

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Governance Team

ACTION ITEM: Will the State Board of Education authorize the Agency of Education to initiate the administrative rule-making process by pre-filing the proposed State Board Rule 3400 series regarding “Alternative Structures” under Act 46 (2015) with the Interagency Committee on Administrative Rules (ICAR) for its review?

SECRETARY’S RECOMMENDED ACTION: That the State Board of Education authorize the Agency of Education to pre-file the proposed State Board Rule 3400 series regarding “Alternative Structures” with ICAR for its review process.

STATUTORY AUTHORITY: 16 V.S.A. § 164; Act 46 of 2015

BACKGROUND INFORMATION: The State Board determined that although Act 46 recognizes the possibility of “Alternative Structures” and includes some related requirements and guidance, the process by which a district or group of districts will propose an “Alternative Structure” lacks the level of specificity available for voluntary mergers under 16 V.S.A. §§ 701–723. On June 21, 2016, the State Board approved a motion to “develop and adopt rules regarding the criteria and processes” for consideration of proposals for an “Alternative Structure” in the context of the final statewide education governance plan that the Board must issue by November 30, 2018. As part of the same motion, the State Board requested the Agency to prepare draft rules and related draft guidance for its review. The State Board approved the draft guidance at its July 29, 2016 meeting.

The proposed State Board Rule 3400 series regarding “Alternative Structures” under Act 46 (2015) is attached for the Board’s review. The proposed rules represent the Agency’s best effort to reflect the Board’s June 21, 2016 motion by grounding the rules in the requirements and guidance provided in law and reflecting the State Board’s discussion, analysis, and recommendations about how to implement the law as written made during its 2016 annual retreat and incorporated into the July 29, 2016 guidance.

POLICY IMPLICATIONS: Issuing rules regarding “Alternative Structures” will assist districts to understand the process for proposing the structures and will supply more detail regarding the information that districts need to provide to enable consideration of a proposal for an “Alternative Structure” in the context of the final statewide plan.

COST IMPLICATIONS: (Monetary Resources; Staff Resources) The Secretary of State charges state agencies a flat rate of \$2,200 for statutory publication of proposed rules. In addition, the Agency will incur costs for any public meeting it holds to solicit public comment. Such cost is expected to be an ancillary cost to the Agency.

STAFF AVAILABLE: Donna Russo-Savage, Principal Assistant to the Secretary, School
Governance
Brad James, Education Finance Manager
Bill Talbott, Chief Financial Officer

DRAFT

3400 Proposals for Alternative Structures Under Act 46 (2015) – Effective _____

3410 Definitions For all State Board of Education rules relating to Alternative Structures, the term:

3410.1 “Act 46” means 2015 Acts and Resolves No. 46. **“Act 153”** means 2010 Acts and Resolves No. 153, as amended. **“Act 156”** means 2012 Acts and Resolves No 156, as amended.

3410.2 “Alternative Structure” means a supervisory union “composed of multiple member districts, each with its separate school board” as defined in Act 46, Sec. 5(c).

3410.3 “ADM” has the same meaning as set forth for “average daily membership” in 16 VSA § 4001(1).

3410.4 “Goals” means the five statewide education goals identified in Sec. 2 of Act 46 that are the source of the legislation’s governance provisions, which are:

to encourage and support local decisions and actions that:

- (1) provide substantial equity in the quality and variety of educational opportunities statewide;
- (2) lead students to achieve or exceed the State’s Education Quality Standards, adopted as rules by the State Board of Education at the direction of the General Assembly;
- (3) maximize operational efficiencies through increased flexibility to manage, share, and transfer resources, with a goal of increasing the district-level ratio of students to full-time equivalent staff;
- (4) promote transparency and accountability; and
- (5) are delivered at a cost that parents, voters, and taxpayers value.

3410.5. “Neighboring District(s)” does not necessarily mean contiguous school districts or districts that are currently in the same supervisory union, but should be identified based on a common-sense view of the Region.

