4) clearly placing our school on a path to closure due to entirely avoidable insufficient enrollment and thus appears to violate Sec. 1. FINDINGS (i) of Act 46. It should be noted that the original proposal was even more egregious, proposing to cut our third and fourth grade classes as well, all for the sake of funding the wish list of neighboring towns.

It should also be noted that the majority of the members of the Study Committee that proposed these changes now sit on the newly merged board. In this regard, the SBE should clarify whether rule 3440.8 (3) might apply given that the Statewide Plan, were it to force us into the existing merger

proposal would in fact, "include a change that would require a district to alter its current operating or tuitioning structure."

This part of the merger proposal might also be a violation of the equal protection of our students due to forcing them to make unnecessary social adjustments and bus travel while exempting students from other towns from this burden. Clarification is needed whether the rules (possibly 3440.11 regarding impact on students) will provide legal remedy, or whether it is a constitutional question. The inclusion of "school choice" in our merger plan, as previously discussed with Donna Russo-Savage will likely be ripe for legal challenge on an equal protection basis as well.

Any consideration you can give to this matter is appreciated. Barnard needs your assistance in making sure we continue to provide a quality education for our students.

Respectfully,

Randall Szott and Pamela Fraser

## Russo-Savage, Donna

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**From:** Richard Virkstis <rrvirk@gmail.com>  
**Sent:** Sunday, March 19, 2017 2:19 PM  
**To:** Russo-Savage, Donna  
**Subject:** Rule 3400 Testimony  
**Attachments:** Rules 3400 Draft.docx

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Donna,

Please find attached a copy of my testimony which I hope can be included as part of the discussion for authorization of Rule 3400 Alternative Governance Structures. In preparation for the State Board of Education meeting in Barre on Tuesday, I have also sent a copy to each of the State Board members.

Thank you.

Richard R. Virkstis, Dummerston, VT

## TESTIMONY ON RULES 3400 - STATE BOARD OF EDUCATION TUESDAY MARCH 21, 2017

To: The Vermont State Board of Education  
Ms. Krista Huling, Acting Chairman

Thank you Madam Chairman and Members of the Vermont State Board of Education for this opportunity to give comment on the revision of Rules 3400 which govern the implementation of Alternative Governance Structures under Act 46.

It is difficult to know where to begin. I realize this occasion is meant to provide an opportunity for comment and perhaps to suggest edits to the revision of the Rules 3400. As a lay person in this endeavor it is difficult to assess where, in this labyrinth of Rules, alterations or remedies should occur....though I do have some questions and a suggestion or two.

What has drawn me to this effort to comment is my very strong feeling that the small rural school in Vermont is, and has been, a very important institution in the lives its children and therefore should be protected and revered. The success for which Vermont students have been recognized, at home and abroad, began, after all, in a variety of small rural schools throughout the State. I am grateful that this legislation and these Rules are providing a pathway for those communities that do not wish to give up the absolute control of their local schools through merger, and will have the option to use the Alternative Governance Structure for meeting the goals of Act 46.

There are some good aspects to Act 46...the goals of greater educational equity and finding ways to lower the costs of education in the face of declining enrollments are worthy. I feel that with a strong public promotion of our state's attributes(much like what Michigan and New York have done) combined with a strong campaign by State leadership and creative personal and business tax reform will all contribute to ensuring future growth in Vermont.

Act 46, as good as its intentions are, also strikes me as being driven by a big city, big government, corporate mentality approach attempting to resolve a small state, small town solution. All of our problems are not the fault of small schools. We know from experience, here and elsewhere, that budgets in consolidated school districts tend to increase each year. Big school districts are the cost drivers. They are able to spread costs for new programs over a larger population and so they seem efficient, their spending per pupil seems low. Reminds me of the man who tries to explain to his wife, after her repeated visits to the 'sale rack', that they are going to go broke saving money.

Each year towns are forced to pit taxpayers against school boards in order to justify budgets. Declining enrollments have exacerbated this debate. When the administration proposes borrowing from the Education Fund, more public concern is aroused. Our problems in Vermont around funding for education have more to do with how we fund education than whether or not we are spending too much or too little. The current legislation outlined in Act 46 is in response to many Vermonter's appeals to the legislature to find a solution for lowering property taxes. Would the clamor be any less if the cost for

education were not the focus? Some legislators have claimed that the process to shift education costs to the income tax, in itself, would be too costly. I do not know, but what I do feel is that a more equitable way to fund education would be to base the obligation on one's ability to pay....not on the uncontrollable fluctuation in property values. A more income-based approach needs to be found and I know there are several Bills pending in the Legislature to begin to deal with this issue.

