

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Governance Team

ITEM: Will the State Board of Education find that the proposed unified union school district formed by two member districts of the **WINDHAM SOUTHWEST SUPERVISORY UNION** (WSWSU) is “in the best interests of the State, the students, and the school districts,” and will the State Board therefore vote to approve the attached report of the **Twin Valley Act 46 Study Committee** and to assign the new district, if created, to the WSWSU?

RECOMMENDED ACTION:

- 1. That the State Board of Education finds that the proposed formation of a new unified union school district by two member districts of the WSWSU, to be named the TWIN VALLEY UNIFIED UNION DISTRICT, is “in the best interests of the State, the students, and the school districts” pursuant to 16 V.S.A. § 706c(b).**
- 2. That the State Board of Education votes to approve the attached report of the Twin Valley Act 46 Study Committee.**
- 3. That the State Board of Education votes to approve the assignment of the new unified union school district, if created, to the WSWSU for administrative, supervisory, and transitional services pursuant to 16 V.S.A. § 706h beginning on the date on which the district becomes a legal entity pursuant to 16 V.S.A. § 706g.**

STATUTORY AUTHORITY: 16 V.S.A. § 706c; Act 46 of 2015; Act 153 of 2010, Secs. 2-4, as amended; Act 156 (2012), Sec. 15, as amended.

BACKGROUND INFORMATION:

I. General

The WSWSU consists of six town school districts with three distinct models of governance:

- Three town school districts, each of which operates a school offering education through Grade 8 and pays tuition for Grades 9-12 (Halifax; Readsboro; Stamford)
- Two town school districts that have entered into a contract to operate two schools – one offering PK-5 and the other offering Grades 6-12 (Whitingham; Wilmington)
- One town school district that pays tuition for all grades (Searsburg)

The unorganized town of Somerset is assigned to the WSWSU for education services when needed.

The WSWSU is bordered to the south by Massachusetts, where many students in the SU’s tuition-paying districts attend school. It is bordered to the west by the Southwest VT SU and to the east

by the Windham Southeast SU – each of which contains a union high school district that includes all of that SU’s town school districts as members. The WSWSU is bordered to the north by the Windham Central SU, which includes districts representing a wide variety of operating / tuitioning structures, including one bordering the WSWSU that operates a school offering education through Grade 8 and pays tuition for Grades 9-12 (Marlboro) and one bordering the WSWSU that pays tuition for all PK-12 students (Stratton).

In October 2012, the State Board of Education required the WSWU to complete a study regarding its SU boundaries. The study, issued in April 2014, offered proposals for alternative boundary configurations that both the WSWSU districts and the surrounding SUs declined to pursue. The WSWSU and the Windham Central SU continued to discuss forms of cooperation during the fall of 2015 but were unable to identify significant educational or taxpayer benefits from collaboration, beyond savings associated with merging SU services. Discussions are on-hold pending activity connected to the enactment of Act 46 of 2015.

Approximately 18 months ago, the Whitingham and Wilmington School Districts created the Twin Valley Act 46 Study Committee under 16 V.S.A. § 706 to consider the advisability of formalizing their contractual arrangements through creation of a unified union school district that operates all grades. The districts of Halifax, Readsboro, and Stamford similarly formed the Southern Valley Act 46 Study Committee to consider the advisability of creating a single, unified district that operates multiple schools through Grade 8 and pays tuition for Grades 9-12.

If the voters approve the proposals of both study committees, the two new unified districts will jointly be eligible for tax rate reductions and other transitional assistance under the “Side-by-Side” program established in Act 156 of 2012, Sec. 15. Neither merger is independently eligible for tax rate reductions etc. under any of the voluntary merger programs currently in law.

The unification proposals of both study committees are before the State Board of Education for review at its April 18, 2017 meeting. Also included for the Board’s eventual consideration in connection with creating the statewide plan is the self-study of the Searsburg School District (PK-12 tuitioning), which proposes that it remain as an unmerged district within the boundaries of the WSWSU.

II. The Twin Valley Unified Union District

The Twin Valley Act 46 Study Committee (Study Committee) proposes the creation of a new unified union school district (UUSD) that would provide for the PK-12 education of resident students by operating a school or schools offering all grades (New Unified District) beginning on July 1, 2018.

The Study Committee identifies the following school districts as “necessary” to the proposal pursuant to 16 V.S.A. § 706b(b)(1): Whitingham; Wilmington.

The Study Committee does not identify any school districts as “advisable” to the proposal pursuant to 16 V.S.A. § 701b(b)(2).

In FY2016, the combined PK-12 average daily membership (ADM) of the two “necessary” districts was 407.50 (Whitingham: 190.30; Wilmington: 217.20) and the combined ADM of all six WWSU districts was 671.40.

The electorate of each “necessary” district will vote on May 23, 2017 whether to approve creation of the New Unified District.

Creation of the New Unified District is *not* contingent on approval by the Halifax, Readsboro, and Stamford voters to create a UUSD that operates through Grade 8 and tuitions Grades 9-12.

The New Unified District, which would be known as the Twin Valley Unified Union District, would unify two existing PK-12 school districts (which currently contract to operate all schools jointly) into a single district responsible for operating the schools within the district. It would replace all current governing bodies with one unified union school board.

The New Unified District would be governed by a unified school board of seven members. Membership would be closely proportional to the towns’ relative populations and would be adjusted if necessary to reflect each decennial census. Each member would be elected by the voters of the town in which the member resides.

A school could not be closed during the first four years of operation without approval by the voters residing in the town in which the building is located. In subsequent years, building closure would require both (1) a supermajority vote (greater than 75%) of the Unified District School Board and (2) an affirmative vote of the voters residing in the town in which the building is located.

If a school building is closed and would no longer be used for the direct delivery of student education programs, then the town in which the school building is located would have the right of first refusal and could purchase the property for \$1.00, provided that the town agreed to use the property for public and community purposes for a minimum of five years. The proposal includes provisions addressing use for these purposes for fewer than five years.

All future votes on the budget and Board membership would be by Australian ballot.

POLICY IMPLICATIONS: By enacting Act 46, which incorporated the provisions of Act 153 (2010), the General Assembly declared the intention to move the State toward sustainable models of education governance designed to meet the goals set forth in Section 2 of the Act. It was primarily through the lens of those goals that the Secretary has considered whether the Study Committee’s proposal is “in the best interests of the State, the students, and the school districts” pursuant to 16 V.S.A. § 706c.