3410.6 “Preferred Structure” means a school district that is responsible for the education of its resident students in prekindergarten through grade 12, is its own supervisory district (*i.e.*, a single-district supervisory union), has an ADM of at least 900 students, and is organized and operates according to one of the four most common structures as identified by Act 46, Sec. 5(b) as follows:

“(A) a district that operates a school or schools for all resident students in prekindergarten or kindergarten through grade 12;

(B) a district that operates a school or schools for all resident students in prekindergarten or kindergarten through grade 8 and pays tuition for all resident students in grade 9 through grade 12;

(C) a district that operates a school or schools for all resident students in prekindergarten or kindergarten through grade 6 and pays tuition for all resident students in grade 7 through grade 12; or

(D) a district that operates no schools and pays tuition for all resident students in prekindergarten through grade 12.”

3410.7 “Proposing District(s)” means a school district (or group of districts) that presents a proposal for an Alternative Structure by November 30, 2017 pursuant to Act 46, Sec. 9(c) and Secs. 5, 8, and 10. **“NPD”** means a Neighboring District that is not a Proposing District.

3410.8. “Region” is not defined by current supervisory union boundaries, but should be identified based on a common-sense view of districts in and outside the current supervisory union.

3410.9 “Remaining District(s)” means a school district (or group of districts) that will not be in a Preferred Structure by July 1, 2019, but does not include career technical center districts or interstate school districts.

3410.10 “Statewide Plan” means the statewide education governance plan that Act 46 requires the Secretary of Education to develop and issue as a proposal on or before June 1, 2018 and the State Board of Education to issue in final, mandatory form on or before November 30, 2018 pursuant to Secs. 8-10, and all incorporated sections.

3420 Statement of Purpose

Although Act 46 recognizes the possibility of Alternative Structures and includes some related requirements and guidance, the process by which one or more Remaining Districts will propose an Alternative Structure lacks the specificity available for voluntary mergers, which are governed by a decades-old statutory process and by additional, explicit criteria in Act 46, Act 153, and Act 156.

These rules are intended to provide (1) a process by which school districts can propose Alternative Structures and (2) details about the supporting information a school board shall present to support consideration of the proposal in the context of creating the Statewide Plan.

3421 Statutory Authority

16 V.S.A. § 164; Act 46 of 2015; 16 V.S.A. 261

3430 Proposals for Alternative Structures

3430.1 As stated in Act 46, the Goals are:

to encourage and support local decisions and actions that:

- (1) provide substantial equity in the quality and variety of educational opportunities statewide;
- (2) lead students to achieve or exceed the State's Education Quality Standards, adopted as rules by the State Board of Education at the direction of the General Assembly;
- (3) maximize operational efficiencies through increased flexibility to manage, share, and transfer resources, with a goal of increasing the district-level ratio of students to full-time equivalent staff;
- (4) promote transparency and accountability; and
- (5) are delivered at a cost that parents, voters, and taxpayers value.

[Act 46, Sec. 2]

3430.2 Act 46 instructs the State Board to "be mindful" of actions that would result in the geographic isolation of districts, "including the potential isolation of a district with low fiscal capacity or with a high percentage of students from economically deprived backgrounds." *[Act 46, Sec. 8]*

3430.3 The Goals are best met by a school district organized and operating as a Preferred Structure. *[Act 46, Sec. 5(b)]*

3430.4 A Preferred Structure may not be "possible or the best model" to achieve the Goals throughout the State. *[Act 46, Sec. 5(c)]* This acknowledges that local anomalies of demography and geography make Preferred Structures difficult to achieve in some locations.

3430.4.1 In these situations, it is possible for an Alternative Structure to meet the Goals, particularly if the supervisory union manifests specific characteristics, including having "the smallest number of member school districts practicable." *[Act 46, Sec. 5(c)]*

3430.5 A supervisory union with "the smallest number of member school districts practicable" means that, to the full extent current governance structures will permit, Neighboring Districts will merge into (i) a unified union school district, (ii) a union elementary school district, or (iii) a union high school district.