The strong reaction being voiced from many towns throughout the State either with the defeat of merger votes or budget defeats has fueled interest in finding alternative pathways to achieve the goals of the Act. Alternative Governance Structures, as an approach, has not been promoted by administrators, study committees, consultants and others in favor of merging, and it seems to me the reason is because the thinking on the part of the 'one size fits all' Legislature has been that consolidation is the more obvious solution to achieving the stated goals.

Laws and Rules governing a change in how business gets done often does not provide for an emotional component....how people may be feeling about what is being proposed or mandated. Alternative Governance Structures gives communities an opportunity to 'do it their way', to design their own path to achieving the stated goals. In some cases, much has already been accomplished in performance outcomes and cost savings. Much more can be done and will be done if communities are given the chance to find their own way rather than being told or penalized for not following a 'company' model. Bottom up solutions are often much more successful than those from the top down.

When I first began to study Act 46 and to hear the arguments for merging, much of what I heard was based on the 'tax' benefits that communities would receive were they to follow the preferred model....or even the conventional model, ....later to be referred to as 'transition' costs. Whatever they are called, it seems to me it might have been better to have offered them to districts at the end of the process, after they had actually achieved some progress on the goals. Given that the AGS is a part of this Law, it seems unfair to those who choose to follow this option be denied tax benefits and/or transition grants for their decision.

Be that as it may, many town school districts have chosen....either for the benefit incentives or for the betterment of their school children, to consolidate, abandoning their school boards and relying on a larger governance unit to oversee the education for all of the children in their districts. Many other school districts and supervisory unions have not been so quick to concede that doing so is in the best interest of their towns, their children or their district.

As one who lives within a Supervisory Union, it was my feeling from the beginning that we had enjoyed, for many years, the benefits of a well-functioning governance structure. We have managed to achieve some cost savings in ways we did business and yet do realize that there are educational inequities among some of our member schools. The transparency of overseeing our own budgets is clear...we know where the money is coming from and how it is to be spent. We feel that we have a voice in the Supervisory Union through our district representative, appointed by our School Board which is elected by us. For us, the involvement and connection we have in our community schools and that which we share with our member districts, represents a big family of schools working together for all our children.

Even the issue of Choice (a legislated prerogative held by one of our member schools) which has divided so many communities and has in some cases, stalled unification, has never had a negative effect on other schools in our district. It has worked well in our Union for over 50 years.

After spending much time since a year ago January looking at or attending Study Committee meetings, I can say that their discussions were focused on only those options which spoke to merging school districts in some way. At the time, I was not aware that non-merger options were under the purview of the School Boards only. In any event, by this Spring, the Study Committee's discussions became sidetracked by the withdrawal of one of the member towns from the Study Committee. After a missed June deadline for an Accelerated merger and the withdrawal of the same town from membership in our District, two subsequent failed votes to affirm the withdrawal by one member town, our current Conventional four-town merger proposal is now on hold.

Those of us who had been advocating for an alternative solution looked to the Alternative Governance Structure as described in the Rules 3400 Sec. 9 and I, for one, was somewhat amazed to realize that it is the mirror of our current governance structure. This certainly seems fortuitous and surely an indication that the authors of this Law realized this governance structure could and should be the choice for some communities. The challenge now for us is, whether we can convince other members of our Union District to join us in exploring whether or not our governance structure can be modified in such a way as to be sustainable in reaching the goals of the Act.

Many of us think it can be done. We think we can build upon the good work of this Union to increase educational equity where necessary, to cut costs where we have already identified areas open to adjustment, and to create an even better Union of large and small schools working together to create opportunities for all of our children at a cost that taxpayers can value.

## **CONCERNS**

### **Proposing an alternative structure under Act 46, Sec. 9**

Other than being concerned about some of the language regarding 'best means' of achieving the goals of Act 46, or whether our Union had 'the fewest districts practicable,' (whose definitions of 'best means' or 'fewest....practicable' would they be?) my concern and my hope is that if we were to submit a proposal under Act 46 Sec. 9, it would not be judged dismissively simply because it was not a proposal for merger. Hopefully, our proposal would be evaluated on the basis of our having conducted a rigorous self-examination of our current ability to meet or exceed the goals of Act 46 and that it reflects our confidence that this can be done while appreciating the opportunities that can arise from regional cooperation.

I also would just reiterate that for those choosing an AGS, I would hope that some financial assistance could be considered to help with this reorganization.

It would be remiss of me, especially if you have gotten this far, not to thank you for all your work on behalf of Vermont's children, who are, after all, the future of our State.



Sincerely,

Richard R. Virkstis, Dummerston, VT