The Whitingham and Wilmington school boards currently contract to operate two schools jointly pursuant to 16 V.S.A. § 572: a PK-5 school located in Wilmington and a Grade 6-12 school located in Whitingham. A single “joint-contract” board, created by combining the two district boards, is responsible for the education provided in both schools. Because the two school districts continue to exist as distinct municipal entities, however, each district is independently responsible for payment of special education services and has a separate budget. Similarly, calculation of tax rates in each district is determined by the number of equalized pupils residing in that district.

The Study Committee recognizes that the merger of two districts that operate all schools jointly into a single UUSD will not increase the level of structural flexibility in a significant way, as it will when two entirely distinct school districts unify. For example, the opportunity for sharing of staff or other resources in a UUSD is not any greater than in a PK-12 system that two districts operate jointly by contract.

As a result, creation of a UUSD under this proposal serves primarily to formalize – and confirm the commitment to – a longstanding contractual relationship. The Study Committee sees formal unification of their governance as an opportunity for their current relationship to continue to grow.

The principal, tangible result of unification in this instance will be to merge the budget, combine the total number of equalized pupils, share responsibility for payment of special education services regardless of where the student resides, and provide more stability to the tax rate. The Study Committee provides the example of the New Unified District’s ability to share financial responsibility for the current high number of Whitingham students who receive special education services, while noting that the situation could be reversed in a different year.

In the preamble, both study committees acknowledge that unification “may not solve the fiscal challenges caused by decreasing enrollments.” In fact, given the existing contractual relationship of the two districts, their small combined ADM, and the prospect of a continuing decline in enrollment at the jointly operated schools, it is essential that the communities view the proposed unification as an important first step in moving toward being a sustainable governance structure that is able to meet or exceed the educational and fiscal goals of Act 46. Next steps do not necessarily include additional merger of governance structure, but will involve, e.g., looking beyond the boundaries of the New Unified District for ways to increase enrollment and to share resources with other districts in the region.

With this in mind, the Secretary believes that the Study Committee’s proposal is aligned with the goals of the General Assembly as set forth in Act 46 of 2015 and with the policy underlying the union school district formation statutes as articulated in 16 V.S.A. § 701.

STAFF AVAILABLE:

Donna Russo-Savage, Principal Assistant to the Secretary,
School Governance
Brad James, Education Finance Manager

Section 2:

Twin Valley Unified Union School District

Vermont State Worksheet

Study Committee Worksheet for All Phases of Voluntary Merger

Current Supervisory Union or Unions (list each)	Potentially Merging Districts Pursuant to 16 V.S.A. § 706b(b)(1)-(2) (list each)	Is the District:	
		Necessary	Advisable
Windham Southwest Supervisory Union	Wilmington	yes	
	Whitingham	yes	

Type of Merger	
<i>Please refer to the related eligibility worksheets to determine baseline eligibility for each merger type.</i>	(column reserved for agency use)
<input type="checkbox"/> Accelerated Merger (Act 46, Section 6)	
<p>A Regional Education District (RED) or one of its variations (Act 153 (2010) and Act 156 (2012))</p> <p><input type="checkbox"/> RED (Act 153, Secs. 2-3, as amended by Act 156, Sec. 1 and Act 46, Sec. 16)</p> <p><input checked="" type="checkbox"/> Side by Side Merger (Act 156, Sec. 15) Districts involved in the related merger:</p> <p><input type="checkbox"/> Layered Merger (Union Elementary School District) (Act 156, Sec. 16)</p> <p><input type="checkbox"/> Modified Unified Union School District (MUUSD) (Act 156, Sec. 17, as amended by Act 56 (2013), Sec. 3)</p>	
<input type="checkbox"/> Conventional Merger – merger into a preferred structure after deadline for an Accelerated Merger (Act 46, Section 7)	

Dates, ADM, and Name	
Date on which the proposal will be submitted to the voters of each district (16 V.S.A. § 706b(b)(11)): May 23, 2017	
Date on which the new district, if approved, will begin operating (16 V.S.A. § 706b(b)(12)): July 1, 2018	
Combined ADM of all “necessary” districts in the current fiscal year: 406.5	
Proposed name of new district: Twin Valley Unified Union District	

The Proposed School District is in the Best Interest of the State, Students, and School Districts – as required by 16 V.S.A. § 706c		
<p><u>Goal #1:</u> The proposed union school district will provide substantial equity in the quality and variety of educational opportunities.</p> <p><i>Act 46, Sec. 2(1)</i></p>	<p>Twin Valley has already contracted to operate their schools jointly. This unification will enhance the work already started.</p> <ul style="list-style-type: none"> ● Vertical and horizontal alignment of curriculum ● Single k-12 action plan ● Narrowed focus on age-appropriate learning opportunities ● Common local assessments SU wide ● Sharing of resources between schools ● Improved curriculum consistency across SU ● Greater opportunity to extend transition planning between the elementary school and the middle/high school 	
<p><u>Goal #2:</u> The proposed union school district will 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.</p>	<p>The district faces immediate pressures to address and comply with the significant requirements of the Education Quality Standards. Increasing and developing the opportunities below would increase student achievement and opportunities.</p>	

<p>Act 46, Sec. 2(2)</p>	<ul style="list-style-type: none"> ● SU wide development of PBL, MTSS, PBIS, PLP's ● Technology integration ● Increase opportunities through: <ul style="list-style-type: none"> ○ Virtual/Blended Learning through all grade levels k-12 ○ Expansion of Dual Enrollment & Early College ○ Community based Businesses – School Collaboratives 	
<p><u>Goal #3:</u> The proposed union school district will 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. Act 46, Sec. 2(3)</p>	<p>Because Twin Valley is moving from a contract to operate schools jointly to a Unified Union many of the efficiencies have already been realized.</p>	
<p><u>Goal #4:</u> The proposed union school district will promote transparency and accountability. Act 46, Sec. 2(4)</p>	<p>Transparency and accountability will be increased by:</p> <ul style="list-style-type: none"> ● Using technology to actively involve and inform the public ● Stronger, more robust teacher and administrative evaluation system that raises the bar of accountability ● Consistent use of common board policies and protocols ● Development of SU wide communication plan with all stakeholders in the schools and community ● Shared Telecommunication Infrastructure 	

<p>Goal #5: The proposed union school district will deliver education at a cost that parents, voters, and taxpayers value. <i>Act 46, Sec. 2(5)</i></p>	<p>Twin Valley has seen significant savings under their joint contract model, and has controlled education spending. However, because of the current education funding formula and recent changes in "Phantom Student" calculations, as well as a decrease in state revenues, both towns of Wilmington and Whitingham are experiencing significant education tax rate increases.</p>	
<p>Regional Effects: What would be the regional effects of the proposed union school district, including: would the proposed union school district leave one or more other districts geographically isolated? <i>Act 46, Section 8(a)(2)</i></p>	<p>All school districts in WSSU would be part of the side by side model or an alternative structure. No districts are left isolated in the WSSU. Although Somerset is also part of the SU, they do not operate a school, have no students, and don't have a school board. Somerset is considered a non-established town by the state.</p>	