3430.6 A proposal for an Alternative Structure is submitted and considered only in connection with the development of the Statewide Plan. *[Act 46, Secs.8-10]*

3430.7 An Alternative Structure is an exception to a Preferred Structure. The Preferred Structure is the default. *[Act 46, Secs. 5(c), 8(b), and 10(a)]*

3430.8 The final Statewide Plan shall incorporate a proposal for an Alternative Structure only if the Proposing District or Districts demonstrate that the proposal “is the best means of meeting the [Goals] in a particular region; and ... ensures transparency and accountability.” *[Act 46, Sec. 8(b)]*

3430.9 A proposal by one or more Remaining Districts for an Alternative Structure is the final option, after all other opportunities for merger and collaboration have been considered and determined not to be possible or the best option for meeting the Goals in the Region.

3430.10 The State Board evaluates every type of education governance proposal not only on its own merits, but also on the impact it may have on Neighboring Districts, the Region, and the State. *[e.g., 16 V.S.A. § 706c(b); Act 46, Sec. 8 and 10]*

3440 Procedure for Submitting a Proposal for an Alternative Structure

3440.1 On or before November 30, 2017, the school board(s) of each Remaining District shall:

- (1) Conduct a self-evaluation of the District’s current ability to meet or exceed each of the Goals;
- (2) Meet with the school boards of Neighboring Districts to discuss ways to promote improvement relative to the Goals throughout the region; and
- (3) Submit, individually or jointly with Neighboring Districts, a proposal for an Alternative Structure.

[Act 46, Sec. 9]

3440.1.1 A Remaining District’s school board is required to perform these three tasks, but some or all of the information-gathering and analysis may be conducted by a study committee that is formed pursuant to 16 V.S.A. chapter 11 to consider creation of a union school district under that chapter.

3440.2 School board(s) shall submit the proposal for an Alternative Structure, together with all supporting data and documentation, by first class mail addressed to the Secretary of Education.

3440.2.1 The school board(s) may also electronically submit a scanned copy of all materials to the Secretary’s e-mail address.

3440.3 A proposal for an Alternative Structure shall:

(1) Demonstrate, “through reference to enrollment projections, student-to-staff ratios, the comprehensive data collected pursuant to 16 V.S.A. § 165, and otherwise, how the proposal ... supports the district’s or districts’ ability to meet or exceed each of the [Goals]” as well as the proposal’s contribution to achievement of the Goals regionally.

(2) Identify detailed actions the Proposing District(s) will take to continue to improve its (their) performance in connection with each of the Goals.

(3) Demonstrate that:

(A) A Preferred Structure is not “possible” or is not “the best model” to achieve the Goals in the Region. [Stated in another way, that a Preferred Structure is not “possible or practicable” in the Region.]

(B) The Proposal is the “best means” of meeting each of the Goals in the Region.

(C) The Proposal ensures transparency and accountability for the member districts of the supervisory union and the public at large.

[Act 46, Secs. 5(c), 8 – 10]

3440.3.1 A proposal for an Alternative Structure shall provide the data and documentation required in 3450 below.

3440.4 Between November 30, 2017 and June 1, 2018, the Secretary:

(1) Shall consider each final, submitted proposal for an Alternative Structure in connection with his or her development of the proposed Statewide Plan;

(2) Shall discuss each final, submitted proposal for an Alternative Structure with the Proposing District(s), and also with other district(s) in the Region as the Secretary determines in his or her sole discretion to be appropriate or necessary.

3440.4.1 The discussion(s) shall be conducted in a manner determined by the Secretary.

(A) Discussions may be conducted in an informal manner and are not required to be conducted as part of a warned meeting.

3440.4.2 In his or her sole discretion, the Secretary may consider and/or discuss a final, submitted proposal for an Alternative Structure on or before November 30, 2017.

[Act 46, Sec. 10]

3440.5 On or before June 1, 2018, the Secretary shall publish on the Agency's website and present to the State Board a proposed Statewide Plan that recommends merging Remaining Districts and clustering them in more unified systems. *[Act 46, Sec. 10]*

3440.6 Between June 1, 2018 and November 30, 2018, the State Board:

(1) Shall "review and analyze" the Secretary's proposed Statewide Plan.

