AGENCY OF EDUCATION
Barre, Vermont

TEAM: Legal

ITEM: Will the State Board of Education approve the Westmore School Board's proposal to request voter authorization to apply for admission as a prekindergarten through grade eight member of the Orleans Central Union Elementary School District?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education approve the Westmore School Board's proposal to request voter authorization to apply for admission as a prekindergarten through grade eight member of the Orleans Central Union Elementary School District.

STATUTORY AUTHORITY: 16 V.S.A. § 721(a)

BACKGROUND INFORMATION:

The Westmore School District ("WSD") is organized as a town school district for PreK-8 and is a member of the Lake Region Union High School District ("LRUHSD") for grades 9-12. The WSD provides for the PreK-8 education of its resident students by paying tuition for those grades.

The WSD participated in two 16 V.S.A. § 706 study committees since 2015, first under the "Accelerated" program created by Act 46, Sec. 6 and then under the "Conventional" program created by Sec. 7 of that Act. Both study committees proposed creation of a unified union school district through merger of the LRUHSD, the WSD, and the other six member town school districts (Albany, Barton Incorporated, Brownington, Glover, Irasburg, and Orleans Incorporated – the "Six Member Districts").

The State Board approved the first § 706 proposal on April 19, 2016. Because the voters in each "necessary" district did not approve the proposal, the districts did not form a new unified union school district.

The State Board approved the second § 706 proposal on June 8, 2018. On November 6, 2018, the voters of the WSD approved creation of the new unified union school district. The voters in each of the Six Member Districts did not approve the proposal, however. No new district was created.

Because the LRUHSD and its seven member districts did not voluntarily create a unified union school district, all eight districts were subject to the State Board's governance considerations under Act 46. The State Board had no authority to require the LRUHSD and its seven member districts to form a unified union school district because the WSD's operating/tuitioning structure was unlike that in the Six Member Districts. In its Final Report and Order issued on November 30, 2018, the State Board merged the Six Member Districts to create the Orleans Central Union

Elementary School District (the "UESD") to provide for the PreK-8 education of students residing in Albany, Barton, Brownington, Glover, Irasburg, and Orleans.

On January 3, 2019, the Board of the WSD voted to ask the State Board to authorize it to request voter approval to apply for membership in the UESD. The WSD Board [1] intends "to warn a vote of the electorate as soon as possible so that the [UESD] can vote to allow Westmore to join by July 1, 2019."

Vermont statutes provide a multi-step process by which a school district can become a member of an existing union school district. Pursuant to 16 V.S.A. § 721(a), the Secretary of Education designates a district as a member of an existing union district and certifies membership to the Secretary of State if each of the following occurs:

1. The board of the district conducts a "preliminary study" regarding potential membership in the union district;
2. The State Board of Education approves the preliminary study;
3. The voters of the district vote to ask the union district for admission as a member;
4. The clerk of the voting district certifies the favorable vote to (a) the clerk of the union district and (b) the Secretary of Education;
5. Within two years after the vote, the union district voters vote to approve inclusion of the district as a new member; and
6. The clerk of the union district certifies the favorable vote to the Secretary of Education.

The WSD Board's participation in two merger study committees during the last three years satisfies the § 721 requirement that "preliminary study by a district school board" must precede its request for State Board approval. The attached letter requests the State Board to fulfill the next step of the § 721 process (#2 above).

POLICY IMPLICATIONS:

In reaching its decision to merge the Six Member Districts into a union elementary-middle school district, the State Board stated:

> A union elementary-middle school district would simplify the existing structures by replacing six boards with one, and facilitate resource sharing, elementary school choice, and the potential creation of a regional middle school program. It would also be large enough to take advantage of increased scale and provide some relief from tax rate fluctuations. This merger would reduce the SU's current eight districts, and their respective boards, to three districts: one union high school district that operates a school; one six-town union elementary-middle school district that operates multiple schools; and one PreK-8 district that pays tuition for it resident students.[2]

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[1] See attached request of the WSD Board dated January 3, 2019.

[2] Final Report of Decisions and Order issued November 30, 2018; p. 27.

In November 2018, the voters of the WSD approved creation of the new unified union school district. The addition of Westmore as a full member of the UESD will support each of the State Board's stated policy goals.

EDUCATION IMPLICATIONS:

The WSD reports that it is paying tuition for 24 students in kindergarten through grade 8 in the current academic year. Twenty of those students are enrolled in schools operated by the districts that have merged to form the new UESD. The § 706 merger proposals would have grandfathered tuition payments for the four additional students.

FISCAL IMPLICATIONS:

The addition of Westmore will have no effect on costs in the UESD. Membership might minimize tax rate fluctuations for residents of Westmore, because tax rates will not be affected by, e.g., the unexpected additional tuition payments.

STAFF AVAILABLE: Donna Russo-Savage

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