<p align="center">Articles of Agreement – as required by 16 V.S.A. § 706b(b)(3) - (10), (13)</p>		
<p>(3) The grades to be operated by the proposed union school district The grades, if any, for which the proposed union school district shall pay tuition</p>	<p>Grades PreK – 12</p>	
<p>(4) The cost and general location of any proposed new schools to be constructed The cost and general description of any proposed renovations</p>	<p>No new schools are anticipated.</p>	
<p>(5) A plan for the first year of the proposed union school district's operation for: (A) the transportation of students (B) the assignment of staff (C) curriculum The plan must be consistent with existing contracts, collective bargaining agreements, and other provisions of law, including 16 V.S.A. chapter 53, subchapter 3 (transition of employees)</p>	<p>(a) The board shall determine, in accordance with the state and federal law, the transportation services that will be provided to students in the two Unified Districts. This is already happening in Twin Valley (b) The Board shall honor all individual employment</p>	

	<p>contracts that are in place for the Twin Valley Unified Union School District on July 1st, 2018 until their respective termination dates. New contracts will be negotiated.</p> <p>(c) The forming districts recognize the benefits to be gained from establishing a district-wide curriculum as well as their obligations to do so, and to otherwise standardize their operations on or before July 1st 2018.</p>	
<p>(6) The indebtedness of the proposed merging districts that the proposed union school district shall assume.</p>	<p>Any and all operating deficits and surpluses of Wilmington and Whitingham school districts shall become property and/or obligations of the Twin Valley Union District, effective July 1st 2018.</p>	
<p>(7) The specific pieces of real property owned by the proposed merging districts that the proposed union school district shall acquire, including:</p> <ul style="list-style-type: none"> * their valuation * how the proposed union school district shall pay for them 	<p>Debt Service Capital Assets</p> <p>Wilmington 1,688,473 5,292,837</p> <p>Whitingham 4,085,884 10,372,827</p>	
<p>(8) <i>[repealed 2004 Acts and Resolves No. 130, Sec. 15]</i></p>		

<p>(9) Consistent with the proportional representation requirements of the Equal Protection Clause, the method of apportioning the representation that each proposed member town shall have on the proposed union school board</p> <ul style="list-style-type: none"> * no more than 18 members total * each member town is entitled to at least one representative * <i>see also</i> 16 V.S.A. § 706k(c): one or more at-large directors * <i>see also</i> 16 V.S.A. § 707(c): weighted voting 	<p>Proportional Representation</p> <p>Wilmington 4</p> <p>Whitingham 3</p>	
<p>(10) The term of office of directors initially elected, to be arranged so that one-third expire on the day of each annual meeting of the proposed union school district, beginning on the second annual meeting, or as near to that proportion as possible</p>	<p>Wilmington will have a 1 year term, a 2 year term, and (2) 3 year terms</p> <p>Whitingham will have a 1 year term, a 2 year term and a 3 year term</p>	
<p>(13) Any other matters that the study committee considers pertinent, including whether votes on the union school district budget or public questions shall be by Australian ballot</p> <p><i>(please list each matter separately)</i></p>	<p>Both budget and school board member votes shall be Australian ballot</p>	

Executive Summary for the Twin Valley Unified Union School District

The plan of the Twin Valley Act 46 Study Committee is to form the Twin Valley Unified Union School District. The result would be a merger of Wilmington and Whitingham into one PreK-12 Unified District with approximately 430 students and two school buildings. The two districts currently contract to operate their schools jointly. Both school districts are necessary for the establishment of the Unified Union School District which will provide Pre-K through grade twelve education to all students in the newly formed unified district.

Approximately 12 years ago the two communities believed that the best solution to increased poverty in the area and declining student enrollments was to contract to operate their schools jointly. The decision was both politically and emotionally challenging. Wilmington High School was closed and PreK-5 education was offered in Wilmington and grades 6-12 education was moved to a newly renovated school in Whitingham. Over the years, the contract to operate schools jointly has reduced spending, increased opportunities and found efficiencies. The formation of a Unified Union would be the next logical step for these two communities. Both would continue to benefit from a more inclusive partnership.

The Unified Union School Board will comply with statutory requirements, recognizing existing collective bargaining agreements and commencing negotiations upon formation of the new district. The Unified Union District shall assume ownership and operate existing school facilities and property through conveyance. Subsequent sale shall first be offered to the towns including the assumption or payment of outstanding bonds and notes and the repayment of any school construction aid or grants as required by law, to the town in which it is located.

No school shall close during the first four years unless the electorate of the town in which the school is located consents to closure. Thereafter, closing will require a super-majority (greater than 70%) consent of the school board and a majority vote of the town in which the school is located.

The School Board representation is proportional to the population in each town, totaling seven (7) members: 4 from Wilmington and 3 from Whitingham.

The School Board or the statutory public school secondary school choice program shall determine the transportation, attendance, boundaries, and school choice.

The proposal will be presented to the voters of each forming school district on May 23, 2017 along with candidates for the Unified Union School Board.

This unique and statutorily contemplated merger allows the schools to continue to offer greater educational opportunity, improved services and supports, as well as expanded efficiencies through unified governance.

The Twin Valley Unified Union School District will continue to benefit from the efficient and cost-effective centralization of services including administration, bargaining, transportation, food service, enrichment, technology (infrastructure and integration), school safety and crisis prevention and intervention.

The study committee unanimously recommends approval of the proposed merger, as it will provide efficiencies and enhanced opportunities for all students in partnership with families and community members. The Twin Valley Unified Union School District shall serve all students in the two member towns collectively and equitably.

Articles of Agreement
Twin Valley Unified Union District
Serving the schools of the communities of:
Whitingham and Wilmington

The Study Committee recommends that the following Articles of Agreement be adopted by each necessary and/or advisable school district for the creation of a Pre-Kindergarten through Grade 12 district to be named **Twin Valley Unified Union District**, hereinafter referred to as the "Unified Union District".

Article 1

The school districts of Whitingham and Wilmington are both **necessary** for the establishment of the Unified Union District. There are no school districts being recommended as advisable at this time. The above referenced school districts are hereinafter referred to as the "forming districts". There are no additional school districts being recommended at this time.