(A) Review and analysis will include, at the Board's sole discretion, consideration of a final, submitted proposal for an Alternative Structure.

(2) May take testimony and/or request additional information from districts and supervisory unions as the Board determines in its sole discretion to be appropriate or necessary.

(A) In its sole discretion, the State Board may consider and/or take testimony regarding a final, submitted proposal for an Alternative Structure on or before June 1, 2018.

[Act 46, Sec. 10]

3440.7 On or before November 30, 2018, the State Board of Education shall "publish ... its order merging and realigning districts and supervisory unions where necessary" either:

(1) by approving the Secretary's proposed Statewide Plan in its original form; or

(2) by approving the Secretary's proposed Statewide Plan in an amended form under the same standards required for the Secretary's proposal.

[Act 46, Secs.8-10]

3440.8 The Statewide Plan:

(1) Shall include changes to the extent necessary to meet the Goals.

(2) Shall include changes to the extent "possible and practicable" in the Region.

(3) Shall not include a change that would require a district to alter its current operating or tuitioning structure.

(4) Shall not change the governance structure of:

- (A) An Interstate School District.
- (B) A Regional Career Technical Center School District.
- (C) A school district that, between June 30, 2013 and July 2, 2019, began (or will begin) to operate as a unified union school district;

and also either:

- (i) Voluntarily merged into a Preferred Structure; or
- (ii) Is a Regional Education District (RED) or other district eligible to receive RED incentives and protections pursuant to Act 153 and Act 156.

[Act 46, Secs.8 and 10]

3440.8.1 “If it is not possible or practicable” for the Statewide Plan to merge Remaining Districts, where necessary, into a Preferred Structure, then the Statewide Plan “may also include alternative governance structures as necessary.”

(A) Under this circumstance, the Statewide Plan may include an Alternative Structure “provided that” the Alternative Structure is designed:

- (i) To “ensure adherence” to protections for operating and tuition-paying districts. Only a district, by a vote of its electorate, can decide whether to operate a school or pay tuition for its students, and at which grade(s).
- (ii) To “promote” the Goals.

[Act 46, Sec. 10]

3440.9 “The State Board shall approve the creation, expansion, or continuation of a supervisory union only if the Board concludes that this alternative structure:
(1) is the best means of meeting the [Goals] in a particular region; and
(2) ensures transparency and accountability for the member districts and the public at large”

[Act 46, Sec. 8(b); (underscoring added)]

3440.10 When developing the proposed and final Statewide Plan, the Secretary and State Board may incorporate a proposal for an Alternative Structure in its entirety; may incorporate the proposal in an amended form; or may decline to incorporate any aspect of the proposal.

3440.11 The State Board evaluates every type of education governance proposal presented to it not only on the proposal's own merits, but also on the impact the proposal may have on Neighboring Districts, the Region, and the State.

3450 Data and Documentation Supporting Proposal

3450.1 A proposal for an Alternative Structure submitted under Rule 3440 shall demonstrate the Proposing District's or Districts' due diligence and provide sufficient, thoughtful data and documentation to support the proposal's adherence to Rule 3440.3 above.

3450.2 At a minimum, a proposal for an Alternative Structure shall include the information identified in this Rule 3450, together with supporting data and documentation.

3450.2.1 The proposal shall explain the reason or reasons a proposal does not or cannot include the following information and/or does not or cannot provide supporting data or documentation.

3450.2.2 A decision not to explore or propose options other than an alternative structure cannot be justified solely because a district's small size means that data is not publicly available.

3450.3 Based upon the information supplied pursuant to Rules 3450.5 through 3450.17 and any other pertinent information, a proposal for an Alternative Structure shall demonstrate that a Preferred Structure:

- (1) Is not possible in the Region; and/or
- (2) Is not "the best model to achieve" the Goals in the Region.

3450.4 Based upon the information supplied pursuant to Rules 3450.5 through 3450.17 and any other pertinent information, a proposal for an Alternative Structure shall:

- (1) Include a detailed comparison of options considered, including consideration of a Preferred Structure; and
- (2) Demonstrate that the proposal "is the best means of meeting" the Goals in the Region.

