

**AGENCY OF EDUCATION
Barre, Vermont**

TEAM: Legal (School Governance)

ITEM: Will the State Board of Education approve the request of the **CALEDONIA CENTRAL SUPERVISORY UNION (SU)** Board to waive the 16 V.S.A. § 266 default requirements for appointments to the Board pursuant to 16 V.S.A. § 261(d)?

SECRETARY’S RECOMMENDED ACTION:

That, pursuant to 16 V.S.A. § 261(d), the State Board of Education approve the request of the Caledonia Central SU Board to waive the 16 V.S.A. § 266 default requirements for appointments to the Board, and that membership on the SU Board shall be appointed as follows:

- **Two members from the Cabot School District board.**
- **Two members from the Danville School District board.**
- **Two members from the Peacham School District board.**
- **Two members from the Twinfield Unified Union School District board.**
- **Three members from the Caledonia Cooperative School District board.**

STATUTORY AUTHORITY: 16 V.S.A. §§ 261(d), 266

BACKGROUND INFORMATION: In its Final Report of Decisions and Order dated November 28, 2018, the State Board adjusted the boundary of the Caledonia Central SU to include the Cabot School District and the Twinfield Unified Union School District (UUSD), effective July 1, 2019. At its January 16, 2019 meeting, the State Board authorized both new districts to appoint three representatives to the SU board during the transitional period leading to July 1, 2019.

The Caledonia Central SU comprises five districts, two of which are unified union school districts:

District	Operating (o) / Tuitioning (t) Pattern	Towns	FY19 K-12 Average Daily Membership
Cabot School District	K-12 o	Cabot	150
Danville School District	K-12 o	Danville	287
Peacham School District	K-6 o / 7-12 t	Peacham	91
Twinfield UUSD	K-12 o	Marshfield; Plainfield	307
Caledonia Cooperative School District	K-8 o / 9-12 t	Barnet; Walden, Waterford	570

Unlike membership on the board of a school district, there is no constitutional requirement of proportionality for membership on an SU board.

16 V.S.A. § 266 directs the board of a school district to appoint three of its members to an SU board if the district operates one or more schools, as is the case in each district here.

The State Board is authorized to waive the default requirements of 16 V.S.A. § 266 on the request of an SU board if the “waiver will result in efficient and effective operations of the supervisory union; will not result in any disproportionate representation; and is otherwise in the public interest.” 16 V.S.A. § 261(d)

Pursuant to § 266, the Caledonia Central SU board has 15 members: three from each of the five school districts. Before the Caledonia Cooperative School District became operational, each of the three forming districts appointed three of its board members to serve on the SU board.¹

At its May 20, 2019, meeting, the Caledonia Central SU Board, including members from the Cabot and Twinfield boards, voted to request the State Board to exercise its authority under 16 V.S.A. § 261(d) to waive the default SU composition in favor of an 11-member SU Board:

- Two members from the Cabot School District
- Two members from the Danville School District
- Two members from the Peacham School District
- Two members from the Twinfield UUSD
- Three members from the Caledonia Cooperative School District

POLICY IMPLICATIONS: Pursuant to 16 V.S.A. § 266, the SU board members who represent the interests of the students and voters of the three-town Caledonia Cooperative School District will be reduced from the nine they had prior to formation of the union district, to three. The SU membership of the Cabot, Danville, Peacham, and Twinfield districts remains constant at three members each.

Although the Constitution does not require strict proportionality for membership on an SU board, adherence to the default numbers in this situation seems unfair on its face given both the proportion of students for whom the Caledonia Cooperative School District will be responsible and the number of towns within each district. Strict adherence to the default requirements set forth in 16 V.S.A. § 266 will result in the “disproportionate representation” that § 261(d) seeks to avoid. In addition, the SU board’s understanding of local issues would be enhanced by the potential appointment of members from each town, which will support “efficient and effective operations of the supervisory union” and be “otherwise in the public interest.”

Accordingly, it is advisable for the State Board to grant a waiver of the statutorily required SU board composition and to authorize the Caledonia Central SU to consist of 11 members: three members appointed from the board of the Caledonia Cooperative School District and two members each appointed from the boards of the Cabot School District, the Danville School District, the Peacham School District, and the Twinfield UUSD.

STAFF AVAILABLE: Donna Russo-Savage, Staff Attorney

¹ Prior to formation of the union district, the Barnet and Walden School Districts were members of the Caledonia Central SU and the Waterford School District was a member of the Essex Caledonia SU.