If both of the forming districts vote to approve the merger, the Unified Union District will commence full educational operations and services on July 1, 2018 under 16 VSA, chapter 11. If Halifax, Readsboro, and Stamford vote to approve a merger (Southern Valley Unified Union School District) this would enable the two Unified Union School Districts to form a side by side structure within the same supervisory union. The formation of the Southern Valley Unified Union School district is not a required condition for the forming of the Twin Valley Unified Union School District.

Article 2

The Unified Union District will provide pre-kindergarten through grade twelve education by operating PreK-12 schools for all students in the Unified Union District.

Article 3

The Unified Union District will comply with 16 VSA Chapter 53, subchapter 3, regarding the recognition of the representatives of employees of the respective forming districts as the representatives of the employees of the Unified Union District and will commence negotiations pursuant to 16 VSA Chapter 57 for teachers and 21 VSA Chapter 22 for other employees. In the absence of new collective bargaining agreements on July 1, 2018, the School District will comply with the pre-existing master agreements pursuant to 16 VSA Chapter 53, subchapter 3. The School District shall honor all individual employment contracts that are in place for the forming school districts on June 30, 2018 until their respective termination dates.

Article 4

No new school buildings are necessary to, or proposed for, the formation of the Unified Union District. The Unified Union District will assume ownership and operate existing school facilities commencing July 1, 2018. No school closings are anticipated or proposed on July 1, 2018. (See Article 8C)

Article 5

The Unified Union District shall determine, in accordance with state and federal law, the transportation services to be provided to students in the Unified Union District. The new Unified Union Board will evaluate transportation systems during the first year of district operation. (See 16 V.S.A. §§1221, 1222, 1224 (Student transportation) 16 V.S.A. §1551 (Technical center transport)

Article 6

The forming districts of the Unified Union District recognize the benefits to be gained from establishing district-wide curricula as well as their obligation to do so, and to otherwise unify their curriculum operations on or before July 1, 2018.

Article 7

A. Capital Debt

The Unified Union District shall assume all capital debt as may exist on June 30, 2018, including both principal and interest, of the forming school districts that join the Unified Union District.

B. Operating Fund Surpluses, Deficits and Reserve Funds

The Unified Union District shall assume any and all operating deficits, surpluses, and fund balances of any of the forming districts that may exist at the close of business on June 30, 2018. In addition, reserve funds will be transferred to the Unified Union District on June 30, 2018, and will be applied for such established purposes unless otherwise determined through appropriate legal procedures.

C. Restricted Funds

The forming districts will transfer to the Unified Union District any pre-existing specific endowments or other restricted accounts, including student activity and related accounts that may exist on June 30, 2018. Any scholarship funds, trusts, endowments, or similar accounts held by, dedicated to, or benefitting individual school district's, students, employees, residents or buildings of such districts prior to June 30, 2018, shall be used thereafter for the schools, personnel, or students previously in those individual communities and districts in accordance with their provisions.

Article 8

A. Transfer of Property to Unified Union District

No later than June 30, 2018, the forming districts will convey to the Unified Union District all of their school-related real and personal property, for One U.S. Dollar, and the Unified Union District will assume all capital debt associated therewith. The Unified Union District recognizes the long term financial investments and community relationships that each town has with its school building(s). The Unified Union District will encourage appropriate use of the building by the students and community according to the policies and procedures of the Unified Union District as overseen by the building administrator.

B. Subsequent Sale of Real Property to Towns

In the event that, and at such subsequent time as the Unified Union District School Board determines, at its discretion, and subject to compliance with the school closure provisions of Article 8C, that any of the real property, including land and buildings, conveyed to it by one or more of the forming districts is or are unnecessary to the continued operation of the Unified Union District and its educational programs, the Unified Union District shall offer such real property, for the sum of One U.S. Dollar, and subject to all encumbrances of record, the assumption or payment of all outstanding bonds and notes and the repayment of any school construction aid or grants as required by Vermont law, to the town in which it is located.

The conveyance of any of the above school properties shall be conditioned upon the town owning and utilizing the real property for community and public purposes for a minimum of five years. In the event a town elects to sell the real property prior to five years of ownership, the town shall compensate the Unified Union District for all capital improvements and renovations completed after the formation of the Unified Union District and prior to the sale to the town. In the event a town elects not to acquire ownership of such real property, the Unified Union District shall, pursuant to Vermont statutes, sell the property upon such terms and conditions as established by the Unified Union District School Board.

C. Closure of Schools

The Unified Union District shall not close any school within its boundaries during the first four years after the effective date of merger unless the electorate of the town in which the school is located consents to closure. Closing a school facility after July 1, 2022, takes a vote of the electorate in the town in which the school is located, and a super majority vote (greater than 70%) of the Unified Union District School Board.

Article 9

A forming town district's representation on the Unified Union District School Board will be closely proportional to the fraction that its population bears to the aggregate population of all forming school districts in the Unified Union District. Initial Unified Union District School Board composition is based upon the 2010 Federal Census, and shall be recalculated promptly following the release of each subsequent decennial census. At such time the Unified Union District School Board shall also evaluate and consider the advisability of implementing a system of at-large voting for school directors.

The number of board members from each forming school district shall be determined by dividing the population of the town or village by one seventh of the total population of the aggregate population of the village and towns within the Unified Union District.

The initial membership on the Unified Union District Board of School Directors will be as follows:

Number of School Board Members by Town:

Town	Population	Board Members
Whitingham	1344	3
Wilmington	1876	4

Article 10

The Unified Union District School Board will be elected for three-year terms, except for those initially elected at the time of the formation of the Unified Union District. In the initial Unified Union District election, board member terms of office will be distributed as follows:

Town/District	1 Year Term 2017 - 2018	2 Year Term 2017 - 2019	3 Year Term 2017 - 2020
Whitingham	1	1	1
Wilmington	1	1	2

Pursuant to the provisions of 16 VSA §706j (b), elected school board members shall be sworn in and assume the duties of their office. The term of office for school board members elected at the May 23, 2017 election shall be one, two, or three years respectively (16 VSA §706j). One year terms begin when board members are sworn in at the initial board meeting and end on the date of the Unified Union District's annual meeting in the spring of 2018, as established under 16 VSA §706j. Thereafter, terms of office shall begin and expire on the date of the Unified Union District's annual meeting.

Article 11

The proposal forming this Unified Union District will be presented to the voters of each forming school district on May 23, 2017. The candidates for the new Unified Union District School Board will be elected on the same date, as required by law. Nominations for the office of Unified Union District director representing any district/town shall be made by filing with the clerk of that school district/town proposed as a member of the union, a statement of nomination signed by at least 30 voters in that district or one percent of the legal voters in the district, whichever is less, and accepted in writing by the nominee. A statement shall be filed not less than thirty (30) nor more than forty (40) days prior to the date of the vote.