A proposal for an Alternative Structure shall include:

3450.5 Current, baseline information for each Proposing District, including:

- (1) Operating / tuitioning structure
- (2) ADM by grade
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years
 - (C) Trends
- (3) Enrollment by grade in each school operated by the Proposing District
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years
 - (C) Trends
- (4) Equalized pupils
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years
- (5) "Phantom Pupils"
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years
- (6) Students eligible for Free or Reduced-Price Lunch ("FRL")
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years
 - (C) Trends
- (7) Students receiving or eligible for special education services ("SpEd")
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years

- (C) Trends
- (8) Students receiving or eligible for section 504 accommodations (“504”)
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years
 - (C) Trends
- (9) Students for whom English is not the primary language (“ELL”)
 - (A) In the current fiscal year
 - (B) For at least the most recent 5 years
 - (C) Trends
- (10) For each grade operated by the Proposing District, current and 5-year historic enrollment in any school operated by a Neighboring District, including:
 - (A) Students enrolled in a school operated by a Neighboring District pursuant to 16 V.S.A. § 822a (statewide public high school choice), including:
 - (i) Demographics (FRL; ELL; SpEd; 504) of students from district enrolled in each school — number of students or percent in relation to percentage enrolled in school operated by the Proposing District
 - (B) Students for whom the district pays tuition pursuant to:
 - (i) 16 V.S.A. § 821(c) (elementary school; geographic considerations)
 - (ii) 16 V.S.A. § 822(c)(1)(B) (secondary student; unique educational needs; independent school)
 - (C) Any others (explain)

(11) For each grade not operated by the Proposing District, current and 5-year historic data regarding schools to which the Proposing District pays tuition including:

- (A) The grades for which tuition is paid
- (B) The school(s) to which tuition is paid
- (C) For each identified school to which tuition is paid:
 - (i) Enrollment, by grade
 - (ii) Demographics (FRL; ELL; SpEd; 504), by grade

NOTE: If providing this information would violate the Federal Educational Rights and Privacy Act (“FERPA”) or other federal or Vermont law, then (a) explain the reason that the information is not provided and (b) provide the demographic information for the total number or percentage of students enrolled in public schools and in approved independent schools – broken down by elementary and secondary grades, if applicable. In some cases, districts may need to employ multi-year aggregates to present data.

(12) For each grade not operated by the Proposing District, current and 5-year historic data regarding schools to which the Proposing District designates pursuant to 16 V.S.A. § 827, including the information outlined in Paragraph (11) above

3450.6 If there is more than one Proposing District:

- (1) Current and historic relationship among the Proposing Districts
- (2) Distances and quality of roads between the Proposing Districts and between schools
 - (A) Transportation concerns, especially those related to current low equity of opportunities and/or concern about future diminishment of equity

3450.7 If there is more than one Proposing District, conversations among them on and after July 1, 2015 regarding improving the ability to meet or exceed each of the Goals throughout the Region and exploring ways to work together, including:

- (1) Number and length of private or informal meetings
- (2) Number and length of open, warned meetings

- (3) Persons or entities participating in the conversations identified above in Paragraphs (1) and (2)
- (4) Opportunities for community engagement
- (5) Opportunities for student involvement
- (6) Published minutes of proceedings

3450.8 Current ability of each Proposing District independently to meet or exceed the Goals concerning educational quality, opportunity, and equity:

#1 "substantial equity in the quality and variety of educational opportunities"

AND

#2 "leading students to achieve or exceed the State's Education Quality Standards"

Including:

(1) Student assessments, by grade-level, for all students in the District and for students disaggregated by demographics (including FRL; ELL; SpEd; and 504) – current and 5-year (or 2- to 3-year for SBAC) historic data including:

- (A) ELA/reading in 3rd – 9th grade
- (B) Mathematics in 3rd – 9th grade
- (C) Science in three grades
- (D) English proficiency among students who are ELL

NOTE: If providing this information would violate the Federal Educational Rights and Privacy Act ("FERPA") or other federal or Vermont law, then (a) explain the reason that the information is not provided and (b) provide the demographic information for the total number or percentage of students enrolled in public schools and in approved independent schools – broken down by elementary and secondary grades, if applicable. In some cases, districts may need to employ multi-year aggregates to present data.

(2) If elementary schools are operated, then for at least the previous 3 years:

- (A) Subjects offered
- (B) Number of hours per week for each category for each grade (*e.g.*, math, science, foreign languages, art, music, physical education, etc.)

- (C) Audit of staffing and staffing ratios compared to EQS staffing standards
- (3) If secondary schools are operated, then for at least the previous 3 years:
- (A) Subjects offered
 - (B) Breadth and depth of offerings
 - (C) Audit of staffing and staffing ratios compared to EQS staffing standards (e.g., access to guidance counselors)
- (4) For each grade for which tuition is paid:
- (A) Evidence of each student's access to options, including whether:
 - (i) The receiving school accepts all students who wish to enroll
 - (ii) The sending district or the receiving school provides transportation as needed, particularly for students living in poverty and students with disabilities – including the cost of providing transportation
- (5) Students accessing non-traditional learning experiences, currently and in the most recent 3 years, including:
- (A) Completion by 12th grade students in the district of at least one non-traditional learning experience
 - (B) Types of non-traditional learning experiences available
 - (C) Access to support services, including extended learning opportunities for students who need them
- (6) Evidence of career and college preparation and readiness, currently and in the most recent 3 years, including:
- (A) Participation by 11th and 12th grade students in Career Technical Education programs (“CTE”)
 - (B) Work-based learning accessed by CTE students
 - (C) Dual enrollment participation
 - (D) Early college participation

(7) Secondary school completion, for all students in the district and disaggregated by demographics (including FRL; ELL; SpEd; and 504) and linked to the elementary school district of origin

(A) For at least the prior 3 years

(B) Trends

(8) Pursuit of career and college-ready outcome within 16 months after secondary school completion, for all students in the district and disaggregated by demographics (including FRL; ELL; SpEd; and 504) and linked to the elementary school district of origin – including postsecondary enrollment rate

(A) For at least the prior 3 years

(B) Trends

(9) Percentage of student assignments with licensed educators

(10) Current and historic data on teacher turnover, including:

(A) Number of new teachers in each school in each year for the most recent 3 years

(11) Current and historic data on administrator turnover, including:

(A) Number of new principals in each school in the most recent 3 years

(B) Number of new superintendents in the most recent 3 years

(12) Professional development opportunities available

(13) Days of instruction lost per capita due to exclusionary discipline in each of the most recent 3 years, disaggregated by demographics (including FRL; ELL; SpEd; and 504)

3450.9 Current ability of each Proposing District independently to meet or exceed the Goals concerning efficiency and fiscal accountability:

#3 “maximize operational efficiencies through increased flexibility to manage, share, and transfer resources, with a goal of increasing the district-level ratio of students to full-time equivalent staff” in districts with fewer students per teacher / administrator / adult than is suggested in the EQS

AND

#4 “promote transparency and accountability”

AND

#5 provide educational opportunities “at a cost that parents, voters, and taxpayers value”

- (1) Shared programmatic and other nonfinancial resources with Neighboring District(s)
- (2) Flexible management arrangements with Neighboring District(s)
- (3) Economies of scale and efficiencies with Neighboring District(s) – e.g.: shared human services; common payroll system; joint contract for custodial services; etc.
- (4) Ratios (for each grade in each school operated by each Proposing District; both at the district-level and at the supervisory union-level):
 - (A) Student-to-teacher — where “teacher” is defined as any person licensed to be employable as a teacher who is employed as a teacher and is providing direct instruction to students in one or more elementary or secondary grades
 - (B) Student-to-administrator — where “administrator” is defined as any person employed as a superintendent, assistant superintendent, principal, assistant principal, special education director, essential early education director, or Title I coordinator
 - (C) Student-to-adult — where “adult” is defined as all paid personnel employed by a school district or supervisory union
- (5) Total education spending, currently and most recent 5 years
- (6) Education spending per equalized pupils, currently and most recent 5 years

- (7) Education spending per equalized pupils – *excluding* “phantom pupils,” currently and most recent 5 years
- (8) Small school grants received, currently and most recent 5 years
- (9) Education spending per equalized pupils – *excluding* small school grants received, currently and most recent 5 years
- (10) For a district that operates grades and pays tuition for others, the increase in education spending per equalized pupil for operation and for tuition-payment.