Article 12

Upon an affirmative vote of the electorates of the school districts, and upon compliance with 16 VSA §706g, the Unified Union District shall have and exercise all of the authority which is necessary in order for it to prepare for full educational operations beginning on July 1, 2018. The Unified Union District shall, between the date of its organizational meeting under 16 VSA §706j and June 30, 2018, develop school district policies, adopt curriculum, educational programs, assessment measures and reporting procedures in order to fulfill the Education Quality Standards (State Board Rule 2000), prepare for and negotiate contractual agreements, set the school calendar for fiscal year 2019, prepare and present the budget for fiscal year 2019, prepare for Unified Union District Annual Meeting(s) and transact any other lawful business that comes before the Board, provided, however, that the exercise of such authority by the Unified Union District shall not be construed to limit or alter the authority and/or responsibilities of the School Districts of Whitingham and Wilmington. The Unified Union District shall commence full educational operations on July 1, 2018.

Article 13

The Unified Union District School Board shall propose annual budgets in accordance with 16 VSA Chapter 11. The annual budget and Board Member votes shall be conducted by Australian ballot pursuant to 17 VSA Chapter 55.

Article 14

On July 1, 2018, when the Unified Union District becomes fully operational and begins to provide educational services to students, the school districts of Whitingham and Wilmington shall cease all educational operations and shall remain in existence for the sole purpose of completing any outstanding business not given to the Unified Union District under these articles and state law. Such business shall be completed as soon as practicable, but in no event any later than December 31, 2018.

Article 15

The Unified Union District School Board shall provide opportunity for local input on policy and budget development. Structures to support and encourage public participation within the Unified Union District will be established by the Unified Union District School Board on or before June 30, 2019.

Note: Cost budget analysis and information on school configurations, student enrollment, and school choice are found in the appendices.

Twin Valley Unified Union School District Act 46 Study Committee Members

Seth Boyd, Chair

Sharon Berry

John Doty

Janna Ewart

Kathy Larsen

Therese Lounsbury

Appendices

Appendix A: Cost Benefit Analysis and Narrative

The transition from contracting to operate their schools jointly to a Unified Union School District will support and expand on the existing work that Twin Valley has completed. The new District will continue a focus on one mission, one vision and one strategic plan for continuous improvement toward the attainment of outcomes the two communities believe are important for all students. The Union District will provide a single School Board focused on the continuum of educational programs and experiences for all students through an integrated PreK - 12 school system.

The new Unified Union Board will work to retain existing programs in a tight fiscal environment and possibly expand a variety of educational programs and learning pathways. An example of this would be the expansion of dual enrollment and the opportunity for early college for high school students. The goal for all of our students is to experience increased opportunities in a Unified Union.

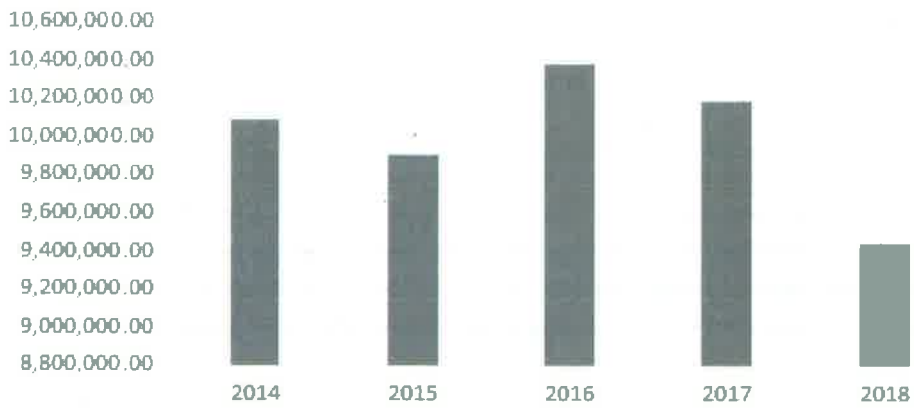
Because we are moving from a contract to operate our schools jointly to a Unified Union we have not been able to target specific financial efficiencies to be gained from this transition. As we move through the process we may find efficiencies such as savings in auditing expenses or workload in the Central Office that may be reduced by moving from six school districts to three school districts. This will be a continued focus of a new supervisory union board.

Areas such as contracting, transportation, food service and special education have already been centralized, but a new Unified Union Board, in conjunction with the Supervisory Union Board, will continue to work to realize efficiencies.

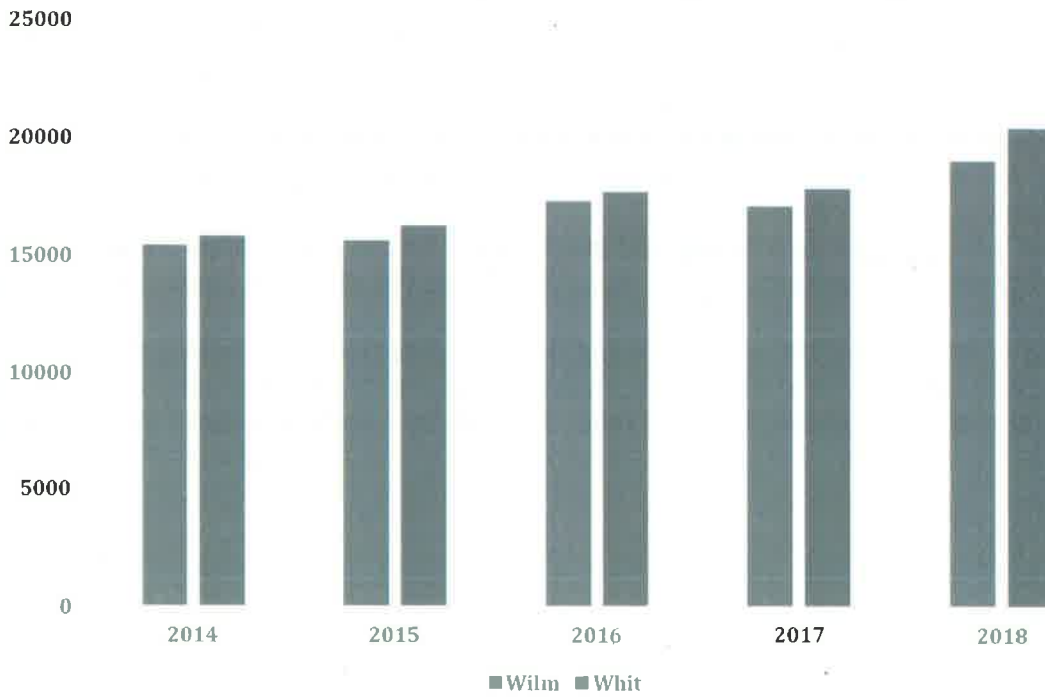
Please find a 5-year budget and cost per pupil history for the Twin Valley Joint Contract District below. You will see a pattern of fiscal responsibility as the student population of the district decreases.

By forming a new Unified Union you will see that tax rates between the two towns will be merged and the per-pupil rate will stabilize in both towns. Currently, Whitingham has a high number of special needs students influencing their tax rate. This will be equalized across towns through unification. In the future this trend might be reversed and Wilmington would benefit from the unification.

Whitingham-Wilmington-Twin Valley Combined Budgets



Cost Per Equalized Pupil Whitingham-Wilmington



The following chart shows the distribution of students across grade levels, the number of students who tuition in to the school, and the number of students who leave because of state school choice or special education. Also, it shows the number of students attending the technical school in Brattleboro.

Students Attending Twin Valley Schools

Grade	# of Students	Whit	Wilm	Searsburg	Dover	Halifax	Readsboro	Marlboro	Wardsboro	Prof Courtesy
PK	29	13	14	1						1
K	24	7	19	1						
1	23	10	12							1
2	30	10	20							
3	33	13	17	2						1
4	29	14	14	1						
5	33	14	19							
6	27	10	17							
7	27	13	14							
8	29	13	13	1	1					1
9	37	11	20	2	1	1	2			
10	24	9	11	2		2				
11	43	16	18	1	2	2		3	1	
12	35	16	12	1	2	4				
Total	423	169	220	12	6	9	2	3	1	4

**Whitingham-Wilmington Students
Attending Other Schools**

Grade	# School Choice Lottery	School Attending	# Special Ed Placements	# Attending WRCC
PK				
K				
1				
2				
3				
4				
5				
6			1	
7				
8				
9	6	BUHS	1	
10	4	BUHS		
11	4	BUHS		9
12	1	BUHS		2
Total	15		2	11

Tax rates for Wilmington and Whitingham will affect both towns differently. Using a static 5-year budget model (no increase in budgets or changes to student population and a static number for the state yield) you will see the tax implications for both communities.

	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
Whitingham - Yes Merger Vote	2.1352	2.0284	1.9270	1.8376	1.8576	1.8776
Whitingham - No Merger Vote		2.1352	2.1352	2.1352	2.1352	2.1352
Wilmington - Yes Merger Vote	1.9532	1.8555	1.8784	1.8984	1.8184	1.9384
Wilmington - No Merger Vote		1.9532	1.9532	1.9532	1.9532	1.9532

As you can see from the model, at the present time Whitingham would benefit from unification where Wilmington would see a negative effect. With changes in populations and students this trend could reverse, but unification will in the long term, benefit both communities with greater stability to tax rates.

**Appendix B:
School Configurations, Enrollments and Choice
Twin Valley Summary Data**

	Elementary	Mid/High School
Grades Served	PreK-5	6-12
FY16 ADM	202.90	203.60
FY16 Education Spending for Equalized Pupils	Wilm \$17,324 Whit \$17,728	Wilm \$17,324 Whit \$17,728
FY16 Student/Teacher Ratio	9.18 : 1	6.76 : 1
FY16 Student/Administrator Ratio	202.9 : 1	203.6 : 2
FY15 ADM	209.95	223.00
FY15 Education Spending for Equalized Pupils	Wilm \$15,615 Whit \$16,249	Wilm \$15,615 Whit \$16,249
FY15 Student/Teacher Ratio	9.5 : 1	7.61 : 1
FY15 Student/Administrator Ratio	209.95 : 1	223 : 2
FY14 ADM	229.45	224.70
FY14 Education Spending for Equalized Pupils	Wilm \$15,402 Whit \$15,803	Wilm \$15,402 Whit \$15,803
FY14 Student/Teacher Ratio	10.34 : 1	7.67 : 1
FY14 Student/Administrator Ratio	229.45 : 1	224.7 : 2
Small Schools Grant	N/A	N/A

School Choice

Public high school choice is currently available to all high school students currently living in districts that operate a high school in Vermont (within capacity limits specified in statute and put in place by local public school boards). No changes are planned at this time. Discussions and decisions regarding school choice will be at the discretion of the Union School District Board of School Directors.

School Configurations

	Elementary Enrollment	Mid/High School Enrollment
Twin Valley Elementary School	197	
Twin Valley Middle/High School		231

At the present time 15 students from Wilmington and Whitingham take advantage of public high school choice and 10 students enter Twin Valley High School through this program. Also, Twin Valley Middle High School currently has 18 tuition students from non-operating districts.

School Closures

At the present time there are no school closures recommended. Please see Article 4 and Article 8c.

Appendix C: Educational Benefits to Students

Please see the charts below for student performance levels on the Smarter Balanced Assessment Consortium (SBAC) summative state tests in English Language Arts (ELA) for 2016 (End of School Year 2015-2016) and 2015 (End of School Year 2014-2015).

Twin Valley ELA Summative 2016				WSSU ELA 2016		VT State ELA 2016	
Grade	# of Students Tested	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score
3	31	39%	2417±15	50%	2433±12	54%	2438±1
4	33	48%	2471±12	56%	2481±10	54%	2477±1
5	29	76%	2548±13	66%	2536±10	58%	2515±1
6	20	40%	2527±16	50%	2537±12	56%	2539±1
7	36	50%	2540±12	53%	2548±10	58%	2562±1
8	36	61%	2577±15	58%	2574±13	59%	2580±1
11	35	51%	2593±21	51%	2593±21	57%	2598±2

Twin Valley ELA Summative 2015				WSSU ELA 2015		VT State ELA 2015	
Grade	# of Students Tested	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score
3	34	56%	2431±14	59%	2435±10	52%	2431±1
4	30	60%	2469±16	63%	2478±11	51%	2470±1
5	22	55%	2506±18	50%	2501±12	57%	2510±1
6	34	41%	2512±13	43%	2520±10	53%	2532±1
7	36	44%	2536±14	50%	2539±12	55%	2558±1
8	30	40%	2547±16	50%	2565±13	54%	2569±1
11	27	33%	2540±20	33%	2540±20	58%	2597±1

Please see the charts below for student performance levels on the Smarter Balanced Assessment Consortium (SBAC) summative state tests in Math for 2016 (End of School Year 2015-2016) and 2015 (End of School Year 2014-2015).