3450.10 Description of Region, including

- (1) Identity of each Neighboring District that is NOT a Proposing District (“NPD” as defined in Rule 3410)
- (2) Regional relationships and transportation between the Proposing District(s) and the NPD(s), as outlined in Rule 3450.6
- (3) Conversations between the Proposing District(s) and the NPD(s) as outlined in Rule 3450.7
 - (A) *[If applicable]* Reasons that there were no discussions or were limited discussions with the NPD(s)

3450.11 Supervisory union with “smallest number of member districts practicable”

- (1) If two or more Proposing Districts share the same operating / tuitioning structure for some or all grades, then explain why the Districts remain as separate districts under the proposal for an Alternative Structure, including:
 - (A) The barriers to merger
 - (B) The empirical evidence that remaining as separate districts is the “best means of meeting” each of the Goals in the Region

3450.12 Regarding a Neighboring District that is NOT a Proposing District (“NPD” as defined in Rule 3410)

- (1) For each NPD, the barriers to including the NPD as a Proposing District and/or within the supervisory union envisioned by the proposal
- (2) The evidence that being members of different supervisory unions is the “best means of meeting” each of the Goals in the Region

(3) If one or more NPDs have the same operating / tuitioning structure as one or more Proposing Districts:

(A) The barriers to merging the like districts

(B) The empirical evidence that remaining as separate districts is the “best means of meeting” each of the Goals in the Region

3450.13 Geographic isolation of a district from like districts, including the potential isolation of a district with low fiscal capacity or with a high percentage of students from economically deprived backgrounds

(1) Isolation or potential isolation of a Proposing District

(2) Isolation or potential isolation of a NPD

3450.14 Specific ways in which the Proposing District(s) will work together, and with the NPD(s) if applicable, to promote improvement throughout the Region in connection with each of the Goals, including:

(1) To the extent that the data provided in this Rule 3450 reveals inequities and/or disparities among districts or among demographic subgroups, the ways in which the Proposing District(s)/NPD(s) will work together to improve the inequities and/or disparities

(2) Ways in which the Proposing District(s)/NPD(s) demonstrate that they consider themselves to be collectively responsible for the education of all prekindergarten through grade 12 students residing in the supervisory union

(3) Ways in which the supervisory union of which the Proposing District(s)/NPD(s) will be members operates in a manner that maximizes efficiencies through economies of scale and the flexible management, transfer, and sharing of nonfinancial resources among the member districts

3450.15 Evidence that the Proposing District(s) is/are striving for increased scale

3450.16 Evidence that the proposal for an Alternative Structure ensures transparency and accountability

(1) For the Proposing District(s) and for any other member districts of the supervisory union of which the Proposing District(s) will be members

(2) For the public at large

(3) Lack of transparency and performance data due to small district size is not, on its own, a sufficient reason to not merge identical structures

3450.17 Actions the Proposing District(s) will take in order to continue to improve performance in connection with each of the Goals

3450.18 If the proposal includes a request for SU assignment or reassignment, in what ways will the assignment or reassignment afford increased efficiency or greater convenience and economy and facilitate prekindergarten through grade 12 curriculum planning and coordination?

3460 Incorporation by Reference

The document entitled “Guidance: Proposals by One or More Non-Merging Districts for an ‘Alternative Structure’ Under Act 46 (2015),” dated July 29, 2016 and adopted by the State Board of Education on that date, is incorporated by reference and shall have the same force and effect of law as these Rules.

3470 Expiration of Rules

Unless otherwise amended by statute or rule, this Rule 3400 series regarding proposals for Alternative Structures under Act 46 (2015) shall expire and be of no force and effect two years after the day on which the Statewide Plan becomes operational.