Twin Valley Math Summative 2016				WSSU Math 2016		VT State Math 2016	
Grade	# of Students Tested	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score
3	31	48%	2408±12	33%	2547±12	44%	2564±2
4	33	33%	2465±10	44%	2483±8	50%	2482±1
5	29	45%	2527±13	34%	2513±9	43%	2509±1
6	20	15%	2476±19	34%	2517±13	41%	2522±1
7	30	36%	2532±14	39%	2537±11	46%	2548±1
8	38	34%	2545±14	33%	2547±12	44%	2564±2
11	35	37%	2553±23	37%	2553±23	38%	2581±2

Twin Valley Math Summative 2015				WSSU Math 2015		VT State Math 2015	
Grade	# of Students Tested	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score	% Level 3 or Above	Average Scale Score
3	34	53%	2431±10	55%	2439±8	51%	2435±1
4	30	27%	2455±14	37%	2468±9	45%	2472±1
5	22	23%	2469±15	29%	2480±10	42%	2503±1
6	34	26%	2493±13	26%	2501±10	37%	2516±1
7	36	11%	2485±14	15%	2501±12	43%	2542±1
8	30	37%	2550±17	39%	2559±14	40%	2553±1
11	27	19%	2471±23	19%	2471±23	37%	2581±2

Looking at student results there is no way to break out scores from the two communities because they contract to operate schools jointly and reported as one district. The Unified Union would continue to work on curriculum implementations and local assessments to improve student performance.

The Educational Benefits

When the towns of Whitingham and Wilmington developed a contract to operate jointly it meant significant sacrifice and compromise. Each town lost part of its identity and schools. Wilmington no longer had a high school and Whitingham lost its elementary school. But there was an immediate benefit of our consolidation: we could continue to provide schools as close as possible to where our students lived. The sense of local pride and critical involvement of families in the schools has been re-established and the study committee believes that unification would further enhance these relationships in both communities. Although some students have to travel a bit longer to access schools, they don't have to cross mountains on their daily trips. The schools remain very accessible to parents and the community. This is critically important to student success. We have already combined two student bodies and faculties and because of this have stronger academic programs. A Unified Union would give us the opportunity for this relationship to continue to grow and lead to stronger outcomes for our students.

We have realized benefits in many areas:

Our Middle High School

Bringing together the middle and high school into one building produced many opportunities to improve the quality of education. It typically takes at least five years for most changes to be implemented and begin to have positive impacts. We are now in the third year of operation for the middle high school and look forward to continuing to improve as a Unified Union District.

Our school opened in 2014 with a newly renovated building and a new administration. Teachers had been in two different buildings. As a group, they had not worked together or had consistent professional development. Through the Agency of Education, they immediately began training to pilot proficiency based learning and they began to grow as a collaborative group. This year proficiency based learning is being implemented. Students are more easily able to move at individual pace; for example, Algebra One is open to eighth graders. For those who are not able to maintain the pace, extended learning time has been created. We have extra remedial blocks during the school day as well as Saturday school and vacation school.

Instead of operating a separate middle and high school, we are now one school. Aligning grade 6-12 curriculum has produced significant advantages. As we are moving to proficiency based learning and assessment, there is a common language and there are common expectations throughout the school. The "fundamental five" instructional strategies are used schoolwide and we are in our second year of the schoolwide Collins Writing Program. It is easier for staff to have content area conversations and understand student needs in different areas.

It typically takes at least five years to see program implementation begin to have an impact but having the ability to be more responsive to student needs is beginning to make a difference. In addition to regular programming, we have more flexibility with special education and Title One staff and are better able to allocate them as they are needed at different grade levels.

Our Elementary School

We were fortunate to have had a strong, visionary elementary principal in place prior to consolidating the two elementary schools into one. This allowed for extensive planning for the merger. It included overseeing a renovation and expansion of the old elementary school building in Wilmington in preparation for nearly doubling the student population there when we brought in the elementary students of Whitingham. It also meant preparing to bring together two separate and diverse faculties and the melding of two student populations and parent communities. Many operational efficiencies were realized immediately, but there were also significant advantages for both students and teachers.

Teachers now have collaboration ability that was not available to them previously. There are at least two teachers at each grade level. A teaming and coaching model along with a long term professional development plan means there will be consistent programming PreK through 5th grade. This improved the instruction and assessment continuum which has in turn improved learning opportunities. Younger students in particular are feeling the impact of more consistent academic expectations. As relationships have formed between teachers and students, it has allowed for more individual needs of students to be met. The school is now poised to pilot some Personalized Learning Plans in the fourth and fifth grade.

The school has a stable, veteran staff of teachers and paras who have all been participating in professional development together. When there is turnover, there are opportunities for advancement and broadening of responsibilities among teachers while offering consistency for students.

Over the years, the needs of the school community have changed. We are constantly adapting to meet those needs both during and outside of the school day. We have extended our afterschool programming hours to better meet the needs of working parents. Students have the option for an extra meal in the afternoon. Part of our vision is to facilitate even more changes to align the programming to make it an extended learning opportunity that better meets student academic, emotional and social needs.

After four years of operation, the school is beginning to be seen as one community. Parents are less likely to see children from two different towns. Instead there are more students with which to interact and they are all members of a safe and caring learning community. The climate is welcoming and there is an emphasis on the importance of relationships.

As with the middle high school, the groundwork has been laid for the elementary school to make even more progress once we are in a Unified Union District.

The PreK- 12 system and beyond

It is equally important to look at the ways the two schools are now working together and have become part of the community. There are several benefits:

- a single and consistent vision with commonly held beliefs and values.
- a more aligned K-12 curriculum.
- shared technology equipment and services including the use of one-to-one Chrome books beginning in grade three and continuing through grade twelve.
- a strong guidance program that includes school-based clinicians and the ability to follow students as they advance through the grades.
- increased ability to focus on state initiatives such as the Education Quality Standards and Act 77 implementation.
- fewer and easier transitions among grades and between schools.
- increased ability to retain paras and certain teachers because they can be moved between the schools depending on needs.
- an improved teaching environment means less turnover and subsequently a better investment in professional development.
- programs such as the local prevention partnership and the youth sports program have had an increased and positive impact within both schools and throughout the valley.
- our coordinated school health committee has developed a wellness policy that is held up as a state model.
- the cooperation of and coordination by our administrations allows for flexibility.
- Our music program is innovative with teachers shared K-12 and a 6-12 band
- historically intense sports rivals now play together. There are more opportunities for all to participate. They show improved level of play. They have made it to some state championships and are frequently honored for their sportsmanship.
- increased sense of belonging and increased pride in the system as a whole. Secondary students are welcomed at the elementary school for spirit days and celebrations. Younger students are exposed to and excited about extracurricular events such as high school athletics and the Iron Chef competition. They look up to the older kids as role models and are impressed when they arrive each spring in their graduation gowns. Secondary students perform regular community service both within and outside of the schools. They help organize and take part in events for seniors and others in the community.

Increased Efficiencies

By closing one school we were immediately able to realize efficiencies. Funds for maintenance of the old high school were reallocated toward facility upgrades at the two schools which would remain open.

The total number of faculty and staff were reduced. Not only were fewer classroom teachers needed at the elementary level because of increased class size, our number of administrators was also cut from a total of five to three. Secretarial staff was cut from six to three and custodial staff were cut from seven to five.

We combined our transportation system so we now have fewer buses and fewer routes. The number of full time drivers has gone from nine to five.

More students are now participating in the free and reduced lunch program. We hired a food services manager. We have expanded our food service offering with breakfast and extended day meals during the school year and also now offer free breakfast and lunch programs throughout the summer. Despite this we have fewer staff overall.

Other benefits include the ability to share specialized furniture and technology rather than purchasing new. Our business office management has seen less redundancy with streamlined purchasing and data collection. There is only one budget to develop and manage. There are still three audits now but as a Unified Union District, there would only be one.

In the last 15 years our budget has only increased 11%. We would have to go back to 2006 to have a budget as low as we have now. As a Unified Union District, we recognize that our numbers will continue to decline and we will need to look for further efficiencies and ways to operate our educational programs that still provide our students with a quality education.

Our School Board

When our two school districts voted to consolidate, we combined the two town school boards so we all meet at the same time. Some members of each town board are also members of the Twin Valley School Board. We continued with our legal and financial obligations but as a group we also wanted a better understanding of the education provided to our students. One way this was done was the creation of an Academic Committee. It continues to be an ongoing sub-committee that meets once a month to discuss curriculum and assessment. The committee consists of the two building principals, two board members, and the WSSU curriculum and integration specialist. At each meeting we review progress at each school on implementation of initiatives such as the Education Quality Standards and Proficiency Based Learning. The committee is the liaison between the boards and academic programs. We schedule regular teacher presentations at board meetings so board members and the community can acquire more information about school programs. The Academic Committee allows the school board to stay focused on student learning but also be more visionary. This would continue and hopefully be strengthened by a new Unified Union Board.

Looking into the future

The Twin Valley Unified Union District will be tasked with identifying potential for future growth. The new board will be charged with developing a vision that will continue the positive work we have started while determining how to remain sustainable.

Economic development will not come to our communities without strong schools. We need to work with the economic development people in our neighboring towns in Windham , Bennington and Franklin (MA) counties. Our success is tied to one another. Our struggle is tied to the real world. If we don't have a strong school at Twin Valley then the potential for economic development is diminished.

As we look at economic development, we not only will determine our real population concerns but also start to understand how to develop more relevant programs and curriculum. We are already working with a workforce and education development specialist at the Brattleboro Development Credit Corporation on a program in our schools to better prepare students in grades 10-12 for life after high school. We actively participate in the work of the Windham Regional Career Center and their Pathways to Success program. This allows us to see how curriculum is changing and what we need to do to better prepare our students. It is clear, however, that there is much more to be done.

We see a need to expand the internship program for juniors and seniors as well as their dual enrollment opportunities. We would like an increased emphasis on industrial technology classes. As part of the high school renovations, we have allocated space in the building for more industrial technology offerings.

Our valley has a large, supportive artistic community and we see potential for the involvement of our artisans in the school programs. They could possibly offer some internships in addition to more experiential opportunities. This could have a subsequent connection to economic development.

We would like to consider engaging our guidance staff with our graduates in their post graduation years to further inform our future work. Another possibility might be to structure personal learning plans so they include post graduate aspirations. Having educational programming that is more relevant to our students' future needs is an important goal.

Consolidating has been extremely beneficial. It has given us many opportunities for growth and the study committee process is causing us to look further for that growth. It has been a valuable opportunity. It caused us to reflect on how far we have come since our merger. Equally important, we have an improved understanding of how critical it now is to start looking ahead. We look forward to the additional advantages and potential growth we will realize by becoming the Twin Valley Unified Union District.

LYNN, LYNN, BLACKMAN & MANITSKY, P.C.

March 13, 2017

Christopher Pratt, Superintendent of Schools
Windham Southwest Supervisory Union
1 School Street
Wilmington, VT 05363

Re: Proposed New Union School District Board Membership

Dear Christopher:

I am writing to confirm that the current proposal set forth by Windham Southwest Supervisory Union pertaining to Board membership of the proposed Twin Valley Unified Union School District meets the requirements of the Equal Protection Clause of the United States Constitution and 16 VSA §796(b)(9).

The Equal Protection Clause of the Fourteenth Amendment requires equal voting strength, and protects against dilution of the right to vote by disproportionate representation. This guarantee extends to the election of local school official who exercise general governmental powers. *Hadley v. Junior Coll. Dist.*, 397 U.S. 50, 53 (1970). Mathematical precision, however, is not necessary; rather “the overriding objective must be substantial equality of population among the various districts.” *Reynolds v. Sims*, 377 U.S. 533, 569, 579 (1964). The Supreme Court has held that generally, an apportionment plan with a maximum population deviation under 10% is considered a minor deviation. *Brown v. Thomson*, 462 U.S. 835, 842 (1983). A plan with larger disparities, however, remains Constitutional if there is a rational basis for the larger deviation. *Reynolds*, 377 U.S. at 579.

Article 9 of the Articles of Agreement identify a proportional representation model for the new board. It lays out the initial Board membership of three members from Whitingham and four members from Wilmington. With a population for the Unified Union School District of 3220 residents, Whitingham has 41.74% of the population and board representation equal to 42.86%. Wilmington has 58.26% of population and board representation equal to 57.14%. The apportionment plans set forth in Article include a maximum deviation of less than two percent. The falls well within the parameters of a minor deviation. The Articles of Agreement further ensure compliance by tying future composition and recalculation to the Federal Census on decennial basis.

Under the requirements of 16 VSA § 706(b)(9), the board must have at least one representative from each community. The proposal has three members for Whitingham and four members for Wilmington. This requirement is thus satisfied. Further, the statute requires that the board have

Superintendent Christopher Pratt
March 13, 2017
Page 2

no more than 18 members. With the proposed seven member board this element is also met.

Based on our analysis, the proposed Articles of Agreement meet the requirements of the Equal Protection Clause of the United States Constitution and 16 VSA §796(b)(9).

Sincerely,

LYNN, LYNN, BLACKMAN & MANITSKY, P.C.


Pietro J. Lynn, Esq.
plynn@lynnlawvt.com

cc: Stephen Sanborn, Act 46 Study Committee Consultant
Donna Russo-Savage, Vermont Agency of Education